

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5312. Child Abuse: Defined.

(a) A person commits the offense of child abuse if the person:

(1) Willfully and intentionally strikes, beats or by any other act or omission inflicts physical pain, injury or mental distress upon a child under the age of 18 who is in the person's custody or over which the person occupies a position of authority, such pain or injury being clearly beyond the scope of reasonable corporal punishment, with the result that the child's physical or mental health and well-being are harmed or threatened;

(2) Through willful or negligent act or omission fails to provide a child under the age of 18, who is in the person's custody or over which the person occupies a position of authority, with adequate supervision, medical care, food, clothing or shelter with the result that the child's physical or mental health and well-being are harmed or threatened; or

(3) Commits any act that would constitute a criminal offense under 6 CMC §§ 1306-1311 against a child under the age of 18 who is in the person's custody or over which the person occupies a position of authority.

(b) Child abuse does not include the exercise of reasonable and traditional parental discipline, which may be determined in reference to prevailing community and cultural standards.

(c) A person convicted of child abuse may be punished by imprisonment for not more than five years, a fine of not more than \$2,000, or both; however, the court may, upon conviction, order that the person be provided with appropriate counseling to cure, alleviate or prevent psychological problems that are judged to be related to the child abuse incident.

(d) As used in this chapter, "position of authority" means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor.

(e) As used in this chapter, "in the person's custody" means in the custody of the child's parent (including natural parents, stepparents and adopted parents), legal guardian, foster parent, an employee of a public or private residential home or facility, or any other person over the age of 18 responsible for the child's welfare in a residential setting.

(f) As used in this chapter, "willful or negligent action or omission" includes both negligent treatment and maltreatment as defined by federal regulation.

(g) As used in this chapter, "mental distress" means an effect on the intellectual or psychological capacity of a child as evidenced by observable and substantial impairment of his ability to function within normal ranges of performance and behavior, with due regard to his culture.

Source: PL 3-18, § 2; amended by PL 3-57, § 1; PL 4-1, § 2; subsections (a)(3) and (c) amended by PL 12-56, §§ 2 and 3, respectively; repealed and reenacted by PL 16-53 § 3 (January 29, 2010), modified.

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Commission Comment: The Commission changed capitalization pursuant to 1 CMC § 3806(f).

PL 12-56, which took effect June 25, 2001, contained findings, severability, and savings clause provisions. The findings stated:

Section 1. Findings. The legislature finds the current child abuse or neglect laws of the Commonwealth to be in need of revision. This Act provides for the protection of minors and the prosecution of persons who are charged or convicted of a crime to commit child abuse or neglect and amends duties to report such crimes.