Child Witnesses to Domestic Violence

To find statute information for a particular State, go to State Statutes Search.

Research shows that even when children are not direct targets of violence in the home, they can be harmed by witnessing its occurrence. The witnessing of domestic violence can be auditory, visual, or inferred, including cases in which the child perceives the aftermath of violence, such as physical injuries to family members or damage to property. Children who witness domestic violence can suffer severe emotional and developmental difficulties that are similar to those of children who are direct victims of abuse. Approximately 26 States and Puerto Rico recognize the need to protect and care for these children and currently address in statute the issue of children who witness domestic violence in their homes.
CIRCUMSTANCES THAT CONSTITUTE WITNESSING

A child is a witness to domestic violence when an act that is defined as domestic violence is committed in the presence of or perceived by the child. In seven States, the definition goes no further than that.\(^4\) In 15 States and Puerto Rico, the language used is more specific, stating that witnessing by a child occurs when the child is physically present or can see or hear the act of violence.\(^5\) Ohio law states that witnessing occurs when the domestic violence is committed “in the vicinity of the child,” meaning within 30 feet or within the same residential unit occupied by the child, whether or not the child is present or can see the commission of the offense.

In 12 States, the laws apply to any child who may be present or a witness to the act of domestic violence.\(^6\) In 10 States and Puerto Rico, the laws apply specifically to a child who is related to or a member of the household of the victim or perpetrator of the violence.\(^7\) The law in Indiana applies only to the noncustodial child of a noncustodial parent.

LEGAL CONSEQUENCES

In many States, a conviction for domestic violence that was committed in the presence of a child may result in harsher penalties than a conviction for domestic violence without a child present. Approximately 9 States consider an act of domestic violence committed in the presence of a child an “aggravating circumstance” in their sentencing guidelines. This usually results in a longer jail term, an increased fine, or both.\(^8\) An additional seven States, while not using the term “aggravating circumstance,” require more severe penalties.\(^9\) In five other States, committing domestic violence in the presence of a child is a separate crime that may be charged separately or in addition to the act of violence.\(^10\)

In addition to any criminal penalties, Connecticut, Illinois, Louisiana, and Nevada require persons who engaged in domestic violence to pay for any counseling that a child victim may require. Ohio requires the offenders to undergo counseling. Indiana requires that a noncustodial parent who has been convicted of domestic violence in the presence of his or her noncustodial child be supervised during parenting time for at least 1 year and not more than 2 years following the act of domestic violence. The court also may require the noncustodial parent to complete a batterer’s intervention program before unsupervised parenting time may be granted.

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\(^1\) For additional information about the impact of domestic violence on children, see Child Welfare Information Gateway's Domestic Violence: A Primer for Child Welfare Professionals.


\(^3\) The word “approximately” is used to stress the fact that the States frequently amend their laws. This information is current only through January 2021. Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maryland, Mississippi, Montana, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Utah, Vermont, and Washington address the issue in their statutes.

\(^4\) Arizona, California, Delaware, Florida, Louisiana, South Carolina, and Vermont


\(^6\) Alabama, Arizona, Georgia, Hawaii, Idaho, Louisiana, Maryland, Montana, Nevada, Ohio, Oklahoma, and Utah

\(^7\) Alabama, Arkansas, California, Delaware, Florida, Illinois, Mississippi, North Carolina, Oregon, and Washington

\(^8\) Alaska, Arizona, California, Hawaii, Mississippi, Montana, Ohio, South Carolina, and Washington

\(^9\) Alabama, Arkansas, Florida, Idaho, Louisiana, Maryland, and Oregon

\(^10\) Delaware, Georgia, North Carolina, Oklahoma, and Utah
This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

**SUGGESTED CITATION:**

ALABAMA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ala. Code § 13A-6-130

In criminal law: An act of domestic violence is committed 'in the presence of a child' when the child was in a position to see or hear the act.

Consequences
Citation: Ala. Code § 13A-6-130

The minimum term of imprisonment imposed under this section shall be doubled without consideration of probation, parole, good time credits, or any reduction in time if the offense was committed in the presence of a child who is younger than age 14 at the time of the offense and who is the victim's child or stepchild, the defendant's child or stepchild, or who is a child residing in or visiting the household of the victim or defendant.

ALASKA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Alaska Stat. §§ 12.55.155; 47.10.011

In criminal law: A felony offense of domestic violence that was committed in the physical presence or hearing of a child under age 16 who was, at the time of the offense, living within the residence of the victim, the residence of the perpetrator, or the residence where the domestic violence occurred is considered an aggravating factor for sentencing purposes.

In civil law: The court may find a child to be a child in need of aid if it finds by a preponderance of evidence that the child has been subjected to conduct by or conditions created by the parent, guardian, or custodian that have resulted in mental injury to the child, or placed the child at substantial risk of mental injury, due to either of the following:

- Exposure to the crime of murder, assault, or sexual assault, or the attempt to commit these crimes by a household member against another household member
- Repeated exposure to the crime of reckless endangerment or stalking by a household member against another household member

Consequences
Citation: Alaska Stat. § 12.55.155

Domestic violence committed in the physical presence or hearing of a child under 16 years of age is considered an aggravating factor and may allow imposition of a sentence above the presumptive range set out in § 12.55.125.

AMERICAN SAMOA

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.
ARIZONA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Rev. Stat. § 13-701

In criminal law: An act of domestic violence, as defined in § 13-3601(A), that was committed in the presence of a child will be considered an aggravating circumstance.

Consequences
Citation: Rev. Stat. § 13-701

An act of domestic violence committed in the presence of a child is considered an aggravating circumstance when determining a sentence and may result in a longer period of incarceration.

ARKANSAS

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Code § 5-4-701

In criminal law: 'In the presence of a child' means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act.

Consequences
Citation: Ann. Code §§ 5-4-702; 5-4-703(a)(10)

Any person who commits a felony offense involving homicide, assault, battery, domestic battering, or assault on a family member or household member may be subject to an enhanced sentence of an additional term of imprisonment of not less than 1 year and not greater than 10 years if the offense is committed in the presence of a child. The enhanced portion of the sentence is consecutive to any other sentence imposed.

Any person who commits the offense of aggravated cruelty to a dog, cat, or equine may be subject to an enhanced sentence of an additional term of imprisonment not to exceed 5 years if the offense is committed in the presence of a child.

Any person convicted under this section is not eligible for early release on parole or community correction transfer for the enhanced portion of the sentence.

In addition to any other sentence, the court shall assess an additional fine of $100 for the following offenses if the finder of fact determines that the offense was committed against a child or in the presence of a child:

- Domestic battering in the second or third degree
- Aggravated assault on a family or household member
- First-, second-, or third-degree assault on a family or household member
**CALIFORNIA**

*Current Through January 2021*

**Circumstances That Constitute Witnessing**

Citation: Penal Code § 1170.76

In criminal law: A child is considered a witness of domestic violence when the person who commits or attempts to commit a violation of §§ 243.4 (sexual battery), 245 (assault with a deadly weapon), or 273.5 (infliction of injury on a present or former spouse), is or has been a member of the household of the child or the victim of the offense, is a marital or blood relative of the child or the victim, or the offender or the victim is the natural parent, adoptive parent, stepparent, or foster parent of the child, and the offense contemporaneously occurred in the presence of, or was witnessed by, the child.

**Consequences**

Citation: Penal Code § 1170.76

Such circumstances shall be considered a circumstance in aggravation of the crime in imposing a term under § 1170(b).

**COLORADO**

*Current Through January 2021*

**Circumstances That Constitute Witnessing**

This issue is not addressed in the statutes reviewed.

**Consequences**

This issue is not addressed in the statutes reviewed.

**CONNECTICUT**

*Current Through January 2021*

**Circumstances That Constitute Witnessing**

This issue is not addressed in the statutes reviewed.

**Consequences**

Citation: Gen. Stat. § 54-216

The Office of Victim Services or, on review, a victim compensation commissioner may order that services be provided for the restitution of any person eligible for such services in accordance with the provisions of §§ 54-201 to 54-233, inclusive. Such services may include, but shall not be limited to, medical, psychiatric, psychological, and social services and social rehabilitation services.

The Office of Victim Services or, on review, a victim compensation commissioner may order that such restitution services be provided to victims of child abuse and members of their families, victims of sexual assault and members of their families, victims of domestic violence and members of their families, members of the family of any victim of homicide, and children who witness domestic violence, including, but not limited to, children who are not related to the victim. For the purposes of this subsection, ‘members of their families’ or ‘member of the family’ does not include the person responsible for such child abuse, sexual assault, domestic violence, or homicide.
DELAWARE

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Code Tit. 11, § 1102

In criminal law: A person is guilty of endangering the welfare of a child when the person commits any violent felony, second-degree reckless endangering, third-degree assault, terroristic threatening, second-degree unlawful imprisonment against a victim, or third-degree child abuse, knowing that such felony or misdemeanor was witnessed, either by sight or sound, by a child younger than age 18 who is a member of the person's family or the victim's family.

Consequences
Citation: Ann. Code Tit. 11, § 1102

The crime of endangering the welfare of a child may be classified as follows:
- When the death of a child occurs while the child's welfare was endangered, endangering the welfare of a child is a class E felony.
- When serious physical injury to a child occurs while the child's welfare was endangered, endangering the welfare of a child is a class G felony.
- When a child becomes the victim of a sexual offense, as defined in § 761(d) of this title, while the child's welfare was endangered, endangering the welfare of a child is a class G felony.
- In all other cases, endangering the welfare of a child is a class A misdemeanor.

DISTRICT OF COLUMBIA

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.

FLORIDA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Stat. § 921.0024

In criminal law: It is considered domestic violence in the presence of a child if an offender is convicted of a primary offense of domestic violence, and that offense was committed in the presence of a child under age 16 who is a family or household member with the victim or perpetrator.

Consequences
Citation: Ann. Stat. § 921.0024

When domestic violence is committed in the presence of a child, the subtotal sentence points are multiplied by 1.5.
GEORGIA

Current Through January 2021

Circumstances That Constitute Witnessing

Citation: Ann. Code § 16-5-70(d)

In criminal law: Any person commits the offense of cruelty to children in the third degree when the following circumstances apply:

- Such person, who is the primary aggressor, intentionally allows a child under age 18 to witness the commission of a forcible felony, battery, or family violence battery.
- Such person, who is the primary aggressor, having knowledge that a child under age 18 is present and sees or hears the act, commits a forcible felony, battery, or family violence battery.

Consequences

Citation: Ann. Code § 16-5-70(e)(3)

A person convicted of the offense of cruelty to children in the third degree shall be punished as for a misdemeanor upon the first or second conviction.

Upon conviction of a third or subsequent offense of cruelty to children in the third degree, the defendant shall be guilty of a felony and shall be sentenced to a fine not less than $1,000 or more than $5,000, imprisonment for not less than 1 year or more than 3 years, or both fine and imprisonment.

GUAM

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.

HAWAII

Current Through January 2021

Circumstances That Constitute Witnessing

Citation: Rev. Stat. § 706-606.4

In criminal law: The term ‘in the presence of a minor’ means in the actual physical presence of a child or knowing that a child is present and may hear or see the offense.

Consequences

Citation: Rev. Stat. § 706-606.4

The court shall consider the following aggravating factors in determining the particular sentence to be imposed:

- The defendant has been convicted of committing or attempting to commit an offense involving abuse of a family or household member.
- The defendant is or has been a family or household member of either a minor or the victim of the offense.
- The offense contemporaneously occurred in the presence of a minor.
IDAHO

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Idaho Code § 18-918(4)

In criminal law: The term 'in the presence of a child' means in the physical presence of a child or knowing that a child is present and may see or hear an act of domestic assault or battery. For purposes of this section, 'child' means a person under age 16.

Consequences
Citation: Idaho Code § 18–918(4)

The maximum penalties provided in this section shall be doubled when the act of domestic assault or battery for which the person is convicted or pleads guilty took place in the presence of a child.

ILLINOIS

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Comp. Stat. Ch. 720, §§ 5/12–0.1; 5/12–3.2

In criminal law: For purposes of this section, the following definitions apply:

- 'Child' means a person under 18 years of age who is the defendant's or victim's child or stepchild or who is a minor child residing within or visiting the household of the defendant or victim.
- 'In the presence of a child' means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting an offense.

Consequences
Citation: Comp. Stat. Ch. 720 § 5/12-3.2

In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery, aggravated domestic battery, aggravated battery, unlawful restraint, or aggravated unlawful restraint against a family or household member shall be subject to the following:

- Be required to serve a mandatory minimum imprisonment of 10 days, perform 300 hours of community service, or both
- Be liable for the cost of any counseling required for the child at the discretion of the court

INDIANA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Stat. § 31-14-14-5

In civil law: This section applies if a court finds that a noncustodial parent has been convicted of a crime involving domestic or family violence that was witnessed or heard by the noncustodial parent's child.
**Consequences**

**Citation: Ann. Stat. § 31-14-14-5**

When a noncustodial parent has been convicted of domestic violence that was witnessed by the noncustodial parent’s child, his or her parenting time with the child must be supervised for at least 1 year and no more than 2 years immediately following the crime involving domestic or family violence or until the child becomes emancipated, whichever occurs first.

As a condition of granting the noncustodial parent unsupervised parenting time, the court may require the noncustodial parent to complete a batterer's intervention program certified by the Indiana Coalition Against Domestic Violence.

**IOWA**

Current Through January 2021

**Circumstances That Constitute Witnessing**

This issue is not addressed in the statutes reviewed.

**Consequences**

This issue is not addressed in the statutes reviewed.

**KANSAS**

Current Through January 2021

**Circumstances That Constitute Witnessing**

This issue is not addressed in the statutes reviewed.

**Consequences**

This issue is not addressed in the statutes reviewed.

**KENTUCKY**

Current Through January 2021

**Circumstances That Constitute Witnessing**

This issue is not addressed in the statutes reviewed.

**Consequences**

This issue is not addressed in the statutes reviewed.
LOUISIANA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Rev. Stat. § 14:35.3(l)

In criminal law: When the State proves, in addition to the elements of the crime of domestic abuse battery as set forth in § 14:35.3(A), that a minor child age 13 or younger was present at the residence or any other scene at the time of the commission of the offense, an additional penalty will apply, as described below.

Consequences
Citation: Rev. Stat. § 14:35.3(l); Children's Code Art. 1570.1

In criminal law: When the circumstances described above apply the offender, in addition to any other penalties imposed pursuant to this section, shall be imprisoned at hard labor for no more than 3 years.

In civil law: All court costs, attorney fees, costs of enforcement and modification proceedings, cost of appeals, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in accordance with the provisions of this chapter shall be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult or for any of the children, necessitated by the domestic violence.

MAINE

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.

MARYLAND

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Crim. Law § 3-601.1

In criminal law: A person may not commit a crime of violence, as defined in § 5-101 of the Public Safety Article (which includes an act of domestically related crime, as defined in § 6-233 of the Criminal Procedure Article) when the person knows or reasonably should know that a minor who is at least age 2 is present in a residence.

For the purposes of this section, a minor is present if the minor is within sight or hearing of the crime of violence.

Consequences
Citation: Crim. Law § 3-601.1

A person who violates this section is subject to imprisonment not exceeding 5 years in addition to any other sentence imposed for the crime of violence.
MASSACHUSETTS
Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

MICHIGAN
Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

MINNESOTA
Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

MISSISSIPPI
Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Code § 97-3-7(6)
In criminal law: The crime of domestic violence is committed 'in the physical presence or hearing of a child' when a child who is under age 16 was, at the time of the offense, living within the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.

Consequences
Citation: Ann. Code § 97-3-7(6)
In sentencing for the crime of domestic violence, the court shall consider whether the crime was committed in the physical presence or hearing of a child as an aggravating factor.
MISSOURI

Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

MONTANA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Code § 45-5-206(3)(a)(v)

In criminal law: If the offense of assault of a partner or family member was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.

Consequences
Citation: Ann. Code § 45-5-206(3)(a)(v)

If the offense of assault of a partner or family member was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.

NEBRASKA

Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
Citation: Rev. Stat. § 42-910

The Nebraska Department of Health and Human Services shall provide services for children, including counseling for trauma that occurs when children witness or experience family violence.

NEVADA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Rev. Stat. § 200.485(9)

In criminal law: If it appears from information presented to the court that a child under age 18 may need counseling as a result of the commission of a battery that constitutes domestic violence, the court may refer the child to a child welfare services agency.
Consequences
Citation: Rev. Stat. § 200.485(9)
If the court refers a child to a child welfare services agency, the court shall require the person convicted of domestic violence battery to reimburse the agency for the costs of any services provided, to the extent of his or her ability to pay.

NEW HAMPSHIRE
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

NEW JERSEY
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

NEW MEXICO
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

NEW YORK
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.
NORTH CAROLINA

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Gen. Stat. § 14-33(d)

In criminal law: The term ‘in the presence of a minor’ means that the minor was in a position to see or hear the assault.

A minor is any person younger than age 18 who is residing with or is under the care and supervision of, and who has a personal relationship with, the person assaulted or the person committing the assault.

Consequences
Citation: Gen. Stat. § 14-33(d)

Any person who, in the course of an assault, assault and battery, or affray, inflicts serious injury upon another person or uses a deadly weapon on a person with whom the person has a personal relationship, and does so in the presence of a minor, is guilty of a class A1 misdemeanor. Upon conviction, the person shall be subject to the following:

- Placed on supervised probation in addition to any other punishment imposed by the court
- Sentenced to an active punishment of no less than 30 days in addition to any other punishment imposed by the court for a second or subsequent violation

NORTH DAKOTA

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.

NORTHERN MARIANA ISLANDS

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.
OHIO
Current Through January 2021
Circumstances That Constitute Witnessing
Citation: Rev. Code § 2929.01(LL)
In criminal law: An offense is ‘committed in the vicinity of a child’ if the offender commits the offense within 30 feet of or within the same residential unit as a child who is under age 18, regardless of whether the offender knows the age of the child or that the offense is being committed within 30 feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

Consequences
Citation: Rev. Code §§ 2929.12; 2929.17
If the offense of domestic violence or assault involves a person who was a family or household member at the time of the violation, and the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, the following apply:
- The sentencing court shall consider the offender’s conduct to be more serious than conduct normally constituting the offense.
- The offender also shall be required to obtain counseling.

OKLAHOMA
Current Through January 2021
Circumstances That Constitute Witnessing
Citation: Ann. Stat. Tit. 21, § 644(H)
In criminal law: ‘In the presence of a child’ means in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of this section, a ‘child’ may be any child whether or not related to the victim or the defendant.

Consequences
Citation: Ann. Stat. Tit. 21, § 644(G)
Any person convicted of domestic abuse that was committed in the presence of a child shall be punished as follows:
- Imprisonment in the county jail for no less than 6 months or more than 1 year, a fine not exceeding $5,000, or by both
- For second or subsequent convictions, imprisonment in the custody of the Department of Corrections for no less than 1 year or more than 5 years, a fine not exceeding $7,000, or by both
OREGON

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Rev. Stat. § 163.160

In criminal law: An assault is witnessed by a child under the following circumstances:

- When it is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim
- If it is seen or directly perceived in any other manner by the child

Consequences
Citation: Rev. Stat. § 163.160(3)(a)

Assault in the fourth degree is a class A misdemeanor, except when it is witnessed by the person's or the victim's minor child, when it is a class C felony.

PENNSYLVANIA

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.

PUERTO RICO

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Ann. Laws Tit. 8, §§ 444(s); 632

In civil law: Minors will be considered to be victims of abuse if the father, mother, or person responsible for the minor has engaged in acts that constitute domestic violence in the presence of minors, as defined in title 8, § 601, et seq.

Domestic abuse is considered 'aggravated' when either of the following is true:

- It is committed in the presence of minors.
- Child abuse is committed and simultaneously incurred.

Consequences
Citation: Ann. Laws Tit. 8, § 632; Tit. 33, § 4694

Aggravated abuse is classified as a third-degree felony in the lower end of the range. The penalty for a third-degree felony is imprisonment for a fixed term that shall be no less than 3 years and 1 day but no more than 8 years. In addition, the court may order restitution in addition to the term of imprisonment.
RHODE ISLAND

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences

This issue is not addressed in the statutes reviewed.

SOUTH CAROLINA

Current Through January 2021

Circumstances That Constitute Witnessing

Citation: Ann. Code §§ 16-25-20; 16-25-65

In criminal law: It is unlawful to do the following:

- Cause physical harm or injury to a person's own household member
- Offer or attempt to cause physical harm or injury to a person's own household member with the apparent present ability under the circumstances that reasonably creates the fear of imminent peril

A person commits the offense of domestic violence in the first degree if either of the following is true:

- The person causes great bodily injury to the person's own household member.
- In the process of committing domestic violence in the second degree, the offense is committed in the presence of or while being perceived by a minor.

A person commits the offense of domestic violence in the second degree if either of the following is true:

- The person causes moderate bodily injury to the person's own household member.
- In the process of committing domestic violence in the third degree, the offense is committed in the presence of or while being perceived by a minor.

A person is guilty of the offense of domestic violence of a high and aggravated nature when the person commits the offense under circumstances manifesting extreme indifference to the value of human life and results in great bodily injury to the victim. Circumstances manifesting extreme indifference to the value of human life include committing the offense in the presence of a minor.

Consequences

Citation: Ann. Code §§ 16-25-20; 16-25-65

A person who commits domestic violence in the first degree is guilty of a felony and, upon conviction, must be imprisoned for no more than 10 years.

A person who commits the offense of domestic violence in the second degree is guilty of a misdemeanor and, upon conviction, must be fined no less than $2,500 nor more than $5,000 or imprisoned for no more than 3 years, or both.

A person who commits the offense of domestic violence of a high and aggravated nature is guilty of a felony and, upon conviction, must be imprisoned for no more than 20 years.
SOUTH DAKOTA
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

TENNESSEE
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

TEXAS
Current Through January 2021
Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

UTAH
Current Through January 2021
Circumstances That Constitute Witnessing
Citation: Ann. Code § 76-5-109.1
In criminal law: The term 'in the presence of a child' means the following:
- In the physical presence of a child
- Having knowledge that a child is present and may see or hear an act of domestic violence

Consequences
Citation: Ann. Code § 76-5-109.1
A person commits domestic violence in the presence of a child if the person does any of the following:
- Commits or attempts to commit criminal homicide against a cohabitant in the presence of a child
- Intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon or other means or force likely to produce death or serious bodily injury against a cohabitant in the presence of a child
- Under circumstances not amounting to criminal homicide or serious bodily injury as described above, commits an act of domestic violence in the presence of a child
A person who violates either of the first two subsections is guilty of a third-degree felony. A person who commits domestic violence in the presence of a child is guilty of a class B misdemeanor.

A charge under this section is separate and distinct from, and is in addition to, a charge of domestic violence where the victim is the cohabitant. Either or both charges may be filed by the prosecutor.

A person who commits a violation of this section when more than one child is present is guilty of one offense of domestic violence in the presence of a child regarding each child present when the violation occurred.

VERMONT

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences
Citation: Ann. Stat. Tit. 13, § 1047

In criminal law: When imposing sentence for an offense of domestic assault, the court may consider whether the offense was committed within the presence of a child.

VIRGIN ISLANDS

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

VIRGINIA

Current Through January 2021

Circumstances That Constitute Witnessing

This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

WASHINGTON

Current Through January 2021

Circumstances That Constitute Witnessing
Citation: Rev. Code § 9.94A.535

In criminal law: A child is a witness to an act of domestic violence if the offense occurred within sight or sound of the victim’s or the offender’s minor child under age 18.
Consequences
Citation: Rev. Code §§ 9.94A.535; 9.94A.537

It can be considered an aggravating circumstance that supports a sentence above the standard range when the current offense involved domestic violence, as defined in § 10.99.020, and the offense occurred within sight or sound of the victim’s or the offender’s minor children under age 18.

Under such circumstance, the court may impose an aggravated sentence that may consist of the maximum allowed under § 9A.20.021 for the underlying conviction.

WEST VIRGINIA
Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

WISCONSIN
Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.

WYOMING
Current Through January 2021

Circumstances That Constitute Witnessing
This issue is not addressed in the statutes reviewed.

Consequences
This issue is not addressed in the statutes reviewed.