

State-by-state analysis of the legality of corporal punishment in the US

Notes on schools:

(i) Unless noted otherwise, state level prohibitions apply only to public schools.

(ii) Unless noted otherwise, in states in which there is no state level prohibition of corporal punishment, such punishment is permitted unless banned by local boards. In most of these states, it is up to local boards and schools to establish policies regulating the use of corporal punishment.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Alabama	NO	NO	YES	NO ¹	SOME ²
Alaska	NO	YES	YES	YES	YES
Arizona	NO	NO	YES	NO	YES
Arkansas	NO	NO	YES	NO	SOME ³
California	NO	YES	YES	YES	YES
Colorado	NO	NO	YES	YES	YES
Connecticut	NO	YES ⁴	YES	NO ⁵	SOME ⁶
Delaware	NO	YES	YES	NO	SOME ⁷
District of Columbia	NO	YES	YES	NO ⁸	SOME ⁹
Florida	NO	NO	YES	YES	SOME ¹⁰
Georgia	NO	NO	YES	NO ¹¹	YES
Hawaii	NO	YES	YES	YES ¹²	YES
Idaho	NO	NO	YES	YES	SOME ¹³
Illinois	NO	YES	YES	YES	SOME ¹⁴
Indiana	NO	NO	YES	NO ¹⁵	SOME ¹⁶
Iowa	NO	YES ¹⁷	YES	YES	YES
Kansas	NO	NO	YES	YES	YES
Kentucky	NO	NO	YES	YES	YES
Louisiana	NO	NO	YES	YES	SOME ¹⁸

¹ But policy states it should not be used

² Prohibited in all settings, but preschool programmes operated by churches or religious non-profit schools exempt from licensing

³ Prohibited by licensing requirements in family day care and in day care centres, and in group homes/institutions and foster care homes licensed by the Arkansas Department of Human Services; not prohibited in private group homes/institutions licensed by the Arkansas Child Welfare Agency Review Board; child care facilities operated by churches possibly exempt from licensing requirements

⁴ But no explicit prohibition

⁵ Information unconfirmed

⁶ Prohibited in all settings, but some religious based arrangements exempt from child care licensing

⁷ Prohibited in family day care and in day care centres; in foster care, agency policy states corporal punishment should not be used but no prohibition in law (information unconfirmed)

⁸ Policy states corporal punishment should not be used but no prohibition in law

⁹ Prohibited in group homes/institutions and home foster care; in day care centres, policy states corporal punishment should not be used but no prohibition in law (information unconfirmed); not prohibited in family day care, but prohibition proposed

¹⁰ Prohibited in all settings, but child care facilities in church or parochial schools exempt from licensing regulations

¹¹ Policy states corporal punishment should not be used but no prohibition in law

¹² Prohibited in Administrative Rules 17-201-19 (2000), but this provision repealed and prohibition in current law unconfirmed

¹³ Prohibited in group homes/institutions and home foster care; not prohibited in family day care and day care centres

¹⁴ Prohibited in all settings except church-sponsored part-day child care programmes for children over 3 years of age

¹⁵ Information unconfirmed

¹⁶ Prohibited in day care centres and home foster care; not prohibited in group homes/institutions, but strongly discouraged through training and legal interpretation; prohibited in family day care by agency policy (information unconfirmed); possibly not prohibited in unlicensed child care programmes with religious affiliation

¹⁷ Prohibited in public and private schools

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Maine	NO	YES ¹⁹	YES	YES	YES
Maryland	NO	YES	YES	NO ²⁰	SOME ²¹
Massachusetts	NO	YES	YES	NO ²²	SOME ²³
Michigan	NO	YES	YES	YES ²⁴	YES
Minnesota	NO	YES	YES	YES ²⁵	YES
Mississippi	NO	NO	YES	NO	SOME ²⁶
Missouri	NO	NO	YES	YES	SOME ²⁷
Montana	NO	YES	YES	YES	SOME ²⁸
Nebraska	NO	YES	YES	YES	YES
Nevada	NO	YES	YES	YES	YES
New Hampshire	NO	YES ²⁹	YES	NO ³⁰	YES
New Jersey	NO	YES ³¹	YES	YES	YES
New Mexico	NO	YES ³²	YES	YES	YES
New York	NO	YES	YES	YES ³³	YES
North Carolina	NO	NO	YES	YES	SOME ³⁴
North Dakota	NO	YES	YES	NO ³⁵	YES
Ohio	NO	YES	YES	YES	YES
Oklahoma	NO	NO	YES	YES	YES
Oregon	NO	YES	YES	YES	YES
Pennsylvania	NO	YES	YES	YES	YES
Rhode Island	NO	YES	YES	???	YES
South Carolina	NO	NO	YES	NO ³⁶	SOME ³⁷
South Dakota	NO	YES ³⁸	YES	YES ³⁹	YES
Tennessee	NO	NO	YES	NO ⁴⁰	SOME ⁴¹

¹⁸ Prohibited in home foster care, Class A (federally funded) day care and residential centres and emergency shelters; not prohibited in family day care, Class B day care and residential centres

¹⁹ But no explicit prohibition

²⁰ Policy states corporal punishment should not be used (information unconfirmed) but no prohibition in law

²¹ Prohibited in all state-regulated child care facilities but possibly lawful in private facilities; nursery schools and child care centres operated by tax-exempt religious organisations exempt from licensing standards

²² Information unconfirmed

²³ Prohibited in family day care, day care centres and group homes/institutions; discouraged in home foster care through training and legal interpretation but no prohibition in law

²⁴ Information unconfirmed

²⁵ Information unconfirmed

²⁶ Prohibited in family day care, day care centres, home foster care and licensed group homes/institutions; not prohibited in unlicensed group homes/institutions

²⁷ Prohibited in all settings, but child care facilities of religious organisations exempt from licensing

²⁸ Prohibited in family and group day care centres; in home foster care prohibited in agency policy and law states that foster parents may not use “unusual, severe, cruel, capricious, humiliating or unnecessary punishment” and foster parents must show evidence of being able to care “without recourse to physical punishment”

²⁹ But no explicit prohibition

³⁰ Information unconfirmed

³¹ Prohibited in public and private schools

³² Prohibition will take effect from 1 July 2011

³³ Information unconfirmed

³⁴ Prohibited in family day care, group homes/institutions, home foster care and in licensed day care centres; permitted in religious-sponsored day care centres; religious child care facilities, including summer day camps, exempt from licensing

³⁵ Law prohibits only “excessive corporal punishment”

³⁶ Information unconfirmed; law prohibits “excessive corporal punishment”

³⁷ Prohibited in home foster care and in group homes/institutions for children in state custody or placed by public agencies; permitted in family day care and in day care centres; bible schools and child care programmes of churches and other religious organisations not publicly funded exempt from prohibition in licensing requirements

³⁸ But no explicit prohibition

³⁹ Information unconfirmed

⁴⁰ Permitted in schools for children in detention run by the penal system but prohibited out of school hours

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Texas	NO	NO	YES	YES	YES
Utah	NO	YES	YES	YES	SOME ⁴²
Vermont	NO	YES	YES	???	YES
Virginia	NO	YES	YES	YES	SOME ⁴⁴
Washington	NO	YES	YES	???	YES
West Virginia	NO	YES	YES	YES	YES
Wisconsin	NO	YES	YES	YES	YES
Wyoming	NO	NO	YES	NO ⁴⁶	YES

Report prepared by the Global Initiative to End All Corporal Punishment of Children
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⁴¹ Prohibited in family day care, day care centres, child welfare licensed group homes/institutions and foster care; permitted in Residential Child Care Agencies group homes/institutions (information unconfirmed); child care centres run by religious schools exempt

⁴² Prohibited in all settings, but parochial institutions providing educational care exempt from licensing

⁴³ Prohibited by law for adult inmates, but possibly only discouraged by policy for juveniles

⁴⁴ Prohibited in family day care, day care centres and home foster care; permitted by law in seven licensed group homes/institutions, though policy in all seven states corporal punishment should not be used

⁴⁵ Prohibited by law for adult inmates, but possibly only discouraged by policy for juveniles

⁴⁶ Information unconfirmed; law prohibits "excessive or unreasonable" corporal punishment