

ENDANGERING THE WELFARE OF A CHILD
(Being a Parent, Guardian, etc.)
Penal Law § 260.10 (2)
(Committed on or after Nov. 1, 1990)

The (*specify*) count is Endangering the Welfare of a Child.

Under our law, a person is guilty of Endangering the Welfare of a Child when:

Being a parent, guardian, or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to prevent him or her from becoming

Select appropriate alternative(s):

an “abused child,”
a “neglected child,”
a “juvenile delinquent,”
or a “person in need of supervision”.¹

The following term(s) used in that definition (has/have) a special meaning:

[The Court should read the appropriate definition(s) from the cited sources:

OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD means (see Family Court Act § 1012 (g) *and* People v. Carroll, 93 N.Y.2d 564 (1999)).

ABUSED CHILD means (see Family Court Act § 1012(e)).

NEGLECTED CHILD means (see Family Court Act § 1012(g)).

¹ See Penal Law § 260.10(2).

JUVENILE DELINQUENT means (see Family Court Act § 301.2 (1)).

PERSON IN NEED OF SUPERVISION means (see Family Court Act § 712(a)).]

In order for you to find the defendant guilty of this crime, the People are required to prove from all of the evidence in this case, beyond a reasonable doubt, each of the following three elements:

1. That on or about [and between] (date[s]), in the county of (county), the defendant (defendant's name), failed or refused to exercise reasonable diligence in the control of (specify) to prevent him/her from becoming [an abused child], [a neglected child], [a juvenile delinquent], [a person in need of supervision];
2. That the defendant was the [parent], [guardian], [or other person] legally charged with the care or custody of (specify); and
3. That (specify) was less than eighteen years old.

If you find the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.