

**ENDANGERING THE WELFARE OF A VULNERABLE  
ELDERLY PERSON SECOND DEGREE  
(E Felony)  
(Physical Injury; Intent)  
PENAL LAW 260.32(1)  
(Committed on or after Feb. 1, 2001)**

The \_\_\_\_\_ count is Endangering the Welfare of a Vulnerable Elderly Person in the Second Degree.

Under our law, a person is guilty of Endangering the Welfare of a Vulnerable Elderly Person in the Second Degree when, being a caregiver for a vulnerable elderly person with intent to cause physical injury to such person, he or she causes such injury to that person.

Some of the terms used in this definition have their own special meaning in our law. I will now give you the meaning of the following terms: “vulnerable elderly person,” “caregiver,” “physical injury” and “intent.”

**VULNERABLE ELDERLY PERSON** means a person sixty years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by demonstrable physical, mental or emotional dysfunction to the extent that the person is incapable of adequately providing for his or her own health or personal care.<sup>1</sup>

**CAREGIVER** means a person who assumes responsibility for the care of a vulnerable elderly person pursuant to a court order or receives monetary or other valuable consideration for providing care for a vulnerable elderly person.<sup>2</sup>

**PHYSICAL INJURY** means impairment of physical condition

---

<sup>1</sup> Penal Law § 260.30(3).

<sup>2</sup> Penal Law § 260.30(1).

or substantial pain.<sup>3</sup>

INTENT means conscious objective or purpose. Thus, a person acts with intent to cause physical injury to another when that person's conscious objective or purpose is to cause physical injury to another.<sup>4</sup>

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

1. That on or about (date), in the county of (county), the defendant, (defendant's name), caused physical injury to (specify), who was a vulnerable elderly person;
2. That the defendant did so with the intent to cause such physical injury; and
3. That the defendant was a caregiver for (specify).

Therefore, if you find that the People have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of the crime of Endangering the Welfare of a Vulnerable Elderly Person in the Second Degree as charged in the \_\_\_\_\_ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of the crime of Endangering the Welfare of a Vulnerable Elderly Person in the Second Degree as charged in the \_\_\_\_\_ count.

---

<sup>3</sup> See, Penal Law § 10.00(9).

<sup>4</sup> See, Penal Law § 15.05(1).