**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.