

**ENDANGERING THE WELFARE OF A CHILD**  
**(A Misdemeanor)**  
**(Being a Parent, Guardian, etc.)**  
**PENAL LAW 260.10 (2)**  
**(Committed on or after Nov. 1, 1990)**

The \_\_\_\_\_ 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”.<sup>1</sup>

The term(s) [“other person legally charged with the care or custody of a child”] [“abused child,”] [“neglected child,”] [“juvenile delinquent,”] [“person in need of supervision”] (has its) (have their) own special meaning in our law. I will now give you the meaning of (that/those) term(s).

*[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**

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<sup>1</sup> See Penal Law § 260.10(2).

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)).

*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.

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