

# Create a Felony Child Endangerment Statute

*The tragic murders of Elisa Izquierdo and Nixzmary Brown at the hands of their parents served as a catalyst to reform the child welfare system. Yet, changes in the Penal Law have yet to materialize. The most callous offenders – those in a position of trust who abuse children – must be held accountable for their actions.*



The Challenge: When children are harmed, their parents and caregivers are the ones they turn to for help and protection. If parents and caregivers are causing the harm, children become powerless. The law needs to recognize the egregious nature of these crimes and punish offenders accordingly.

**The Solution: Create the crime of Aggravated Endangering the Welfare of a Child, providing higher penalties for crimes committed against a child by a person in a position of trust, such as a parent or guardian.**

The Challenge: Child abusers frequently don't face prosecution commensurate with their crimes because their behavior falls outside of the scope of current law. Forcing a child to sit outside in the extreme cold wearing only undergarments, locking them in a closet with their wrists tied for long periods of time, and other sadistic forms of abuse cannot be prosecuted as felonies; they are class A misdemeanors, for which abusers serve little if any jail time.

**The Solution: A felony child endangerment statute would penalize cruelty to children that may not cause visible physical injuries, but is vicious or sadistic, by making it a class E felony.**

The Challenge: People in a position of trust with prior convictions for crimes against children – such as Endangering the Welfare of a Child, assault, rape, and sexual abuse – receive no enhanced penalties for subsequent endangering convictions.

**The Solution: An aggravated child endangerment statute would create a felony for caretakers who commit endangering and have been previously convicted of one or more crimes against a child.**

*Child abuse is a pervasive problem that has proven resistant to the significant downward crime trends of the last decade. While major crime fell almost 25% from 2000-2004, child abuse only fell 4%. Scientists have linked victims of child abuse with cognitive problems such as learning disabilities, poor impulse control, lower academic achievement, depression, and altered brain development.*



New York State Law Enforcement Council

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