

# Create a Felony Child Endangerment Statute

The tragic and gruesome 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 – cannot be prosecuted effectively.

## How would a felony endangerment statute fix legal loopholes?

*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.*

**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.**

*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 do not fit the definitions in the law and cannot be prosecuted as felonies. Instead, these abuses are only class A misdemeanors, for which abusers serve little if any jail time.*

**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.**

*Peoples 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.*

**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.**

## Why do we need these changes?

- Major crime fell almost 25 percent from 2000-2004, but **child abuse only fell 4 percent.**
- Child abusers often evade prosecution commensurate with their crimes because their behavior falls outside of the scope of current law.
- Scientists have linked victims of child abuse with cognitive problems such as learning disabilities, poor impulse control, lower academic achievement, depression, and inferior brain development.



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