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## **OLR Bill Analysis**

### **sSB 1048**

#### ***AN ACT CONCERNING FINDINGS OF NEGLECT AND RISK OF INJURY TO A CHILD.***

#### **SUMMARY**

This bill narrows the circumstances under which a child may be found neglected. In doing so, the bill limits the circumstances under which the crime of neglect or risk of injury to a minor may be found.

Under current law, among other things, a child may be found neglected when the child is being allowed to live under conditions, circumstances, or associations harmful to the child's well-being. Under the bill, instead, the child may be found neglected if the condition, circumstance, or association presents an obvious danger to the child's health or well-being and the parent, guardian, or caretaker responsible for the child's health or well-being, willfully or recklessly disregards it as an obvious danger.

Under the bill, a child may not be found neglected solely because the child is participating in an independent activity (e.g., traveling to and from school), unless the parent, guardian, or other caregiver, based on their knowledge of the child's maturity, condition, and abilities, understands that the activity presents an obvious danger to the child's health or safety.

Lastly, the bill specifically excludes situations where a parent, guardian, or caretaker allows the child to engage in independent activities, as described below, as a criminal act of neglect or risk of injury to a minor (see BACKGROUND).

EFFECTIVE DATE: October 1, 2023

#### **NEGLECT**

Under current law, a child may be found neglected if, for reasons other than poverty, the child is being denied proper care and attention, physically, educationally, emotionally, or morally. The bill changes the standard for these types of care and attention from proper to necessary.

### **INDEPENDENT ACTIVITIES**

Under the bill, independent activities are those done by a child without a parent, guardian, or other caretaker or without their supervision. They include:

1. traveling to and from school, commercial, or recreational facilities by walking, running, bicycling, or other similar ways;
2. engaging in outdoor play; and
3. being in a home or other location (the bill does not define “other location”).

### **BACKGROUND**

#### ***Neglect or Risk of Injury to a Minor***

By law, a person who does any act likely to impair a child’s health or morals may be found guilty of the crime of neglect or risk of injury to a minor. Among other things, this includes when a person willfully or unlawfully causes or allows any child under age 16 to be placed in a situation that (1) endangers the child’s life or limb, (2) injures the child’s health, or (3) impairs the child’s morals.

Neglect or risk of injury to a minor is a class C felony (punishable by up to 10 years imprisonment) or class B felony (punishable by up to 20 years imprisonment, up to a \$15,000 fine, or both) depending on the child’s age and the nature of the violation.

### **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 19 Nay 0 (03/03/2023)