STATE OF NEW YORK

444

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. STECK, WOERNER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to exceptions to endangering the welfare of a child; and to amend the family court act, in relation to unsupervised children age ten or older

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 260.10 of the penal law is amended by adding a new subdivision 4 to read as follows:

4. (a) The provisions of this section shall not apply to a parent or guardian of a child aged ten years or older where such parent or guardian has permitted such child to engage in certain unsupervised acts including but not limited to:

(i) traveling to and from school, including by walking, running, or bicycling;

(ii) traveling via any public transportation system, provided such child was given specific written instructions as to how to reach his or her destination;

(iii) traveling to and from commercial or recreational facilities that are less than five miles away from the parent or guardian's residence;

(iv) engaging in activities outside of the parent or guardian's residence;

(v) remaining unattended at the parent or guardian's residence;

(vi) leaving a child unattended in a motor vehicle for fifteen minutes or less; or

(vii) engaging in a similar independent activity.

(b) No parent or guardian shall be convicted of child endangerment in the absence of a showing of specific conduct by such parent or guardian demonstrating that such parent acted in disregard of a known risk of harm to such child that the parent actually perceived at the time or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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wrongdoing that was intended to harm such child. A complaint made by a non-parent or guardian, member of law enforcement, or child advocate employed by the state indicating that one of the aforementioned acts mentioned in this subdivision occurred, shall be insufficient to find a parent guilty of child endangerment.

§ 2. Subdivision (f) of section 1012 of the family court act is amended by adding a new paragraph (iii) to read as follows:

(iii)(A) "neglected child" shall not include a child aged ten years or older whose parents or guardians permit such child to engage in certain unsupervised acts including but not limited to:

(1) traveling to and from school, including by walking, running, or bicycling;

(2) traveling via any public transportation system, provided such child was given specific written instructions as to how to reach his or her destination;

(3) traveling to and from commercial or recreational facilities that are less than five miles away from the parent or guardian's residence;

(4) engaging in activities outside of the parent or guardian's residence;

(5) remaining unattended at the parent or guardian's residence;

(6) leaving a child unattended in a motor vehicle for fifteen minutes or less; or

(7) engaging in a similar independent activity.

(B) a child shall not be considered a "neglected child" in the absence of a showing of specific conduct by such parent or guardian demonstrating that such parent or guardian acted in disregard of a known risk of harm to such child that the parent or guardian actually perceived at the time or wrongdoing that was intended to harm such child. A complaint made by a non-parent or guardian, member of law enforcement, or child advocate employed by the state indicating that one of the aforementioned acts mentioned in this subdivision occurred, shall be insufficient to find a child to be a "neglected child" as set forth in this subdivision.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.