

ConnecticutLawTribune

Reckless endangerment of a child: How does that differ from child abuse and neglect?

Unlike child abuse, reckless endangerment does not involve the direct infliction of injury or harm.

By **Daniel Pollack and Kathryn Krase** | October 27, 2020 at 06:25 PM



Daniel Pollack and Kathryn Krase are both attorneys and professors at the Wurzweiler School of Social Work at Yeshiva University in New York City.

By Daniel Pollack & Kathryn Krase | October 27, 2020 at 6:25 PM

A week ago, an [8-month-old girl](#), [severely burned](#) and left in a dumpster

in New Haven, Connecticut by her babysitter was released from the

hospital. Among the criminal charges her alleged assailant faces is reckless endangerment, first degree. Due to the alleged assailants existing childcare relationship with the child, she could also face allegations of child abuse and neglect under Connecticut General Statutes, Chapter 815t.

In Connecticut, pursuant to Connecticut Penal Code § 53a-63 [Reckless endangerment in the first degree: Class A misdemeanor]:

(a) A person is guilty of reckless endangerment in the first degree when, with extreme indifference to human life, he recklessly engages in conduct which creates a risk of serious physical injury to another person.

(b) Reckless endangerment in the first degree is a class A misdemeanor.

Committing a crime usually involves intentional conduct on the part of the perpetrator. Contrary to law, the perpetrator purposely and deliberately engages in conduct. For an act to be criminal, sometimes the behavior must be intentional, and other times the outcome must be intentional. In the case of reckless endangerment, intentional conduct creates a risk of

harm, though not necessarily with intent to harm. In the present case, the reckless endangerment charge was likely linked to leaving the baby in a garbage dumpster.

How do child abuse and neglect and reckless endangerment relate to each other?

Child endangerment generally occurs when a parent or caregiver places a child in a dangerous or inappropriate situation. Unlike child abuse, reckless endangerment does not involve the direct infliction of injury or harm. Reckless endangerment relates to criminal conduct governed by state penal code. Child abuse and neglect, on the other hand, usually relates to civil law, governed by state statute. With separate, but related, goals of preventing and responding to problematic or harmful behavior, criminal and civil law often overlap. The present case appears to be such a case.

Connecticut General Statutes, Chapter 815t, Sec. 46b-121 outlines:

(4) A child may be found “neglected” who, for reasons other than being impoverished, (A) has been abandoned, (B) is being denied proper care and attention, physically, educationally, emotionally or morally,

or (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child;

(5) A child may be found “abused” who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment;

The conduct alleged in the present case, akin to reckless endangerment of the child, could fall into both categories of child abuse and child neglect in Connecticut.

Why bring both criminal and civil charges? Don’t they seem to overlap? A criminal charge can result in imprisonment, fines, and probation. Its focus is on the perpetrator. The criminal process can take time. A civil charge of child abuse or neglect can limit parental/custodial rights and access to the child and may allow the Department of Children and Families to quickly intervene to protect the

child. In particular, DCF can then swiftly place the child in emergency foster care, with a relative, or in another appropriate setting. The Department can also begin to provide other necessary services. The filing of civil charges may also facilitate gathering evidence that could be useful for both the civil and criminal cases.

In child welfare law, overlap is sometimes a good thing.

Daniel Pollack and **Kathryn Krase** are both attorneys and professors at the Wurzweiler School of Social Work at Yeshiva University in New York City. Contact: dpollack@yu.edu; kathryn.krased@yu.edu.