

MANDATED REPORTER ONLINE TRAINING

Neglect Definition FAQs

Neglect is defined as the failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care so as to seriously endanger the physical health of the child.

Let's look carefully at the different parts of this definition. Click on the questions below.

Who can neglect a child?

Neglect is failure on the part of a caregiver, in other words: a parent, legal custodian, guardian, full-time or part-time household member, a relative, or a person providing temporary care or supervision, such as a day care provider, teacher or coach.

What types of care are considered necessary care?

Briefly, neglect is a failure to provide basic care and protection. Necessary care includes such things as the following:

- Adequate food
- Clothing adequate for the weather
- Necessary medical and dental care
- Adequate shelter
- Level of supervision consistent with the child's needs
- Protecting the child from dangers that a caregiver can reasonably be expected to foresee and prevent

What does the phrase "so as to seriously endanger the physical health of the child" in the definition mean?

This means that for an identified lack of care to be considered neglect, it must have the potential to negatively impact the child's physical health. Failure to get treatment for a child's broken arm endangers that child's physical health. Failure to assure a child has adequate school supplies or teaching a child how to shoplift does not endanger the child's physical health, and therefore is not neglect.

Does a child's health have to be suffering for the lack of care to be neglect?

No. No actual harm needs to have been experienced by the child for the conditions to be neglect. The word "endanger" is predictive. Would a reasonable person conclude that leaving a 3-year old child unsupervised on a playground puts that child in serious physical danger? Yes. Therefore, it may be neglect, even though the child might not yet have been physically harmed.

What about the part of the definition: for reasons other than poverty?

Having limited resources is not neglect. Parents may find themselves in a situation where they must set priorities regarding paying for medical care, food, clothing and sometimes even shelter.

Poverty, in this definition, is about insufficient income coming into the household, regardless of a parent's attempts to improve those circumstances. If parents do what they can to provide for their children with their limited resources, it is not neglect. Conversely, neglect may include parents who have sufficient income and resources but choose to spend the money on other things (e.g., alcohol, drugs, gambling, vacations, etc.)

What are some situations you may come across that are not neglect?

Here are five examples:

- Poor school attendance
- Failure to schedule well-baby checks or other routine doctor appointments or to obtain immunizations
- Lack of routine in the home
- A messy home that is not hazardous
- Tardiness in picking a child up from day care or soccer practice