

Kentucky Governor's Office:

DEFINITION OF AN ABUSED, NEGLECTED OR DEPENDENT CHILD

Civil actions concerning abused and neglected children focus chiefly upon the propriety of the child's care and treatment by the child's parent, care-giver, or custodian. This focus becomes clear in the Juvenile Code's definition of "abused or neglected child" as one whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:

- (1) inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means;
- (2) creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means;
- (3) engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to alcohol and drug abuse;
- (4) continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
- (5) commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
- (6) abandons or exploits such child;
- (7) does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being; or
- (8) fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining in foster care for fifteen (15) of the most recent twenty-two (22) months.

KRS 600.020(1). Notably, not only can a parent abuse a child by the parent's injuring the child, but the parent may also commit abuse by allowing another individual to inflict harm. *See Lane v. Com., Ky.*, 956 S.W.2d 874 (1994); KRS 620.010. Such language indicates a clear statutory duty on the part of parents to protect their children from abuse.

The definition of abuse and neglect is quite broad, including physical injury and the risk of such, emotional injury, sexual abuse or exploitation, or the lack of appropriate necessities such as food, clothing, shelter and medical care. However, the statute does provide a religious exception for parents' or custodians' failure to provide medical treatment for their children. "A parent or other person exercising custodial control or supervision of the child legitimately practicing his religious beliefs shall not be considered a negligent parent solely because he fails to provide specified medical treatment for a child for that reason alone." KRS 600.020(1). This exception is fairly narrow, in that it "shall not preclude a court from ordering necessary medical services for a child." *Id.*

A "dependent child" is any child, *other than an abused or neglected child*, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising control or supervision of the child. KRS 600.020 (17).