

## Child Neglect Jury Selection Questions

### NEGLECT SCENARIOS

What duty does a parent owe his child when it comes to caring for the child?

Do you think that the State has a right to require a certain standard of care?

- Why?
- Is it OK to hold a parent *criminally* responsible for not providing that standard of care, as opposed to just taking the child away?
  - Why do you feel that way?
- Is there a difference between being a bad parent and engaging in criminal endangerment?
  - When do you think that line gets crossed?
  - Example: Parent buying her child cheetos, koolaid, and M&M's for dinner vs. parent of a diabetic child feeding that child a diet of koolaid and M&M's and not teaching the child to monitor blood sugar or administer insulin
- If a parent wasn't providing that standard of care, what excuses would you find legally acceptable for not providing that care?
- Should a lack of a formal education be a legal excuse for neglecting your children?
  - Why or why not?
- What about drug addiction? Claims of domestic violence?

Meth Exposed Children:

- Review the law with jurors
  - Do you think this is a fair law? Why / why not?



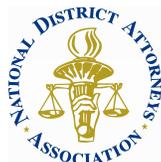
## The National Center for the Prosecution of Violence Against Women

### Accomplice Liability / Failure to Protect From Abuse:

- What responsibility does a parent have to protect his / her child from being abused?
  - What steps should she have to take to protect her child?
  - What if that means turning in someone she loves?
- Is it OK to hold a parent *criminally* responsible for not protecting the child, as opposed to just taking the child away?
  - Why do you feel that way?
- Who thinks that CPS is the appropriate place to deal with child neglect?
  - Why?

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**EXPERT WITNESS TESTIMONY**

In the health care debate, how many of you have really paid attention to the parties make their pitch?

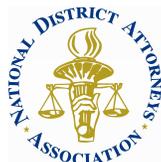
- When you hear the different pitches, how do you decide what the truth is?
- Has anyone else had to listen to different professional opinions and come to a conclusion about which one is accurate?
  - How comfortable are you with that type of assessment?
  - What factors do you take into account when deciding whether a professional is telling you the truth?
- If you heard two (2) professional witnesses testify in court, and they rendered contradictory opinions, how would you determine who was telling the truth?
  - Is there anyone who would not feel comfortable making that type of determination?
  - Is there anyone who believes that if two professional witnesses render different opinions, you can't believe either one of them? Can't convict?



## The Decision

I want you to think of the most difficult decision you have ever had to make.

- How long did it take you to make your decision?
- Who did you consult in making your decision?
- What factors did you take into account?
- Did you research your decision/
- How did you ultimately come to a conclusion?
- How long ago was it that you made this decision?
  - In retrospect, how do you feel about the decision that you made?



**MENTAL HEALTH MITIGATION**

Does anyone here believe that a person would have to have a mental illness in order to hurt a child?

- That a person would have to be “sick?”
- Is that something that I should have to prove, that there is some kind of mental disorder? Why / why not?
- Is that something that I should have to *disprove*? That the person isn’t mentally ill?
- Why do you think that a person would hurt a child?
- What if I can’t prove to you *why* a person hurt a child. Is that a reason to acquit if you believe that the person hurt the child? Why / why not?
  - Why wouldn’t the law require me to prove what a defendant is thinking?



**DEFENSE OF “ACCIDENT” OR MISINTERPRATION OF TOUCH**

- I want you to presume that you are being asked to sit as jurors in a case involving a motor vehicle collision. The Defendant is accused of intentionally running his car into his friend’s car. The Defendant claims that it was an accident – he did not intend to hit his friend’s car.
  - How would you determine whether the crash was accidental?
  - What information would you want in order to make your decision?
  - Are there ways to know a person’s intent without hearing it spoken?
    - When you’re driving, you don’t communicate by words with other drivers, right?
    - How do you judge what another car is going to do?
    - And you rely on that ability to “read” other drivers in order to stay alive on the roads?
  
- When a person tells you, in everyday life, that something was accidental or that they didn’t mean to do it, how do you determine whether you believe that person?
  - But what if they seem really sincere when they speak to you?
  - What if they don’t seem like the “type” of person who would intentionally hurt another?
  - What does the phrase “Actions speak louder than words” mean to you?
  - How comfortable would you be applying these common sense principles in a jury room?



## PRIVATE BUSINESS vs. CRIMINAL BEHAVIOR

When does “family business” become criminal behavior?

- What if a criminal act occurs between family members, but the family says “we want to handle this ourselves.” What should the government do?
- What are some reasons why the government should be involved?
- What if the victim of the crime says that she doesn’t want the government to be involved?
- So let’s say that you were on a jury in a theft case. Defendant was accused of stealing money from his parents by making unauthorized purchases on their credit cards. The parents paid back the credit company, said that they know he shouldn’t have done it, but they don’t want to see their son in trouble. If, however, you believed beyond a reasonable doubt that the son had done the things he was accused of doing, how would you vote?
  - How would you respond to a fellow juror who said “look, no harm, no foul. The parents – the victims – don’t care. Why should we?”
- So what if you acquitted on the theory that the parents didn’t care, and 2 years later, you picked up the paper and read that this same defendant had been able to secure employment in a retirement home and had now committed the same crimes that he once committed against his parents but now against the residents of the home. How would you feel then?
- Do you understand that there are reasons why the law doesn’t ask “does the victim want the offender convicted?” Why?

When violence does involve the family or a victim who loves the person who is accused of committing the crime, how would their feelings about cooperating with the prosecutor affect your ability to believe that they say?

- How would you expect them to behave when being questioned?
- Why would they behave that way?

