

Question

Your daughter has suffered harm due to a lack of necessary medical care. Texas Family Code § 261.001 defines neglect as the failure to seek, obtain, or follow through with medical care for a child, resulting in substantial harm. If your wife failed to seek necessary medical care for your daughter, resulting in harm, this could constitute medical neglect under Texas law.

Answer (Texas)

Legal Analysis: Medical Neglect Under Texas Law

Short response

Under Texas Family Code § 261.001, failure to seek, obtain, or follow through with necessary medical care for a child that results in harm constitutes medical neglect. If your wife failed to obtain needed medical care for your daughter resulting in harm, this would likely meet Texas's statutory definition of medical neglect.

Summary

Texas law explicitly defines medical neglect as the failure to seek, obtain, or follow through with medical care for a child that results in or presents a substantial risk of harm to the child. The Texas Family Code § 261.001 specifically categorizes this failure as a form of neglect when it evidences a "blatant disregard" for the consequences of such failure to act and results in either actual harm to the child or creates an immediate danger to the child's physical health or safety.

The Texas courts have consistently applied this definition in cases involving the failure to provide necessary medical care to children. Multiple sources and administrative regulations reinforce this definition, requiring that the failure to provide necessary medical care must result in either: (1) substantial harm or observable and material impairment to the child's growth, development, or functioning; or (2) an immediate danger of death, disfigurement, or bodily injury. The application of this law to your situation would depend on the nature and extent of the harm suffered by your daughter as a result of not receiving necessary medical care.

Legislative and Regulatory Framework

Texas Family Code § 261.001 - Definition of Neglect

The primary legal authority defining medical neglect in Texas is the Texas Family Code. [Tex. Fam. Code § 261.001](#) defines "neglect" to include:

"an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety and: (A) includes: ... (ii) the following acts or omissions by a person: (b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child."

This statutory definition specifically addresses the failure to seek or obtain medical care for a child. It establishes that such failure constitutes neglect when it results in harm or creates an immediate danger to the child's health or safety.

Texas Administrative Code Provisions

Several provisions in the Texas Administrative Code reinforce and clarify the statutory definition of medical neglect:

1. [40 Tex. Admin. Code § 707.469](#) explicitly defines medical neglect as:

"a subset of the statutory definition of neglect and involves the following acts or omissions by a person: failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child."

2. [40 Tex. Admin. Code § 707.801](#) further states that neglect includes:

"Failure to seek, to obtain, or to follow through with medical care for a child."

3. [25 Tex. Admin. Code § 1.204](#) similarly defines neglect of a child to include:

"the failure to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child."

4. [26 Tex. Admin. Code § 511.48](#) uses similar language, defining neglect to include:

"the failure to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child."

5. [40 Tex. Admin. Code § 707.465](#) and [40 Tex. Admin. Code § 707.467](#) both reinforce the general definition of neglect as:

"an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety."

Additionally, [40 Tex. Admin. Code § 707.451](#) defines "substantial harm" as "real and significant physical injury or damage to a child." This definition helps establish the threshold of harm required for a finding of neglect.

Exceptions to Medical Neglect

Texas law does recognize certain exceptions and limitations to medical neglect:

[Tex. Fam. Code § 261.111](#) provides that:

"The refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psychotropic medication to the child, or to consent to any other psychiatric or psychological treatment of the child, does not by itself constitute neglect of the child unless the refusal to consent: presents a substantial risk of death, disfigurement, or bodily injury to the child; or has resulted in an observable and material impairment to the growth, development, or functioning of the child."

This provision specifically addresses psychiatric or psychological treatment, establishing that refusal of such treatment does not automatically constitute neglect unless it meets certain harm thresholds.

Case Law Interpretation

Texas courts have consistently applied and interpreted these statutory provisions in cases involving medical neglect:

Failure to Provide Medical Care as Endangering Conduct

In [In re J.C., 12-24-00113-CV \(Tex. App. Jul 31, 2024\)](#), the court stated that "the failure to provide or obtain appropriate medical care for a child can constitute endangering conduct." This recent decision reinforces the concept that failing to provide necessary medical care can be considered a form of endangerment under Texas law.

Similarly, in [D.H. v. Tex. Dep't of Family & Protective Servs., 652 S.W.3d 54 \(Tex. App. 2021\)](#), the court held that "the failure to provide or obtain appropriate medical care for a child can constitute endangering conduct under subsection (E)." This highlights that such failure can be grounds for the termination of parental rights under Texas law.

Examples of Medical Neglect in Case Law

Several Texas cases provide specific examples of what constitutes medical neglect:

In [In re A.A.H., NO. 01-19-00612-CV, NO. 01-19-00748-CV \(Tex. App. Mar 05, 2020\)](#), the court addressed a case where a mother failed to seek medical treatment for her child's burns, which subsequently became infected. The court noted:

"Upon initial investigation, the Department's investigator noted that the burn smelled and was possibly infected. The burn covered the child's lower abdomen, pelvic area, and upper legs. Mother did not seek any medical treatment for Catherine, and her scarring is such that she will need skin grafts in the future. Fuegar testified that the Department classified Mother's failure to seek treatment for Catherine as medical neglect."

This case demonstrates how Texas courts and child protective services interpret and apply the concept of medical neglect in practice.

Similarly, in [In re H.M.O.L., NO. 01-17-00775-CV, NO. 01-17-00776-CV \(Tex. App. Apr 06, 2018\)](#), the court addressed a situation where parents delayed seeking medical attention for their severely malnourished child with liver disease:

"Mother and Father did not bring Ken to TCH for a liver transplant evaluation or otherwise seek medical care for their son until nine months after he was last seen by a doctor in Louisiana in February 2013. Dr. Leung explained that Ken's nutritional status was so severe that 'it certainly warranted assistance by a medical professional earlier' and that Ken's initial misdiagnosis with a different, but equally serious, liver disease did not explain his degree of malnourishment when he arrived at TCH or the parent's failure to seek medical care for him during the prior nine months. According to Dr. Leung, Mother's and Father's delay in seeking medical treatment for their critically ill and malnourished son had a significant impact on Ken's health and, in his opinion, amounted to medical neglect."

This case clearly illustrates that delays in seeking necessary medical care that impact a child's health can constitute medical neglect under Texas law.

Legal Standard for Endangerment and Neglect

In [E.E. v. Tex. Dep't of Family & Protective Servs., 598 S.W.3d 389 \(Tex. App. 2020\)](#), the court emphasized that "neglect can be just as dangerous to the well-being of a child as direct physical abuse." This statement underscores the seriousness with which Texas courts view neglect, including medical neglect.

[In re K.N.D., NO. 01-12-00584-CV \(Tex. App. Dec 21, 2012\)](#) provides further insight into how Texas law defines neglect:

"Family Code sections 261.001(1) and (4) define the terms 'abuse' and 'neglect' in many ways that require a showing that the child was harmed or exposed to a substantial risk of immediate harm. See TEX. FAM. CODE ANN. § 261.001(1), (4)... Section 261.001(4) defines neglect as including, among other things, 'the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child' and 'the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.'"

The case also specifically mentions an instance where "A.D.'s first child was removed from her custody due to medical neglect and neglectful supervision," highlighting that medical neglect can be grounds for removal of a child from parental custody.

Secondary Materials

Secondary materials provide additional context for understanding how neglect is defined and applied in Texas:

A secondary source entitled "[CONFRONTING INDETERMINACY AND BIAS IN CHILD PROTECTION LAW](#)" notes that Texas has recently narrowed its definition of neglect, requiring a "blatant disregard for the consequences of [an] act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety." This aligns with the current statutory definition in [Tex. Fam. Code § 261.001](#).

Another secondary source, "COERCION, CRIMINALIZATION, AND CHILD 'PROTECTION': HOMELESS INDIVIDUALS' REPRODUCTIVE LIVES," states that Texas law defines neglect to include "the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused." While this source focuses on physical neglect rather than medical neglect specifically, it reinforces the general concept that neglect includes failure to provide necessary care.

Analysis of Your Situation

Based on the legal authorities outlined above, whether your wife's failure to seek medical care for your daughter constitutes medical neglect under Texas law depends on several key factors:

1. Presence of Harm or Risk of Harm

Texas law requires that the failure to seek, obtain, or follow through with medical care must result in either:

- Actual harm to the child; or
- An immediate danger to the child's physical health or safety.

The harm or danger must be substantial, defined by [40 Tex. Admin. Code § 707.451](#) as "real and significant physical injury or damage to a child."

In your situation, you state that your daughter has "suffered harm due to a lack of necessary medical care." This suggests that actual harm has occurred, which is a crucial element in establishing medical neglect under Texas law.

2. "Blatant Disregard" Standard

The 2021 amendment to the Texas Family Code added a "blatant disregard" standard to the definition of neglect. This means that the failure to seek medical care must demonstrate a "blatant disregard for the consequences" of that failure.

As noted in the secondary source "[CONFRONTING INDETERMINACY AND BIAS IN CHILD PROTECTION LAW](#)," this standard may narrow the scope of what constitutes neglect. The determination of whether your wife's actions (or inactions) demonstrated a "blatant disregard" would depend on factors such as:

- Whether she was aware of your daughter's need for medical care
- Whether she understood the potential consequences of not seeking care
- Whether there were mitigating circumstances that prevented her from seeking care

3. Observable and Material Impairment

Texas law specifies that medical neglect can be established if the failure to seek care results in "an observable and material impairment to the growth, development, or functioning of the child." This standard is found in [Tex. Fam. Code § 261.001](#) and multiple administrative code provisions.

In cases like *In re A.A.H.* and [*In re H.M.O.L.*](#), the courts found medical neglect where children suffered significant health consequences due to lack of medical treatment. The extent and nature of the harm your daughter suffered would be relevant to determining whether it constitutes an "observable and material impairment."

4. Necessity of Medical Care

The law refers to "necessary" medical care. This suggests that the care in question must be medically necessary, not merely beneficial or discretionary.

The case law suggests that Texas courts consider the severity of the medical condition and the impact of delayed or absent treatment when determining whether care was necessary. For example, in [*In re H.M.O.L.*](#), the court emphasized the serious nature of the child's condition (severe malnourishment and liver disease) and the significant impact that delayed treatment had on the child's health.

5. Financial Inability Exception

Texas law contains an exception for neglect caused "primarily by financial inability unless relief services had been offered and refused." This is mentioned in [*In re K.N.D.*](#) and in the secondary source "[COERCION, CRIMINALIZATION, AND CHILD 'PROTECTION': HOMELESS INDIVIDUALS' REPRODUCTIVE LIVES](#)."

If your wife's failure to seek medical care was primarily due to financial constraints, and no relief services were offered or accessible, this might affect whether her actions constitute neglect under the law.

Potential Consequences of Medical Neglect

If a determination of medical neglect is made, potential consequences could include:

Child Protective Services (CPS) Investigation: As seen in cases like *In re A.A.H.*, CPS may investigate allegations of medical neglect.

Potential Removal of the Child: In severe cases, as noted in [In re K.N.D.](#), where a child was "removed from her custody due to medical neglect," children may be temporarily removed from the home.

Termination of Parental Rights: In the most serious cases, medical neglect could be grounds for termination of parental rights, as suggested by [D.H. v. Tex. Dep't of Family & Protective Servs.](#), which notes that failure to provide medical care "can constitute endangering conduct under subsection (E)" of the statute dealing with termination of parental rights.

Conclusion

Based on the legal authorities provided, if your wife failed to seek necessary medical care for your daughter resulting in harm, this could constitute medical neglect under Texas law. The Texas Family Code § 261.001 and multiple provisions of the Texas Administrative Code explicitly define neglect to include the failure to seek, obtain, or follow through with medical care for a child when such failure results in harm or creates an immediate danger to the child's health or safety.

The key factors in determining whether medical neglect has occurred include:

- Whether the medical care was necessary
- Whether failure to provide care resulted in actual harm or created an immediate danger
- Whether there was a "blatant disregard" for the consequences of not providing care
- Whether the harm constitutes an "observable and material impairment" to the child
- Whether there were mitigating circumstances, such as financial inability

Texas courts have consistently applied these standards in cases involving medical neglect, as demonstrated by cases like *In re A.A.H.*, [In re H.M.O.L.](#), and others. These cases show that when a parent fails to seek necessary medical care for a child, resulting in harm or endangerment, Texas courts and child protective services may determine that medical neglect has occurred.

It is important to note that each case is evaluated on its specific facts and circumstances. The extent and nature of the harm suffered by your daughter, your wife's awareness of the need for medical care, and any potential mitigating factors would all be relevant to determining whether her actions constitute medical neglect under Texas law.

Legal Authorities

[In re K.N.D., NO. 01-12-00584-CV \(Tex. App. Dec 21, 2012\)](#)

Texas Court of Appeals

Extract

The evidence at trial showed that A.D.'s first child was removed from her custody due to medical neglect and neglectful supervision.

Summary

N example of a situation where a child was removed from a parent's custody due to medical neglect. This aligns with the proposition that failing to seek necessary medical care for a child, resulting in harm, can constitute medical neglect under Texas law. The case demonstrates how the court interprets and applies the concept of medical neglect, which is relevant to the proposition.

[In re K.N.D., NO. 01-12-00584-CV \(Tex. App. Dec 21, 2012\)](#)

Texas Court of Appeals

Extract

Family Code sections 261.001(1) and (4) define the terms 'abuse' and 'neglect' in many ways that require a showing that the child was harmed or exposed to a substantial risk of immediate harm. See TEX. FAM. CODE ANN. § 261.001(1), (4)... Section 261.001(4) defines neglect as including, among other things, 'the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child' and 'the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.'

Summary

The Texas Family Code § 261.001 provides definitions for "abuse" and "neglect" that include situations where a child is exposed to substantial risk of harm due to lack of necessary care. The passage specifically mentions neglect as failing to arrange necessary care for a child, which aligns with the proposition that failing to seek necessary medical care resulting in harm could constitute medical neglect.

[In re H.M.O.L., NO. 01-17-00775-CV, NO. 01-17-00776-CV \(Tex. App. Apr 06, 2018\)](#)

Texas Court of Appeals

Extract

Mother and Father did not bring Ken to TCH for a liver transplant evaluation or otherwise seek medical care for their son until nine months after he was last seen by a doctor in Louisiana in February 2013. Dr. Leung explained that Ken's nutritional status was so severe that 'it certainly warranted assistance by a medical professional earlier' and that Ken's initial misdiagnosis with a different, but equally serious, liver disease did not explain his degree of malnourishment when he arrived at TCH or the parent's failure to seek medical care for him during the prior nine months. According to Dr. Leung, Mother's and Father's delay in seeking medical treatment for their critically ill and malnourished son had a significant impact on Ken's health and, in his opinion, amounted to medical neglect.

Summary

Clear example of how failing to seek necessary medical care can lead to a finding of neglect, supporting the proposition that similar circumstances could apply to the case of your daughter.

[In re K.N.D., 403 S.W.3d 277 \(Tex. App. 2013\)](#)

Texas Court of Appeals

Extract

Family Code sections 261.001(1) and (4) define the terms "abuse" and "neglect" in many ways that require a showing that the child was harmed or exposed to a substantial risk of immediate harm. See Tex. Fam. Code Ann. § 261.001(1), (4)... Section 261.001(4) defines neglect as including, among other things, "the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child" and "the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused."

Summary

Direct reference to the Texas Family Code § 261.001, which defines "neglect" as failing to provide necessary care for a child, resulting in substantial harm. This aligns with the proposition that failing to seek necessary medical care for a child, resulting in harm, could constitute medical neglect under Texas law. The passage supports the proposition by highlighting the statutory language that defines neglect in terms of failing to provide necessary care, which includes medical care.

[In re A.A.H., NO. 01-19-00612-CV, NO. 01-19-00748-CV \(Tex. App. Mar 05, 2020\)](#)

Texas Court of Appeals

Extract

Regarding Catherine's burns, which led to the initial Department referral, Fuegar testified that the Mother explained that noodles had spilled on the child. Upon initial investigation, the Department's investigator noted that the burn smelled and was possibly infected. The burn covered the child's lower abdomen, pelvic area, and upper legs. Mother did not seek any medical treatment for Catherine, and her scarring is such that she will need skin grafts in the future. Fuegar testified that the Department classified Mother's failure to seek treatment for Catherine as medical neglect.

Summary

Clear example of a situation where a parent's failure to seek medical care for a child resulted in substantial harm, which was classified as medical neglect by the Department. This aligns with the definition of neglect under Texas Family Code § 261.001, supporting the proposition that failing to seek necessary medical care resulting in harm can constitute medical neglect.

[In re J.C., 12-24-00113-CV \(Tex. App. Jul 31, 2024\)](#)

Texas Court of Appeals

Extract

Moreover, the failure to provide or obtain appropriate medical care for a child can constitute endangering conduct. See D.H. v. Texas Dep't of Fam. & Protective Servs., 652 S.W.3d 54, 60 (Tex. App.-Austin 2021, no pet.).

Summary

Failing to provide or obtain appropriate medical care for a child can be considered endangering conduct. This aligns with the proposition that such failure could constitute medical neglect under Texas law, as defined by Texas Family Code § 261.001. The context of the passage is a legal judgment, which provides

authoritative support for the proposition. The scope is broad, as it applies to any case where a child's medical needs are neglected, making it relevant to the proposition.

In re A.A.V.

Texas Court of Appeals

Extract

Subsection 161.001(b)(1)(E) of the Texas Family Code provides that a parent's rights may be terminated if it is found that the parent has 'engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child.' TEX. FAM. CODE ANN. § 161.001(b)(1)(E). To 'endanger' means to expose to loss or injury, to jeopardize. ... Under subsection 161.001(b)(1)(E), the relevant inquiry is whether evidence exists that the endangerment of the child's well-being was the direct result of the parent's conduct, which includes acts, omissions, or failures to act.

Summary

The Texas Family Code allows for the termination of parental rights if a parent's conduct endangers a child's well-being. This includes omissions or failures to act, which can encompass failing to seek necessary medical care. The passage supports the proposition by highlighting that endangerment can result from a parent's failure to act, aligning with the definition of neglect as failing to obtain medical care.

E. E. v. Tex. Dep't of Family & Protective Servs., 598 S.W.3d 389 (Tex. App. 2020)

Texas Court of Appeals

Extract

Neglect can be just as dangerous to the well-being of a child as direct physical abuse.

Summary

The passage highlights that neglect, including the failure to provide necessary medical care, can be as harmful to a child's well-being as direct physical abuse. This aligns with the proposition that failing to seek necessary medical care, resulting in harm, constitutes medical neglect under Texas law. The context of the passage within a legal judgment further supports its applicability to cases of medical neglect.

In re J.D.G., 570 S.W.3d 839 (Tex. App. 2018)

Texas Court of Appeals

Extract

It is not necessary to establish that a parent intended to endanger a child to support termination under subsection (E). Nor is it necessary to establish that the parent's conduct was directed at the child or caused actual harm; rather, it is sufficient if the parent's conduct endangers the child's well-being.

Summary

Under Texas law, it is not necessary to prove that a parent intended to harm a child or that the conduct was directly aimed at the child. It is sufficient if the parent's actions endanger the child's well-being. This aligns with the proposition that failing to seek necessary medical care, which results in harm, can be considered neglect. The passage supports the idea that neglect can be established based on the endangerment of the child's well-being, even if there was no intent to harm.

T. M. v. Tex. Dep't of Family & Protective Servs., 03-21-00174-CV (Tex. App. Oct 08, 2021)

Texas Court of Appeals

Extract

Whether a child was removed for 'abuse or neglect' depends on the surrounding facts and circumstances and is generally determined on a case-by-case basis. In re S.M.R., 434 S.W.3d 576, 583 (Tex. 2014); D.F. v. Texas Dep't of Fam. & Protective Servs., 393 S.W.3d 821, 830 (Tex. App.-El Paso 2012, no pet.). The phrase 'abuse or neglect' is not defined in Chapter 262, and the chapter does not indicate any special or technical meaning for the phrase. In re S.M.R., 434 S.W.3d at 582-83. However, the phrase 'abuse or neglect' is 'used broadly' and is not limited to allegations of actual abuse or neglect inflicted on a child but, instead, 'necessarily includes the risk or threats posed by the environment in which the child is placed.' In re E.C.R., 402 S.W.3d 239, 248 (Tex. 2013).

Summary

The term "abuse or neglect" is interpreted broadly under Texas law. It includes not only direct actions of abuse or neglect but also the risks or threats posed by the environment in which the child is placed. This broad interpretation can encompass situations where a parent fails to seek necessary medical care for a child, resulting in harm, as it poses a risk to the child's health and safety.

[D. H. v. Tex. Dep't of Family & Protective Servs., 652 S.W.3d 54 \(Tex. App. 2021\)](#)

Texas Court of Appeals

Extract

The failure to provide or obtain appropriate medical care for a child can constitute endangering conduct under subsection (E).

Summary

Failing to provide or obtain appropriate medical care for a child can be considered endangering conduct under Texas law. This aligns with the proposition that such failure could constitute medical neglect, as defined by Texas Family Code § 261.001. The context of the passage is a legal case discussing the termination of parental rights, which underscores the seriousness of failing to provide necessary medical care.

[In re J.C.D.Y.](#)

Texas Court of Appeals

Extract

We may also consider the statutory factors set forth in Texas Family Code Section 263.307, including... (5) whether the child's family demonstrates adequate parenting skills, including providing the child with minimally adequate health and nutritional care...

Summary

The passage references Texas Family Code Section 263.307, which outlines factors to consider in evaluating parental care, including the provision of adequate health care. This directly relates to the proposition that failing to seek necessary medical care for a child, resulting in harm, could constitute neglect. The passage supports the idea that inadequate health care is a factor in determining neglect, aligning with the definition in Texas Family Code § 261.001.

[40 Tex. Admin. Code § 707.471 40 Tex. Admin. Code § 707.471 What Is Physical Neglect?](#)

Extract

Neglect is defined in Texas Family Code (TFC) §261.001 as an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety. Physical neglect is a subset of the statutory definition of neglect and involves the following acts or omissions by a person: the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.

Summary

Legal basis for understanding neglect in the context of child welfare, supporting the argument that such failure could be considered neglect under Texas law.

[40 Tex. Admin. Code § 707.469 40 Tex. Admin. Code § 707.469 What Is Medical Neglect?](#)

Extract

Medical neglect is a subset of the statutory definition of neglect and involves the following acts or omissions by a person: failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.

Summary

The passage explicitly defines medical neglect as failing to seek, obtain, or follow through with medical care for a child, resulting in harm or danger to the child. This directly aligns with the proposition that if a parent fails to provide necessary medical care, resulting in harm to the child, it constitutes medical neglect under Texas law. The context within the Texas Administrative Code provides a clear legal framework for understanding and applying this definition in relevant cases.

[40 Tex. Admin. Code § 707.801 40 Tex. Admin. Code § 707.801 What Is Neglect?](#)

Extract

Neglect is defined in Texas Family Code (TFC) §261.001 as an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety... Neglect for purposes of an investigation in a child care operation is further defined... as a negligent act or omission... including failure to comply with an individual treatment plan, plan of care, or individualized services plan that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program... Failure to seek, to obtain, or to follow through with medical care for a child.

Summary

Neglect is defined as a failure to act that results in harm to a child. Specifically, the failure to seek, obtain, or follow through with medical care for a child is explicitly mentioned as a form of neglect. This aligns with the proposition that failing to seek necessary medical care for a child, resulting in harm, constitutes medical neglect under Texas law.

[Tex. Fam. Code § 261.001 Tex. Fam. Code § 261.001 Definitions](#)

Extract

Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety and: (A) includes: ... (ii) the following acts or omissions by a person: (b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

Summary

The Texas Family Code explicitly defines neglect to include the failure to seek, obtain, or follow through with medical care for a child. This failure must result in substantial harm or present an immediate danger to the child's health or safety. The passage directly supports the proposition by providing a legal definition of neglect that aligns with the scenario described, where a failure to provide necessary medical care results in harm to a child.

[25 Tex. Admin. Code § 1.204 25 Tex. Admin. Code § 1.204 Abuse, Neglect, and Exploitation Defined](#)

Extract

Neglect of a child includes: ... (ii) the failure to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

Summary

The passage explicitly defines neglect of a child to include the failure to seek, obtain, or follow through with medical care, which results in substantial harm or risk of harm to the child. This directly aligns with the proposition that failing to seek necessary medical care for a child, resulting in harm, constitutes medical neglect under Texas law. The context of the passage within the Texas Administrative Code further supports its applicability to cases of child neglect.

[26 Tex. Admin. Code § 511.48 26 Tex. Admin. Code § 511.48 Abuse and Neglect Issues](#)

Extract

Neglect of a child--includes: ... (B) the following acts or omissions by any person: (ii) the failure to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

Summary

The Texas Administrative Code explicitly defines neglect of a child to include the failure to seek, obtain, or follow through with medical care, resulting in substantial harm. This aligns with the proposition that failing to seek necessary medical care for a child, resulting in harm, constitutes medical neglect under Texas law.

[Tex. Fam. Code § 261.111 Tex. Fam. Code § 261.111 Refusal of Psychiatric Or Psychological Treatment of Child](#)

Extract

The refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psychotropic medication to the child, or to consent to any other psychiatric or psychological treatment of the child, does not by itself constitute neglect of the child unless the refusal to consent: presents a substantial risk of death, disfigurement, or bodily injury to the child; or has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Summary

The refusal to consent to psychiatric or psychological treatment does not automatically constitute neglect unless it results in substantial harm, such as a substantial risk of death, disfigurement, or bodily injury, or an observable and material impairment to the child's growth, development, or functioning. This aligns with the proposition that failing to seek necessary medical care, resulting in harm, could constitute medical neglect under Texas law.

[40 Tex. Admin. Code § 707.465 40 Tex. Admin. Code § 707.465 What Is Abandonment?](#)

Extract

Neglect is defined in Texas Family Code (TFC) §261.001 as an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety.

Summary

Legal basis for understanding neglect in the context of child welfare, supporting the argument that such failure could be considered neglect under Texas law.

[40 Tex. Admin. Code § 707.451 40 Tex. Admin. Code § 707.451 What Terms and Definitions Are Used In Reports, Investigations, and Assessments of Abuse and Neglect?](#)

Extract

Substantial harm-real and significant physical injury or damage to a child.

Summary

The definition of "substantial harm" as "real and significant physical injury or damage to a child" aligns with the proposition that failing to seek necessary medical care resulting in harm could constitute neglect. This definition is crucial in determining whether the harm suffered by the child meets the threshold of "substantial harm" as required by Texas Family Code § 261.001 for a finding of neglect.

[40 Tex. Admin. Code § 707.467 40 Tex. Admin. Code § 707.467 What Is Neglectful Supervision?](#)

Extract

Neglect is defined in Texas Family Code (TFC) §261.001 as an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety.

Summary

Neglect is defined as a failure to act that results in harm to a child or creates an immediate danger to the child's health or safety. This aligns with the proposition that failing to seek necessary medical care, resulting in harm, could constitute medical neglect under Texas law.

CONFRONTING INDETERMINACY AND BIAS IN CHILD PROTECTION LAW.

Stanford Law & Policy Review - Stanford Law School - Gupta-Kagan, Josh - 2022-06-22

Extract

First, several states have begun to narrow the definitions of neglect. In 2021, Texas enacted the furthest reaching statute, defining neglect to require a parent to show 'blatant disregard for the consequences of [an] act or failure to act that results in harm to the child or that creates an immediate danger to the child's physical health or safety.' (293) Requiring a 'blatant disregard' for the consequences of an act could narrow the definition's scope.

Summary

Legal basis for understanding how neglect is defined and applied in Texas, supporting the proposition that such failure could be considered neglect.

COERCION, CRIMINALIZATION, AND CHILD 'PROTECTION': HOMELESS INDIVIDUALS' REPRODUCTIVE LIVES.

University of Pennsylvania Law Review - University of Pennsylvania, Law School - Lavender, Bridget - 2021-04-01

Extract

Texas law similarly states that neglect includes 'the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.'

Summary

The passage from the document provides a definition of neglect under Texas law, which includes the failure to provide necessary care for a child. This aligns with the proposition that failing to seek necessary medical care, resulting in harm, could constitute medical neglect. The passage also clarifies that financial inability is not a defense unless relief services were offered and refused, which is relevant to understanding the legal framework for neglect in Texas.

CHAPTER 1 General Overview of Child Protection Laws in the United States

Representing Parents in Child Welfare Cases: Advice and Guidance for Family Defenders (ABA) - American Bar Association

Extract

Many states, however, use phrases of great breadth and vagueness to define the circumstances warranting state intervention. For example, they commonly give juvenile court jurisdiction over children who are denied 'proper parental care,' see, e.g., ... Texas Fam. Code Ann. § 161.001 ...

Summary

The passage highlights that many states, including Texas, use broad and vague phrases to define neglect and circumstances that warrant state intervention. Specifically, it references Texas Family Code Ann. § 161.001, which is related to the termination of parental rights and includes provisions for neglect. This supports the proposition by indicating that Texas law recognizes the failure to provide proper parental care, which can include necessary medical care, as a form of neglect.

PARENTS PATRIAE AND PARENTAL RIGHTS: WHEN SHOULD THE STATE OVERRIDE PARENTAL MEDICAL DECISIONS?

Journal of Law and Health - Cleveland Marshall College of Law - Stern, Elchanan G. - 2019-09-22

Extract

One author has suggested a statutory scheme which would show deference to parents' choices yet require them to fulfill their parental duty to provide their children with necessary medical care. It calls for a statutory provision which allows parents to choose alternative medicine as the primary method of treatment for their children. However, when a homeopathic physician or any other individual who is subject to a reporting requirement recommends traditional medical intervention, the parents would then have an affirmative duty to provide that level of care. If parents fail to fulfill that duty they would be in direct violation of the statute and can be charged with 'medical neglect per se.'

Summary

There is a proposed statutory framework that aligns with the idea that parents have a duty to provide necessary medical care to their children. If they fail to do so, especially after being advised by a medical professional, it could be considered medical neglect. This supports the proposition that failing to seek necessary medical care, resulting in harm, could constitute medical neglect under Texas law.

The Scope, Nature, and Causes of Child Abuse and Neglect

ANNALS of the American Academy of Political and Social Science, The - Sage Publications, Inc. - 2020-11-01

Extract

States provide more specific—and sometimes more expansive—definitions in their civil statutes (which guide child welfare system and family court actions) and criminal statutes (which guide decisions to prosecute forms of child maltreatment as a criminal offense). Consistent with a focus on child safety rather than parental culpability, statutory definitions of child maltreatment tend to emphasize harm or threat of harm to children that results from specific actions or inactions, with comparatively little emphasis on perpetrator intent... The widely used Parent-Child Conflict Tactic Scales—a caregiver self-report survey instrument about the frequency of various parenting acts or omissions over the past 12 months in the domains of psychological aggression, physical assault, nonviolent discipline, and neglect (Straus et al. 1998)—include children lacking necessary medical care in the neglect subscale, which may occur for reasons of negligence, poverty, or (less commonly) malice.

Summary

Statutory definitions of child maltreatment focus on harm or threat of harm to children due to specific actions or inactions. The passage also highlights that lacking necessary medical care is included in the neglect subscale of a widely used survey instrument, indicating that such omissions are recognized as neglect. This supports the proposition that failing to seek necessary medical care, resulting in harm, could constitute medical neglect under Texas law.

[H. Rept. 116-74 - Stronger Child Abuse Prevention and Treatment Act, 2019-05-20](#)

Congressional Committee Reports

Extract

procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for— (i) coordination and consultation with individuals designated by and within appropriate health-care facilities; (ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions); and (iii) authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary.

Summary

Procedures and authority granted to state child protective services to address medical neglect, including coordination with healthcare facilities and the ability to initiate legal proceedings. This aligns with the proposition that failing to seek necessary medical care, resulting in harm, constitutes medical neglect under Texas law. The passage supports the idea that there are established procedures and legal frameworks to address such neglect.

This memo was compiled by Vincent AI based on vLex materials available as of April 25, 2025. [View full answer on vLex](#)