

Case 1

At 156 pounds and just under 4 feet and seven inches tall, first grader Taylor Bibian found himself in the middle of a dispute between the Florida Department of Children and Families (FDCF) and his own family. The FDCF believes that Taylor's obesity poses significant health risks to the seven year old, and four times sought the approval of juvenile courts to intervene. The FDCF is legally sanctioned to investigate allegations of child abuse and neglect, and may take protective custody of a child if a harm (or risk of harm) to a child is significant enough, and is due to some action or inaction of a parent/guardian. According to the FDCF, harm may be categorized as abuse or neglect. The FDCF defines "abuse" as "non-accidental infliction of physical or psychological injury or sexual abuse by a parent, adult household member or other person responsible for care of the child," and "neglect" as "failure/omission by a caretaker to provide the care, supervision, services or protection necessary to maintain physical and mental health." On some occasions the FDCF will allow a child to remain in the care of a neglectful or abusive parent, if there is a court approved safety plan in place.

Taylor, whose parents are divorced, now lives with his father and grandmother. Taylor's family said that they do not understand the State's concern. "He's just going to be a big kid," his father said, "I was the same way." "He's been overweight his whole life," added Taylor's grandmother, Darlene Bibian. "If weight is such a worry," she said, they should monitor every fat kid." "This is Big Brother telling you how to raise your kids. They want to control his diet, his exercise .. This is ridiculous. This is supposed to be America?"

The FDCF offered to drop charges if the family would agree to State oversight of Taylor's health, but the family declined. The Bibian's claim that they are taking steps to control Taylor's weight, putting him on a strict diet. They reported to the judge that Taylor likes raw vegetables and fruit, and that Taylor also swims and takes tae kwon do. Taylor's father Tony, 24, added that he was planning to have Taylor checked by a pediatrician since he now has medical insurance through a new job.

At a recent court proceeding, the State of Florida called as a witness a doctor who examined Taylor. Although the doctor said that he was troubled by Taylor's weight and the risk of future complications, he concluded that the problem was not life threatening.

Based on the evidence presented, Polk County Judge James Yancey concluded that there was insufficient justification to allow the FDCF to intervene and oversee the health and nutrition of Taylor Bibian.