

SECTION 1. Legislative findings.

The General Assembly finds that:

- (1) Everyone desires the safety of all children;
- (2) A child raised under constant adult supervision misses opportunities for growth and, as a result, may end up stunted developmentally and physically;
- (3) The alarming rise of obesity and diabetes in childhood is almost certainly linked to the insistence of parents and guardians on driving their children to school and activities instead of allowing their children to walk;
- (4) As measured by incidences of mental health difficulties, today's over-supervised youth experience more difficulties upon reaching adulthood than earlier generations;
- (5) Earlier generations learned resilience by walking, bicycling, playing, inventing games, and resolving their differences without constant adult intervention;
- (6) Parents and guardians often are in the best position to weigh the risks and make decisions concerning the safety of children under their care, including where their children may go, with whom, and when; and
- (7) The excessive investigation and prosecution of parents and guardians who have done nothing more than briefly and safely permitting their children to remain unsupervised has introduced unnecessary governmental intrusion into the homes of families; such intrusion wastes valuable public resources on inconsequential and trivial matters.
- (8) Investigations for anything other than immediate danger or a substantial risk of serious harm can disrupt a family's life, finances, and ability to care for their children.
- (9) Children cannot learn to become independent problem-solvers in the constant presence of adults, especially if adults supersede that learning by attempting to solve all of childrens' problems for them.
- (10) Children must learn to become independent problem-solvers in order to become responsible and capable citizens who can succeed and flourish in a free society.

SECTION 2. Legislative intent.

It is the intent of the General Assembly that this act:

- (1) Protect and promote a parent or guardian's inherent right to raise his or her children; and
- (2) Protect a parent or guardian's decision to grant his or her children unsupervised time to engage in activities that include without limitation playing outside, walking to school, bicycling, remaining briefly in a vehicle, and remaining at home.
- (3) Prevent public resources from being squandered on the investigation of parents who permit their children to perform normal and ordinary activities by themselves – because such permission should be presumed to be lawful unless there are exceptional circumstances in which the child is in immediate danger or at a substantial risk of serious harm.

SECTION 3. [The state Child Maltreatment Act] is amended

to add an additional section to read as follows:

Noncriminal acts of parents, custodians, guardians, and foster parents:

An act of a parent, custodian, guardian, or foster parent described under [the following section of the state Child Maltreatment Act] is not a criminal offense.

SECTION 4. [The state Child Maltreatment Act], concerning the definition of "neglect" under [the state Child Maltreatment Act], is amended to add an additional subdivision to read as follows:

"Neglect" does not include a parent, custodian, guardian, or foster parent who permits his or her child to perform the following actions unsupervised if the child is of sufficient capacity to avoid immediate danger and substantial risk of serious harm:

- (1) Travel to and from school including without limitation traveling by walking, running, or bicycling;
- (2) Engage in outdoor play;

- (3) Remain for less than fifteen (15) minutes in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold; or
- (4) Remain at home before and after school if the parent, custodian, guardian, or foster parent:
 - a. Returns home on the same day on which the parent, custodian, guardian, or foster parent gives the child permission to remain at home;
 - b. Makes provisions for the child to be able to contact the parent, custodian, guardian, or foster parent on the same day on which the parent, custodian, guardian, or foster parent gives the child permission to remain at home; and
 - c. Makes provisions for any reasonably foreseeable emergencies that may arise on the same day on which the parent, custodian, guardian, or foster parent gives the child permission to remain at home;

SECTION 5. [The section of the state Child Maltreatment Act concerning the minimum requirements for reports to be accepted by the Child Abuse Hotline] is amended to add an additional subsection to read as follows:

A report that does not meet the requirements of [Section 4 above] shall not be acted upon by the Child Abuse Hotline.

SECTION 6. [The portion of the Child Maltreatment Act concerning the closure of child maltreatment investigations by the state Department of Human Services and the Department of Arkansas State Police] is amended to add an additional subsection to read as follows:

[The state Department of Human Services and the Department of State Police] shall close a child maltreatment investigation if at any time before or during the investigation it is determined that the report of child maltreatment does not meet the requirements of [Section 4, above].