

MODEL LAWS

HOW TO PROPOSE AND DRAFT “REASONABLE INDEPENDENCE FOR CHILDREN” LAW OR PROCLAMATION – MODEL LANGUAGE

Let Grow is working to ensure that parents who give their kids some reasonable independence are not treated as criminals or child neglectors.

We have been working since 2017 to see reasonable independence laws pass. As of 2021, three states have passed these laws. Based on our experience, we are updating our models to include our new favorite law: Oklahoma’s!

We recommend legislators and advocates consider the Oklahoma law first and then look at the other variants for alternative language. All of our model laws protect parents against neglect charges in the child protection system. Our laws do not address changes to criminal law directly. However, if activities are not unlawful under neglect law, it should be inferred that these activities are NOT criminal misconduct either.

Here are four versions of a model law that Let Grow supports and is working to get passed.

MODEL BILL NUMBER 1 (based on Oklahoma law passed into law May 3, 2021, through enactment of HB 2565):

Section 1. Evidence of material, educational or cultural disadvantage as compared to other children shall not be sufficient to prove that a child is deprived or neglected; the state shall prove that the child is deprived or neglected as defined pursuant to this title.

Section 2. "Neglect" means [includes the following, as well as other categories unrelated to children being alone]: (1) the failure or omission to provide supervision or appropriate caretakers to protect the child from harm or threatened harm of which any reasonable and prudent person responsible for the child's health, safety or welfare would be aware, special care made necessary for the child's health and safety by the physical or mental condition of the child,

Section 3. "Neglect" shall not mean a child who engages in independent activities, except if the person responsible for the child's health, safety or welfare willfully disregards any harm or threatened harm to the child, given the child's level of maturity, physical condition or mental abilities. Such independent activities include but are not limited to:

- (1) traveling to and from school, including by walking, running or bicycling,
- (2) traveling to and from nearby commercial or recreational facilities,
- (3) engaging in outdoor play,
- (4) remaining at home unattended for a reasonable amount of time,
- (5). remaining in a vehicle if the temperature inside the vehicle is not or will not become dangerously hot or cold, except under the conditions otherwise prohibited by law, or
- (6) engaging in similar activities alone or with other children.

MODEL BILL NUMBER 2 (based in part on Arkansas and Illinois law):

SECTION 1. Legislative findings. [The governing body – insert name of state] 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, helping out, and solving problems 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 permit their children to remain unsupervised has introduced unnecessary governmental intrusion into the homes of families and diverted valuable public resources to inconsequential and trivial matters.

SECTION 2. Legislative intent. It is the intent of the [insert the name of the state governing governing body] 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.

SECTION 3. A. Neglectful supervision means placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate and grave harm to the child as a result of a blatant disregard of parent or caretaker responsibilities B. "Blatant disregard" means a situation where the real, significant, and imminent risk of grave harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. C. Neglectful supervision does not include permitting a child, who is of sufficient maturity, physical condition, and mental abilities to avoid substantial risk of physical harm, to engage in independent activities, including: (1) traveling to and from school, including by walking, running, or bicycling; (2) traveling to and from nearby commercial or recreational facilities; (3) engaging in outdoor play; (4) remaining at home unattended if the parent or caregiver: (a) returns home on the same day on which the parent or caregiver gives the child permission to remain at home; (b) makes provisions for the child to be able to contact the parent or caregiver on the same day on which the parent or caregiver 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 or caregiver gives the child permission to remain at home; or (5) remaining 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; (6) engaging in a similar independent activity.

MODEL BILL NUMBER 3 (based on the Utah Law):

Neglect does not include permitting a child who is of sufficient age and maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,

including: (A) traveling to and from school, including by walking, running, or bicycling; (B) traveling to and from nearby commercial or recreational facilities; (C) engaging in outdoor play; (D) remaining in a vehicle unattended, (E) remaining at home unattended; or (F) engaging in a similar independent activity.

MODEL BILL NUMBER 4 (based on Colorado proposed law H.B. 1147 which passed the Colorado House in 2020).

(Note that this bill version does not include the right to allow a child to be unattended in a car):

A child is not neglected when allowed to participate in independent activities that a reasonable and prudent parent would consider safe given the child's maturity, condition, and abilities, including but not limited to: (i) traveling to and from school, including walking, running, bicycling, or other similar mode of travel; (ii) traveling to and from nearby commercial or recreational facilities; (iii) engaging in outdoor play; and (iv) remaining at home unattended.