**Reasonable Childhood Independence Laws: Narrowing the Definition of Inadequate Supervision**

“When I was 7 years old I would ride the bus to school with my grandmother. When she got off the bus to go to work, I’d ride the bus a few more stops, then walk the four blocks to my school by myself. I didn’t think anything of it. My grandma taught me to never stray from the path and she also warned me to scream, kick or punch if someone tried to take me, so I felt prepared. As a parent, though, I’d never let my 10-year-old son walk to school or anywhere else alone. Maybe it would be good if I gave him the kind of independence my grandma gave me. But rightly or wrongly, I feel afraid. I’m afraid of predators and the police, and I’m also afraid that child protective services might say that I neglected my son.”

--Piazadora Footman, October 6, 2015, [Rise Magazine](https://www.risemagazine.org/2015/10/when-can-a-child-be-left-alone/)

*Prior to 2017, the Department of Child and Family Services (DCFS) in Chicago, Illinois, didn’t have rules that specified an age below which children could be left home alone or a length of unsupervised time that automatically constituted inadequate supervision. Instead, DCFS had 21 factors that investigators were expected to consider when investigating an inadequate supervision allegation, such as the age of the reported child, the severity of the condition, and the levels of stress/crisis in the home.[[1]](#footnote-1) The intention of such rules was to allow investigators to make decisions that were not one-size-fits-all. But the subjective judgement that they left open meant that investigators sometimes made decisions that seemed to have little to do with actual danger.*

*A 2015* [*report*](http://www.familydefensecenter.net/wp-content/uploads/2015/08/When-Can-Parents-Let-Children-Be-Alone-FINAL.pdf) *published by the Chicago-based Family Defense Center shared the case of a Latina mother who was charged with neglect after she let her three sons, 11, 9, and 5, play with their 9-year-old cousin in a fenced park next to her apartment while she watched from her kitchen window****.*** *At the time, the report found, inadequate supervision was the largest category of neglect allegation in Chicago.*

*In 2017, DCFS changed its rules to require investigators to find that a child was placed “at a real, significant and imminent risk of likely harm.” Sadly, it also changed the rules so that parents who leave a child 13 years or younger home alone, regardless of the circumstances, can be found guilty of neglect.[[2]](#footnote-2)*

*While it is often middle-class families who go to the media with their stories of being wrongly accused of inadequate supervision, explained Diane Redleaf, founder of the Family Defense Center and author of the report, it is often low-income women who are charged with inadequate supervision because they don’t have access to child care. One such* [*story*](https://www.cnn.com/2014/07/21/living/mom-arrested-left-girl-park-parents/index.html) *that did make the news and sparked outrage and debate was of a Black mother in South Caroline arrested for letting her 9-year-old play in the park while she worked in a nearby McDonald’s.*

*In recent years in the United States, parent advocates and their allies have come together to change laws and policies related to inadequate supervision. An organization called* [*Let Grow*](https://letgrow.org/)*—which advocates for “free-range parenting” (the idea that children should have unstructured and unsupervised time so that they learn resilience and how to solve their own problems)—has been at the forefront of the effort.*

*In this package, you can find:*

* An interviewwith Diane Redleaf, Legal Consultant to Let Grow;
* Links to tools in Let Grow’s legislative toolkit, developed to help others advocate for reasonable childhood independence laws;
* Links to reasonable childhood independence bills that have passed into laws.

**Interview[[3]](#footnote-3) with Diane Reldeaf, legal consultant to Let Grow, about efforts to narrow the definition of inadequate supervision**

**Q: How and when did inadequate supervision begin to be a big issue and gain media attention?**

**Redleaf:** Inadequate supervision has been a category of neglect for a long time. In Chicago, there was the [Keystone Case](https://www.chicagotribune.com/news/ct-xpm-1994-04-21-9404210207-story.html), where it was recorded that children were left in deplorable conditions. There was [another case](https://www.chicagotribune.com/suburbs/aurora-beacon-news/ct-abn-home-alone-schoo-impact-st-1215-20171221-story.html) that was quite famous in Illinois where the parents went off to Mexico and left kids at home. Those were cases of neglect, even though they stopped short of abandonment.

Starting after 2010 or so, however, there seemed to be an explosion of cases under this category, partly because of cell phones. With cellphones, it became really easy for people who see children outside to make hotline calls. Prior to this, if people saw a child outside, they wouldn’t necessarily make a call unless they saw the kid really in trouble. They’d forget about it by the time they got home.

One of the big problems with the inadequate supervision category is that it can range from children being left alone for long periods without the ability to safely care for themselvesto children who are simply playing outside and having a good time.

The [Meitiv Case](https://www.cnn.com/2015/04/13/living/feat-maryland-free-range-parenting-family-under-investigation-again/index.html) in Silver Spring, Maryland, brought the issue to national attention in 2015. The Metiv’s were very media savvy folks. They were an avowedly Free-Range family. Their kids had cards that said “I’m a Free-Range kid.”

At that point I thought, “Why are they getting all the media attention?” There was no attention being paid to the types of families that I worked with, who tended to be lower income and people of color. I had dozens of similar cases and no one was reporting on them -- even when our cases challenging these practices were up in the appellate courts.

**Q: Right after the Meitiv Case was when you put out your report[[4]](#footnote-4), which showed the way that many kinds of parents, and especially low-income single working mothers, were impacted by allegations of inadequate supervision. How did you get media attention for your report?**

**Redleaf:** Wecontactedthe Meitiv reporter with our report and our stories. It was really about having an interested reporter continue her line of reporting, because just trying blindly to find someone interested wasn’t working.

For the first time, we got into the Washington Post and we got [an editorial into the Chicago Tribune](https://www.chicagotribune.com/opinion/editorials/ct-dcfs-child-unsupervised-edit-20151007-story.html) saying that DCFS was going too far. After that we settled an inadequate supervision case that was pending in the appellate court and then we filed a class action suit, so the report really did make a huge difference when coupled with the media coverage.

**Q: You formally became legal counsel for Let Grow in 2018. Since then, three states have passed laws that aim to more clearly define inadequate supervision and protect parents from charges of neglect for reasonable parenting decisions. Why did you focus on changing legislation?**

**Redleaf:** We’ve had a focus on changing the neglect laws largely because that’s a critical place where the problem sits. While there’s a culture of not allowing children to do reasonable, normal things, you can’t legislate against a culture. But laws do influence culture, and a law that gives too much power to governmental officials to make their own rules about what parents can and cannot do needs to be changed.

There is some resistance in child protective systems to any change in the law but overall, we have gotten support within child protection systems for the notion that child protectiondoesn’t really want to be involved in policing parenting decisions. They get sucked in but it’s not their core mission and it’s actually a resource drain, which makes it easier to make those arguments to child protection authorities.

If we can change and tighten the neglect laws and make this recognized as not neglect, then it should also follow that it can’t be criminal, with all the higher burden of proof that comes with criminal cases.

As of now, bills have passed in Utah, Oklahoma, and Texas. In those states, we worked with the sponsors and other champions that were already in place. In 2020, we almost got our law passed in Colorado, too. It passed unanimously in the House and we were two days away from passing it in the Senate when the pandemic hit. It was heartbreaking. Colorado has not taken up any legislation since then that isn’t directly tied to Covid.

**Q: What role did parents play in the passage of childhood independence laws? Was there any collaboration between low- and middle-income parents?**

**Redleaf:** In the legislation process, it’s been different in every state, which has been really fascinating. In Colorado, we had a wide range in our own working group. A big part of that is because we had support from an organization called [Elephant Circle](https://www.elephantcircle.net/) in Denver, which is a group that offers coaching and consulting to individuals and other organizations to achieve self-determination for women during the perinatal period.

They had a lot of interested parents and they connected us to other groups. I also worked with Colorado’s Office of Respondent Parent Council*,* which connected us to parents they had defended. We had homeschool advocates too, and parents who had reached out to Let Grow, including two who worked for social service agencies themselves. We met by Zoom every two weeks during the legislative session. When the legislative session was inactive, we met once a month.

From that base of support we then were well positioned to present testimony in the formal Colorado’s stakeholder process. I appreciated that Colorado’s legislative process was very open and transparent. Not every state is like that!

Several of the Colorado parents were just moms who had reached out to Let Grow and some of them testified. We had a child who testified, too! She was 10 years old -- she wanted to run around the block in order to get more exercise when she was 8 but she was stopped by a passerby who reported her to child protective services. That put an end to her running. What do people think is better for kids—to keep them cooped up inside watching TV? Sometimes policymakers who focus on perceived dangers miss the dangers to kids who are not allowed to spread their wings.

**Q: How did you build support for childhood independence legislation among legislators?**

**Redleaf:** Sometimes we have needed to hire a lobbying firm, but we have limited resources. In Colorado,we hired a great lobbying firm on the recommendation of Elephant Circle. It was really critical because lobbyists are good at finding the right sponsor or managing the process of getting in front of the right people at the right time. They have relationships, know the committee assignments, and know the number of bills each sponsor can have. Each state has different rules on all that.

In general, we know the bills are doing pretty well when legislators on the committees at hearings start to talk about their own childhoods and how, when they were children, they got to play outside until the streetlights came on. We do try to present it as an across-the-board issue—of how we need to give independence to all children and families. I think that’s part of why it has had bipartisan appeal. Because people can come together around it, which has been a selling point with sponsors.

The Utahbill that passed in 2018 had a flaw we've tried to fix in the other bills. It had a threshold provision that said children can have reasonable independence “as long as their basic needs are met.” Contrary to what we favored, this was read by some folks as creating a two-tiered system where certain kids could have independence and others could not, depending on how well-off they were. That was problematic when the overall intent of the bill was to liberalize what parents across the board are allowed to do. We defended the bill butI subsequently made sure that other models did not include that limiting language.

Most of the challenges we’ve had have been more turf battles and agency resistance than something really on the merits of the proposal. When agencies bring up objections, it’s about listening to them, and massaging the language and coming to consensus. You have to be willing to compromise so you can get agencies to be at least neutral if not supportive of the effort. Legislators tend not to want to do something that makes the agency’s job harder. In Oklahoma, the lead legislator brilliantly let the child welfare agency write part of the bill and that disarmed opposition. Agencies can’t argue against a bill if they have written it. But there needs to be a background of trust and good relationships between sponsors and the folks who enforce these laws. I don’t think that would fly in a lot of places but it resulted in an excellent law for Oklahoma.

**Q: Do you have any advice to parent advocates and allies who want to push for something similar in their own jurisdictions?**

**Redleaf:** Get parents together who agree with you. Find your family defender allies. Find your allies who might not be politically in sync with you on other issues but care about this. Most of all,talk to your legislators and get a relationship with them, because you need to find the right champion in the legislature. And if you can find allies inside the child protection agency, go for it! They are your best friends.

**\*\***

**A Legislative Toolkit to Advocate for Reasonable Childhood Independence Laws**

*On their website, Let Grow has published a legislative* [*toolkit*](https://letgrow.org/legislative-toolkit/) *with comprehensive materials to help advance the childhood independence movement. The toolkit acts as a resource hub highlighting supportive articles about the issue, arguments for passing the bill, and constitutional precedents that advocates and allies can refer to.*

*In the toolkit, you can find* [*model bills*](https://letgrow.org/wp-content/uploads/2020/12/Let-Grow-Model-Bill-1.pdf) *on “Free-Range Parenting” laws using language that you can modify for your own efforts.*

*In these model bills, neglectful supervision is defined as “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.”*

*The toolkit also includes* [*policy maps*](https://letgrow.org/resources/state-policy-maps/) *showing the criminal codes and non-criminal neglect laws in each state as well as sample testimony from parents, experts, and children as well as a template for gathering testimony.*

*Explore Let Grow’s toolkit* [*here*](https://www.google.com/url?q=https://letgrow.org/legislative-toolkit/&sa=D&source=editors&ust=1625255673737000&usg=AOvVaw0anoagyi_JDiV27OgG-Ezh)*.*

**\*\***

**Reasonable Childhood Independence Bills that Have Passed into Laws: Utah, Oklahoma, and Texas**

*Below are bills from the three states that have passed reasonable childhood independence laws.*

Utah: SB65 Child Welfare Amendments

*Known as Utah’s “Free-Range Parenting Law,” SB65 is the first “Reasonable Childhood Independence” bill. It was signed into law in 2018. The bill modifies the circumstances under which the Department of Human Services is required to investigate reports of abuse or neglect. It stipulates that “neglect does not include permitting a child, whose basic needs are met and 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 (F) engaging in a similar independent activity.”*

*Read the bill* [*here*](https://le.utah.gov/~2020/bills/static/SB0065.html)*.*

Oklahoma: HB2565 Relating to the Oklahoma Children’s Code

*This is the second “Reasonable Childhood Independence” bill to be signed into law in 2021. It stipulates that “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 (6) engaging in similar activities alone or with other children.”*

*Read the bill* [*here*](https://legiscan.com/OK/text/HB2565/id/2385192/Oklahoma-2021-HB2565-Enrolled.pdf)*.*

Texas: HB567 Relating to the procedures and grounds for terminating the parent-child relationship, for taking possession of a child, and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Serv

*Also signed into law in 2021, this is the third “Reasonable Childhood Independence” bill that was passed. The bill states that neglect does not include “allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture”. The bill also changed the language regarding what constitutes neglect. Previously, “a substantial risk” could constitute neglect but now it has to be “an immediate danger.”*

*Read the bill* [*here*](https://legiscan.com/TX/text/HB567/id/2385920)*.*

1. Caitlin Fuller, “When Can Parents Let Children Be Alone?” (Chicago, IL: [Family Defense Center](http://www.familydefensecenter.net/wp-content/uploads/2015/08/When-Can-Parents-Let-Children-Be-Alone-FINAL.pdf), 2015). [↑](#footnote-ref-1)
2. Austin Berg, “Settlement Deal Helps Prevent Parents’ Nightmares From Coming True” (Chicago IL: [Illinois Policy](https://www.illinoispolicy.org/settlement-deal-helps-prevent-parents-nightmares-from-coming-true/), 2018). [↑](#footnote-ref-2)
3. Interview conducted on July 1, 2021. [↑](#footnote-ref-3)
4. Read the 2015 report by the Family Defense Center of Chicago [here](http://www.familydefensecenter.net/wp-content/uploads/2015/08/When-Can-Parents-Let-Children-Be-Alone-FINAL.pdf). [↑](#footnote-ref-4)