

Children and Libraries

The public library is a unique institution that welcomes customers of all ages to use its facilities, services and resources.

Children and their safety are of great concern to libraries. We encourage families and youth to use libraries and, while doing so, also affirm parents' responsibility for their children's safety and upbringing.

Children, like all library patrons, are expected to behave appropriately. Parents and caregivers, not library staff, are responsible for the behavior and supervision of their children in the library.

An unattended child is a child of any age who is apparently unaccompanied by a parent or caregiver. Children who are unable or unwilling to care for themselves may not be left alone in the library, and must have adequate supervision from a caregiver.

Parents and caregivers must be advised that libraries are public places. In libraries, as in all public places, "stranger danger" is a real concern. Library staff cannot prevent children from interacting with or leaving the library with persons who are not appropriate caregivers.

The library cannot be responsible for any consequences of caregivers forfeiting their responsibilities. Library staff may refer to appropriate authorities those children who are left unattended in the library.

Guidelines for Developing a Policy on Unattended Children in Libraries

After reviewing the concerns of public libraries in New Jersey, and after researching the legal responsibilities and New Jersey law regarding children and caregivers, the New Jersey Library Association offers these guidelines for issues to consider when establishing policies concerning unattended children in libraries.

NJLA feels that local community standards play a primary role in the creation of any library policy. As public entities, libraries are available for use by all residents – young and old alike, with no limit on age. Policies are best that are simple and flexible enough to allow library staff to judge situations as they occur. Libraries must formulate policies that will suit the needs of the communities they serve. As a result, no one model policy is recommended. Rather, issues for consideration are outlined below.

Conduct by the public: adults and children

First and foremost, libraries need to adopt codes of conduct that apply to everyone who uses their facilities, are tailored to the library's mission and focus on using the library for its intended purposes. The guiding principle is that no customer is allowed to disrupt others using the library or the proper operation of the library.

Libraries need clear and positive statements to define appropriate and inappropriate behavior in the library and to outline the responsibilities of parents and caregivers with regard to children. Procedures must be developed to detail the actions that will be taken if rules are broken and describe the avenues of recourse available to parents and children if they think they have been treated unfairly.

Age at which a child can be left unattended:

In New Jersey, the law does not prescribe a certain age at which a child may be left alone. The New Jersey Division of Youth and Family Services (DYFS) uses age 7 as an estimate of the youngest age at which a child can be left safely at home. (Note: Children who are alone in a library are not considered to be legally “neglected” or “abandoned.” These terms imply a long term situation that puts the child’s mental or physical health in danger.)

In any situation, a host of factors influence whether it is appropriate for a child to be **alone in a library**, unattended by a responsible caregiver. These factors include:

- The child’s age, developmental level, social awareness and general health
- The length of time the child is left unattended
- How often the child is left alone
- Whether the child knows how to contact a parent, neighbor, adult friend or relative, if necessary

Note, too, that library staff cannot verify the ages of children who come into the facility. If a well-behaved five-year-old plays quietly in a part of the library, staff may not notice that she is unattended. Also, depending on the circumstances, an eight-year-old may require less supervision than a 14-year-old or a disruptive adult.

Legal research performed for NJLA and NJLTA indicates that a minimum age is difficult to identify. Libraries must closely review the numerous scenarios that may occur and adapt responses to the varying needs of the child.

- Length of time – is the child visiting a department and behaving appropriately, or is the child in the library for hours at a time, obviously distressed, behaving poorly? Does the child have appropriate nourishment?
- Visiting the library alone – has the child been dropped off or did he make his way to the library alone? Can a parent be contacted, if needed?
- Parent or caregiver in another area – If the child is able to behave appropriately in one department, can a parent or caregiver be identified and summoned from another area in the library, if needed?

- Line of sight – If a very young child is reading independently or otherwise occupied (e.g. using a computer, playing with a puzzle), are the caregiver and child in view of each other?
- Special community considerations – Is this an urban area or a suburban area? Would the library staff consider or feel discomfort with allowing a child to leave the building after dark or in a snowstorm?

Age at which a child can be presumed capable of caring for another child:

The American Red Cross offers babysitting classes to children at age 11. While this is not an approved indicator of maturity, it is an age when some children are entrusted with the care of younger children.

When a child without a parent or guardian wants or needs to leave the library:

Libraries need to adopt clear statements regarding children who remain unattended at closing time, who are asked by library staff to leave when they are misbehaving, or who leave when it is dark, inclement, etc. Procedures should define what should be considered a problem and exactly how staff should proceed. Examples should include statements about who should accept responsibility for contacting a parent, how long staff should wait for a parent (if they have or have not been able to contact them,) who among the staff should wait (including how many staff,) if police should be called after waiting for what length of time, etc. There should also be a policy outlining the consequences for patrons if such problems occur.

Exposure to litigation:

A library has a legal duty to create a safe environment to protect against reasonably foreseeable harm. Although the law recognizes that it is not possible to ensure perfect safety, a library does have the duty to supervise its premises adequately so that people lawfully using the library are not unreasonably exposed to danger.

Problems can arise when parents confuse the feeling of safety in a library with the objective reality of the library as a public place. Libraries cannot guarantee absolute safety to everyone using the library, nor do they want to deny access to customers who want to use it in a lawful manner.

The complete legal analysis prepared for NJLA and NJLTA on unattended children is available on the NJLA website.

Attached below are examples of policies adopted by libraries across the country dealing with unattended children.

Sample Policies

Here are sample policies quoted verbatim from libraries around the country. Attorney Grayson Barber has made a few editorial comments and highlighted references to specific ages.

Carmel Clay, Indiana

Children are our most important resource! Please do not leave them unattended (even in the Children's Department). Children up to age 7 must have a responsible caregiver age 16 or older on the premises. If the child is 5 or under, the caregiver is asked to remain within sight and conversation distance of the child.¹ Remember ... this is a *public* building

Carnegie Library of Pittsburgh, Pennsylvania

Children, their well being and safety are of great concern to Carnegie Library of Pittsburgh. We encourage families and youth to use our libraries. Children, as all library customers, are expected to behave appropriately. Parents, guardians, teachers, and caregivers, not library staff, are responsible for the behavior and supervision of their children in the library.

Behavior. In the library, many customers must share common space and resources. Disruptive, rowdy, or unsafe behavior will not be permitted. Parental supervision of children helps to prevent accidents and injuries. Verbal or physical abuse of staff or others in the Library will not be permitted. Damage, abuse, or theft of library property will not be permitted.

Unattended Children. An unattended child is a child of any age² who is apparently unaccompanied by an adult. Parents, guardians, teachers and caregivers may not leave children alone or in the care of other children who are unable or unwilling to provide adequate care. Supervising adults must be close at hand.

As in all public places, "stranger danger" is a real concern. Library staff cannot prevent children from interacting with or leaving the library with persons who are not the appropriate chaperone. Staff may refer to Allegheny County Children & Youth Services for those children who are left unattended in the Library and whose basic needs for food, rest, parental supervisor or attention are not being fulfilled.

If the Library is closing, at a regular time or in an emergency situation, and a parent or guardian of a child cannot be located in the building, the City of Pittsburgh Police Department will be called. Bookmobile staff will call the police of the municipality they are serving.

The library is not responsible for any consequences of parents forfeiting their responsibilities.

¹ I particularly like this reference to "conversation distance."

² Note that this policy does not give any age specification.

Franklin Township, New Jersey

Leaving a youth, **fifth grade** or younger, unattended inside or outside of the library at any time is not in keeping with reasonable use of the library as it is intended.

Delphi, Indiana

We expect parents to understand and explain library rules to their children. The rules and policies have been developed to safeguard the collection and to ensure fairness for all library users.

We expect all children under the age of **7** to be accompanied by an adult or a responsible sitter while visiting the library.

We expect all children and teens to use appropriate language and behavior in the library. Those who do not will be asked to leave.

We expect parents to set reasonable time limits for their children's library visits.

We expect sick children to remain at home and not to be brought into the library, especially during children's programming when illness may easily be spread to other children.

We expect parents to maintain control of their children while visiting the library. Please remember that the library staff's professional services do not include baby-sitting.

We expect parents who attend children's programming with their children to demonstrate good listening habits.

Hawaii

The public library shall not be responsible for the care of any child left unattended in a public library. A child aged **five** and below shall be accompanied by a parent, guardian, adult, or responsible person at all times while in a public library. A child aged **five** and below left unattended by a parent, guardian, adult, or responsible person may be reported to the police or other responsible public agency.

Huron Public Library, Huron Ohio

The Huron Public Library welcomes children to use its facilities and services. However, the responsibility for the care, safety and behavior of children using the library rests with the parent/guardian or caregiver. A caregiver must be at least **12** years of age.

Library staff members have many duties and cannot supervise children nor act as a substitute for daycare.

Children through age **7** must have a parent or caregiver in the immediate vicinity unless they are participating in a library program. Parents or caregivers for those age **5** or under

who do not attend the program with the child should remain in the building. Parents are still responsible for the actions of their children.

Children **8 - 12** may use the Library unattended for an amount of time appropriate to their age and maturity. It is important for staff to take note of disruptions caused by children who apparently are unaccompanied. Parents are still responsible for the actions of their children. Children using inappropriate behavior will be informed of the rules. If inappropriate behavior continues, the child shall be asked to leave the Library. If a child in this age group is unaccompanied by an adult or appropriate-aged caregiver, the staff will follow the directions below for children found on Library premises without a parent or caregiver. All children should have the telephone number of someone who can assist them in an emergency. The Library staff may not take responsibility for the care of any age child.

If a child is found without a parent or caregiver, the staff will:

- A. Attempt to comfort the child, if necessary,
- B. Locate the parent or caregiver in the Library and explain the Child Safety Policy.
- C. Make every effort to contact the parent or caregiver who is not in the Library to come and pick up the child. Staff will express the Library's concern for the child's safety and explain the Child Safety Policy.
- D. Call the Huron Police to pick up the child, if the parent or caregiver cannot be located within 30 minutes. Staff will notify Director that police have been called.
- E. Encourage an unattended child to contact the parent or guardian if it is within 15 minutes of closing time. If a parent or caregiver cannot be reached or does not arrive within 15 minutes of closing, Library Staff will call the Huron Police to pick up the child. Staff will notify Director that police have been called.
- F. Remain with the child until the parent or caregiver or police arrive. This is compensated time for the two staff members who remain with the child.
- G. Leave a note on the Library door stating "Unattended child is in the custody of the Huron Police, 413 Main Street, 433-4114" once the child is in the care of the police. Names will not be stated on the sign.
- H. Not transport any child from the Library to another location.

Juneau, Alaska

Do you know who's watching your child? We don't!

For a safe and satisfying experience at the library, all children under **8** years of age must be accompanied by an adult at all times.

Ohoopsee Regional Library System, Georgia

The Board of Trustees of the Ohoopsee Regional Library System in order to assist library personnel to complete their duties, provide an atmosphere conducive to study and the appropriate use of the library's services and facilities, and provide for the safety, comfort and welfare of patrons of all ages has adopted the following policy:

- (1) The library is not responsible for the care of unattended minors. The library is not intended to be a daycare, after school care facility, summer camp or babysitting service.
- (2) Children under the age of **8 (eight)** may not be left unattended in the library. Care providers for children under the age of **8 (eight)** must be at least **16 (sixteen)** years of age. Care providers must supervise and provide guidance and control for their charges at all times.
- (3) Children under the age of **6 (six)**, using the children's computers, must have the care provider present at the computer terminal at all times.
- (4) Children between the ages of **8 and 15** should not be left unattended in the library for extended periods of time. Attendance at library programs, browsing for recreational reading, and after school use of the library for homework and study are encouraged and considered appropriate. Librarians will provide minimal supervision, reference and research assistance. However after extended periods of time, or, in case of a problem, the Branch Manager after consultation with the Director, Extension Services Librarian and/or the Librarian-on-Duty may determine what is a reasonable length of time for the minors to be left unattended. Parents will be notified and asked to pick up and/or provide supervision for their child. In general, the library considers more than 2-3 hours (depending on the age and conduct of the child) to be excessive and inappropriate.
- (5) Those unattended minors who do not abide by library rules and policies, or who exhibit unacceptable behavior, will be asked to leave, and/or call their parents for a ride. If they are unable to reach their parents, or if a ride does not come, they may be considered abandoned and the authorities called.
- (6) The library is not responsible for minors without a ride home at closing. Minors without a ride home at closing may be considered abandoned and the authorities called.
- (7) The library is not responsible for a minor's selection of library materials. The library believes it is the right and responsibility of a parent or guardian to determine what is appropriate material in order to meet personal family standards and guidelines. Therefore, parents are encouraged to accompany their children and to select material with their children or review their children's selections.
- (8) All children under age **18** must have written permission from a parent or legal guardian, signed on the library permission form in the presence of a library employee, to access the Internet. Children under **17** must have a parent or legal guardian present at the computer terminal at all times. Children between the ages of **17 and 18**, with written parental permission as above, may access the Internet without parental supervision. The library is not responsible for the content or appropriateness of any materials accessed on the Internet.
- (9) Adults who are using the Internet or other library services and programs must supervise or provide guidance and behavior control for minors accompanying them. The library reserves the right to prohibit Internet use, and/or ask the adults and minor children to leave if unacceptable behavior persists.

(10) Georgia Library PINES policy requires the signature of a parent or legal guardian approving the application for a library card for anyone under the age of 18.

(11) The Oohoopee Regional Library System requires the parent or guardian of a minor child to be responsible for all overdue, lost or damaged materials and fines, fees and other debts accrued by a minor child.

(12) The Oohoopee Regional Library System will release circulation records of a minor child to a parent or guardian only upon presentation of the child's library card or card number, or if the materials are lost, damaged or overdue. The reference questions of minor children will be considered privileged information as determined by state law and professional ethics.

(12) The Oohoopee Regional Library System will accept appropriate legal proof, including but not limited to marriage license or other court document, for patrons under 18 who claim emancipated minor status.

San Antonio Public Library, Texas

The San Antonio Public Library welcomes use by children, and staff will assist them in use of Library materials or services. A responsible adult or sibling should accompany young children while they are using the Library, for the child's safety and comfort.³

Library staff will notify the parent or guardian of unattended children when: it is possible that the Library will be closing earlier than usual (due to inclement weather, a power outage, etc.); the child's behavior disturbs other users of the Library; there is cause to believe that the child's health or safety is in danger; the Library staff are unable to provide the necessary degree of supervision that is desirable for young children, for extended periods of time

Children who have not been picked up by closing time, and whose parent or guardian cannot be contacted, will be placed in the care of the San Antonio Police Department and will be taken to the Children's Shelter.

San Marino, California

The library is committed to providing a lifelong learning environment for people of all ages. We welcome and encourage students to come to the library after school as a place to read, do homework and use the library's resources to research assignments.

However, due to crowding and noise, we discourage students from using the library as a place to socialize and play with friends.⁴ Students who have no schoolwork to do, or who cannot read quietly should find an alternative place to go after school.

³ This policy contains no age limit.

⁴ Note that this policy does not provide a minimum age limit, but seems to discourage children from using the library until they are school age.

For their safety, children seven and younger should never be left in the library alone. We are also concerned about the safety of children left outside the library after closing. A new city ordinance was recently passed to provide a safe environment for children in this situation. If a child **12** or younger is left more than 15 minutes after closing time, the police department will pick the child up and take him or her to the police station. The first time, the parents will be warned, and each subsequent time, the police department will charge a fee to cover the time spent picking up and caring for the child.⁵

Virginia Beach, Virginia

Is the library a safe place for my child?

The library, unlike school, is a public place that does not restrict who may visit, or monitor children in the library or when they leave. Staff maintain a safe and pleasant environment for library users and may require a child or adult who is disruptive to leave.

The resources in the library meet the full range of community members' interests and ages, thus not all are intended for children. These factors should be considered in making a decision whether an individual child is ready to use the library alone.

Is it OK to drop my child off at the library? What happens if I can't get to the library to pick up my child before closing?

Library staff want children to enjoy their visits to the library, not to be bored from too long a visit or anxious about how to get home. Consider how your child may feel if you are delayed in returning. The City of Virginia Beach assumes that, by definition, a child younger than **seven**, left unattended, is in neglect, and staff will call police. We discourage leaving children under **12** alone in public settings and caution that any individual left in charge of a child should be at least **16**.

Staff will wait with your child if he or she has not been picked up at closing, but you should expect to be billed for the cost to the city.⁶

Warrenville, Illinois

Children **six** years of age and younger may not be left unattended in the library. They must be in direct supervision of a parent or other adult when in the library, which means they [the adults] must remain with the child during the entire library visit. This includes the circumstance of a child who may be playing a computer game or playing in the puzzle area. Exceptions to this policy occur when programming requires children to attend on their own. At these times, children should be brought to the meeting room door prior to

⁵ This library charges a fee for children left unattended at closing time.

⁶ Another fee for children left unattended at closing.

the program and be met outside the door at its conclusion. If parents expect to be busy in the library, for an example, using a computer, photocopier or attending a meeting, plan to leave your child home or bring an adult caregiver with you to the library. Do not expect one child to supervise another.

Children ages **7-12** may be left in the library unattended for brief periods of time provided they demonstrate purposeful intent to use Library resources, and that their behavior is not disruptive to other patrons or library staff. Staff will warn children if their behavior is not acceptable and they may be ordered to leave the building if behavior does not improve.

Parents are responsible for the conduct of minor children (under **18** years of age) in the library or on library grounds, regardless of whether they are in accompany of their children or not.

If the library is closing and an unattended child is left at the library without transportation home, Library staff will allow the child to call home to remind their parents to pick them up. If child is unable to contact their parents, Library Staff will remain no longer than 15 minutes after closing. At that time, local law authorities will be contacted and the child will be placed in their care. Under no circumstances shall a staff member drive a child home.

Warren-Newport Public Library, Gurnee Illinois

Children under age **8** must be accompanied and directly supervised by an adult, at all times, in all areas of the library, and on its grounds.

Unattended children between ages **8 and 18** are free to utilize the library as long as needed, provided their behavior is not disruptive to other patrons or staff members. Parents are responsible for their children's behavior on library premises. It is not the library's responsibility to provide child care. If disruptive behavior continues, library staff are given the options of requesting the child leave, calling the parents, or calling the police to escort the child home. Staff are authorized to call police when the library closes if unattended children have not been picked up.

Patrons who repeatedly violate this behavior policy will be issued a suspension letter. The Library Director and/or person in charge may issue the suspension letter after the first violation of this behavior policy if it is determined that such violation is severe. An "Accident/Incident Report Form" should be completed when a suspension letter is issued.

Wayne County, Idaho

The Wayne County Public Library encourages children to use its facilities and services. But while the library is very concerned for the safety of children in and outside library

facilities, library employees cannot function as caregivers or baby sitters. Children under the age of **twelve** should always be accompanied by a parent, guardian, or custodian.

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An unattended child is defined as:

- A. A young child who is unable to care for himself/herself or who may need assistance and is not under the direct supervision of a parent, guardian or custodian.
- B. Any child (excepting high school age child) who is in the library for prolonged periods of time on a repetitive daily or weekly basis.
- C. A child who is not picked up by closing time and who is below the age of twelve or who is older but appears to need staff help.

Leaving children unattended in library facilities will result in the application of the sanctions of the Patron Behavior Policy.

In conclusion, the New Jersey Library Association recommends that libraries formulate policies concerning unattended children that suit the needs of their communities. Codes of conduct must be adopted that define appropriate and inappropriate behavior in a library so that customers are not allowed to disrupt others using the library.