**The Murky Law on Free-Range Kids [Amanda Kolson Hurley](http://www.citylab.com/authors/amanda-kolson-hurley/" \o "Amanda Kolson Hurley" \t "_blank)** [@amandakhurley](https://twitter.com/intent/user?screen_name=amandakhurley) From CityLab 12:35 PM ET

**Why location matters for parents who choose to let children explore neighborhoods on their own.**

On April 12, it happened again: Rafi and Dvora Meitiv, the “free-range kids” of Silver Spring, Maryland, were picked up and detained by police. The siblings, aged 10 and six, were playing unsupervised in their neighborhood when a man walking his dog spotted them and called the authorities.

Back in December, Rafi and Dvora made national headlines when police picked them up as they walked home from a local park. The children’s parents, Danielle and Alexander Meitiv, subscribe to the philosophy of [“free-range” parenting](http://www.freerangekids.com/faq/" \l "1" \t "_blank), which holds that children develop self-reliance by exploring their neighborhoods or riding public transportation on their own, if their parents judge them ready. (Disclosure: the Meitiv children attend the same school as my son, though I don’t know them or their parents.)

After the first incident, Montgomery County Child Protective Services investigated and found the senior Meitivs responsible for “unsubstantiated neglect.” Now an attorney for the couple says [they will file a lawsuit](http://www.nbcwashington.com/news/local/Parents-of-Free-Range-Kids-to-File-Lawsuit-299721601.html" \t "_blank) over their family’s treatment. In fact, the law is not clear on free-range parenting in the state of Maryland, or anywhere else in the country: states and cities generally do not specify the youngest age at which a child can play or walk outside alone.

[A few states](https://www.childwelfare.gov/pubpdfs/homealone.pdf" \t "_blank) have laws stipulating the minimum age when a child can be left home alone. In Illinois it is 14, in Maryland, eight, and in Oregon, 10. Maryland’s law [further stipulates](http://www6.montgomerycountymd.gov/content/frs-safe/resources/parents/childcare.asp" \t "_blank) that a young child left in the care of a person under 13 is “unattended.” Many more states offer home-alone guidelines, which [vary as widely](http://www.freerangekids.com/laws/" \t "_blank) as the laws do (age six in Kansas, age 12 in Mississippi).

In North Carolina, [the state fire code](http://www.ncdhhs.gov/contacts/faqs.htm" \t "_blank) prohibits leaving children younger than eight home alone. Rarely, a city will have its own ordinance establishing the home-alone age, [as Albuquerque does](https://www.cabq.gov/police/crime-prevention-safety/family-safety/child-safety-at-home" \t "_blank) (the age there is 10). In most cases, whether such home-alone rules extend to outdoor spaces is something lawyers could argue either way.

**It is possible to see public spaces as being just as safe, or even safer, than private ones.**

Although the reaction to the Meitivs’ case has been largely sympathetic, the relative safety of their neighborhood—in a middle-class inner suburb of Washington, D.C.—has been a topic of debate. The police incident report from Sunday referred to “a homeless subject” near the children who was “eyeing” them. A *Washington Post* columnist [worried](http://www.washingtonpost.com/local/those-free-range-parents-strike-me-as-loving-all-the-attention/2015/01/15/9109b26c-9cbe-11e4-bcfb-059ec7a93ddc_story.html" \t "_blank) that the Meitiv kids were not safe walking down Georgia Avenue, a busy road. Internet commenters went back and forth over whether the kids had been playing in a parking garage and how safe that could have been.

Defenders of free-range parents point out that [child pedestrian deaths](http://www.iihs.org/iihs/topics/t/pedestrians-and-bicyclists/fatalityfacts/pedestrians" \t "_blank) and [violent crime in general](http://www.cnn.com/2014/05/01/health/kid-violence-declines/" \t "_blank) have actually declined over the last few decades, while the risk of stranger abduction is [infinitesimal](http://www.washingtonpost.com/opinions/five-myths-about-missing-children/2013/05/10/efee398c-b8b4-11e2-aa9e-a02b765ff0ea_story.html" \t "_blank). And it is possible to see public spaces as being just as safe, or even safer, than private ones. “Eyes on the street” can be protective—as shown, ironically, by the worried passersby who keep calling the police on the Meitivs. A child who is injured in a public place would arguably be more likely to get immediate help than a child who is injured at home, with no adult around.

This difference in perceptions matters, because CPS officers have a great amount of leeway in determining neglect. Laws regarding unsupervised kids are “intentionally vague, because there are so many contextual and fact-specific determinants” to each case, says Vivek Sankaran, who directs the University of Michigan’s Child Advocacy Law Clinic and the Detroit Center for Family Advocacy. “The downside is, it gives parents very little guidance about when they can get into trouble.”

In Maryland as elsewhere, CPS caseworkers weigh numerous factors in such cases, such as a child’s apparent well-being, maturity level, and the length of time for which he or she was left unsupervised. “It’s an incredibly subjective process,” Sankaran says. “There’s a wide degree of discrepancy and variance in some of the decision-making you see in CPS.”

The perceived risk of being at the playground, or walking by the side of the road, may be taken into account too. In other words, if a caseworker (or a judge) thinks a certain neighborhood isn’t safe, or that public spaces in general pose dangers for kids, that can count against “free-range” parents.

Would the Meitivs’ case have been handled differently if the kids had been walking in a subdivision with no busy roads and no homeless people? It seems possible. But families like the Meitivs aren’t usually the ones caught up in the system. Low-income parents who can’t afford child care, or who struggle to arrange it around unpredictable work schedules, may leave their children unsupervised out of necessity rather than on principle. Remember [Debra Harrell](http://www.cbsnews.com/news/south-carolina-moms-arrest-over-daughter-alone-in-park-sparks-debate/" \t "_blank), the South Carolina mother who got arrested because she let her nine-year-old play in a park as she worked at a McDonald's?

Low-income neighborhoods can also have a higher presence of police and social workers, raising the odds that parents there get reported. As Sankaran notes, these parents are also far less likely to benefit from the presumption that they are making good decisions for their kids.

The answer is not a brighter legal line on the right age to range freely—kids really are too different for that—but a more collaborative child-welfare model. “We should not be taking kids away from situations where reasonable minds honestly disagree” about parenting decisions, Sankaran says. “We should reserve coercion for those extreme situations where … it’s below the standard that any parent should be treating this child.”

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