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## When Is It Legal to Leave Children Alone?

When thinking about leaving children alone, whether for a short or long time, it is important for parents to consider the risks involved. There are many potential risks to children that must be considered. However, it is important to realize that there can be risks for parents as well.

Parents in all states are legally responsible for their children's welfare until they reach adulthood. Part of caring for children is providing adequate supervision. Under some circumstances a parent can be charged with neglect for leaving children unattended.

The laws of Colorado do not set a specific age after which a child legally can stay home alone. Unfortunately, age is not a very good indicator of a child's maturity level. Some 15- year-olds may still not be ready. For example, it is inappropriate to leave a 15-year-old alone if the teen is chemically dependent, has emotional problems, or is prone to vandalism or other destructive or illegal acts.

Colorado in general has accepted the age of 12 years as a guideline for when it might be appropriate for a child to be left alone for short periods of time. This standard is based upon the Colorado Child Labor Law, which deems 12 years as the minimum age for employment, for example a babysitter. (See Colorado Revised Statutes. § 8-12-105 (3) ).

Whenever you begin to consider self-care for your child, you should carefully question your child's readiness for more independence. You should also know how child-protection investigators determine whether there is child neglect. Basically, investigators ask three main questions to determine whether a parent or legal guardian is neglecting a child by not providing adequate supervision:

### Question #1.

#### How mature is the child?

Investigators will measure the child's maturity level by asking:

- Is the child capable of taking care of and protecting himself or herself?
- Is the child mentally capable of recognizing and avoiding danger and making sound decisions?
- Is the child emotionally ready to be alone? Will she or her feel confident and secure or feel afraid, lonely, or bored?
- Does the child know what to do and who to call if a problem or emergency arises?
- Does the child have any special physical, emotional or behavioral problems that make it unwise to leave her or him alone?

### Question #2.

#### Who is responsible for the child?

If parents have not left the child in the care of another, investigators will ask:

- Where are the parents?
- Can the parents get home quickly if needed?
- Can the parents be reached by phone?
- Do the children know where the parents are and how to reach them?

If parents have left someone else in charge, investigators will ask whether that person is mature enough to provide good supervision and to protect the child. They will want to know information about the caretaker that is similar to that requested in Question #1.

Parents should remember that a child who can take care of herself/himself may not be ready to take care

of younger children. Legally it may be fine to leave a mature 11-year-old alone; but to leave that child in charge of a toddler, preschooler, or kindergartner may be considered child neglect. Younger children often need more care than an 11-year-old can give. And if an emergency comes up, the 11-year-old might not be able to keep everyone safe.

**Question #3.****What is the situation?**

What is appropriate under some circumstances may be considered child neglect under other circumstances. Investigators will ask:

- When and for how long are the children left alone?
- Have the parents arranged with nearby adults to be available in case a problem arises?
- Is there any family history of child abuse or neglect?

The welfare of the child is the primary concern of investigators. If they determine that child neglect has occurred, the Department of Human Services, Children and Family Services will talk with the family and work out a more acceptable situation. The solution may involve a provision on the part of the parents not to leave the children alone. Or the department may help the family locate child-care services for some or all of the children currently left alone. The department is not trying to punish the parents or the family, but wants to make sure the children are safe and cared for properly.

As you can see, parents need to think carefully about many things before leaving their children alone. And this is important even if you only leave your child alone occasionally. Putting children in situations they can handle can help teach them independence and responsibility. But asking too much too soon can be a frightening and potentially dangerous situation - for both the child and the parent.

(Adapted from the Illinois Department of Children and Family Services. Publication No. CFS 1050-61)

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