

It Shouldn't Be a Crime to Let Your Teen Babysit

When COVID-19 suddenly shut down her children's day care in May of 2020 and Melissa Henderson had to go to work, she asked her 14-year-old daughter, Linley, to babysit the four younger siblings. Linley was "remote learning" when her youngest brother, Thaddeus, four, spied his friend outside and went over to play with him. It was about 10 or 15 minutes before Linley realized he was missing, must be at his buddy's house, and went to fetch him.

In the meantime, the buddy's mom had called the police.

Now Henderson, a single mom in Blairsville, Georgia, is facing criminal "reckless conduct" charges for having her 14-year-old babysit. The charges carry a maximum possible penalty of one year in prison and fine of \$1,000. The arresting officer, Sgt. Marc Pilote, wrote in his report that anything terrible could have happened to Thaddeus, including being kidnapped, run over or "bitten by a venomous snake."

The Hendersons live on a quiet lane, surrounded by what looks like acres of lawn. Blairsville population: 794.

The case has been dragging on for almost two years now, while Henderson's lawyer, David DeLugas, points out that Georgia's own child protective guidelines say kids at age 13 can babysit.

DeLugas is founder of Parents USA, which exists to fight just such cases ([support it here](#)). Three weeks ago he filed a motion to dismiss the case, based on a paper by Idaho Law professor David Pimentel: "Protecting the Free-Range Kid: Recalibrating Parents' Rights and the Best Interest of the Child." Pimentel wrote that:

Fueled by the growing obsession with child safety in our society, police now appear to be responding whenever someone who disapproves of another's parenting calls 911 and reports an 'endangered' child.

Bingo. It is far too easy to accuse a parent of neglect and get the authorities involved.

In Henderson's case, five cop cars came to her house. "I almost don't have words for how low it made me feel," she told me in a phone call.

They handcuffed Henderson and drove her to the county jail where she was photographed, fingerprinted and given a pair of bright orange Crocs to wear. Then she was put in a cell. "I remember curling up in a ball in the corner and just wanting to hide," she said. Her ex-husband bailed her out.

When I spoke with the district attorney, Jeff Langley, he said he felt the cops acted prudently, as the boy had been outside once before on his own. He added that even a guilty verdict would most likely not result in prison time for Henderson but thought that forbidding her from letting her daughter babysit might be a good idea. "We just want to make sure the children in our small community stay safe."

A few more details: Langley said he believed the boy was "wandering naked in a thunderstorm." That was one-part true: The boy was wearing only a shirt, but there was no storm.

The D.A. added that the officers informed him that 14-year-old Linley had "some measure of learning disability," making her an unreliable sitter.

Henderson explained to me that her daughter had originally been diagnosed with ADHD, and yet she has a GPA of 4.45, is vice president of the 4-H Club, broke school records in varsity track, completed the Red Cross child care program and is certified in CPR.

Nonetheless, it shouldn't be necessary to have a superstar teen before a parent can make hasty child care arrangements during a pandemic. That's why Let Grow, the nonprofit I run, is working to narrow states' neglect laws, ensuring they kick in only when parents put their kids in likely and obvious danger, not when they make a decision a cop or caseworker disapproves of.

As for the incident itself, four is young, and you'd want to remind the boy, "Next time don't go out without telling anyone!" But a kid "wandering off" to play with the neighbor used to be called "childhood."

—

COPYRIGHT 2022 CREATORS.COM

Flickr-Tom Britt, CC BY-NC-ND 2.0