

Minors, Misbehavior, and Notifying the Parents

Initial question from librarian: Can we notify a parent when their child misbehaves?

Response from Tracy Cook – May 9, 2011

I reviewed the Library Records Confidentiality Act as well as some of the laws about acting in loco parentis and here is what I discovered. I have to give my standard disclaimer that I am not a lawyer and this should not be considered legal advice. Okay now that I've done that here's what I think.

The Library Records Confidentiality Act seems to only address library records. It specifically defines a library record as ""Library records" means any document, record, or any other method of storing information retained, received, or generated by a library that identifies a person as having requested, used, or borrowed library material or other records identifying the names or other personal identifiers of library users. Library records does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general or records that are not retained or retrieved by personal identifier." This definition seems to focus on usage of the library in terms of holds, circulation, or Internet sign up sheets. It does not address whether or not someone is in the library which is why it is okay to tell someone on the phone that a person is at the library. You are not identifying what they are doing only that they are there.

This particular definition does not specifically exclude behavior in the library. It only excludes actual records. The other issue at hand is that the children are violating library policy. Once we get into the realm of violating policy we start to leave the Library Records issue behind. It becomes more of an issue about the safety and comfort of library patrons and staff. Think of it this way if we had to protect everyone in the library than in theory you couldn't call the police if one patron pulled a gun on another patron. We are allowed to call the authorities, because one person is endangering the life of another. This isn't that extreme, but the situations are similar. In this case two children are causing a serious disruption in the library that makes use of the library unpleasant and/or uncomfortable for others. Although you have tried warning the patrons the behavior isn't stopping, so you have to consider the next step. In this case the next logical step would be to talk to the parents about the behavior. It does not seem to fall under the Library Records Confidentiality Act, because it does not involve library records. You are simply informing the parents of misbehavior in the hopes that the misbehavior will stop and the children involved and everyone else can enjoy using the library once again.

I also talked to a couple of other librarians asking them how they handle these things, and they said they don't hesitate to call the parents. They wouldn't tell the parents what the child is reading, etc., but if the child is misbehaving they do inform the parents so that the problem can be resolved. I hope this helps. Please let me know if you have any questions. -Thanks for your patience on this one, Tracy