

'Caylee's Law' movement grows

Criminalizing failure to report won't protect missing children

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With a large photo of Caylee Anthony on display, officials with the Orange County, Fla., Sheriff's Department try to defend their handling of the Casey Anthony trial. In Tennessee and other states, efforts are under way to enact laws that would make failure to report a disappearance a crime. / associated press

The acquittal in the Casey Anthony trial has resulted in proposed legislation making it a crime to fail to report a missing child within so many hours or days. If convicted of this offense, a parent could go to jail for up to a year and be required to pay a fine.

Such legislation is neither necessary nor appropriate. We already have numerous laws which are designed to protect children. These include statutes prohibiting abandonment of children.

Tennessee has some of the strongest laws governing both child abuse and neglect. In serious cases, such crimes can carry penalties comparable to a murder conviction.

Our state has a “runaway” child statute which provides that shelters for runaway youths must be registered with the Department of Children Services. The law requires such facilities to notify the juvenile court or the runaway’s parent within one hour of the runaway’s arrival.

It is certainly sufficient that Tennessee has mandatory child abuse reporting requirements which apply to all citizens and not just the parents. I think these good laws effectively protect our children. Yet another law of the sort recently proposed is unnecessary.

Virtually all crimes require affirmative conduct: “thou shall not kill, steal, etc.” It is extremely rare and, indeed, dangerous to have an offense that can put a person in jail for years for failing to do something.

Imposing a legal duty to act where none existed before frequently creates more problems than it solves. Suppose your teenage son runs off with his girlfriend for a day or so. Do you need to call the police?

Concocted issue for TN

What constitutes “missing?” Some proposals suggest it might be a felony not to report a child missing after 48 hours. When does the clock start running? Children living with extended family or just visiting friends or relatives conjure up a host of horrible compliance issues.

It is not appropriate to make potential felons out of parents who may not know where their children are at all times. There are more than enough laws to protect our children without a statute imposing criminal penalties for some failure to act.

Reporting missing children is something we do because we love them. This has not been an issue in Tennessee.

The “unacceptable” verdict in Casey Anthony’s case was probably a product of the prosecution unwisely seeking capital punishment when the proof was so tenuous. Errors in trial strategy cannot be corrected following an acquittal.

Casey Anthony lied to the police and misled them for days after her daughter’s disappearance. She was properly convicted of that offense. Such obstruction of justice is a crime in Tennessee, as well.

The worst time to propose legislation is directly following an unpopular verdict. People start passing laws out of emotion rather than as a result of common sense.

We can honor Casey Anthony’s daughter, Caylee, in better ways than by enacting this ill-advised law in her memory.

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