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ACLU Alarmed By Cedar Rapids Police Chief's Proposed "Parental Responsibility" Ordinance

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Des Moines, Iowa — The American Civil Liberties Union of Iowa today presented Cedar Rapids Police Chief Greg Graham and the Cedar Rapids City Council with a letter discouraging them from pursuing a "parental responsibility ordinance."

The ordinance would be modeled after Davenport's parental responsibility ordinance, which the ACLU successfully fought in court. In November 2010, the Iowa Supreme Court ruled that the City of Davenport could not fine parents and force them to attend parenting classes unless the city first proved in court by "clear, satisfactory, and convincing evidence" that their minor's delinquent act was "caused by the parent's failure to exercise reasonable parental control."

Hensler v. City of Davenport, 790 N.W.2d 569, Iowa, November 12, 2010 (No. 09-0608)

The case involved Ann Hensler, a Davenport mother who was cited for parental neglect when her 17 year old, 6-foot 2-inch teenage son began running a group of delinquent teenagers. She did everything she felt she could to control him including seeking help from authorities, taking parenting classes, reading parenting books, and changing her work hours in order to supervise him. Hensler was twice cited under Davenport's Parental Responsibility Ordinance due to the fact that her son was smoking marijuana. Had the process been allowed to continue to a third citation, Hensler could have been fined up to \$750 per day under the city's scheme of increasing penalties.

"Anne's case demonstrates how much harm a well intentioned law can cause," said ACLU of Iowa Legal Director Randall Wilson. "Parental responsibility ordinances are a seductive idea.

We all would like to think that when a kid gets into trouble it's the parents fault and all we have to do is give those parents a legal kick in the rear. But delinquent acts result from peer pressure, immaturity, and a host of other factors not within the control of even the best of parents. We need to think again before we decide to 'help' parents do a better job by using the legal system to punish them."

In the letter, the ACLU urges Cedar Rapids officials to drop consideration of such an ordinance for the following reasons:

- Parental responsibility ordinances unconstitutionally and unfairly punish and alienate good parents.
- Studies show that such ordinances have been ineffective in reducing juvenile delinquency.
- Juvenile crime is not on the increase. The number of juvenile complaints statewide has actually decreased by 24 percent in the last 5 years according to official counts.
- Cedar Rapids police already have legal authority to initiate prosecutions and legal actions against negligent and unfit parents both in juvenile and criminal court.
- Cities like Cedar Rapids do not have the taxpayer-supported funds to provide the kinds of services that struggling or over-extended parents need—services that are already being provided by statewide or federal funding through the Juvenile Court and Department of Human Services.

The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union.

The ACLU prides itself in upholding everyone's civil liberties, no matter who they are or what they believe. We have worked to assure the rights of all Iowans—from atheists to devout Christians, from labor unions to businesspeople and more—to make sure the constitutional rights of all are preserved.

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