

Unattended Children in a Motor Vehicle

Each morning I drop off my daughter at a day car center. I leave my son in his car seat, walk my daughter to the door, return to my son and then drop him off at his grandparents. Most of the time, I never lose sight of my son or car. Am I violating the law leaving him in the car by himself for a short time?



You never stated how old your son is, but I presume he is less than seven years old. This day and time it is very dangerous to leave any child unattended in a motor vehicle. You didn't say, but I am sure when you get out of your car to take your daughter into the day care center that you take your keys with you, and the windows in your vehicle are cracked open. In the summer time, even in the morning hours, it can get quite warm and muggy. It is always dangerous to leave children in the vehicle unattended. How many times have we heard of someone leaving their small child inside the car and the child locked themselves inside or even worse "car thieves" take a vehicle not even knowing the child was in the back seat? It all can happen so fast; be careful at any time leaving a child unattended in a car.

Now I will try to answer your question. Section 22.10 of the Penal Code states that if a person intentionally or knowingly leaves a child in a motor vehicle by themselves for longer than five minutes and the child is younger than seven years of age, they are in violation of the law and guilty of a Class "C" misdemeanor. Section 22.041 of the Texas Penal Code states that a person commits an offense if they have care, custody, or control of a child younger than 15 years old and they intentionally abandon the child in any place under circumstances that expose the child to an unreasonable risk of harm. In this section "abandon" means to leave a child in any place without providing reasonable and necessary care for the child, under circumstances under which no reasonable, similarly situated adult would leave a child of that age and ability.

From what you have asked, I don't see any violation; but always be careful and observant when leaving small children unattended even for a very short time. The law says not longer than five minutes. Thank you for your question.

Thank you,

Constable Ken Jones