



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-024

July 15, 2025

The Honorable Gary Stubblefield
State Senator
2542 Skeets Road
Branch, Arkansas 72928

Dear Senator Stubblefield:

You have requested my opinion regarding the responsibilities of public libraries' staff members to children. You have asked these questions:

1. In public libraries, do staff members serve *in loco parentis*?

Brief response: No. I have not been able to locate any statute or case law that imposes *in loco parentis* responsibility onto public libraries or their staff during a traditional visit to a public library.

2. In public libraries, are staff members considered mandated reporters?

Brief response: While public libraries' staff members are not specifically listed as mandated reporters under A.C.A. § 12-18-402(b), they have the same obligations as any other adult to notify the Child Abuse Hotline if they observe abuse, sexual abuse, or sexual exploitation of a child.

DISCUSSION

Question 1: In public libraries, do staff members serve in loco parentis?

No. I have not been able to locate any statute or case law that imposes *in loco parentis* responsibility onto public libraries as public entities.¹ *Black's Law Dictionary* defines "*in loco parentis*" as "[o]f, relating to, or acting as a temporary guardian or caretaker of a child, taking on

¹ See *Lanier v. City of Woodburn*, 518 F.3d 1147, 1151 (9th Cir. 2008) (explaining that, while the public library "has an obvious interest in protecting children, ... there is no indication that the library has any *in loco parentis* responsibility for those children").

all or some of the responsibilities of a parent.”² When children attend public school, school officials stand *in loco parentis* with “custodial and tutelary” authority because “[an] educational environment requires close supervision of schoolchildren, as well as the enforcement of rules against conduct that would be perfectly permissible if undertaken by an adult.”³ But public libraries do not have the same *in loco parentis* responsibility as public schools because (1) attendance at public libraries is not compulsory and (2) public libraries are not responsible for educating children.⁴

Individual library staff members would not stand *in loco parentis* to a child visiting a public library either. Courts will find *in loco parentis* when the adult “has fully put himself in the situation of a lawful parent by assuming all the obligations incident to the parental relationship” and “actually discharg[ing] those obligations.”⁵ Even if a child were to visit a public library without a parent, a staff member’s limited interactions would not rise to the level of “assuming all the obligations incident to the parental relationship” or “discharg[ing] those obligations.”⁶

If, however, a public library invited parents to drop children off for a class or program, then the parents would be “delegat[ing] part of [their] parental authority” to the public library when they leave their children.⁷ With that delegation, the public library assumes *in loco parentis* responsibility for the children while they are attending the class or program. But the public library does not have *in loco parentis* status when a child engages in a traditional visit to a public library.

Question 2: In public libraries, are staff members considered mandated reporters?

Any individual listed as a mandated reporter under A.C.A. § 12-18-402(b) must notify the Child Abuse Hotline if he or she suspects or observes child maltreatment.⁸ While staff members of public libraries are not expressly mentioned, they would fall into one of the general categories listed in the statute. Under A.C.A. § 12-18-402(b)(43), anyone who is at least 18 years old and who “observes abuse, sexual abuse, or sexual exploitation of a child” is a mandated reporter. Thus, if an adult staff member of a public library observed such abuse, he or she would be required to report it, as would any other adult.

² *In loco parentis*, *Black’s Law Dictionary* 937 (12th ed. 2024).

³ *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 655 (1995) (internal citation omitted).

⁴ See Mark Fidanza, Note, *Aging Out of in Loco Parentis: Towards Reclaiming Constitutional Rights for Adult Students in Public Schools*, 67 Rutgers U. L. Rev. 805 (2015) (explaining history of *in loco parentis* in public education).

⁵ *Daniel v. Spivey*, 2012 Ark. 39, *6, 386 S.W.3d 424, 428.

⁶ *Id.*

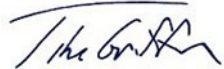
⁷ *Vernonia Sch. Dist. 47J*, 515 U.S. at 655 (internal quotations omitted).

⁸ A.C.A. § 12-18-402(a).

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Assistant Attorney General Jodie Keener prepared this opinion, which I hereby approve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Griffin", with a horizontal line drawn above it.

TIM GRIFFIN
Attorney General