

Laws deal with deaths children left in hot cars

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This spring the Alabama Legislature passed the Amiyah White Act to prosecute people who leave children alone in cars. Although the act was only directed at a particular group of people -- paid caretakers who watch adults and care for children in day care situations -- it pointed the spotlight on a tragic problem that crops up every summer.

The act was written in response to a child who died in Alabama after being left in a van, but any vehicle can become the scene of a tragedy for a toddler who can't escape.

That's what happened last week in Homewood when a mother mistakenly left her 11-month-old child inside a vehicle and returned to find she had died, according to AP and other media reports.

Every year about 38 children in the United States die from heatstroke inside locked cars on summer days, according to [www.kidsandcars.org](#), a website that tracks the tragedies.

Sometimes it happens when children decide to play or hide in cars, as occurred last week in Wisconsin when a 2-year-old was found dead in a car's trunk. Sometimes it happens because caretakers knowingly leave their children in vehicles. It also happens because otherwise conscientious parents make the tragic mistake of forgetting their young children strapped inside car seats, as first-hand accounts from [kidsandcars.org](#) reveal.

In each instance families who have lost a child this way are left to consider what could have been done to prevent it, and what lies ahead.

Prosecutors at the Calhoun County District Attorney's office couldn't recall an instance when a child died from being left inside a vehicle here. Nor could Barry Matson, a former Talladega County prosecutor who is now deputy director of the Office of Prosecution Services.

There is no part of the law that requires authorities to charge parents for leaving their children in unattended cars, even if doing so results in the child's death. Law enforcement officials can opt instead to take the facts of the case to a district attorney, if they're uncertain whether a crime has been committed. From that point the D.A. can review the facts of the case and direct officers to make an arrest, can send the information to a grand jury to let it decide if an act merits a criminal charge, or can simply dismiss it, Matson said.

If law enforcement, prosecutors or a grand jury decides to move forward with charges parents in Alabama can face charges that apply to people believed to have caused unintentional deaths. "You have to look past the emotional part of it," said Matson, who is also a father.

According to Matson, two main charges can apply to unintentional killings in Alabama. The first is manslaughter, which applies when an accidental death is caused by someone who perceives a potential risk but does nothing to stop it, Matson said. A conviction from a manslaughter charge can bring with it between two and twenty years in prison, according to state law.

The second, criminally negligent homicide, can apply when an accidental death is caused by someone who did not perceive a fatal risk, Matson said. A conviction for this charge can bring with it a jail sentence of up to one year. Matson did say he had dealt with instances of child neglect that did not result in death when he served as a prosecutor.

Instances of child abuse or neglect are dealt with using child endangerment statutes, but those statutes don't apply to people who are connected to instances that result in children's deaths. That's when murder, manslaughter and criminally negligent homicide charges may begin to apply, Matson said.

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