

Day of Learning Notes

Legal Issues in Libraries

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Library Fines

Put your library's fine schedule into a policy. The policy should be on the website and should be available inside the library.

Libraries can use collection agencies (like Unique Management) to help recover fines & material. Recommended for libraries that check out electronics (e-readers, etc.)

The Statute of Limitations on library fines is 6 years. That means that a library's ability to recover the fines through litigation ends 6 years after the fine is recorded. It does not mean that a library must provide library services to a patron with fines 6 years or older.

Some libraries offer food for fines programs.

Some libraries offer children the option of 'reading' down their fines. Children can sit in the library and read – for each half hour they read, a certain amount of fines are forgiven.

Unattended Children Policies

It is important for libraries to have an unattended children policy, particularly because children and law enforcement are involved. Libraries have a fair amount of discretion in setting the policy.

Policy should include:

- The 'library is not a babysitter clause' - library staff cannot supervise children
- Release of liability clause – Parents are responsible for safety of their child
- Libraries have discretion on setting ages (in is not necessary to determine age)
- Enforcement clause, with procedures: ask if child is ok, try to contact parent or guardian, and, if that fails, contact law enforcement

Library staff should not take an unattended away from the library. Do not offer to drive or walk them home.

NY State law does not stipulate an age at which children can be left alone.

Several sample policies can be found in the handout.

Side note: If a school age child comes to the library during school hours, the library is not obligated to contact the school, but is not prevented from doing so.

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Banning Patrons

Libraries have the right to ban individual patrons based on behavior. Libraries should have a code of conduct in writing posted and available. The policy should include an enforcement clause noting the procedure to be followed in the event of an infraction.

A policy that includes incremental enforcement is harder for a patron to challenge. However, the policy should give the library the discretion to ban for an egregious first offense.

It is a good idea to notify local law enforcement in writing when a patron is banned. That gives the police more ability to act if the patron returns to the library.

It is a good idea to have an appeal process- provide time frame and who will handle the review in the policy. Results of the appeal should be delivered in writing.

While a library can ban from its building, it is harder to extend the ban to the grounds and an adjoining park.

Banning patrons due to hygiene is very problematic. The library would likely lose in court. In general, it is hard to ban entire groups of people.

Sample codes of conduct can be found in the handout.

Sex Offenders

Some states have enacted blanket bans (from schools, libraries, parks, etc) for individuals on a sex offender registry. Many of these have been overturned. The most successful are the ones that are most specific.

New York State has no specific law banning sex offenders from school or libraries. There may be local or county regulations in your area. Check with your local officials. Registered sex offenders without special limitations cannot be barred from the library.

The library can use the county registry to be informed of sex offenders in the area (see also NYalert.gov). Library staff can monitor use of the library by sex offenders, but can not proactively ban them.

A final word on policies. It is vital that library staff and volunteers follow policy. Failure to do so leaves the library wide open for litigation.