



Written by [Lenore Skenazy](#) on April 10, 2023

When Preschool Pranks Lead to Criminal Charges

Two Colorado child care workers will go on trial this June for presiding over a day care center where a 5-year-old pulled down a 3-year-old's pants. Twice.

Amy Lovato and Roberta Rodriguez of The Schoolhouse day care center in Poncha Springs face criminal charges for not reporting this to the authorities quickly enough, and for putting the children in danger.

"Let this fact not be obscured: We are here because one preschooler pulled down another preschooler's pants," Jason Flores-Williams, Lovato's attorney, told 11th Judicial District Judge Brian Green on Thursday, asking him to dismiss the charges.



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No way, said the judge. "This is the perfect case for the jury to hear," he announced to a courtroom that was packed with school parents who came to support Lovato and Rodriguez, according to The Colorado Sun.

The case against Lovato and Rodriguez seems to involve four charges, but even the judge found the case so muddled that he instructed the prosecutors to present it more cogently.

No one disputes that on Jan. 16, Lovato was filling in as a classroom teacher because the center was short-staffed. When one of the kids wet their pants, Lovato left the classroom for between three and five minutes to clean the kid and deposit the wet clothes in the laundry. When she returned, she saw the 5-year-old "crouched over" a 3-year-old who later told Lovato that the boy had tried to pull her pants down and touch her butt.

The next day, when Lovato went into the center's bathroom, she found three kids there, including a girl with her pants down and the same boy. He was touching her butt.

The school sprang into action. It called the parents involved. It planned an all-school meeting on the topic. Rodriguez called the Chaffee County Early Childhood Council to find out what else she should be doing. She reported the butt-touching to the child welfare department, and the kids-briefly-in-a-room-without-a-teacher incident to the state licensing office.

But as the toddlers themselves discovered, sometimes there is just no way to cover your rear end. The authorities shut down the day care center midday on Jan. 24, calling parents to immediately come pick up their kids. Terrified moms and dads raced over to find six armed deputies and a slew of cop cars.

"When they realized their children were safe, they wondered if they had been molested," reported The Colorado Sun. "Neither the sheriff's deputies or Chaffee County child welfare authorities who joined them in the raid ... were providing information."

It was only two days later, during a meeting at the sheriff's office, that the parents learned what had



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happened.

In summary, the potential wrongdoing seems to involve not reporting the incidents immediately enough — these were officially reported to the authorities about three days later — and leaving the kids unsupervised for the briefest of moments.

The defense attorneys argued that the question of how quickly a school must report an incident of abuse is vague. So, it seems, is the definition of abuse. And so is whether leaving the room to clean off a pee-soaked kid constitutes neglect.

“In some ways, this perfectly illustrates a system we set up that winds up leaving nothing but trauma and harm in its wake,” says Richard Wexler, executive director of the National Coalition for Child Protection Reform. He added that “Colorado actually has a task force that is examining the whole question of mandatory reporting. They should look very closely at this case.”

It’s time to stop demanding that anyone who works with kids hew to exacting, abnormal, automaton standards, and pretending kids are in danger when they act like caring humans instead.

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