

Why Parents Should Not Be Responsible For The Actions Of Their Children

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Argument Against Automatic Parental Responsibility

Of course, parents should not be responsible for the actions of their children because parents and children are not the same. The punishment for parents is that they are to blame for not being able to properly rear their children. Society establishes the right and duty of parents to educate their children. Parents are responsible for the upbringing and development of their children. They are obliged to take care of the health, physical, mental, spiritual and moral development of their children. Parents who exercise parental rights to the detriment of the rights and interests of children are liable in the manner prescribed by law. The lack of proper parental control and proper upbringing often results from the commission of a minor offense. If there is a causal connection between the committed juvenile unlawful behavior and the lack of proper parental supervision, parents may be brought to administrative.

Administrative Liability of Minors

A person who has attained the age of 16 at the time of committing an administrative offense is liable for administrative liability. However, for being in a state of intoxication, minors under the age of sixteen, consuming (drinking) alcohol and alcohol-containing products or consuming drugs or psychotropic substances without the appointment of a doctor, new potentially dangerous psychoactive substances or intoxicants, parents (legal representatives) a minor in accordance with Art.

Civil Liability for Children Under Fourteen

The basis for the responsibility of parents and other legal representatives for harm caused by a child under the age of 14 years is the behavior of the child and their own behavior, which violates the norms of civil, family, and administrative law and, through their fault, caused harm or threatened harm to life, health, or property of other persons.

For the harm caused to minors under the age of fourteen (underage), their parents (adoptive parents) or guardians are responsible if they do not prove that the harm was not due to their fault.

Institutional Supervision and Responsibility

If a young citizen has been harmed while in an orphanage or when he was temporarily under the supervision of an educational, medical organization or other organization or a person who supervised it on the basis of a treaty, such an organization or that person is responsible for the harm done if it does not prove, that the harm did not arise due to their fault when exercising supervision.

Continuing Duty to Compensate

The obligation to compensate for harm caused to minors does not cease with the achievement of their majority or the receipt of property sufficient to compensate for harm.

If the parents (adoptive parents), guardians or other citizens have died or do not have sufficient funds to compensate for the harm caused, and the injured party who has become fully legally competent has such means, the court, taking into account the property status of the victim and the inflictor of harm, as well as other circumstances, a decision to compensate for harm in whole or in part at the expense of the person who caused the harm.

Liability of Minors Aged Fourteen to Eighteen

Minors aged fourteen to eighteen years old are individually responsible for the harm done on general grounds. In the event that he has no income or other property sufficient to compensate for harm, the harm must be compensated in full or in the missing part by his parents (adoptive parents), a trustee, or an organization for orphans and children left without parental care, to which he would be placed if they do not prove that the harm did not arise through their own fault.

The duty of legal representatives of such a minor ceases upon the attainment of the majority or in cases when, before his coming of age, he had income or other property sufficient to compensate for harm or when he reached legal capacity before reaching adulthood.

Parents Deprived of Parental Rights

For a parent who has been deprived of parental rights, the court may impose liability for harm caused by his minor child within three years after the deprivation of the parent of parental rights if the child's conduct that caused harm was the result of improper implementation of parental responsibilities. (Baumrind, 1991)

Growth in Property-Damage Claims

This topic has arisen because the number of claims against parents whose children caused damage to property has increased.

The reasons for increasing such claims are several. Firstly, for people of the “era of the USSR,” resorting to a court or calling the police was something extraordinary; that’s why all problems were solved “on the spot” without recourse to the police and courts. Secondly, the upbringing of children was less democratic. I think many people can remember the slips and the belt as arguments for education. Obviously, children were afraid of such measures and behaved so as not to incur the wrath of their parents.

The era has changed quickly, and quickly came the understanding that this is how to raise children can not. However, people who knew only one method of education could not understand how, without a belt, to bring up the full members of society from children. As a result, some parents raise their children on the principle of “this is a child,” allowing them to do everything that the “foal” wants. One can not help but mention the impact of the street, where even a well-educated child can be persuaded that stealing is good and drawing on someone else’s machines is very fun.

Legal Responsibility of Parents for Minors

Although children have a number of rights, they bear full responsibility when they reach the age of 18. Meanwhile, no one removed responsibility from their parents for their children, and modern conditions dictate their rules, in which the responsibility of parents for breaking the law by their children is not an empty phrase, but quite clear and clear responsibilities. The responsibility of parents for children is spelled out in art. Art. 1073-1075 Civil Code of the Russian Federation. Namely:

For harm caused to minors under the age of fourteen (underage), their parents (adoptive parents) or guardians are responsible if they do not prove that the harm was not due to their fault.

If a young citizen caused harm on time when he was temporarily under the supervision of an educational organization, medical organization or other organization required to oversee it, or a person who supervised it on the basis of an agreement, this organization or that person is responsible for the damage if will not prove that the harm did not arise through their fault when exercising supervision.

Juveniles from the age of fourteen to eighteen years are individually responsible for the harm done on general grounds.

In the case when a minor at the age of fourteen to eighteen years has no income or other property sufficient to compensate for harm, the responsibility of the parents occurs, i.e., the harm must be

compensated in full or in missing part by his parents (adoptive parents) or the guardian if they Do not prove that the harm did not arise through their own fault.

Meaning of Parental Fault and Supervision

What is the meaning of the phrase: “If it proves that the harm was not due to their fault”? It means “Failure to properly supervise minors, and irresponsible treatment of their upbringing or misuse of their rights in relation to children. The result of this was the misconduct of children, which caused harm (connivance or encouragement of mischief, hooliganism, neglect of children, lack of attention, etc.

That is, to avoid responsibility, parents will have to prove that they have brought up the child well. However, the fact of the offense committed by the child for our courts clearly demonstrates the opposite. In other words, parents will be responsible for the child’s offense always, except when the child was in the kindergarten/school/orphanage, etc.

Whether Parents Should Be Responsible

Thus, the answer to one of the frequently asked questions of our clients: “Should parents be responsible for the actions of the child?” It is unambiguous – should.

At the same time, for the court, there will be no argument either that “the child did not understand” – yes, he did not understand, therefore, it is not the child who answers, but the parents, or “the victim himself left his things” – this is not the reason to break them.

Examples of Financial Liability

For example, If you bought a moped from a child, and he knocked a person down on it, you will pay the person compensation for treatment, lost work capacity and moral damage. If your child has broken a camera at the guests, it is not important to accidentally or specially you will be responsible for his actions and reimburse the full cost as well as related costs. (Steinberg, 2001)

Resolving Disputes Before Court

In such situations, the parties rarely come to a compromise and the business, as a rule, ends in screams and scandals. Many do not understand that the responsibility of parents for children includes material responsibility for their actions. What if you have an incident like this? Firstly, everything must be discussed calmly.

It is always more profitable to negotiate with the world than to start legal wars, especially if the amount of the dispute is not so significant. But what if we failed to reach an agreement?

Evidence and Juvenile Authorities

First, it is necessary to collect evidence that the harm was caused precisely by this child and also to find out the full name and address of his parents. If your property is broken by a child of your friends, in the presence of witnesses, then these people will have to come to court and give evidence about the incident. If there are no witnesses or you do not know the names and addresses of the parents 'parents' residence, you must call the police.

Law enforcement agencies have a department for juvenile affairs that deals with such cases. Employees will inspect the scene and take explanations from the participants.

Valuation of Property Damage

Secondly, it is necessary to prove the cost of the damage (i.e., it is necessary to prove that the camera is not working now, the repair is impossible (or it will cost a specific amount). This can be done by conducting an appraisal examination during which the expert will say what the cost will be repaired (and whether it is possible at all) and how much you will get a new thing.

Filing a Civil Claim

If you have such evidence, you can go to court with a claim for damages. Respondents will be the parents of the child (if he is not 14 years old) and parents and child (if he is 14 years old). The amount of the state duty will depend on the amount of damage and can be determined by the state tax calculator <http://www.mos-gorsud.ru/calculator/>

Such cases are considered as property claims of one party to another. Accordingly, the standard rules apply. Jurisdiction is determined at the place of residence of the defendants and at the price of the claim (less than 50 thousand rubles – the world court, more than 50 thousand rubles – district/city).

In addition, the claim will need to specify the demand for reimbursement of costs for the examination and state duty.

Defence and Pre-Trial Settlement

If you are presented with such requirements, the principle of protection is also standard in civil law. However, we recommend, if possible, resolving the issue in a pre-trial order because if you have proof

of the guilt of your child, you will not only pay the damage, but you will also have to pay the state fee, the costs of experts and lawyers that the Claimant will incur.

Conclusion on Parental Responsibility

As you can see, the responsibility of parents for children is very real. And calmly dares in the courts.

References

Baumrind, D. (1991). The influence of parenting style on adolescent competence and substance use. *Journal of Early Adolescence*, 11(1), 56-95. <https://doi.org/10.1177/0272431691111004>

Steinberg, L. (2001). We know some things: Parent-adolescent relationships in retrospect and prospect. *Journal of Research on Adolescence*, 11(1), 1-19. <https://doi.org/10.1111/1532-7795.00001>