



## Parental Liability—Lesson Plan

### Student Objectives

- Develop a deeper understanding of the different principles that democratic societies consider when punishing those who break their rules.
- Describe the context and reasons why some democratic countries have created penalties for parents of children who commit minor offenses.
- Examine how democracies that share common principles and face similar problems can develop very different solutions.
- Analyze the reasons for supporting and opposing the punishment of parents for minor offenses committed by their teenagers.
- Identify areas of agreement and disagreement with other students.
- Decide, individually and as a group, whether the government should punish parents for the minor offenses committed by their teenagers.
- Reflect on the value of deliberation when deciding issues in a democracy.

### Question for Deliberation

*Should our democracy hold parents responsible when their teenagers commit minor offenses?*

### Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Activities
- Handout 3—Student Reflection on Deliberation
- Reading
- Selected Resources
- Deliberation Question with Arguments  
*(optional—use if students have difficulty extracting the arguments or time is limited)*



## Parental Liability—Reading

1 In Breclav, Czech Republic, a judge sentenced Mrs. Danihels to 15 months in jail and her  
2 husband to 10 months. Their crime? Educational neglect. Their children had missed about 2,000  
3 lessons in the past school year. When their parents were sentenced to jail, the children, aged nine  
4 to twelve, were sent to a center for juvenile delinquents. In Australia, a judge ordered two people  
5 to pay a \$60,000 fine. But the people he penalized did not commit the vandalism—and the judge  
6 knew it. Their children were the vandals.

7 Parents make many decisions about raising their children. In democracies, they expect to do  
8 so without interference from government. But democracies also have laws that allow  
9 governments to protect children from parents who fail to provide basic necessities and  
10 supervision. They also have laws to protect society from the people who commit crimes.  
11 Problems arise when these laws conflict—particularly when parents and the state must decide  
12 when teenagers are responsible for themselves.

### 13 **Parenting and Parental Liability: An Overview**

14 Being a parent or guardian<sup>\*</sup> has many rewards and responsibilities. Parents' legal obligations  
15 begin when their children are born or join the family. These obligations end when children reach  
16 the age of majority—the age they are legally considered adults. This age varies, but in most U.S.  
17 states it is 18. In Europe, the age is usually 14.

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\* Guardians are people who have the legal power and obligation to take care of another person who is not capable of total independence, usually due to his or her age. For the purposes of this reading, the term “parent” will also mean “guardian,” as the two usually have the same rights and responsibilities toward children in their care.

18 Parents' most fundamental responsibility is to provide basic necessities of life—food,  
19 clothing, shelter, medical care, and education—that children cannot provide for themselves.  
20 Parents who fail to provide these necessities may be charged with child neglect. Parents also  
21 have the responsibility to supervise their children. Under the legal theory of *parens patriae*, the  
22 government serves as the ultimate parent of a child. Children who are neglected or who are not  
23 properly supervised by their parents may be placed under the authority of the court. Judges  
24 usually try to keep the family together by ordering these children and their parents to receive  
25 counseling, to take special classes, or to receive other support. In severe cases, however, a judge  
26 may place children in foster care to protect them or in a juvenile detention facility for  
27 supervision.

28 Community members can also hold parents accountable for the actions of their children. Tort  
29 law (also known as civil law) allows victims to sue a person who caused harm to them, to their  
30 property, or to their reputation. In a lawsuit, the victim usually has to prove that a specific person  
31 is responsible (liable) for the specific injuries or damage. However, even people who are not  
32 directly responsible for the injury may be liable to pay. In certain circumstances, the law assumes  
33 that the offense would not have happened if a parent had reasonably supervised the child.

34 Around the world, parents can be held liable for a variety of offenses committed by their  
35 children. In the Russian Federation, parents can face a penalty of 500 to 1000 roubles if they  
36 “fail to prevent the presence of their children in places where their presence is prohibited.” In  
37 Romania, if children make false bomb threats or fake calls to emergency numbers, parents may  
38 be fined. In the United States, parents can face expensive lawsuits if their children illegally  
39 download copyrighted materials or if they cause an accident in the family car. Parents can be  
40 charged with “failing to take sufficient measures” to prevent underage drinking in their homes.

41 And parents who live in publicly funded housing may be forced out of their homes if their  
42 children engage in criminal drug activity on or near the property—even if the parents did not  
43 know the children were using or selling drugs.

44 Internationally, the most common offense for which parents can be held liable is property  
45 damage. Under the laws of the Russian Federation and the European Civil Code, parents are  
46 liable for the property damage caused by their children aged 6 to 14, unless the parents can prove  
47 they provided sufficient supervision. Between the ages of 14 and 18, the child is held fully  
48 responsible. In Estonia, parents whose children aged 15-18 willfully damage property are held  
49 liable whether they provided adequate supervision or not. In the United States, 33 states allow  
50 parents to be sued for property damage. Some states only require parents to pay if their children  
51 are of a certain age. For example, parents in Oregon will only be responsible if the offending  
52 child is less than 15 years old. Some states cap the amount that can be collected from parents,  
53 typically around \$2,500 per incident. In California, judges can hold parents liable for up to  
54 \$25,000 per incident. Other states, like Hawaii, have no limit at all.

### 55 **Truancy: A Case Study in Parental Liability**

56 According to the United Nations Convention on the Child and the Universal Declaration of  
57 Human Rights, children have a right to an education. In addition, education should be free up to  
58 a certain age, and school attendance should be compulsory (required by law.) If children miss  
59 school without a valid reason, they are considered truant. In Europe, typical compulsory  
60 education laws require children between the ages of 6 and 16 to go to school. In the United  
61 States, most states require children between 7 and 16 to attend school.

62 Democratic countries require education out of concern for children and to protect society.  
63 Young people who do not attend school are likely to face a lifetime of difficulties. According to

64 Romanian psychologist Diana Dincă, a lack of education “diminishes a person’s chances to have  
65 a job and increases the risk of extreme poverty. [The lack of ]access to education... can also  
66 decrease the chances of future generation’s success.” Truancy hurts communities, too. Police  
67 officers know that in communities where truancy is high, so is the daytime crime rate. Adults  
68 who were truants as juveniles tend to rely more heavily on welfare and have an increased  
69 likelihood of going to jail, at a great cost to society. Local schools lose when students skip  
70 because in places like Macedonia and Indiana, the government bases its financial support to  
71 schools on daily attendance figures.

72 Democracies have developed different approaches to involve parents in reducing truancy. In  
73 Lithuania, school attendance is seen as a community responsibility, and the Ministry of  
74 Education requires every school to organize trainings for parents. Other democracies have  
75 established escalating consequences for truants and their parents. When children exceed the legal  
76 limit of unexcused absences and are “truant,” parents and school leaders are often required to  
77 make a plan in order for the child to return to school. If the agreements fail to improve  
78 attendance, courts may try to help parents by requiring them to take parenting or communication  
79 classes. In Denver, Colorado, truant students are assigned to “catch up classes,” in which  
80 teachers and other mentors help them make up the work they have missed. The goal is to help  
81 them succeed in school when they start attending more. Families of truants are also assigned to  
82 mediation (conflict resolution) and family group conferences.

83 When those interventions fail, some truancy laws—like those in Maryland, Virginia, and  
84 Romania—go further, by fining parents of truants. Parents in Estonia who “neglect their  
85 obligation to raise and educate their children” may also face penalties equal to 50 days’ salary.  
86 Parents in California who “fail to compel a student to attend school” face fines of up to \$100 for

87 the first conviction, \$250 for the second conviction, and \$500 for three or more convictions. In  
88 places such as South Carolina, England, Australia, and the Czech Republic, judges may sentence  
89 to time in jail those parents who refuse to make their children attend school.

## 90 **Supporters and Opponents of Parental Liability**

91 People disagree about parental liability. There is particular disagreement about holding  
92 parents liable for the actions of their teenagers. Supporters of parental liability say the laws work.  
93 For example, when Pima County, Arizona, instituted a “get tough” truancy program that  
94 combined rehabilitation with fines and jail time for parents, truancy dropped 64%. In Silverton,  
95 Oregon, juvenile crime and truancy fell 44.5% when the town passed and enforced parental  
96 responsibility legislation. Other U.S. communities have seen similar results.

97 Supporters also say that victims have an important right to restitution, to be compensated for  
98 their injuries or damage to their property. However, most minors do not have any money. Suing  
99 them is therefore pointless. The only way victims of vandalism and graffiti can be compensated  
100 for the full costs of repairing or replacing their property is to get the money from parents.

101 Supporters add that delinquent parenting results in delinquent children. When parents fail to  
102 properly support or supervise their children, serious consequences for society can, and often do,  
103 result. Significant penalties for parents, like dramatic fines or jail time, deter other parents from  
104 shirking their responsibilities. As the victim of the Australian property crime featured at the  
105 beginning of this reading said: “At the end of the day, they are your children and they are your  
106 responsibility whether you like it or...you don’t.”

107 Opponents of parental liability laws say it is unfair to hold one person responsible for the  
108 actions of another. They say such laws shift responsibility away from the children, who should

109 be held accountable for their own actions. Other opponents say the laws violate the rights of  
110 parents to raise and educate their children in the way they see fit.

111 Opponents say many parents lack effective parenting skills, so the biggest priority should  
112 be helping parents parent well. As one psychologist and school safety expert put it, with parental  
113 liability laws, “you are telling people you are going to punish them for a job they want to do but  
114 don’t know how do.”

115 Opponents also think government should prevent juvenile crime and truancy by addressing  
116 the reasons kids skip school or commit crimes. For example, if teachers were better trained and  
117 had better materials, perhaps children would value school more. If schools were safer, children  
118 who fear bullying and crime at school might attend. Some young people say they vandalize  
119 property because they are bored. Opponents of parental liability would agree with the efforts of a  
120 power company in Moscow that grew tired of fighting with kids who vandalized its towers and  
121 decided to invite graffiti artists to make them more beautiful.

122 Supporters of parental liability acknowledge that the government in a democracy cannot take  
123 the place of parents. However, democratic government is responsible for enforcing the laws and  
124 protecting everyone in society. Parental liability laws can provide the right incentives for good  
125 parenting and appropriate penalties for bad parenting. This solution strikes the right balance  
126 between family privacy and the greater good of the community.

127 Opponents say that parental liability laws disproportionately penalize people who are poor.  
128 Even when school is free, some parents cannot afford materials, appropriate clothing,  
129 transportation, and other associated costs. In many economically depressed communities,  
130 children miss school to work or to watch younger children while their parents work. According  
131 to criminologist H. Wilson, “Lax parenting is often the result of chronic stress, situations arising

132 from frequent or prolonged spells of unemployment...and an often permanent condition of  
133 poverty.” In this economy, as more parents are forced to work long hours or hold two or more  
134 jobs to earn enough money to cover basic family needs, it is unjust for governments to cut  
135 federal spending on welfare programs and then prosecute parents for being unavailable to  
136 supervise their children.” Programs to increase parents’ job skills and earning power would  
137 reduce truancy and juvenile crime more than punishing parents.

### 138 **Conclusion**

139 The question of whether parents should be held liable for their children’s actions is also a  
140 question of the proper role of government. As University of Connecticut law and public policy  
141 professor Steven Wisensale put it, “The problem we have in this country is we’re constantly  
142 wrestling with the dilemma of preserving the privacy of what goes on in the family, versus what  
143 is for the good of the greater community.”



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## **Parental Liability—Deliberation Question with Arguments**

### **Deliberation Question**

*Should our democracy hold parents responsible when their teenagers commit minor offenses?*

### **YES—Arguments to Support the Deliberation Question**

1. Democratic governments protect society from crime and promote education for all young people. Parental liability laws work to reduce crime and truancy. Communities with anti-truancy programs that have combined rehabilitation with fines and jail time for parents have seen reductions in the number of truants. Drops in truancy also result in drops in juvenile crime. As with most problems in life, a mixture of incentives and penalties has the best chance of reducing negative behaviors.
2. Victims of crimes have a right to be compensated for their injuries or damage to their property. However, most minors do not have any money. If victims of vandalism and graffiti can sue parents for the full costs of repairing or replacing their property, then parents will supervise their teenagers more carefully.
3. Some children are delinquent because their parents are delinquent in their parenting. Significant penalties for parents of delinquent teenagers can help keep these parents from shirking their responsibilities. Parents are responsible for their children, and parents must be held accountable for their obligations.
4. The government in a democracy cannot take the place of parents. However, democratic government is responsible for enforcing the laws and protecting everyone in society. Parental liability laws can provide the right incentives for good parenting and appropriate penalties for bad parenting. This solution strikes the right balance between family privacy and the greater good of the community.



## **Parental Liability—Deliberation Question with Arguments**

### **Deliberation Question**

*Should our democracy hold parents responsible when their teenagers commit minor offenses?*

### **NO—Arguments to Oppose the Deliberation Question**

1. Parental liability laws violate basic principles of democratic society, such as the rights of parents to raise and educate their children in the way they see fit. These laws also unfairly hold one person accountable for the actions of another responsible person. Teenagers always insist that they are more like adults than children. Like adults, they can work, drive a car, and even pay taxes. Just as they must accept a traffic ticket when they are driving, teenagers must accept responsibility for skipping school or committing acts of vandalism.
2. Many parents lack effective parenting skills, and teenagers take advantage of this situation. Punishing people because they do not know what to do is like fining someone for drowning when they do not know how to swim. Instead of creating new fines and punishments, society should show these parents how to take better care of their teenagers.
3. Parental liability laws treat the symptom and not the disease. If teachers were better trained and had better materials, children would value school more and there would be fewer truants. If schools were safer, children who fear bullying and crime at school would attend. Some young people say they vandalize property because they are bored. Government can prevent more juvenile crime and truancy by addressing the reasons kids skip school or commit crimes than it can by punishing parents.
4. Parental liability laws are unfair to people who are poor. Even when school is free, some parents cannot afford materials, appropriate clothing, transportation, and other associated costs. In many economically depressed communities, children miss school to work or to watch younger children while their parents work. Lax parenting often results from prolonged unemployment and poverty. The government cannot justly prosecute parents for failing to supervise their children when those parents have to work two or three jobs to provide for their families. Programs to increase parents' job skills and earning power would reduce truancy and juvenile crime more than punishing parents.