



# PARENTAL RIGHTS and RESPONSIBILITIES

## Do I have any rights as a parent?

Yes, you do have rights as a parent. Some of the more important rights that you possess as a parent include the following:

- the right to custody and control over your child;
- the right to cooperation and obedience from your child;
- the right to your child's earnings; and
- the right to sue if someone wrongfully injures or kills your child.

## What do these rights actually mean, for me as a parent?

**1.** The right to **custody and control** over your child essentially means that as a parent you can make the important decisions about your child's life. That is you, as a parent, can decide where your child will live, with whom he or she will live, what he or she will do from day to day, what school he or she will attend, when he or she needs medical care, and what, if any, religion he or she will practice.

NOTE: The court maintains the right to stop you from changing the residence of a child if the removal would prejudice the rights or welfare of the child.

**2.** The right to cooperation and obedience from your child entitles you to just that: cooperation and obedience. This right translates into the right to discipline your child in a non-abusive and non-neglectful manner. NOTE: Your child does not have to obey you if you have ordered him or her to do something that is dangerous or illegal. In fact, if you have encouraged your child to commit dangerous or illegal acts you may be charged with contributing to the delinquency of a minor, child abuse, or neglect.

**3.** The right to your child's earnings means that you as a parent can legally collect and keep the money that your child earns. However, there are limitations on this right. Your child's earnings will not be entirely available to you in the following circumstances:

- if you have exploited, neglected, or abandoned your child;
- if your child's income is the result of his or her special talent or athletic ability; or
- if your child's income is the result of a gift or inheritance.

Furthermore, most parents allow their children to keep the money that they have earned.

**4.** The right to sue if someone wrongfully injures or kills your child enables you to recover costs such as medical and funeral expenses, as well as lost earnings, lost companionship, and pain and suffering in the event of your child's death or injury.

## Do my rights and authority as a parent ever cease?

Yes. Your legal rights and authority as a parent cease when your child reaches the age of majority (that is, 18). In addition, your rights and authority as a parent can be suspended or terminated in any of the following situations:

- the court appoints a guardian of the person over your child;
- your child gets married;
- the court suspends or terminates your parental rights due to abuse or abandonment of your child;
- your child is made a ward of the juvenile delinquency court;
- your child has been emancipated by the court; or
- your child enlists in the military.

## **What legal responsibilities do I have as a parent?**

As a parent you have two major responsibilities. They are:

1. to support your child by providing him or her with the necessities of life; and
2. to supervise and control your child.

## **What are the necessities of life?**

The necessities of life are more than just food, shelter, and clothing. They also include medical care, an education, and legal help when required. **NOTE:** Your failure to provide the necessities of life for your child may lead to your criminal prosecution for neglect.

## **How long does my duty to support my child last?**

The duty to support your child lasts until he or she reaches the age of majority, which is 18, or 19 if he or she is still enrolled in high school.

## **I never married my child's other parent and my child does not live with me. Do I still have a duty to support my child?**

Yes. The duty to provide support for your child is not affected by the marriage or absence of marriage between parents. The law actually states that the father and mother of a minor child have equal responsibility to support their child in the manner suitable to the child's circumstances.

## **What if I can afford to support my child, yet I don't?**

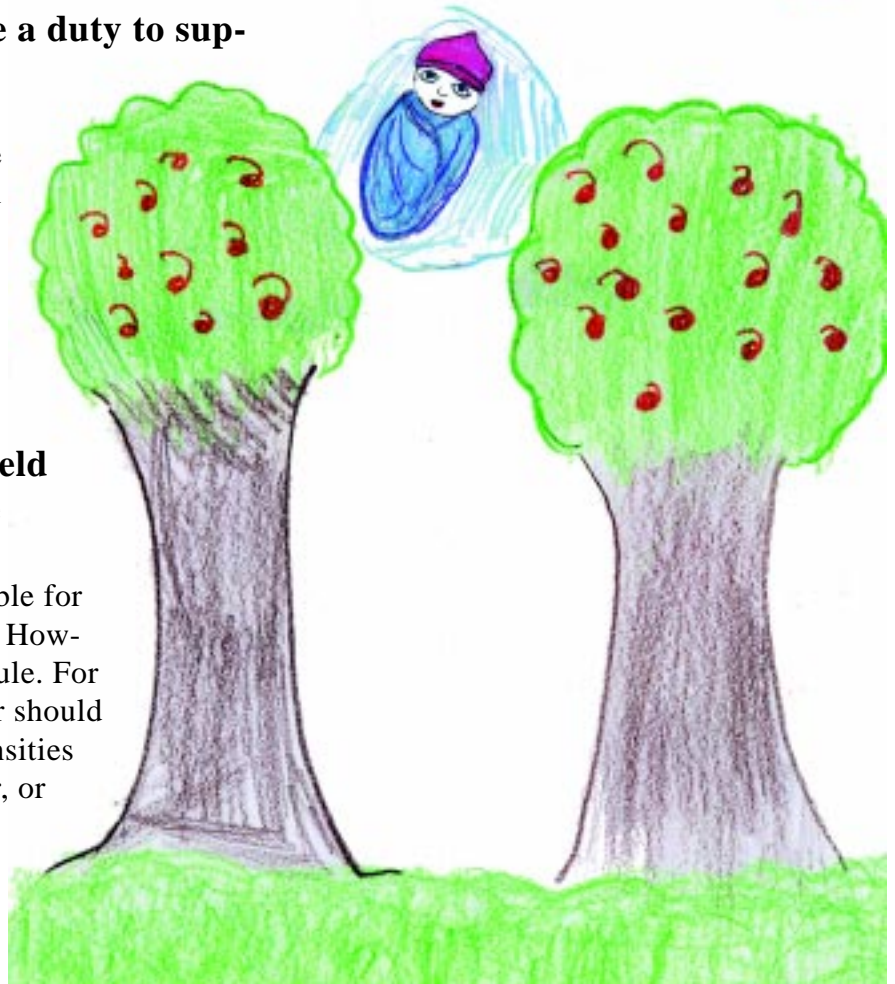
If the state is forced to support a child, the state is entitled to reimbursement from parents who are capable, but have refused to provide for such support.

## **I'm a step-parent. Do I have a duty to support my step-children?**

A step-parent is generally not required to support a step-child. The natural parents of the child remain responsible for child support unless the child has been adopted by the step-parent.

## **Does my duty to supervise and control my child mean that I, as a parent, will be held liable for any harm/damage caused by my child?**

Generally, parents are not held liable for the harm caused by their children. However, there are exceptions to this rule. For example, if you (a parent) knew or should have known of your child's propensities for engaging in improper behavior, or have aided or encouraged such behavior, you can be liable for harm/damage caused by your child. Additionally, there are



specific statutes which make parents liable for the harm caused by their children under particular circumstances. Those particular circumstances include:

- Injuries from the discharge of a firearm. Parents having custody and control of the minor may be required to pay victims up to \$60,000.
- Willful misconduct. If the child injures someone, liability is limited to medical, dental and hospital expenses up to \$25,000.
- Destruction of property. Parents are liable for sums children cannot pay up to \$50,000.
- Injuries from the use of tear gas. Parents who have signed a consent form for a minor to obtain tear gas will be liable to those victimized by such gas as long as the gas was not used for the purpose of self-defense.
- Fines related to truancy. Parents are liable for fines up to \$100.
- Injuries to persons or property on school grounds. Parents will be liable for up to \$10,000 in damages and/or up to \$10,000 in rewards for finding the culprit.
- Shoplifting. Parents are responsible for up to \$1,000 if their child steals from a merchant or steals books or materials from a library.
- Curfew. Parents must pay the transportation costs of children who are picked up for breaking curfew.

### **Can I get my child emancipated so I won't have the liability and responsibility?**

Although you will not be responsible for the acts of an emancipated child, you as a parent cannot get your child emancipated. Emancipation is a legal process for minors who are living on their own, supporting themselves, and being responsible. A parent cannot petition the court to have a minor emancipated. (see the fact sheet on **Emancipation**.)

### **What if I need help because I can't control my child?**

Because Legal Advocates for Children & Youth (LACY) represents minors, we cannot provide legal assistance to parents. Additionally, we cannot give parents information concerning calls made to us by their children since all calls to LACY from minors are confidential. However, parents who are having difficulty with their children may call Legal Advocates for Children & Youth at (408) 280-2416 to get a copy of our “**Community Resources**” list. This list will provide parents with the names and phone numbers of community agencies that work with families and may be able to help.

*Fact Sheets for Teen Parents can be found on-line at: <http://www.teenparents.org>*