

DO NOT STEAL PART 6

by Rabbi Yehonasan Gefen

In the previous article we began discussion of taking items from various family members. We saw that in many circumstances it is forbidden to take something without permission, even from one's close family members. What is the law with regard to taking from one's children? Do these laws change when the child reaches Bar Mitzva or Bat Mitzva age?[2]

In general, the possessions of a minor child (a boy under 13 or a girl under 12) who is supported by his parents, are the legal property of his father. Therefore, a parent is permitted to take the child's items without his permission. This is even the case with regards to presents given to the children. The father becomes the legal owner of the gift, to use at his discretion, for the benefit of the child. Similarly, lost objects that a child finds, legally belong to the parents.

There is a discussion amongst the authorities with regard to earnings of a minor. Some hold that these also belong to the parents, whilst others disagree, arguing that wages are the legal right of the child.

If the child received an inheritance, or was given a gift on condition that his father has no ownership in it, then it is the legal property of the child and the parent may not take it. This is even the case if the father wishes to use the money or item for his child's benefit[3] .

When a boy becomes 13, or a girl becomes 12, the law differs according to whether he supports himself or his parents still provide for him. If he supports himself, then gifts given to him become his possessions and if the parents take them without permission, they are stealing[4] . If the parents still support their child, then there is a disagreement amongst the early authorities about gifts given to them. Some hold that the parent is their legal owner, whilst others hold that they belong to the child.

[1] Much of the information for this essay is taken from "Halachos of Other People's Money" by Rabbi Yisroel Pinchos Bodner.

[2] A boy celebrates his Bar Mitzva at the age of 13, when he becomes obligated in all Mitzvos just like an adult. When a girl reaches her Bat Mitzva age, of 12, she attains the same status.

[3] See Bodner, Halachos of Other People's Money, p.30 for more details on this law.

[4] This is on condition that the child does not regularly let his parents use this item - in such a case, it would be permitted for the parent to take it without his permission.

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