

# What about parent's rights?

## ADULT ISSUES

**Rights and responsibilities are important—we all have them. The law sets out the rights and responsibilities that parents have in relation to bringing up their children.**

**Sometimes rights are discussed in the media and it's a topic often discussed in schools. Talking about children's rights can make parents feel anxious and uncertain about where they stand in relation to setting limits for their children. There is sometimes confusion that children having rights means that somehow parents lose theirs, but this is not the case.**

**The talk about 'rights' is often really about children exercising their will and getting their own way. This is not what is meant by rights. Children's rights include things like the right to be safe, to be treated with affection, to be educated, to have medical care and to be protected against cruelty and abuse. Parents are there to protect children's rights until they are old enough to make their own way in the world.**

**When your children challenge you with their rights it's important for you to know why they might be doing so, what your responsibility is as their parent, and how you can deal with the situation.**

## What does the law say about parents' rights and responsibilities?

There is not one single Act of Parliament that actually sets out all the rights and duties that parents have. Some of the different Acts that spell out parents' responsibilities are:

- *Education Act 1937*
- *Education Act 2004*
- *Family Law Act 1975*
- *Children and Young People Act 2008.*

Not all situations that parents face when bringing up children are covered by Acts. In many cases factors like the maturity of the child and their best interests are considered.

It is easy to see how parents can be very confused as they try to make sense of all the different laws that state when children can and cannot do things.

The law is clear that as a parent you have the responsibility to care for and protect your child.

A child in the ACT a child is a person who is under 12 years old. A young person is between 12 and 17 years of age.

## What are my rights and responsibilities as a parent?

The law allows parents to bring up their children according to their own values and beliefs. This means that you have the right to make decisions about how you bring up your children without interference unless there are very good reasons and your child's wellbeing is at risk.

Decisions such as religion, schooling, discipline, medical treatment and where your child lives are your right and responsibility to make. These decisions will not be interfered with unless, for example, your child is badly treated, is not receiving education, is not allowed medical treatment when it is needed or there is an order by a court.

As a parent you have a duty to:

- protect your child from harm
- provide your child with food, clothing and a place to live
- financially support your child
- provide safety, supervision and control
- provide medical care
- provide an education.

It's important that children understand what your responsibilities are as their parent.



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## When children challenge

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Children and young people are given a lot more information these days about rights. Often this can be in class discussion about human rights or about the law and young people. Sometimes children can try out these words at home, particularly when they are upset or not getting what they want.

'Rights' talk may not always be helpful or useful when parents are trying to cope with their children growing up and testing the limits.

The real tensions arise when children challenge and say things like, 'I have the right to' ... and 'you can't make me'. Often when this happens in the family home there is confusion and upsets occur.

These are a few things to think about:

- Children wanting their own way or testing the limits is not about rights. It is very important that you don't get thrown by such behaviour and stay confident in your authority to set limits in your family for your child's wellbeing. Challenging parents is what most young people do as they grow up. A very normal part of preparing for 'breaking away' and moving into adulthood is to challenge.
- Remember you're the adult here.
- As children grow older, the law recognises that they are now able to make various decisions for themselves. The ages when they can depend on the importance of the decision and your child's maturity to make it.

For example, under ACT law:

- **10-year-olds** may be charged with a crime.
- **14-year-olds** may visit Family Planning or see a doctor by themselves.
- **15-year-olds** can:
  - leave school
  - get a Medicare card
  - get a full-time job
  - apply for a Centrelink benefit
  - at 15 years 9 months apply for a learner's permit (L-plate) to drive a car

- **16-year-olds** can:
  - have sex as long as both people consent
  - get a prescription for contraceptives
  - apply to apply to Housing and Community Services ACT for a place to live
  - get married with their parents' and/or the court's permission
  - consent to a medical procedure without parental permission.
- **17-year-olds** can apply for a provisional driver's license (P-plate)
- **18-year-olds** can:
  - change their name without their parent's consent
  - get a tattoo without their parent's/guardian's consent
  - buy alcohol, tobacco and cigarettes
  - get married without their parent's permission
  - vote in elections and stand for Parliament
  - sign contracts
  - go into a licensed venue (pub, club etc)
  - make a will
  - enter a casino to gamble
  - be sent to an adult prison.

## What parents can feel

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Young people can sometimes be very persistent and demanding about their rights and parents can feel worn down when they hear comments like, 'It's my right' ... and 'you can't stop me'.

Parents commonly feel:

- angry that there's even been a discussion about children's rights
- that their parental authority has been threatened
- they have no control and are powerless
- that organisations or agencies are on their child's side and not interested in their views.
- unsure about where they stand because they don't know if the information their child is giving is right or wrong.

These feelings may be even stronger if they are struggling with other issues or stresses at the same time.

## What parents can do

Conflict between parents and children can be over such things as wanting more freedom, time limits, friends, sexual and relationship freedom, wanting to go out when you think they should be home and having their own point of view. There are all sorts of ways of handling these dilemmas and the initial response is usually an emotional one.

These things might help:

- **Build a healthy relationship.** It is not worth fighting about these issues because it damages or destroys your relationship with your child. Having a relationship which allows differences to be expressed without fear is a good and healthy one.
- **Stay calm.** This can be hard to do. Talk to your child about the issue he has brought up but at a time that's right for you. There's no point in talking about it while you feel angry or upset or have a lot of other pressures on you. Remember children often drop these bombshells at the most inconvenient times, such as when you're getting a meal, attending to other children, driving the car or when the washing machine has flooded! Let them know you will talk to them later about it rather than ignoring their points or getting angry.
- **When the time's right, talk with your child.** It is important to open the way for your child to talk. The aim is to be able to have a conversation where you and your child can equally and seriously share ideas and views without emotions overriding the talk. Show interest in what your child is saying (even if you strongly disagree).
- **Make an agreement** that each person can have a say without interruption. Each then feels they are being taken seriously and are likely to be more open to ideas and solutions. It is a common reaction for parents to give out advice or a 'lecture' when they feel their child is saying something they are against. Interrupting to disagree not only stops communication, it also puts children off finding helpful ways to sort it out.
- **Find out how and where** your child got the information. For example, was there a discussion at school about homeless children that mentioned when young people could leave home and how they could get money to support themselves? This may have been summed up or interpreted by your child as meaning, 'you can leave home whenever you like and get money'. Obviously it is not as simple as this, and governments believe that children are best with their parents unless children are unsafe.
- **Talk to the person who was the source** of the information if this is possible and if you feel you need to know more. Sometimes young people will select bits of information that suit them and 'forget' the rest. Of course sometimes young people can be very vague about where they got the information from but talk as if it's the whole truth. Most young people believe that everybody has a lot more freedom and has far more flexible and understanding parents than they have!
- **Can I let the issue go?** Be clear in your own mind about how important the issue really is. Will my child be in any harm in doing or having this? Is my child just wanting to test the limits with this argument to show her independence (a normal part of growing up)? Is my own frustration and determination to be right making the situation worse?
- **Parents can feel that if they 'give in' they have lost some control.** Weigh up all the information and be prepared to 'let go' on matters that are not so important and remain firm on those that really count.
- **Make contact** with people or agencies if you feel they seem to be supporting your child without hearing your side of the story. It is important to make sure your views are taken seriously. You might need to make an appointment to speak to the person who has the 'decision-making power'. Take a friend with you for support. This also helps in remembering what is discussed.

## Reminders

- Rights and responsibilities are important... we all have them.
- Don't confuse your children 'wanting their own way' or 'testing the limits' with their 'rights'.
- Remember that as the parent you have the right to set reasonable limits.
- Parents need to relax their control as children mature in order to help them prepare for adulthood.
- Young people need to express their will as a normal part of developing.
- Build a healthy relationship with your child that allows differences to be expressed without fear.

## Contacts

<b>Family Relationships Advice Line</b>	8am–8pm Monday–Friday 10am–4pm Saturday	1800 050 321
<b>Legal Advice Information Line</b>	9am–4pm weekdays	1300 654 314
<b>Parentline ACT</b>	9am–9pm Monday–Friday except public hols	6287 3833
<b>Relationships Australia</b>	9am–5pm Monday–Friday	1300 364 277

## Websites

<b><a href="http://www.csa.gov.au">www.csa.gov.au</a></b>	Free publications for families
<b><a href="http://www.cyh.com">www.cyh.com</a></b>	Parenting and child health information
<b><a href="http://www.familyrelationships.gov.au">www.familyrelationships.gov.au</a></b>	Information on issues ranging from building better relationships to dispute resolution
<b><a href="http://www.legalaidact.org.au">www.legalaidact.org.au</a></b>	A legal information handbook for young people
<b><a href="http://www.parentlink.act.gov.au">www.parentlink.act.gov.au</a></b>	Other parenting guides, including Abuse of parents, Discipline (teens)
<b><a href="http://www.raisingchildren.net.au">www.raisingchildren.net.au</a></b>	Raising Children Network—covering topics for parenting newborns to teens

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Published by ParentLink  
Community Services Directorate  
GPO Box 158  
Canberra ACT 2601

**T** 13 34 27  
**F** 6205 0968  
**E** [parentlink@act.gov.au](mailto:parentlink@act.gov.au)