



Am I Responsible For Damage Or Theft Done While I Was A Child? [#62]

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Today's question is, what happens when you were a child, you damaged or stole items, and now you've become Bar Mitzvah and you look back and you say, hey, do I have to pay back for the damages which I caused when I was a child/minor?

This question is brought up in the *sefer* called *Cases in Monetary Halacha*, by Rabbi Tzvi Spitz. He brings over here that, according to strict *halacha*, a child who is under Bar Mitzvah, for a boy, which is 13 years old, or a girl who is under bat mitzvah, which is the age of 12, are not held responsible for damages or theft of items which they took or stole from before that age. If they become over Bar Mitzvah and Bat Mitzvah, then you don't have to pay back.

What he does bring over here is that if the item is still intact, then they would still have an obligation to give it back to the party which it was stolen from.

In addition, he brings over here, that it's brought that a person should still do *teshuvah* for that act of theft or damage. That would include going back to the person which they stole from and asking them for forgiveness.

Now, like we said, if the item is still in your possession, you have to give it back. The reason why is because once you became Bar Mitzvah or Bat Mitzvah, you now became guardian over that object. As in, you're considered the guardian of a lost object. Therefore, the *halacha* applies like this:

If you still have the item, so, of course, you have to give it back. But let's say, once you became Bar Mitzvah you had the object and you became guardian. So, if any time since you became Bar Mitzvah or Bat Mitzvah, that object broke, or it got lost, or it was damaged, or stolen, or something like that, so the question is, am I responsible for that item? Because, again, once you became Bar Mitzvah or Bat Mitzvah you became responsible, as a guardian, for the object?

The *halacha* is as follows: If the object was damaged, lost, or stolen, and it's not here anymore, and that was on account of you being negligent, that you weren't careful, or you deliberately caused the damage, or the theft, or the loss of the item, so then you would be obligated to pay back the value to the person it was stolen from, or the persons *yorshim*, inheritors/heirs. Those people would be the ones that you have to pay back, just like the object itself, because you were fully responsible for the item as a guardian.

However, if the damage, loss, or theft, or something like that, was completely out of your control, as we say it's an *ones*, then you would not be responsible for the item, even though it was in your possession after you became Bar Mitzvah or Bat Mitzvah.

He does bring over here that a father does have an obligation to teach his children not to steal, or damage other people's items, just like any other Torah obligation. And he says over here that it is also a good idea that the father should pay back. Again, like we're saying, you don't have to pay back for damages that were done by a child, and the father doesn't have to pay back, but it is a good idea because usually the child will very likely not pay when he gets older, so he says over here that it's a good idea that the parent should pay back for the damage.

However, when it comes to an item which is very dangerous, if the father leaves a very dangerous item lying around in access of the child and the child takes that item and causes damage with that item, then, in that case, the father is fully responsible for the damages caused by the child.

*Please note that these halachos are intended to inform and educate the reader/listener in general.

For any specific questions which arise, it is recommended to speak over the exact case with a competent halachic authority in order to assess the halacha accordingly. You can send in your questions in to us as well by replying via WhatsApp to our halacha Q & A number on the group, sending an email to Ask@MoneyHalacha.com, or via our contact page at MoneyHalacha.com/contact-us

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