



Taking (or Stealing) From Your Own Child

[#46]

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Today we're going to discuss the issue of whether there is an *isur of geneiva*, of stealing, from one's own child. We already spoke about when it comes to taking an item away from somebody else's child. Please refer to that video [#22]. Today we're going to be speaking about when it's your own child.

What's the question? Some people have different views on what is given to their child, whether their child owns the item or not. Some people say, everything my child has is mine. I could take whatever I want. We're going to see that's not true. Some people say, everything that I give to my child is his. That's also not true. So what is the halacha?

We're bringing the *sefer* over here called *Halachos of Other People's Money*, by Rabbi Yisroel Pinchos Bodner. He brings that the halacha is, as a general rule, the possessions of a child, meaning a boy under the age of 13 and a girl under the age of 12, belong to their father. Therefore, a father or a mother may take any of the possessions of their child as they see fit and it would not be considered stealing.

He brings over here that even if the parents buy clothing for their children, even though they bought it for the child, they still retain legal ownership of the item. As well, when someone gives a gift to their child, the parents are the legal owners of those items, to take care of it for the benefit of the child.

Even lost objects that the child finds, which a person in general would be allowed to keep, over here by the child, it becomes the property of the father.

In regard to children's wages, let's say the child works somewhere and he makes some money, according to some *poskim*, the money would also belong to the father.

Now, we said that sometimes it does go to the parents, sometimes it does not. When does it not belong to the parents? So in a case where the child receives a direct inheritance, that the money or the items go directly to the child, or, if somebody gives a gift to the child under condition that it belongs to the child and that the ownership does not go the father, in such a case, the money, the inheritance, or the gift that was specifically given to the child would then belong to the child exclusively and the parent would not have any ownership of that item. If the parent would take the item or take the inheritance from that child, it would be considered stealing, because they did not get any ownership through the inheritance or the direct gift that was given to the child.

He brings over here that when it's a boy over 13, or a girl over 12, and somebody gives them a gift, if the child is not supported by the parents, then according to everybody, that gift would go to the child and not the parent. However, if the child is being supported by the parents and the child gets a gift and they're over 13 (12 for girl), he brings over here that it's a *machlokes* between the *poskim* whether or not the item would go to the parents, because the child is still being supported by his/her parents.***

***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 as any small change will greatly affect the final halacha. You can send 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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