# New Jersey Senate passes "parental responsibility" legislation

**Joseph Tanniru**
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New legislation in New Jersey will make parents criminally responsible for the actions of their children. Part of a growing trend throughout the United States and internationally, a series of bills passing through the state Senate will allow for the prosecution of adults for “neglectful” parenting.

So-called parental responsibility laws are part of the general push by the political establishment for greater criminal prosecution in the wake of a number of highly publicized violent crimes committed by youth. While all states allow parents to be sued for the various actions of their children, criminal legislation is a relatively new phenomenon.

A bill passed by the New Jersey State Senate on March 23 will automatically hold parents financially responsible for all expenses associated with a second false bomb threat or 911 call made by a child. It is estimated that each associated evacuation costs the city upward of $7,000. Additionally, the parents would be required to make lifetime payments to the families of any police officers or firemen injured or killed during the evacuation process.

The “Parental Responsibility Act” currently being considered by the Senate would make “parents' or guardians' inadequate supervision of their children a criminal offense.” If the child commits a serious crime, the parent could be incarcerated for up to 18 months and face a $10,000 fine plus restitution to any victims.

The passage of another bill currently being processed would allow for similar sentences to be meted out to “neglectful” parents whose child uses a gun owned by the parent to commit a crime, while another bill generalizes this, stipulating that the parents of a child who uses any gun to commit a crime can be held criminally responsible. Under pending legislation, lesser criminal charges (including time behind bars) could be handed out to parents whose children fail to attend school or skip school more than 10 times in a year.

Frank Akin, founder of the Constitutional Litigation Clinic at Rutgers Law School in Newark, points out that “[the legislation] is broad. It's vague. It's bad policy. I suspect there are constitutional infirmities in the whole idea.” Many, including the American Civil Liberties Union (ACLU), have argued that parental responsibility laws violate a number of constitutional rights. The definition of “neglectful” parenting is extremely subjective. Indeed the state Supreme Courts of Connecticut, Louisiana, Oregon and Wyoming have declared such laws to be too vague. Moreover, charges the ACLU, the laws attempt to prosecute one individual (the parent) for the crimes of another (the child) and infringe upon the privacy of the family.

Sponsors of the legislation justify the passage of such laws by claiming that “parental delinquency should be prosecuted just as aggressively as juvenile delinquency. We really need to attack the issue at its origins, and that's with the parents.” To claim, however, that the source of youth crime is the family or “bad parenting” is to ignore the more basic socioeconomic causes of this *social* illness, including the growing social inequality and the destruction of many of the social programs that once provided a certain degree of economic stability.

A system that forces parents to work long hours and multiple jobs in order to provide for their families, while at the same time slashing education and health care spending, is bound to have malevolent effects, including crime among youth. Prosecuting parents for the crimes of their children, however, can in no way solve these problems, and in fact will only exacerbate them.

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Ironically, these parental responsibility laws seem to contradict another growing trend—the prosecution of children as adults. Both forms of legislation are part of a right-wing agenda that, in the face of the consequences of the immense social inequality pervading American society, attempts to step up criminal prosecution of the working class, the homeless and the poor.

The most recent, well-publicized attempt to prosecute a child as an adult involved the case of Nathaniel Abraham, who was charged as an adult and convicted of murder in 1999 for a shooting incident that took place when he was 11 years old.

The legislation being passed in New Jersey is by no means unique. Since 1988, 17 states and dozens of communities, with the support of both the Democratic and Republican parties, have passed laws that hold parents responsible for their children's crimes. California enacted its “Street Terrorism and Prevention Act” in 1988. The act makes parents criminally responsible—with sentencing of up to a year in prison and fines up to $2,500—when they “grossly” or “culpably” deviate from the “normal” standard of supervision. The California Supreme Court upheld the constitutionality of the act against challenges that it infringed on privacy, and was vague and subjective.

In Canada, constitutional responsibility for criminal law rests solely on the federal government, while in the US it is divided between federal and state governments. Canadian Provinces (in particular, Ontario and Manitoba) are pressuring the federal government to amend the “Young Offenders Act” to include criminal parental responsibility clauses. The provinces have not, however, failed to pursue civil responsibility laws on their own. In Manitoba, the Progressive Conservative Party pushed through the “Parental Responsibility Act” in 1996. The first of its kind in Canada, the act allows parents to be sued for up to $5,000 for damages from child crime.

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