



Is Your Child Out Of Control?

Juvenile Justice
Delinquency Prevention
Commission
Probation Department

WHAT IS A “BEYOND CONTROL” CHILD?

A “beyond control” child is defined by law as a person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his/her parents, guardians, custodians, or school authorities (W&I 601(a), 601.1).

WHAT DOES THE PRESENT LAW ALLOW FOR “BEYOND CONTROL” CHILDREN?

Because experience demonstrated that detention in a Juvenile Hall was not only ineffective, but harmful to the child resolving the beyond control problem, a law was passed in 1976 which disallowed placing a “beyond control” child in a Juvenile Hall.

County Agency Numbers

Alcohol and Drug Abuse.....	(209) 381-6880
RAFT.....	(209) 381-6860
ALATEEN	(209) 524-3907
(answering machine, please leave message)	
Website	www.ncwsa.org
Alcoholics Anonymous.....	(209) 385-6004
	(866) 507-6237
Child Protective Services	(209) 385-3104
Emergency Line	(209) 385-3105
Abuse and Runaway.....	(209) 381-6800
Mental Health.....	(209) 381-6800
Suicide Crisis	(209) 381-6800
Mental Health Emergency.....	(209) 381-6800
Health Department	(209) 381-1200
HIV Information.....	(209) 381-1200
Planned Parenthood.....	(209) 723-7751
Probation Department	(209) 385-7494

Hotline Numbers

National Runaway Switchboard
(800) 786-2929
California Youth Crisis Line
(800) 843-5200

WHAT CAN A PARENT DO WITH A “BEYOND CONTROL” CHILD?

There is no one method that is effective in all “beyond control” situations. However, the following techniques have been used by other parents and have provided positive results in some cases. Before using any of them, please consult with a professional counselor for advice.

Beyond control children who live at home:

- Counseling, including attempts at communication.
- Behavior chart using a point system with reward.
- Behavior contracting - giving clear message about desired behavior, rewards for approaching good behavior, bonuses for sustaining behavior. Suggest one week at a time.
- Learn to take a stand and follow through.
- Parenting strike for children old enough: do not cook, clean, or do laundry, shut off television, remove child’s personal property, furniture, luxuries and nonessentials. Control child’s money. (Be sure not to neglect or abuse the child.)
- Refer to Gregory Bodenhamer’s book, *Back in Control*.

Beyond control children who run away and return home to use the house as a “hotel”:

- One of the above methods.
- Remove and control runaway resources such as: money, bicycle, motor vehicle, and possessions.
- Require a consequence to the child if he/she returns home, and allow the child back into family life.
- Review possibility of an out of home trial placement with relatives or other parents on a cooperative basis.
- Attempt to cut off the place the child runs to, by direct contact with responsible parties, by use of attorneys or official law enforcement, if someone is encouraging your child to disobey or runaway. Contributing to the delinquency of a minor is a misdemeanor (P.C. 272.), but may be difficult to prove.

Beyond control children who run away from home for long periods, live outside the home, and are basically self-supporting without parents help:

- One of the above.
- Consider encouraging or allowing emancipation. This might create a new relationship with your child. Find a counselor to assist you in dealing with the stress of living with an uncomfortable situation.

WHAT ARE PARENT’S RIGHTS?

- Parents have the right to discipline their child, including spanking. The parents may be as strict as necessary as long as they do not endanger the child’s health or injure the child when discipline is administered (C.C. 203; P.C. W&I 300 [a], [b], [c], and [d]).
- Parents have the right to determine where the child shall live (C.C. 203).
- Parents have the right to the wages and labor of their child to use toward the expenses of the child’s care (except for inheritances and trusts). They may also cancel contracts made by their child (C.C. 211, 212).
- Parents have the legal right to sign for the child’s drivers license or to initiate the revocation of the child’s driving privilege. (Forms are available at the Department of Motor Vehicles).

WHAT ARE THE PARENTS’ DUTIES TO THEIR CHILD?

Parents have a duty to provide the child with the basic physical necessities such as shelter, food, clothing, and medical care. Further, the parents have the duty to properly discipline, control supervise, and protect the child. It is against the law to abandon the child or to refuse to provide shelter and the necessities of life. It is unlawful for a parent to chain, handcuff, or lock a child in a room (P.C. 270, W&I 300 [a], [b], [c], and [d]).

In addition, it is against the law for a parent to refuse, without valid excuse, to accept his/her child into the parent’s home. A parent failing to do so must provide alternative shelter for that child when requested by a child protective agency, after being informed of the duty imposed by this code section. A parent convicted of this offense can or may be punished by a fine of not more than five hundred dollars (\$500) (P.C. 270.5).

WHAT ARE THE PARENTS’ DUTIES IN REQUIRING SCHOOL ATTENDANCE?

Parents must make every reasonable effort to have their children in school. If a parent does not try to send a child to school, it can result in: filing of criminal charges against the parents; removal of child from parents’ custody (WIC 300 [a]), and loss of welfare (AFDC) assistance. (E.C. 48260 through 48273; E.C. 48293 through 48295; E.C. 48320 through 48324, W&I 601 [b]; W&I 601.2; E.A.S. Manual 42630).

WHAT ARE PARENTS’ CIVIL LIABILITIES?

Parents and their children together are generally liable for paying the victims of any unlawful acts or negligence (torts) of the minor (except if the minor is emancipated). The victim can get a civil judgment against a minor which is effective for ten years and under certain circumstances, can be renewable for an additional ten years.

Parents, in most cases, are limited to \$10,000 liability for each incident. This generally applies to vandalism, property damage, theft, expenses resulting from injuries, civil court costs, and attorney fees. There is no limit to the liability for theft or vandalism of library documents, museum property, or school materials (school grades, transcripts, and diplomas can be withheld if a hearing is conducted). In addition, if a child steals from a store or library, the parent can be charged by the victim for their security costs, between \$50 and \$500 per incident. If the parent signs for a minor’s drivers license, and allows the use of the vehicle, either through giving permission or having it available, the liability of the parent is limited to \$15,000 per injury or \$30,000 per incident. The same liability exists if the parent allows the use of a firearm in the same manner.

Please note that parents remain financially liable for the emancipated child’s automobile driving if they retain their signature on the child’s drivers license or allow the use of the car (C.C. 1714, 1714.1, 1714.3; P.C. 490.5[b]; E.C. 48904; CVC 17707, 17708, 17709).

SOME SUGGESTIONS FOR PARENTS

Each parent should know his/her child. The amount of parental control and pressure must be carefully balanced with love for each individual child. Too much pressure at the wrong time can result in very serious problems for both child and parent. Consistency is important. Review your goals and needs and ask yourself if you have performed all of your parental duties, even if they are not present.

Considering that this is not a perfect world, what are you willing to settle for in this relationship? Is your anger, the desire to win, your ego needs, or personal life interfering with parenting goals and responsibilities? Look for any action you might have been taking that reinforced or helped maintain your child’s behavior. Remember, there is no easy answer to complex problems. Parenting is difficult. Get all the help you can.