

Are Parents Liable to Pay for Something a Child Ate in a Grocery Store?

Rav Baruch Fried

Question: I was shopping in a grocery store with my child and noticed that he had helped himself to something that he had taken off the shelf. Do I have to pay for what he ate?

Answer: Rav Moshe Shternbuch (Teshuvos v'Hanhagos 4:317) discusses such a case, and concludes that it would be difficult to halachically obligate parents to pay for damages or thefts done by a child.

First, your child is not your property, so he would not fall into the category of *mamon hamazik*.

The only claim on the parent would be that he was the one who brought the child into the store. There is a gemara that if someone takes his friend's animal and places it on top of someone else's crops, he is liable to pay if the animal eats the crops because he is the one who put it there. There is *machlokes Rishonim* about why he is *chayav*. One opinion is that it becomes his *mamon hamazik*, which we already said wouldn't apply to a child. The other opinion is that he is an *odom hamazik* because he caused direct damage through his actions. It is possible that this could be applied to a child, however, it would only be applicable if the parent literally put the child in a place where he could grab the food. Oftentimes, that is not the case.

A more reasonable concept that could be applied is that of *grama*. This case could be compared to someone who opened his friend's door, allowing a thief to walk into his house, in which case he is liable *b'yedei shomayim*. Accordingly, if the father was careless and allowed the child to grab the food, he may be *chayav* to pay *b'yedei shomayim* as a *grama*.

There are other reasons why one may want to pay for a child's damages but it would be hard to say that he is *chayav m'ikkur hadin*.