

## Does a Child Who Borrows Money Have to Pay It Back?

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**Question:** A man is at a bus stop, where he sees a boy that he knows from his neighborhood. The boy tells him that he misplaced the money he needs for his bus and asks if he can borrow \$20. The man happily agrees and lends the money to the boy. When the man sees the boy a few days later, the child avoids him and makes it clear that he isn't planning on paying him back. Does the boy have to repay the loan?

**Answer:** You can't really bring a *katan* to a *bais din*. So, as long as he's a *katan*, there's very little he can do. But even once he becomes *bar mitzvah* and you can get him to *bais din*, the question remains whether he is obligated to pay.

The Tur cites three different opinions regarding whether a *katan* who borrows money has to repay it once he becomes a *gadol*. The first opinion holds that he does not have to pay because otherwise, he might wind up borrowing a fortune and be stuck in debt for the rest of his life. Children aren't as likely to understand the concept of debt and are liable to borrow a lot of money, so Chazal never gave them the ability to accept personal debt. The second opinion holds that they do have to pay back the money they borrowed. This opinion argues that if children wouldn't have to repay their debts, no one would lend them money and they won't be able to get what they need; therefore, Chazal did allow them to borrow.

The third opinion holds that it depends on what the money was borrowed for. If we know that the child borrowed the money for a necessity, such as for food or for business reasons, he must repay the loan. If he borrowed it frivolously, for no real reason, he does not have to pay it back. This seems to be the opinion followed by most Poskim.

Accordingly, if the child used the money that he borrowed to take a bus to a place where a child is expected to go, he would be obligated to pay it back. If he took a bus to somewhere like an amusement park, he may not have to pay it back. One would, therefore, have to verify what he used the money for in order to determine if the loan needs to be repaid.