

## Does a Father Have to Pay for His Son's Damages?

Rav Baruch Fried

**Question:** A father calls up and says, "Your son started a fight with mine for no reason and broke his glasses. You have to reimburse me for their cost." Does the other parent have to pay for his son's damages?

**Answer:** The Mishnah in Bava Kama says that a *katan* is *pegiasan rah*, meaning that confronting him is not a good idea because if you damage him you'll have to pay, but if he damages you he does not have to pay. This clearly implies that you would have no recourse if you are damaged by a child.

There are, however, several good reasons why you should pay if your child does damage. But before getting into those reasons, I would mention that it would be worthwhile to verify the story and make sure that your child really is to blame. It is quite possible that he was acting in self-defense or the like and is really not at fault.

If the child was to blame for the damages, one reason why a parent should pay is that this seems to be the common minhag. Truth be told, it isn't clear that this is a valid reason, because this may be a *minhag garua*. Our children are independent people; they don't belong to us. To say that there is a *minhag* that one independent person has to pay for the damages done by another is a bit difficult. Still and all, that does appear to be the common practice.

Another reason for a parent to pay for their child's damages is that many Poskim say that if a *katan* does damage, he should pay *lifnim mishuras hadin* when he gets older. Unless this parent wants to remind his child at his bar mitzvah that he should pay for damages he did as a child, it would probably be easier for them to settle it now. They don't necessarily have to pay the entire value of the glasses, but they should pay something *lifnim mishuras hadin*.

Finally, it is generally a good idea to keep the peace. This is especially true when speaking about classmates with whom a child has to interact every day. It's often worthwhile to just keep the peace and pay for it.