



# What about parents' rights?



**Rights and responsibilities are important – we all have them. The law sets out parents' rights and responsibilities in relation to bringing up their children.**

**When children or teenagers talk about their 'rights', it may be about exercising their will or getting their own way. This is not what is meant by rights. Children's rights include the right to be safe, to be educated, to have medical care and to be protected against cruelty and abuse. When your children challenge you, it is important to know why they are doing so, what your responsibilities are as a parent, and how you can deal with the situation.**

## What the law says

There is not one single Act of Parliament that sets out all the rights and duties that parents have. Some of the Acts dealing with parents' responsibilities are the:

- Education Act - school attendance is compulsory between the ages of 6 and 16 years
- Family Law Act - parents are expected to provide food, clothing, a place to live, safety and supervision
- Children's Protection Act - the Police or Families SA can remove children from situations where they are in serious danger
- Criminal Law Consolidation Act - parents can be charged with an offence if children are left in a dangerous situation, or are not fed, clothed or provided with somewhere to live.

It is easy to see how parents may be confused as they try to make sense of the different laws that state when children can and cannot do things.

**The law is clear that as a parent you have the responsibility to care for and protect your child. A child in South Australia is a person under 18 years.**

## What are my rights and responsibilities as a parent?

The law allows parents to bring up their children according to their own values and beliefs. This means that you have the right to make decisions about how you bring up your children without interference unless there are very good reasons and your child's safety and wellbeing is at risk.

Decisions such as religion, schooling, discipline, medical treatment and where your child lives are your right and responsibility to make. These decisions will not be interfered with unless your child is badly treated, is not receiving education, is not allowed medical treatment when it is needed or there is an order by a court.

As a parent you have a duty to:

- protect your child from harm
- provide your child with food, clothing and a place to live
- financially support your child
- provide safety, supervision and control
- provide medical care
- provide an education.

**It is important that children understand you have responsibilities as their parent. Setting boundaries for their safety is part of caring for them as well as your responsibility.**



## When children challenge

Children and young people can hear a lot about their 'rights' through the media, from their friends, or class discussions about human rights or the law. Sometimes children can try out these words at home, particularly when they are upset or not getting what they want.

'Rights' talk may not always be helpful when parents are trying to cope with their teenager growing up and testing the limits. Real tensions can arise when children challenge and say things like 'I have the right to ... and you can't make me'. Often when this happens in the family home there is confusion and upsets occur.

These are a few things to think about:

- children wanting their own way or testing limits is not about rights
- it is very important you don't get thrown by such behaviour and stay confident in your authority to set limits in your family for your child's wellbeing
- challenging parents is what most young people do as they grow up. It is a normal part of preparing for 'breaking away' and moving into adulthood.

The law allows:

- 12 year olds to consent to their own adoption
- 16 year olds to make decisions about their own medical treatment
- 17 year olds to give consent to sexual intercourse.

.....  
**Don't confuse your children 'wanting their own way' or 'testing the limits' with their 'rights'. Young people need to express their will as a normal part of growing up.**  
.....

## What parents can feel

Young people can sometimes be very persistent and demanding about their rights and parents can feel worn down when they hear comments like 'It's my right ... and you can't stop me'.

Parents may be upset and commonly feel:

- angry that there's even been a discussion about children's rights
- that their authority has been threatened
- they have no control and are powerless
- that organisations or agencies are on their child's side and not interested in their views
- unsure where they stand because they don't know if what their child is saying is right or wrong.

These feelings may be even stronger if they are struggling with other issues or stresses at the same time.

## What parents can do

Conflict between parents and children can be over things such as children wanting more freedom, wanting to go out at night or stay out late. It can be about their friends, sexual relationships, their use of alcohol or drugs or clashes as children develop their own points of view.

There are lots of ways to handle conflict. Here are some things that might help:

- **Take the opportunity to build a healthy relationship**

Sometimes you might decide that the issue is not important enough to fight about. You may worry about damaging or destroying the relationship with your child. However, you might decide to use the issue to practice expressing different points of view. Having a relationship which allows differences to be expressed without fear is a good and healthy one and helps children develop skills for life.

- **Stay calm**

When there is conflict you may feel upset or angry. Take a deep breath and calm down before you react. You may tell your child you want to talk about the issue at a time that's right for both of you. There's no point in talking about it while you feel angry or upset or have a lot of other pressures on you. Remember children often drop these bombshells at the most inconvenient times, such as when you're getting a meal, attending to other children, driving the car or when the washing machine has flooded! Make a time talk to them about it later rather than ignoring them or getting angry.





- **When the time's right, talk with your child**

It is important to open the way for your child to talk. The aim is to be able to have a conversation where you and your child can equally and seriously share ideas and views without emotions overriding the talk. Show interest in what your child is saying even if you strongly disagree.

- **Make an agreement**

Agree that each person can have a say without interruption. Each then feels they are being heard, taken seriously and are likely to be more open to ideas and solutions. It is a common reaction for parents to give advice or a 'lecture' when they feel their child is saying something they are against. Interrupting to disagree not only stops communication, it also puts children off finding helpful ways to sort it out.

- **Find out how and where your child got the information**

It can help to know how your child got information or formed their view. Was there a discussion at school about homeless children that mentioned when young people could leave home and how they could get money to support themselves? This may have been interpreted by your child as meaning 'you can leave home whenever you like and get money'. Obviously it is not as simple as this and governments believe that children are best with their parents unless children are unsafe. Sometimes young people can be very vague about where they got the information but talk as if it's the whole truth. Most young people believe that everybody has a lot more freedom and has far more flexible and understanding parents than they have!

- **Decide if you can let the issue go**

Be clear in your own mind about how important the issue really is. Will my child be harmed if they do or have what they want? Does my child just want to test the limits with this argument to show independence (a normal part of growing up)? Is my own frustration and determination to be right making the situation worse?

Parents can feel that if they 'give in' they have lost some control. Weigh up all the information and be prepared to 'let go' on matters that are not so important and remain firm on those that really count. Try and reach a shared agreement.

.....  
**Parents need to relax control as children mature. Help them learn how to negotiate, take responsibility for their decisions and prepare for adulthood.**  
.....

## If there is violence

Sometimes angry feelings can become violent actions. This is not OK either from parents or the young person and not a helpful way to deal with the issues. Violence can be physical acts or verbal threats or name calling. Call the Police if there is immediate danger.

## Getting help

When things are calmer, seek assistance to sort out issues and reduce the tension. Managing conflict is a skill everyone needs to learn and practice, but sometimes it helps to have an independent person do this with you. It can prevent the situation getting worse. Services in this Guide are a good place to start. Your school counsellor may be able to help too. They can provide advice and referrals for you and your child.

.....  
**Take the time to build a healthy relationship with your child; it will make conflict easier to deal with.**  
.....





## Want more information?

### Police

Emergency Phone 000  
Attendance Phone 131 444

### Kids Helpline Phone 1800 55 1800

Telephone and online counselling for children  
5 to 25 years [www.kidshelp.com.au](http://www.kidshelp.com.au)

### Reach Out

Provides information, tools and support for  
young people dealing with everyday troubles  
or tough times <http://au.reachout.com>

### Youth Beyond Blue

information and support for young people  
dealing with anxiety or depression  
[www.youthbeyondblue.com](http://www.youthbeyondblue.com)

### Relationships Australia

Phone Adelaide 1300 364 277; SA country  
callers phone 1800 182 325, 9am-5pm, Mon  
to Fri. Many services are provided free and  
your needs are discussed to ensure you have  
access to the right service

### Tough love

A self-help program for parents, children and  
communities struggling with unacceptable  
adolescent behaviour [www.toughlove.org.au](http://www.toughlove.org.au)

### Centrelink

For information on young people becoming  
independent [www.humanservices.gov.au/  
customer/subjects/young-people-becoming-  
independent](http://www.humanservices.gov.au/customer/subjects/young-people-becoming-independent)

### Australian Government, Department for Human Services

For information about child support  
[www.humanservices.gov.au](http://www.humanservices.gov.au)

### Save the Children

For a booklet on 'The rights and responsibilities  
of children' [www.savethechildren.org.au](http://www.savethechildren.org.au)

### Families SA, Department for Education and Child Development

For information about child safety and  
departmental practices [www.families.sa.gov.au](http://www.families.sa.gov.au)

### Child and Youth Health

For parenting and child health information.  
Has a section on teenage health and wellbeing  
[www.cyh.com](http://www.cyh.com)

### Parenting SA

For more Parent Easy Guides including 'Living  
with young people', 'Discipline 0-12 years',  
'Running away' and 'Home alone'  
[www.parenting.sa.gov.au](http://www.parenting.sa.gov.au)

### Raising Children Network

For information about raising children  
[www.raisingchildren.net.au](http://www.raisingchildren.net.au)



**Government of  
South Australia**

### Parenting SA

A partnership between the Department for  
Education and Child Development and the  
Women's and Children's Health Network.

**Ph: 08 8303 1660**  
**[www.parenting.sa.gov.au](http://www.parenting.sa.gov.au)**

Parent Easy Guides are free  
in South Australia.

Important: This information is not intended to  
replace advice from a qualified practitioner.

© Government of South Australia.  
Revised:08/2015.