

What about parents' rights?



Children and young people sometimes talk about their 'rights' in relation to something they want and this can cause confusion and conflict in families.

While testing limits is a normal part of growing up, it can help to remember it is a parent's right and responsibility to make decisions that keep children and young people safe.

When children challenge

There can be arguments in families when children and young people start to express their own views and challenge limits and authority. This is a normal part of growing up, developing a sense of identity and moving towards independence. Children and young people may have opinions and values which are not the same as yours.

Real tensions can arise when they say things like 'I have the right to... and you can't make me', or they want more freedom to go out at night or stay out late. There can be arguments about friends, relationships, where they live, their use of alcohol or drugs or different points of view.

Children and young people may have heard about their rights through the media, friends or class discussions about human rights or the law. They can try out these words at home, particularly when they are upset or not getting what they want.

Children and young people can test limits as part of growing up. It can help when parents feel confident about their responsibility to keep children and young people safe.

What parents can feel

Ongoing arguments and demands can make you feel:

- worn down or upset
- confused or powerless
- that your role as a parent or caregiver is being questioned
- that your voice is not being heard
- unsure where you stand in relation to the law
- alone and unsure where to seek support.

These feelings may be even stronger if you are dealing with other issues at the same time.

Find out the facts

A first step can be to find out the facts about the issue and what the law says.

Parents and caregivers

- Parents and caregivers have the right to raise children according to their own values and beliefs unless children's safety or 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 challenged unless your child is badly treated, is not going to school, is not allowed necessary medical treatment or there is an order by a Court.
- As a parent or caregiver you are responsible for:
 - protecting your child from harm
 - providing your child with food, clothing and a place to live
 - financially supporting your child
 - providing safety and supervision
 - providing medical care
 - providing an education.

- Children must go to school between the ages of 6 and 16 years (Education and Children's Services Act).
- Children must be fully vaccinated to attend an early childhood service, eg child care, playgroup, preschool (South Australian Public Health Act).
- The Police or Department for Child Protection can remove children from situations where they are at risk of serious harm (Children and Young People (Safety) Act).
- Parents can be charged with an offence if children come to serious harm, or are not fed, clothed or provided with somewhere to live (Criminal Law Consolidation Act).

The law is clear that as a parent or caregiver you are responsible for the care and protection of your child. A child in South Australia is a person under 18 years.

Children and young people

All children and young people have the right to:

- food, clothing and a safe place to live
- an education, health and medical care
- be treated fairly and protected from cruelty, abuse or neglect
- be involved in their own culture, religion and language.

Children and young people also need to feel loved and valued and be supported to achieve their full potential.

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
- 18 year olds to buy alcohol or drink in a licensed premise.

If you are caring for a child or young person under a guardian, foster or kinship arrangement you are also obliged to uphold their right to:

- be listened to and have a say in decisions that affect them
- be themselves and be treated with respect
- have contact with people who matter to them
- good health, fun and play
- privacy
- a good education
- support when they leave care and to feel good about the future.

Help your child find good information

When children talk about their rights you could:

- ask where their information came from. Is it accurate and reliable? Does it provide the full picture or do they need to find out more? Can they really leave home whenever they like and get money from Centrelink?
- help them find out the facts from credible sources. You may be able to suggest services they could contact
- make sure they have other trusted adults to talk to. It may be easier for your child or young person to talk to someone else. They could provide another perspective.

Whatever the issue, take steps to find out the facts, eg from Centrelink, health, youth or housing services. The Legal Services Commission has an advice line you could call.

Feel confident in your role as a parent

An important part of parenting is having rules and limits that keep children and young people safe. These work best when you:

- talk with children from a young age about what's important in your family, eg kindness, respect for each other, keeping safe
- involve children and young people in developing rules and limits based on these values. They are more likely to meet expectations when they've had a say and understand reasons. Give them lots of chances to practise



- stay calm when children and young people don't do what was agreed. Listen to their reasons – it may not be what you expect. Remember they are young and still learning. Ask for their ideas about solving the situation and agree on a new solution. This works better than punishment, and children practise problem-solving skills.

You could come to agreements with older children and young people about where they go, when and how they get home, and how they will keep themselves safe. Make sure they know they can contact you any time if they need help or transport.

Be prepared to have open conversations often, about things like alcohol, drugs and sexual matters. This makes it easier to talk about keeping safe and they are more likely to come to you if there is a problem.

Rules can be gradually relaxed as children and young people develop decision-making skills and take responsibility.

It is important that children and young people understand it is your responsibility as their parent or caregiver to make decisions that keep them safe. It is OK to say 'No' when you need to.

When there is conflict

Stay calm

When there is conflict it is important to pause, take a deep breath and not react from emotions. There's no point in talking if you feel angry or upset or there are other distractions. You could agree to talk later when you are both calm.

When the time feels right you could:

- agree to listen to each other without interruption. This helps everyone feel heard and that they are taken seriously. Interrupting or disagreeing stops communication and puts children off finding helpful ways to sort things out

- listen closely and show interest in what your child says, even if you strongly disagree
- avoid the temptation to give advice or a 'lecture'
- share ideas without emotions taking over
- be open to hearing your child's ideas and solutions.

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?
- Do they just want to test the limits with this argument to show independence?
- Is my frustration and determination to be right making the situation worse?
- Will ongoing conflict on a minor issue harm our relationship?

Parents can feel that if they 'give in' they have lost some authority. Be prepared to 'let go' on smaller matters and stay firm on those that really count, eg your right to say 'No' to violence, drug use or underage alcohol.

A chance to build your relationship

You might decide to use the issue to practise expressing different points of view and showing respect and understanding. A relationship in which differences can be expressed without fear is healthy, and helps children and young people develop skills for life.

Let children and young people know you are there for them, even in difficult times. This keeps you connected and provides the secure base they need. The best resource they have is you.

If there is violence

Sometimes emotions get out of hand or people use violence to control others and get what they want. There can be physical acts, threats, verbal abuse or other forms of violence. This is never OK from parents, caregivers, children or young people. Everyone has the right to feel safe at home. If there is violence, seek help straight away. It rarely stops by itself. Call the Police on 000 if there is immediate danger.





Getting help

Managing conflict is a skill everyone needs to learn and practise, but sometimes it's good to have help from services that specialise in family conflict. It can reduce tension in your home and prevent the situation getting worse. Services in this Guide are good places to start.

Want more information?

Police

Phone 000 Emergency
Phone 13 14 44 Police attendance

1800 RESPECT

Phone 1800 737 732 any time day or night
Talk to someone by phone or online about family violence or sexual assault
www.1800respect.org.au

Adults Supporting Kids (ASK)

A website with links to help and support for parents and caregivers. Search for services in your area or ask questions via Chat 9am-5pm weekdays
www.adultssupportingkids.com.au

For parents and young people

Legal Services Commission of SA

Advice Line phone 1300 366 424, 9am-4.30pm, Mon to Fri
For free legal advice and the facts about rights and responsibilities
www.lsc.sa.gov.au

Centrelink

For information on young people becoming independent
www.servicesaustralia.gov.au/individuals/subjects/financial-and-health-support-young-people

UNICEF

The United Nations Convention on the Rights of the Child: the children's version
<https://www.unicef.org/media/60981/file/convention-rights-child-text-child-friendly-version.pdf>

Office of the Guardian for Children and Young People

For a copy of The Charter of Rights for Children and Young People in Care
www.gcyp.sa.gov.au/charter-of-rights-2

Family relationships

These agencies offer a range of services and will help you find the right one for your family

Relationships Australia SA

Phone 1300 364 277 or 1800 182 325 (country callers), 9am-5pm, Mon to Fri
www.rasa.org.au

Centacare

Phone 8215 6700, 9am-5pm, Mon to Fri
www.centacare.org.au

Anglicare SA

Phone 8305 9200, 8am-5pm, Mon to Fri
<https://anglicaresa.com.au>

Child and Family Focus SA

For information about child and family support services including children in care
<https://childandfamily-sa.org.au>

Tough love

A self-help program for parents, children and communities struggling with difficult adolescent behaviour
www.toughlove.org.au

For children and young people

Kids Helpline

Phone 1800 551 800 anytime day or night
Phone and online support for children and young people aged 5-25 years
<https://kidhelpline.com.au>

Headspace

Talk face to face, by phone or chat online
Information, help and support for young people aged 12-25 years. Find a Centre near you
<https://headspace.org.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

Parenting

Raising Children Network

For information on raising children, preteens and teenagers www.raisingchildren.net.au

Parenting SA

For more Parent Easy Guides including 'Living with young people', 'Positive approaches to guiding behaviour: 2-12 years', 'Running away', 'Home alone', 'Young people, feelings and depression', 'Young people and parties', 'Young people, alcohol and drugs', 'Talking sex with young people'
www.parenting.sa.gov.au



**Government of
South Australia**

Parenting SA

A partnership between the Department of Human Services and the Women's and Children's Health Network.

Ph: 08 8303 1660

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.

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