

From the Desk of Detective Dave

Parental and Minor Rights

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Increasingly, police are responding to homes for disturbances involving a parent and minor child. Typically, these calls involve a child being out of control or the child believes they've been abused. These incidents rarely result in the parent / guardian being criminally charged but usually the involved parent and minor child are confused about their obligations and / or rights.

Colorado law C.R.S. 2-4-401(6) defines a minor as a person who has not attained the age of 21. The age of majority (18) is the age when young people are considered adults for most matters. Individuals are treated as adults at the age of 18, with some exceptions, such as drinking alcoholic beverages, renting a car, etc. Even though the age of majority allows young people greater rights, many still live at home and are subject to their parent's rules while at home.

Parents are legally required to support their minor children. Supporting your kids includes providing food, clothing, shelter, and basic care. Failure in providing for your kids can lead to neglect or abuse charges. Parental obligations end when a child reaches the age of majority (18).

In the home, a minor child's right to privacy is based on what the parent, or legal guardian allows it to be. There is no legal expectation of privacy that applies to a "parent and child relationship." A parent or guardian may search through their minor child's room, phone, computer, car, etc. whenever they feel it's necessary. Arguably, it's not only a parent's right to search but their obligation to protect their child.

When dealing with an "out of control" or unruly minor child, it is justifiable and not criminal for a parent, guardian, or other person entrusted with the care of a minor to use reasonable and appropriate physical force upon the minor to the extent that it is reasonably necessary and appropriate to maintain discipline or to promote the welfare of the minor, reference C.R.S. 18-1-703(1)(a). The emphasis here is on using only the amount of physical force that a reasonable person would consider being appropriate for the situation.

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