
PARENTAL RESPONSIBILITY: A BOON FOR ERADICATING JUVENILE CRIMES EMPHASIZING LEGAL AND PSYCHOLOGICAL DIMENSIONS

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ABSTRACT

In the current progressive era, juvenile crime is emerging as a significant social concern, raising questions about the role of parents and their responsibilities in preventing and addressing delinquent behavior. This paper explores the legal and psychological dimensions of parental responsibility in juvenile crime, examining laws that hold parents accountable for children's differential behaviors' and psychological theories that explain the influence of parenting styles on juvenile delinquency. The study analyzes legal frameworks across different jurisdictions, including parental liability laws and child protection policies. The paper also covers certain psychological perspectives, such as theory of attachment, social learning theory and the impact of parental neglect and abuse involving certain legal measures that play an important role in providing effective prevention and rehabilitation for children when they get derailed from their ascertained disciplined and justified lifestyle. The paper suggests how strengthening parental involvement in the child's daily behaviour and activities improves his/her socio-economic conditions and implementation of legal and psychological supportive mechanisms reduces the tendency of juvenile delinquency. The research paper explains the need for an enhanced balanced approach that integrates legal accountability with socio-psychological support system that results in fostering positive youth development explaining currently active theories and legal mechanisms.

Keywords: Delinquent behavior, Parental responsibility, Psychological factors, Socio-psychological Balance, Positive youth development

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INTRODUCTION

"Children are not things to be molded, but are people to be unfolded." — Jess Lair

Delinquent behavior is always a major concern in the society since beginning of the emergence of concept of society. As the society evolved various researches concerning the root cause of the crime and an effort to minimize the very concern found out that if the soft psychological and legal stop is provided in the early age of the kids then the cause of criminal psychological tendencies can be to some extent eradicate in initial stages only. Juvenile delinquency is a growing concern worldwide pertaining various factors that results in youth involvement in criminal activities, among which parental responsibility plays a crucial role in shaping a child's behavior. In number of countries legal system hold parents accountable for their child's actions, either through civil, criminal or administrative liability². Several psychological theories emphasize the impact of parental styles, family environment and childhood experiences on delinquent behavior simultaneously. The paper explores all such areas and dimensions on parental responsibility with balancing references and interventions.

LEGAL DIMENSIONS OF PARENTAL RESPONSIBILITY

The parent-child relationship is woven deep within historical and contemporary culture, but strong retributive ideals have led to blaming parents because of their presumed vicarious role in juvenile crime. The legal involvement of parents in the delinquent acts of their children is considered as a part of therapeutic jurisprudence³ under the Legal psychological conception of law. This assumption of law sometimes proves to be a highest trauma for parents also but it is a proved fact that whether on psychological grounds⁴ or legal grounds⁵ both the parents are mature enough to handle the consequences of the punishment to which kids or children are not. It cannot be expected from child of small age and to understand the reason of strict legal

² United States, Canada, Italy, Indonesia, Russia, Germany and Sweden but by now India do not have any parental responsibility laws where parents can be held directly liable under any statute for all acts of their children.

³ Legal philosophy that examines how laws, legal procedures, and the actions of legal actors affect the psychological and emotional well-being of individuals involved in the legal system.

⁴ Adults, especially parents, are presumed to have a higher level of emotional maturity, life experience, and coping ability. The law sees them as better able to process guilt, shame, or stress compared to a child, whose mental and emotional faculties are still developing. This aligns with developmental psychology, which confirms that children have limited capacity for long-term reasoning and understanding of consequences.

⁵ Parents are considered *natural guardians* with a duty of care, supervision, and control. Under various laws (such as the Guardians and Wards Act, 1890, or provisions in criminal law), they are expected to anticipate, prevent, or respond to harmful acts involving their children. The legal assumption is that they have both the capacity and the responsibility to manage the fallout of legal consequences—something minors, due to age and incapacity, cannot shoulder them.

consequences and punishments that is provided under the legal systems of countries. The laws are never drafted or created on individual basis rather they are a collective rule draft for unwanted and wrongful actions committed by the crowd and people residing within the jurisdictional limits.

Parental liability laws vary across jurisdictions, encompassing financial penalties, criminal charges and parenting based programs. The imposition of punishments on actions of child vary in form of fines, restitution of parental requirements⁶, enforcement of parental orders and jail sentences in extreme cases with a rationale to encourage responsible parenting and deter juvenile delinquency. The distribution of legal mechanisms and liabilities explaining parental liability laws in India and across the world are explained as under:

INDIAN LEGAL MECHANISMS EXAMINING AND ENHANCING PARENTAL RESPONSIBILITY

In India as such there are no specific laws addressing parental control and responsibility on criminological tendencies of their children, but there are laws that aim to create accountability, ensuring proper upbringing and mitigate factors contributing to juvenile delinquency.

1. Juvenile Justice (Care and Protection of Children) Act, 2015⁷

The JJ Act 2015 deals with two categories of children, those who are in conflict with the law (CICL⁸), and those who need care and protection (CNCP⁹). It also addresses in detail the rights and processes for children who are to be put up for adoption, as they are also regarded as CNCP. The Act lays down processes and structures for each of these categories of children. The key specific provisions that deals with Parental responsibility and judicial interpretations on the head are as under:

⁶ The **legal obligation imposed on parents or guardians to compensate** a victim or the community for the loss, damage, or injury caused by their minor child's wrongful act. It is **not** about punishing the parent for the offence itself, but about ensuring that **the harm caused by the child is financially or materially repaired**—a principle rooted in civil liability and, in some jurisdictions, incorporated into juvenile justice procedures.

⁷ A landmark piece of legislation designed to protect and rehabilitate children in conflict with the law, ensuring that their welfare and rights are safeguarded.

⁸ Children in Conflict with Law: This is now replaced by the words “alleged and found to be in conflict with law” after changes brought in the Act in 2015.

⁹ Child in Need of Care And Protection: term refers to children who are vulnerable and require special care and protection due to various circumstances

- i. **Section 2(13)¹⁰**: this section defines a *child in conflict with law* as a person who is under eighteen years of age at the time of committing an offence and who is either alleged to have committed, or has been found to have committed, that offence. A crucial technical point in the definition is that **age is assessed “on the date of commission of the offence”** — so whether a person is treated as a child for JJ purposes depends on their age when the act occurred, not when the case is heard. Emphasizing the content as the phrase covers both *alleged* and *found* conduct, it brings cases at the investigation/inquiry stage under the specialized procedure of the Juvenile Justice Board and invokes the Act’s child-centered, rehabilitation-focused processes rather than ordinary criminal trial procedures¹¹.
- ii. **Section 15-18¹²**: Deals with heinous offences and assessment of age of maturity of children. These provisions strike a balance between **public safety** and the **child’s right to reform**, introducing a nuanced approach where maturity and intent alongwith the committed offence determine whether the child is dealt with juvenile or adult procedures. They reflect a shift from blanket protection to a case-specific assessment, aligning juvenile justice with both **rehabilitative ideals** and **accountability principles**.
- iii. **Section 26¹³**: the section reinforces the principle of **parental and guardian responsibility** by imposing liability when their willful neglect or failure to exercise due care leads to a child committing an offence. It serves as both a deterrent and a preventive measure, recognizing that inadequate supervision or guidance can directly contribute to juvenile delinquency. The provision seeks to improve family supervision, promote responsible parenting, and incorporate preventive measures into the larger juvenile justice system by holding guardians and parents (i.e. the caretakers) accountable.
- iv. **Section 39¹⁴**: This provision reflects the Act’s rehabilitative spirit, ensuring that reintegration is not merely institutional discharge but a sustained process anchored in **family participation and community inclusion**. As per this section, effective rehabilitation and reintegration of children in conflict with law or in need of care and protection require a **holistic, family-centered approach**. By explicitly emphasizing

¹⁰ Juvenile Justice (Care and Protection of Children) Act, 2015

¹¹ Juvenile Justice Committee, Delhi High Court, August, 2025

¹² Juvenile Justice (Care and Protection of Children) Act, 2015

¹³ Juvenile Justice (Care and Protection of Children) Act, 2015

¹⁴ Juvenile Justice (Care and Protection of Children) Act, 2015

parental involvement alongside institutional support, counseling, education, and vocational training, it seeks to restore the child's emotional stability, social acceptance, and self-reliance.

- v. **Provisions regarding Observation homes and Rehabilitation Centres:** this provision not only provides safe custody and care for children but also **counseling services for both the child and their parents**. This dual focus addresses the root causes of delinquent behavior, strengthens family bonds, and equips parents with the skills needed for effective supervision and support. By integrating parental counseling into rehabilitation, these institutions foster a supportive environment that promotes behavioral reform, emotional healing, and smoother reintegration of the child into society.

2. Provisions under Indian Criminal Law (i.e. Bharatiya Nyaya Sanhita, 2023)

Under the *Bharatiya Nyaya Sanhita, 2023 (BNS)*, which replaces the *Indian Penal Code, 1860*, several provisions have been restructured or renumbered. The issue of parental negligence, abandonment, and cruelty to children is still recognized under the BNS, but under updated sections and terminology.

Provided below is the equivalent concerns are addressed under the BNS, 2023, including how it relates to Section 317 IPC and Section 75 of the Juvenile Justice Act, 2015:

- i. **Abandonment of a Child by Parent or Guardian** (earlier covered under *Section 317 of the Indian Penal Code*, is now addressed in **Section 91 of the Bharatiya Nyaya Sanhita, 2023** titled *Exposure and abandonment of child under twelve years of age by parent or person having care of it*): This provision criminalizes the intentional abandonment or exposure of a child under the age of twelve in circumstances likely to cause grievous harm or death, prescribing a punishment of up to seven years' imprisonment, or fine, or both. From a criminological perspective, the section plays a crucial role in safeguarding children from neglect and abandonment, particularly in vulnerable contexts such as poverty, unwanted births, or changing family structures. It reinforces the principle that parents and guardians have not only a moral but also a legal duty to actively protect their children from harm, recognizing that failure to do so can lead to severe consequences for both the child and the caregiver.

- ii. **Cruelty to a Child by Parent or Guardian** (earlier covered under *Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015* is now addressed in *Section 86 of the Bharatiya Nyaya Sanhita, 2023*): This provision criminalizes acts by any person having control over a child, including parents, guardians, or caretakers, who assault, neglect, abuse, or willfully harm the child either physically or mentally, thereby causing or risking injury, abuse, or mental trauma. The offence is punishable with rigorous imprisonment of up to three years and a fine, with the punishment extending to seven years if grievous hurt is caused. The scope of this section is broad, encompassing physical violence, emotional abuse, starvation, forced begging, and other forms of maltreatment within the home. It treats parental cruelty as a serious breach of trust and duty, recognizing that while the home is ideally a place of safety, it can also be a site of significant harm requiring state intervention and protection.

3. **Protection of Children from Sexual Offences Act, 2012 (POCSO)**

Under the *Protection of Children from Sexual Offences Act, 2012* (POCSO), while the primary focus is on protecting children from sexual offences and ensuring their rights during investigation and trial, the law also imposes **indirect responsibilities on parents and guardians** to safeguard children from harm and participate actively in their protection and rehabilitation.

- i. **Mandatory Reporting – Section 19:** Section 19 of POCSO makes it a legal obligation for any person, including parents or guardians, who has knowledge of or suspects the commission of a sexual offence against a child, to report it to the Special Juvenile Police Unit or local police. This provision places an indirect but significant duty on parents and guardians, as their failure to report such offences can attract punishment under Section 21 of the Act. This ensures that adults responsible for a child's welfare cannot remain passive in the face of abuse and must take immediate legal steps to protect the victim.
- ii. **Role of Counseling and Care in Rehabilitation:** Beyond legal reporting duties, parents and guardians have a crucial role in the child's post-offence care. The Act and its accompanying guidelines emphasize the involvement of parents in the rehabilitation process, which includes providing emotional support, ensuring access to psychological counseling, and facilitating medical care. This parental involvement

is essential to address trauma, rebuild the child's confidence, and enable reintegration into normal life. By engaging parents in both preventive and rehabilitative measures, POCSO reinforces the idea that the family unit is a key partner in the protection and long-term well-being of the child.

4. The Indian Majority Act, 1875

The *act* establishes that every person domiciled in India when attains the age of majority at **18 years** (or 21 years in certain cases where a guardian is appointed by court). Until one reach this age, a child is considered legally under the care, authority, and responsibility of their parents or lawful guardian. In the context of the commission of a crime, this means parents have a legal and moral duty to supervise the child's conduct, prevent delinquent behaviour, and guide them in accordance with the law. If a minor commits an offence due to lack of supervision, negligence, or wilful neglect by the parents, they may face liability under other applicable statutes such as *The Bharatiya Nyaya Sanhita, 2023*, *The Juvenile Justice Act, 2015*, or *The POCSO Act, 2012*. The Act thereby reinforces the concept that parental control is both a right and a duty until the child reaches adulthood as per law.

5. Hindu Minority and Guardianship Act, 1956 and Guardians and Wards Act, 1890

Both the acts impose a clear obligation on parents and lawful guardians to safeguard the welfare, safety, and moral upbringing of minors. Although these statutes do not directly make guardians liable for the criminal acts of children, they establish a fiduciary and supervisory duty. When a child engages in unlawful conduct due to a guardian's wilful neglect, abuse of authority, or failure to exercise reasonable care, accountability may arise under other penal laws such as the *Bharatiya Nyaya Sanhita, 2023* or the *Juvenile Justice Act, 2015*. Essentially, these laws frame guardianship not only as a legal right but also as a binding responsibility to prevent delinquent behaviour and promote lawful conduct.

PSYCHOLOGICAL DIMENSIONS OF PARENTAL RESPONSIBILITY

Parental responsibility extends beyond the definition and elaboration of legal and moral duties. It is rather a strong psychological foundation that shapes a child's personality since birth till he achieves conscience of deciding things themselves. The key parameters that are generally

accessed under parental responsibility are the cognitive development of the child¹⁵, emotional regulation (i.e. recognizing, understanding and responding) alongwith inherent and perceived moral values. The psychological study explains how parents act as primary socializing agents and tools which influence children through attachment, communication, behavioral models and discipline.

1. **Theory of Attachment and Emotional Bonding:** Attachment theory was a psychological framework which was developed through collaborative work of John Bowlby¹⁶ and Mary Ainsworth¹⁷ that explains the long-lasting emotional bonds between people, more specifically between parents and children for better self esteem, social competence and emotional regulation of the child in future. According to them, the disorganized and insecure attachment among children from their parents could lead to risk of anxiety and aggression that could result in delinquent behaviour with the following increase in age. According to the theory, in special regards to children consistent affection, proper availability of parents and regularized emotional security is something a child must receive from their parents in visualized form.
2. **Theory of Social Learning:** This theory is also known as ‘Modeling Theory’, where an individual (i.e. a child) learns a new behaviour by observing a model (their parents) and then imitating that particular act or behaviour. The theory is a refined work of Albert Bandura that bridges the gap between the behavioral and cognitive approach of an individual.
3. **Family System Theory:** This theory has it’s roots in General Systems Theory, which was developed by thinkers like Murray Bowen and Salvador Minuchin, shifts the focus from individuals in isolation to understanding behavior within interconnected family relationships. It views families as dynamic systems where changes in one member affect the whole, emphasizing principles such as wholeness, circular causality, boundaries, subsystems, and feedback loops. Families maintain stability through homeostasis while adapting through morphogenesis, with communication patterns, rules, and roles shaping

¹⁵ Refers to growth of mental abilities which includes thinking, reasoning, memorizing and problem-solving capacity as a child moves from infancy through childhood and adolescence. This type of development is shaped both by genetic and external environmental learning.

¹⁶ **Edward John Mostyn Bowlby** was a British psychiatrist and psychoanalyst, notable for his interest in child development and for his pioneering work in attachment theory.

¹⁷ **Mary Dinsmore Ainsworth** was an American-Canadian developmental psychologist who designed the strange situation procedure to observe early emotional attachment between a child and their primary caregiver.

interactions and sometimes contributing to dysfunction through mechanisms like triangulation or double binds. The theory applies across developmental stages, highlighting how life cycle transitions require systemic reorganization, and it underpins therapeutic practices such as Structural, Strategic, and Bowen Family Systems Therapy. Beyond therapy, it informs social work, education, criminology, and healthcare by recognizing that individual problems often reflect broader family dynamics. Its strengths lie in its holistic, non-pathologizing, strength-based, and culturally adaptable approach, though it faces criticisms for complexity, potential minimization of personal accountability, and insufficient attention to gender and power dynamics. Contemporary developments integrate attachment theory, neuroscience, trauma-informed perspectives, and the impact of technology on family systems, supported by growing research evidence demonstrating the effectiveness of family-based interventions. Ultimately, Family System Theory provides a comprehensive, relational framework for understanding and addressing complex human problems that cannot be solved by focusing on individuals alone.

4. **Social Control Theory and Parental Bonds:** Travis Hirschi's Social Control Theory emphasizes that attachment, commitment, involvement, and belief form the foundation of social bonds that deter delinquency. Parental responsibility plays a pivotal role in strengthening these bonds by nurturing emotional attachment, supporting educational and career goals, engaging children in structured activities, and instilling moral values. Strong parental attachment creates emotional stakes in conformity, while commitment to conventional aspirations increases the cost of deviance. By monitoring activities, supervising peer groups, and reinforcing the legitimacy of social rules, parents directly reduce opportunities for re-offending and foster internalized respect for societal norms.
5. **Social Learning Theory and Parental Modeling:** Albert Bandura's Social Learning Theory, aligned with Sutherland's Differential Association, explains that juveniles learn behaviors through observation, imitation, and interaction. Parental responsibility lies in providing consistent pro-social models and limiting exposure to criminal influences. Children mirror parental attitudes and conflict-resolution strategies, making positive role modeling essential in preventing recidivism. Monitoring peer associations, guiding children toward pro-social networks and reinforcing definitions unfavorable to crime further reduce the likelihood of re-offending. Thus, parents act as both role models and regulators of their children's learning environment, shaping attitudes and choices away

from criminal pathways.

6. **Strain Theory and Parental Support for Legitimate Opportunities:** Robert Merton's Strain Theory views crime as arising when socially approved goals cannot be achieved through legitimate means. Parents mitigate this strain by facilitating access to education, vocational training, and employment while also managing expectations about success. By encouraging alternative definitions of achievement—such as personal growth, community service, and meaningful relationships—parents can reduce the pressure that fuels criminal behavior. Importantly, they must avoid imposing unrealistic demands that drive juveniles toward deviant adaptations. Through both material support and emotional guidance, parental involvement channels aspirations into lawful, attainable pathways, thereby lowering recidivism.
7. **Ecological Systems Theory and Comprehensive Parental Intervention:** Urie Bronfenbrenner's Ecological Systems Theory highlights how parental responsibility operates within interconnected environments. At the micro-system level, parents influence family dynamics through warmth, consistent discipline, and clear expectations. In the mesosystem¹⁸, they shape outcomes by collaborating with schools, probation officers, and community programs to ensure unified guidance. At the exosystem¹⁹ level, parents advocate for better neighborhood and institutional resources that support youth development. Authoritative parenting, marked by both control and support, has proven most effective in reducing recidivism. By addressing risks across multiple ecological layers, parents help construct a protective environment that discourages re-offending.
8. **Life Course Theory and Long-term Parental Investment:** Sampson and Laub's Life Course Theory emphasizes the significance of long-term parental involvement across developmental stages. Parents influence positive turning points by supporting education, employment, relationships, and community integration, each of which can redirect a juvenile's trajectory away from crime. Persistent parental investment, such as emotional support during setbacks or advocacy in institutional contexts, strengthens resilience and facilitates desistance. By addressing cumulative disadvantages early and consistently,

¹⁸ The interconnections between an individual's different types of immediate environments, which visualizes the link between home and peer groups (including family members and school friends)

¹⁹ It is a part of ecological system theory, that includes persons who are not direct participants, but are still indirectly influenced by their surrounding environment and developments.

parents prevent minor problems from escalating into entrenched criminal behavior. Thus, long-term parental presence not only manages immediate risks but also reshapes the overall life course toward conformity.

9. **Routine Activities Theory and Parental Supervision:** Cohen and Felson's Routine Activities Theory underscores that crime occurs when motivated offenders encounter opportunities without capable guardianship. Parental responsibility, therefore, involves structuring daily routines and providing vigilant supervision to minimize exposure to criminogenic situations. Parents reduce recidivism by knowing their children's whereabouts, peer groups, and activities, while also fostering structured schedules around school, work, sports, or community service. Maintaining safe home environments, free of drugs, weapons, and negative influences, further limits opportunities for offending. Through consistent oversight and engagement, parents serve as capable guardians who actively block pathways to criminal activity.
10. **Restorative Justice Theory and Parental Participation:** Restorative Justice Theory focuses on repairing harm by involving offenders, victims, families, and communities in the justice process. Parental responsibility lies in ensuring that juveniles take accountability while being supported throughout the process. Parents can help their children understand the impact of their actions, participate in victim-offender mediation, and facilitate restitution or community service obligations. By reinforcing accountability alongside emotional support, parents encourage offender restoration while also promoting victim and community healing. In this way, parental involvement not only aids rehabilitation but also strengthens pro-social bonds that discourage reoffending.
11. **Integrated Theoretical Approaches and Comprehensive Parental Strategies:** Since no single theory fully explains recidivism, integrated approaches highlight the need for multifaceted parental strategies. Evidence-based interventions such as Multi-systemic Therapy (MST) and Functional Family Therapy (FFT) combine insights from social control, social learning, strain, and ecological theories to strengthen family bonds, improve supervision, and coordinate community support. Parents trained through such programs learn practical skills in discipline, communication, and advocacy while addressing peer, school, and neighborhood influences. The integration of diverse perspectives ensures that

parental responsibility is applied holistically, targeting multiple criminogenic risks and thereby achieving sustained reductions in juvenile reoffending.

12. Cultural Considerations and Theory Application: The application of criminological theories to parental responsibility must be sensitive to cultural variations in family structures and practices. In many contexts, extended families share responsibility, making bonds with grandparents, uncles, or community elders as important as parental ties. Similarly, this is something that counts as effective discipline, supervision, or modeling may differ across cultural norms. Recognizing these variations prevents misapplication of Western-based theories and ensures interventions remain culturally appropriate. By tailoring strategies to local values and family systems, parental responsibility can be exercised in ways that genuinely resonate with both juveniles and their communities, thereby enhancing effectiveness.

13. Practical Implementation of Theoretical Insights: Turning theoretical insights into practice requires adaptation to families' circumstances, resources, and capacities. Parents must first assess strengths and challenges across bonding, supervision, and peer influences before developing structured plans for intervention. Many require training in communication, discipline, and monitoring strategies, which can be provided through parent education programs. Support networks—including extended family, schools, and justice professionals—are essential to sustain parental efforts. Crucially, responsibility must be seen as an ongoing process, not a one-time fix, requiring flexibility and continuous engagement. By combining theory with realistic, practical application, parents can effectively reduce juvenile recidivism and support long-term rehabilitation.

CONCLUSION

Parental responsibility for juvenile behavior represents a complex intersection of legal accountability and psychological development that requires careful balance between justice and rehabilitation. From a legal perspective, parental liability laws increasingly hold parents accountable for their children's actions through civil penalties, supervision requirements, and in severe cases, criminal charges, reflecting society's recognition that effective parenting plays a crucial role in preventing juvenile delinquency. Psychologically, research consistently demonstrates that parental involvement, consistent discipline, emotional support, and positive role modeling are fundamental protective factors that significantly reduce the likelihood of

antisocial behavior in adolescents. However, this responsibility must be understood within the broader context of adolescent brain development, socioeconomic factors, and mental health considerations that can influence both parenting capacity and juvenile behavior. The most effective approaches to parental responsibility combine legal frameworks that encourage accountability with supportive interventions that strengthen family functioning, recognizing that while parents bear significant responsibility for shaping their children's moral and behavioral development, successful juvenile rehabilitation ultimately requires a collaborative effort between families, communities, and the justice system that addresses both individual accountability and systemic factors contributing to youth misconduct.

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