

February 27, 2017; Parents May Be Liable for Children's Misdeeds

Here's a topic that might get your heart pumping. Should parents be held responsible for damages caused by their minor children? For example, if a child intentionally spray paints a school or other building, should the parents have to pay for the cost of repairs? Or, if a child picks a fight and injures someone, should the victim, or the victim's family, be able to come after the parents for monetary damages?

The topic of parental responsibility for the acts of their children has been debated for centuries throughout the world. In the United States, the answer to this question can differ from state to state because parental responsibility is considered a state rather than a federal issue. For years, most states followed the old English common law approach and ruled that generally parents weren't responsible for their child's negligent actions. However, in some instances parents were held liable if they knew that their child had a propensity for engaging in dangerous behavior and did nothing to stop their child from acting out.

During the 1960s, a number of legal scholars met to discuss the topic and developed a model set of guidelines that were distributed to all the states and territories for their respective legislature's consideration. In response, most states, and Guam, passed laws that incorporated some or all of the guidelines. Under Guam's 1965 version, parents could be held civilly liable up to \$1,000 if their children stole, or if they "maliciously or willfully" destroyed or damaged real or personal property, or injured someone.

In Public Law 33-126, the Legislature updated Guam's parental responsibility statute. This current version provides greater detail and raises the amount of liability parents may face for the wrongful acts committed by their minor child.

All parents of minor children should be aware that if their child, through "willful misconduct," causes injury or death to another person, or damages someone else's property, the law *automatically* holds the parents, along with their child, legally liable for civil damages. The monetary limit for the parents' liability has been raised significantly, from \$1,000 to \$25,000. There is no limit on the child's liability.

But beware. If there is a separate basis to hold parents responsible for their child's misdeeds, the \$25,000 will be added to a monetary damage award. For example, under principles of negligence, if a parent allows his or her unlicensed child to drive a car and the child plows into a crowd of bystanders while speeding, the parents' financial exposure will not be limited to only \$25,000.

Readers should also be aware that Guam's parental liability law applies to a minor's legal guardian(s) as well. That is, if the parents have given custody to someone else through a legal guardianship, the damages caused by the minor's willful misconduct will be imputed to the guardian(s). This is not true for foster

parents. There is a provision within the amended law that specifically excludes them from any possible liability.

So, parents and legal guardians, teach your children well or you may share the financial consequences of your child's bad behavior.