

"When Your Kids Do Unto Others"

"Parenting teenagers is easy - it's just like nailing
Jell-O to a tree!"
– Anonymous

Scene: The Tennessee Legislature
Time: 1957 – just months before "baby-boomers"
begin to turn 13

Some 50 years ago, the nation trembled as the first Baby Boomers were months from becoming... teenagers. The Tennessee Legislature took pre-emptive action and passed a law to make parents financially responsible for the misdeeds of their kids. Here are some Q's and A's about this important law.

Q. When can a parent or guardian be held liable for injuries or property damage caused by a minor child?

The law says that 'any town, any school district, any religious organization, or any person' may file a lawsuit seeking monetary damages from the parents or guardian of a minor under the age of 18 who "maliciously or willfully" causes injury or damages or destroys property.

"Maliciously" means that the actions in question were done with hatred or ill will or a desire to hurt others. "Willfully" means intentionally.

Q. Does the law set a dollar limit for such intentional damages?

Yes – generally, the limit that a parent or guardian could be sued for in such a case is ten thousand dollars (\$10,000), plus court costs.

Q. When can liability exceed \$10,000?

The law says that a parent or guardian "shall be liable" for more than \$10,000 if all four of these conditions exist:

- (1) The parent or guardian "knows, or should know" that the minor child has the "tendency to commit wrongful acts...", and
- (2) The wrongful acts could be expected to cause injury to persons or property, and
- (3) The parent or guardian has an opportunity to control the minor child, and
- (4) The parent or guardian fails to exercise reasonable means to control or restrain the juvenile's misbehavior.

Q. How does a court figure out if a parent "knows or should know" that a child has a "tendency to commit wrongful acts"?

The law says that a parent "knows or should know" of a child's tendency to commit wrongful acts "if the child has previously been charged and found responsible for such actions."

Parents can also be held liable for more than \$10,000 when a parent "contributes to or encourages the delinquency or unruly behavior of a child." Such action on the part of a parent, or any adult, is a criminal misdemeanor. The circuit court and criminal court have the power to handle such cases. In addition, a juvenile court may also accept a guilty plea and would have the same power as the other courts to order the parent or guardian to pay for any damages caused.

Q. What if a child accidentally causes damage or injury?

If the injury or damage happens because a parent or guardian fails to be appropriately careful, then the adult might be said to be negligent – and might be held responsible for the resulting damages. For example, a parent who lets a young child drive a car, or handle a loaded gun without appropriate supervision, could be financially responsible for far more than \$10,000 in monetary damages.

by Jim Hawkins, Managing Attorney, Gallatin
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Note: This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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