

What Parents Should Know About Liability

Despite **83%** of parents with children aged 5 to 12 years saying they drive or host other children in their home, **more than half are unaware** of the insurance ramifications of certain behaviors and decisions, according to new research from Liberty Mutual.

32% of these parents neglect to enforce basic home safety rules.

79% admit to distracted behaviors while driving other children, from talking on the phone to speeding.

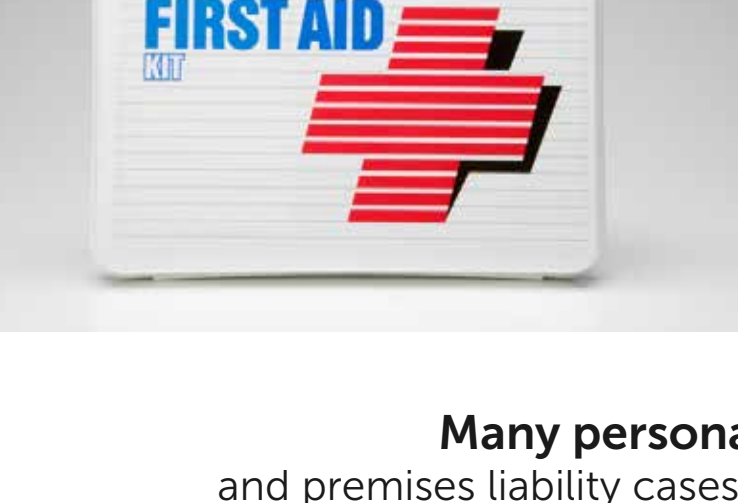
TYPES OF LIABILITIES PARENTS SHOULD KNOW

Premises Liability

Premises liability is the legal theory that holds a homeowner responsible for activities and conditions on the homeowner's property.

When a child is injured while at the home of someone else, it's generally the homeowner who is financially responsible for the resulting injury, even in those instances in which the homeowner had no control over the accident.

Some examples include:



Even if a child enters a yard to jump on a trampoline or swim in a pool without permission and ends up injured, the homeowner could be responsible.

A higher duty is usually owed to children who are considered "invitees," "licensees" or social guests. Generally, it's easier to prove liability when an injured child has been invited onto a property that contains a dangerous condition.

Many personal injury cases are based on negligence, and premises liability cases are no exception. In general, negligence means that the property owner **failed to use reasonable care in connection with the property.**

Most Common Dangers For Children on Properties:

27% of all unintentional injuries and deaths of children aged 1 to 4 years old are **due to drowning.**

DOG BITES In the case of dog bites, the homeowner may not only be civilly liable, but criminally liable as well.

DROWNING RATE: 0-19 YEARS OLD
1.4 per 100,000 second

ALCOHOL

31 states allow social hosts to be **civilly liable** for injuries or damages caused by underage drinkers.



30 states and the Virgin Islands have **criminal penalties** for adults who host or permit parties with underage drinking to occur in the adults' homes or in premises under the adults' control.

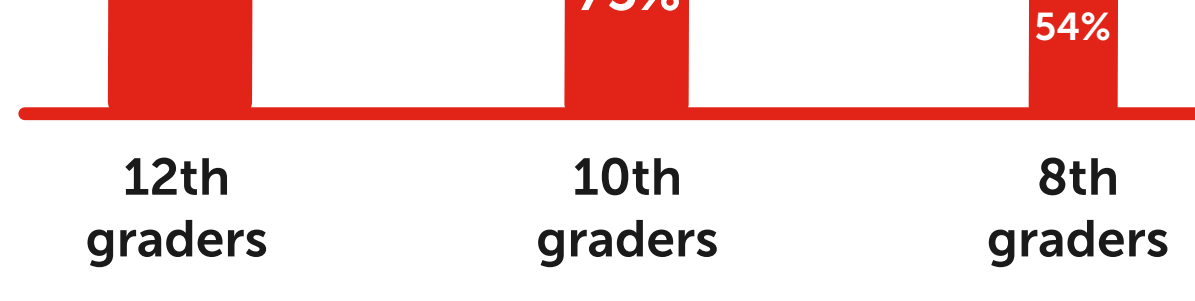
55% of current underage drinkers reported **FAMILY AND FRIENDS** as their source for the alcohol.

THERE WAS A 76% DECREASE of 8th graders who reported getting drunk in the past year. **However, underage drinking is still a big problem.**

44% OF 8TH GRADERS consumed alcohol within the past year.

Percentage who say it's "fairly easy" or "very easy" for them to get alcohol:

*2015 Monitoring the Future survey



WHEN YOUR CHILDREN ARE ELSEWHERE

Hawaii's parental liability law remains one of the most broadly applied as it **doesn't limit the financial recovery and imposes liability** for both negligent and intentional acts by the child.

Parental liability for damaging acts committed by your children, known as Civil Parental Liability, is non-criminal. The parent is obligated only to financially compensate the party harmed by his or her child's actions.

Laws vary by state regarding the monetary limits on damages that can be collected, the age limits of the child and the inclusion of personal injury.

WHEN YOUR CHILDREN ARE DRIVING

Most states in the U.S. have passed some kind of law that holds a parent or guardian responsible for their minor driver.

This is a legal concept known as **vicarious liability.**

In certain states this responsibility arises when:

The teen driver is licensed through a "co-signing" requirement where the parent or guardian agrees to be held financially responsible if the teen driver causes a car accident.

NEGLIGENT ENTRUSTMENT

If a parent lends the family car to a child who is a minor knowing the child is incompetent, reckless or inexperienced, that parent may be liable for any damage caused by the child's driving.

THE FAMILY PURPOSE DOCTRINE

When someone purchases and maintains a car for general family use, the owner of that vehicle is typically liable for driving accidents and damage caused by any other family member using the car.

SUPERVISING OTHER PEOPLE'S CHILDREN

Negligent Supervision Laws govern the liability of adults who have **failed to exercise their duty of care when monitoring children.**

A person may become liable for negligent supervision if:

He or she knows, or has reason to know, that the child must be controlled or protected, and has failed to do so.

Anyone who agrees to care for your child in your absence can be held responsible for negligent supervision.



Examples of responsible parties include:



COACHING SPORTS

While coaches and schools have a limited liability since children are taking on the assumed risk of a sport, a coach can still be liable if he or she doesn't take reasonable precautions.

The amount of negligence required varies from simple negligence to gross negligence and reckless conduct.

A coach's duties to participants may include:

- Supervising
- Warning of latent dangers
- Training & instruction
- Prompt and proper medical care
- Ensuring the use of safe equipment
- Providing competent and responsible personnel
- Preventing the injured from competing
- Matching participants of similar competitive levels



In some states, a **coach working for a charitable organization or a state agency**, such as a volunteer high school coach, may make a difference in terms of the amount of negligence required.

The law will require minimum levels of competence of the adults involved in training and instruction.

Coaches Are Generally Not Liable for Their Players' Injuries

It has long been established in intercollegiate and high school athletics that schools, together with the coaches they employ, are not responsible for ensuring the health and safety of student-athletes. Schools and coaches are not held strictly liable for injuries sustained by student-athletes in the course of athletic participation.

In addition, courts have held that high school and college athletes assume the inherent risks involved with a sport. **The voluntary nature of the athlete's participation** in the activity usually allows schools and coaches to escape liability for injuries that are considered part of the game.

Coaches Have a Duty to Take Reasonable Precautions

Risks athletes may want to undertake a wide variety of risks inherent to their particular sport, there are certain risks which they may not necessarily assume. Courts have determined that even though schools and coaches are not strictly liable for injury injuries, **they do have a duty to their players and must do everything practical to minimize the risk of injury to players under their control.**

