

MATTHIESEN WICKERT LEHRER, S.C.

ATTORNEYS AT LAW

1111 EAST SUMNER STREET • P.O. BOX 270670 • HARTFORD, WI 53027-0670 • TELEPHONE (262) 673-7850 • FAX (262) 673-3766

<http://www.mwl-law.com>

gwickert@mwl-law.com

PARENTAL RESPONSIBILITY LAWS IN ALL 50 STATES

Almost every state has some sort of parental responsibility law which holds parents or legal guardians responsible for property damage, personal injury, theft, shoplifting, and/or vandalism resulting from intentional or willful acts of their unemancipated children. Such statutory liability may have certain conditions and limits attached to it, and virtually every such statute limits such parental liability to a certain dollar limit. However, such parental responsibility statutes do not abrogate or affect common law liability parents might otherwise have for failure to prevent children with dangerous propensities from committing foreseeable acts and damages. Parents are not automatically liable at common law for the acts of their children. Parental responsibility laws are one vehicle by which parents are held accountable for at least a minimal amount of damage caused by their children as a result of intentional acts or vandalism.

Most parental liability statutes specify specific ages or age ranges applicable to the statute. Note that the age of majority in most of the United States is 18, except for two states (Nebraska and Alabama) which are at 19 and one state (Mississippi) and the District of Columbia which are at 21. American Samoa and Puerto Rico still use 14 as the age of majority. But the age of majority is often different from the age below which parents are responsible for damage to person or property caused by their children.

Hawaii was the first state to enact such legislation in 1846, and its parental responsibility law today remains one of the most broadly applied, with no monetary limits and liability imposed for both negligent and intentional torts by unemancipated minors. Florida, Louisiana, Massachusetts and New Jersey also have no limits on parental responsibility. Today, all states with the exception of New Hampshire and New York have provisions holding parents civilly responsible for youth crime and intentional acts of vandalism or violence.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
ALABAMA	Ala. Code 1975, § 6-5-380	\$1,000	Minor (under 18)	Parent or guardian liable when child causes intentional, willful, or malicious destruction to real or personal property.
ALASKA	Alaska Stat. § 09.65.255	\$15,000 \$25,000 (if insurance)	Minor (under 18)	Liability imposed on parent for child's willful or malicious damage to real or personal property.
ARIZONA	A.R.S. § 12-661	\$10,000	Minor (under 18)	Parent liable for child's willful or malicious damage to person or property, including theft or shoplifting.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
ARKANSAS	A.C.A. § 9-25-102	\$5,000	Minor (under 18)	Liability imposed on parent when child maliciously or willfully destroys property of a person, village, school district, religious or charitable organization, municipal corporation, or association.
CALIFORNIA	<p><u>Civil Code:</u> § 1714.1: Willful misconduct § 1714.3: Discharge of firearms¹</p> <p><u>Vehicle Code:</u> § 17707: Liability for minor's driving § 17708: Parents civil liability for driving</p>	<p>\$25,000 property \$25,000 medical, dental and hospital expenses \$25,000 vandalism including atty's fees² \$30,000/\$60,000 firearms limits 15/30/5 driving limits</p>	Minor (under 18)	<p>§ 1714.1. Parents jointly and severally liable for willful misconduct causing injury, death or property damage Liability generally imposed on parent when child has acted with "willful" misconduct; negligence of child is sufficient to impose liability on parents when child harms person or property while operating motor vehicle with parent's permission.³</p> <p>§ 1714.3. Parent liable if permitted child to have firearm or left it someplace accessible.</p> <p>§ 17707. Person verifying minor's license application liable for driving of minor.</p> <p>§ 17708. Parent jointly & severally liable for negligent driving of child.</p>
COLORADO	<p>§ 13-21-107(property damage/personal injury) § 13-21-107.5 (shoplifting)</p>	<p>\$3,500 (prop/injury) \$250 (shoplifting)</p>	Unemancipated minor (under 18)	Liability imposed on parent for child's shoplifting or willful/malicious property damage or personal injury.
CONNECTICUT	C.G.S.A. § 52-572	\$5,000	Minor (under 18)	Liability imposed on parent when child's actions are willful or malicious; negligence of child is sufficient to impose liability on parent when child harms person or property while operating motor vehicle without permission of vehicle's owner.

¹ If parent allows minor to have the firearm or allows it to be accessible.

² The damage limitations will be adjusted every two years by the Judicial Council to reflect cost of living in California according to California Consumer Price Index. An insurer is generally not liable for intentional acts of its insured. Section 533 of Insurance Code. An insurer is not liable for more than \$10,000 for conduct imputed to parent.

³ Government Code § 38772 provides that cities and counties can make child and parent liable for cost of abatement of nuisance due to graffiti. Education Code § 48904 makes parents liable for injury or death caused by willful act of child to any fellow pupil or school employee. Penal Code § 490.5 covers shoplifting.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
DELAWARE	21 Del. C. §§ 6104-6105 10 Del. C. § 3922	No limits for auto \$5000 vandalism	Minor under 18	§ 6104. Parent, guardian or employer who signed license application liable for damages caused by minor driver. § 6105. Owner of vehicle liable for damages caused by minor given permission to operate vehicle. § 3922. Parent liable for intentional or reckless damage to real or personal property.
DISTRICT OF COLUMBIA	No applicable statutes	-----	-----	-----
FLORIDA	§ 322.09: Auto § 741.24: Vandalism	Auto: unlimited Vandalism: actual damages/no limits	Minor (under 18)	§ 322.09. Person verifying driver's license jointly and severally liable. § 741.24. Parents liable for willful destruction or theft of property.
GEORGIA	O.C.G.A. § 51-2-3 ⁴	\$10,000 plus costs	Minor (under 18)	Parent liable for medical expenses or property damage caused by willful or malicious act of child.
HAWAII	§ 286-112: Auto Liability § 577-3: Tortious Acts § 577-3.5: Graffiti	Unlimited	§ 286-112: Minor (under 18) § 577-3: Unmarried minor child § 577-3.5: Minor child	§ 286.112. Person verifying driver's license jointly and severally liable. § 577-3. Joint and several liability imposed on parent for child's tortious acts. § 577-3.5. Parents liable for graffiti damage and obligation to clean damage up.
IDAHO	Idaho Code § 6-210	\$2,500	Minor (under 18)	Parents liable for willful economic loss (property damage, theft, medical expenses, lost wages) caused by child.

⁴ Every person liable for torts committed by his wife or child by his command or in the prosecution and within the scope of his business, whether negligent or intentional. Section 51-2-2.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
ILLINOIS	740 I.L.C.S. § 115/3: Property damage/ Personal Injury 720 I.L.C.S. § 5/21-1.2: Institutional Vandalism 720 I.L.C.S. § 5/16A-7: Retail Theft	§ 115/3: \$20,000 plus atty's fees (115/5) § 5/21-1.2: \$20,000 plus atty's fees (115/5) § 5/16A-7: \$20,000 plus atty's fees (115/5), plus \$100 to \$1,000 and atty's fees/costs	Unemancipated Minor (under 18)	§ 115/3. Parents liable for willful or malicious property damage or personal injury. § 5/21-1.2. Parent liable for child's damage to church, mosque, synagogue, cemetery, etc. § 5/16A-7. Parents civilly liable for retail theft by child.
INDIANA	§ 34-31-4-1: Property damage or personal injury § 9-24-9-4: Auto liability	§ 34-31-4-1: \$5,000 § 9-24-9-4: Unlimited	§ 34-31-4-1: Child living with parent § 9-24-9-4: Minor (under 18)	§ 34-31-4-1. Parent liable for harm/damage to person/property intentionally, knowingly or recklessly caused by child. § 9-24-9-4. Person verifying driver's license jointly and severally liable.
IOWA	I.C.A. § 613.16	\$2,000 for one act \$5,000 for two or more acts to same claimant	Minor (under 18)	Liability imposed on parent for any unlawful act of minor that causes injury to person or property.
KANSAS	K.S.A. § 38-120	\$5,000, plus court costs Unlimited if parental neglect	Minor (under 18)	Liability imposed on parent for willful or malicious damage to person or property.
KENTUCKY	§ 405.025: Vandalism § 186.590(1): Auto liability § 186.590(3): Owner entrusting vehicle to minor	§ 405.025: \$2,500/\$10,000 § 186.590(1): Unlimited § 186.590(3): Unlimited	§405.025: Unemancipated Minor (under 18) § 186.590: Minor (under 18) § 186.590: Minor (under 18)	§ 405.025. Parent liable for willful marking/defacing of property if joined as defendant. § 186.590(1). Person liable for signing minor's driver's license application. § 186.590(3). Owner liable for entrusting vehicle to minor.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
LOUISIANA	L.S.A. C. C. Art. 2318	Unlimited	Minor (under 18) residing with parents	Mother and father responsible for damage caused by their child.
MAINE	14 M.R.S.A. § 304	\$800	Minor between 7 and 17	Parent liable for willful / malicious damage to person or property
MARYLAND	Md. Code § 11-604	\$10,000	Minor (under 18)	Parent liable for restitution for minor's criminal acts.
MASSACHUSETTS	M.G.L.A. 231 § 85G	\$5,000	Minor between 7 and 18	Liability imposed on parent for minor's willful act that causes injury to person or damage to property.
MICHIGAN	M.C.L.A. § 600.2913	\$2,500	Unemancipated Minor (under 18)	Liability imposed on parent when child willfully or maliciously causes injury to person or damage to property.
MINNESOTA	M.S.A. § 540.18: Damage to Property M.S.A. § 611A.79: Bias Offense	§ 540.18: \$1,000 § 611A.79: \$5,000	§ 540.18: Minor (under 18) § 611A.79: Same	§ 540.18. Liability imposed on parent when child willfully or maliciously causes injury to person or damage to property. § 611A.79. Liability imposed on parent when child commits bias offenses (race, color, religion, etc.). Not liable if reasonable efforts to exercise control over minor's behavior.
MISSISSIPPI	M.C.A. § 93-13-2: Property Damage M.C.A. § 97-15-1: Vandalism M.C.A. § 63-1-25: Operating Vehicle	§ 93-13-2: \$5,000 plus court costs § 97-15-1: \$200 § 63-1-25: Unlimited	§ 93-13-2: Between 10 and 18 § 97-15-1: Minor (under 21) §63-1-25: Minor (under 17)	§ 93-13-2. Liability imposed on parent when child maliciously or willfully damages property. § 97-15-1. Liability imposed on parent when child willfully defaces/damages sign, device, signal, bridge, underpass, or overpass. § 63-1-25. Liability imposed on parent who signs child's driver's application and child negligently or willfully engages in misconduct.
MISSOURI	Vernon's Ann. Mo. Stat. § 537.045	\$2,000	Minor (under 18)	Liability imposed on parent when child purposefully marks or defaces property, or purposefully causes personal injury to another.
MONTANA	Mont. Stat. § 40-6-237	\$2,500	Minor (under 18)	Liability imposed on parent when child willfully or maliciously damages property (does not apply to damages done to businesses).

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
NEBRASKA	Neb. Stat. § 43-801	\$1,000	Minor (under 19)	Willful or intentional damage to person or property.
NEVADA	N.R.S. §§ 41.470: Personal injury and property damage N.R.S. § 41.472: Firearms N.R.S. §§ 483.300 and 486.101: Auto Liability	§ 41.470: \$10,000 § 41.472: Unlimited §§ 483.300 and 486.101: Unlimited	§ 41.470: Minor (under 18) § 41.472: Minor (under 18) §§ 483.300 and 486.101: Minor (under 18)	§ 41.470. Joint and several liability imposed on parent when child willfully causes injury to person or damage to property. § 41.472. Liability imposed on parent for child's negligent or willful misuse of firearm, if child has been adjudicated delinquent or convicted of criminal offense, parent knows of child's propensity to commit violent acts, and parent knows that child intends to use firearm, or permits child to use firearm. §§ 483.300 and 486.101. Joint and several liability imposed on parent who signs child's driver's application and child willfully or negligently causes injury or property damage while operating motor vehicle, or motorcycle.
NEW HAMPSHIRE	N.H. Rev. Stat. Ann. § 507:8-e	Unlimited	Minor (under 18)	Liability imposed on parent when child vandalizes real or personal property and parent fails or neglects to supervise child, or to control conduct of child.
NEW JERSEY	N.J.S.A. § 2A:53A-16: Damage to certain transportation infrastructure N.J.S.A. § 18A:37-3: Damage to school property	§ 2A:53A-16: \$5,000, plus costs § 18A:37-3: Unlimited	Minor (under 18)	§ 2A:53A-16. Liability imposed on parent when child willfully or maliciously causes damage to railroad, public utility, street railway, traction railway. § 18A:37-3. Liability imposed on parent when child damages school property.
NEW MEXICO	N.M.S.A. 1978, § 32A-2-27: Personal Injury and Property Damage N.M.S.A. 1978, § 66-5-11: Auto Liability	§ 32A-2-27: \$4,000, plus costs and reasonable atty's fees § 66-5-11: Unlimited	§ 32A-2-27: Child (under 18) § 66-5-11: Minor (under 18)	§ 32A-2-27. Liability imposed on parent when child willfully or maliciously injures person, or willfully or maliciously destroys property. § 66-5-11. Liability imposed on parent when child commits willful or negligent acts in operation of motor vehicle and parent signed child's application for license or permit.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
NEW YORK	McKinney's General Obligations Law, §§ 3-112(1)	\$5,000	Child between 10 and 18	Liability imposed on parent when child willfully, maliciously, or unlawfully destroys property; liability imposed on parent when child, with intent to deprive an owner and/or custodian of property, or to appropriate the same to himself or herself or to a third person, knowingly enters or remains in a building and wrongfully takes, obtains or withholds property from the building in which the personal property is owned or maintained; liability imposed on parent when child falsely reports an incident or places a false bomb.
NORTH CAROLINA	N.C.G.S.A. § 1-538.1	\$2,000	Minor (under 18)	Liability imposed on parent when child willfully or maliciously injures person or property.
NORTH DAKOTA	N.D.C.C. § 32-03-39: Property Damage N.D.C.C. § 39-06-09.2: Auto Liability	§ 32-03-39: \$1,000, plus costs § 39-06-09: Unlimited	Minor (under 18)	Liability imposed on parent when child willfully or maliciously destroys property (32-03-39); joint and several liability imposed on parent when child commits negligent acts in operation of motor vehicle, such negligent acts harm people or property, and parent signed child's application for license or permit (39-06-09.2).
OHIO	R.C. § 2307.70: Various Conduct R.C. § 3109.09: Property Damage R.C. § 3109.10: Personal Injury R.C. § 4507.07: Auto Liability	§ 2307.07: \$15,000, plus costs, reasonable expenses, and reasonable atty's fees §§ 3109.09 and 3109.10: \$10,000, plus costs § 4507.07: Unlimited	§ 2307.07: Minor (under 18) §§ 3109.09, 3109.10, 4507.07: Minor (under 18)	§ 2307.07. Joint and several liability imposed on parent for child's acts of vandalism, desecration, or ethnic intimidation. § 3109.09. Liability imposed on parent when child willfully causes damage to property. § 3109.10. Liability imposed on parent when child willfully and maliciously assaults a person with a force likely to produce great bodily harm. § 4507.07. Joint and several liability imposed on parent when child commits negligent or willful acts in operation of motor vehicle, such acts harm people or property, and parent signed child's driver's license or permit application.
OKLAHOMA	Okla. Stat. Ann. 12A, § 1731.1	Parent liable for retail price of merchandise if merchandise unsalable, or percentage of diminished value of merchandise, plus costs and atty's fees	Unemancipated Minor (under 18)	Liability imposed on parent when child takes merchandise from business with intent of converting merchandise to child's use.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
OREGON	O.R.S. § 30.765	\$7,500	Minor (under 18)	Liability imposed on parent when child commits intentional or reckless tort.
PENNSYLVANIA	23 Pa. Code §§ 5502, 5505	\$1,000 limit per person injured by child's acts; \$2,500 limit per incident, regardless of number of injured persons	Minor (under 18)	Liability imposed on parent when child is found liable or adjudged guilty of tortious act that causes injury to another person.
RHODE ISLAND	R.I.G.L. 1956, § 9-1-3	\$1,500	Minor (under 18)	Joint and several liability imposed on parent when child willfully or maliciously injures person or property.
SOUTH CAROLINA	S.C. Code Ann § 63-5-60	\$5,000	Minor (under 18)	Malicious or willful personal injury, theft, or destruction to or damages of property.
SOUTH DAKOTA	S.D.C.L. § 25-5-15	\$1,500 of actual damages, plus costs	Minor (under 18)	Liability imposed on parent when child willfully or maliciously causes damage, except when child's conduct occurred through the operation of a motor vehicle.
TENNESSEE	T.C.A §§ 37-10-101 and 37-10-103	\$10,000 unless propensity to commit injurious acts.	Minor (under 18)	Liability imposed on parent when child willfully or maliciously injures person or property (§ 37-10-101). Cap on damages does not apply when parent knows, or should know, of child's propensity to commit injurious acts (§ 37-10-103).
TEXAS	V.T.C.A. Family Code §§ 41.001 and 41.002	If child's conduct is willful or malicious, then \$25,000 cap applies. Successful plaintiff also entitled to costs and reasonable atty's fees	Minor under 18, but at least 10	Liability imposed on parent for child's negligent, willful, or malicious acts that causes property damage. However, child's acts must be reasonably attributable to parent's negligence in exercising parental duties.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
UTAH	U.C.A. 1953 § 78(A)-6-1113: Property damage and property interruption; discharge of object; theft U.C.A., 1953 §§ 53-3-211 and 53-3-212: Auto Liability	§ 78(A)-6-1113: \$2,000 § 53-3-211: Unlimited	Minor (under 18)	§ 78(A)-6-1113. Liability imposed on parent if child intentionally damages or steals property, if child recklessly or willfully shoots an object at a vehicle, airplane, boat or train, or if child intentionally or unlawfully tampers with property of another and recklessly endangers human life or recklessly causes substantial interruption or impairment of a public utility service § 53-3-211. Joint and several liability imposed on parent who signed child's application for driver's license or permit and child negligently injures person or damages property while operating motor vehicle. § 53-3-212. Joint and several liability imposed on parent who allows child to operate motor vehicle and child negligently injures person or damages property while operating motor vehicle.
VERMONT	Vt. Stat. Ann. Tit. 15, § 901	\$5,000	Unemancipated Minor (under 18)	Liability imposed on parent when child willfully or maliciously injures person or property.
VIRGINIA	Va. Stat. § 8.01-43: Damage to public property Va. Stat. § 8.01-44: Damage to private property	\$2,500	Minor (under 18)	Liability imposed on parent when child willfully or maliciously damages or destroys public (§ 8.01-43) or private (§ 8.01-44) property.
WASHINGTON	R.C.W.A. § 4.24.190	\$5,000	Minor (under 18)	Liability imposed on parent when child willfully or maliciously injures person or defaces or destroys property.
WEST VIRGINIA	W. Va. Code § 55-7A-2	\$5,000, limited to actual damages, court costs, and interest from date of judgment	Minor (under 18)	Liability imposed on parent when child willfully or maliciously injures person, destroys property, sets fire to forest or wooded area of another, or willfully takes property of another.

STATE	APPLICABLE STATUTE SECTION	DOLLAR LIMIT ON PARENTS' LIABILITY	APPLICABLE AGE	ADDITIONAL INFORMATION
WISCONSIN	<p>Wis. Stat. § 895.035: Property damage, theft, and other tortious conduct</p> <p>Wis. Stat. § 343.15: Auto Liability</p>	<p>§ 895.035: \$5,000, plus court costs; \$20,000, plus court costs, disbursements and reasonable atty's fees (school property).</p> <p>Maximum recovery for retail theft is set in § 943.51, and is as follows:</p> <p>Retail Value (unless returned unused and undamaged), plus actual damages, plus exemplary damages (not to exceed two times of retail value plus actual damages, or \$300 per violation).</p> <p>§ 343.15: Unlimited</p>	<p>§ 895.035: Minor (under 18)</p> <p>§ 343.15: Minor (under 18)</p>	<p>§ 895.035. Liability imposed on parent for child's damages to property, including school property; liability imposed on parent for child's violation of ordinance prohibiting graffiti; liability imposed on parent for the value of unrecovered property that was stolen by child; liability imposed on parent for willful, wanton, or malicious act of child.</p> <p>§ 343.15. Further, parent who signed license application for child is jointly and severally liable for child's negligent or willful misconduct in operating the motor vehicle.</p>
WYOMING	Wyo. Stat. § 14-2-203	\$2,000, plus costs	Minor under 17, but over 10	Liability imposed on parent if child willfully damages or destroys property.

These materials and other materials promulgated by Matthiesen, Wickert & Lehrer, S.C. may become outdated or superseded as time goes by. If you should have questions regarding the current applicability of any topics contained in this publication or any publications distributed by Matthiesen, Wickert & Lehrer, S.C., please contact Gary Wickert at gwickert@mw-law.com. This publication is intended for the clients and friends of Matthiesen, Wickert & Lehrer, S.C. This information should not be construed as legal advice concerning any factual situation and representation of insurance companies and/or individuals by Matthiesen, Wickert & Lehrer, S.C. on specific facts disclosed within the attorney\client relationship. These materials should not be used in lieu thereof in anyway.