

Liability of Adult Hosts When Alcohol is Served to Minors

What Liability Can Parents Face For Serving a Minor Alcohol Who Later Has an Accident Where Someone is Seriously Injured or Killed

By, Richard Hastings

As parents, one of the most challenging tasks we face is properly raising our children. We are seemingly confronted with unique circumstances and fact patterns that test our parenting skills on almost a daily basis. Although there is no manual or website to turn to to find the answers and it may appear that we derive our experience from on the job training, there is one place that we can turn to for help: the law.

There are rules, regulations, procedures, statutes and case law that govern acceptable conduct and define what is not acceptable behavior for parents as well as children. Far too often, seemingly responsible parents are faced with the question of whether or not it is acceptable to allow their minor child and his or her friends to consume alcohol at their home, instead of the minors doing it out while they are not monitored, under the premise that everyone is to stay the night at the host's home.

So what liability does an adult face for serving alcohol to a minor? An adult may be both criminally and civilly liable for providing alcohol to someone who is under 21 years of age. Additionally, an adult, under certain circumstances, may also be charged with the crime of risk of injury to a minor for serving alcohol to a child under the age of 16, which offense is a Class C Felony, which carries a prison term of up to 10 years and/or a fine of up to \$10,000.00.

In addition to the criminal penalties, there can also be financially devastating civil consequences. One of the leading Connecticut Supreme Court cases on this subject is the result of a high school graduation party where a parent one of the intoxicated students left the party, struck another student with his vehicle and killed him.

The Connecticut Supreme Court ruled in *Ely v. Murphy* (1988) that an injured person could bring a lawsuit against the host for the negligent service of alcohol to a minor. A social host could be found liable to the minor served or to third parties who are injured if the trier of fact (Judge or Jury) finds a causal relationship between the service of alcohol and the damages resulting from the minor's consumption of alcohol.

Parents should also be aware that Connecticut courts might hold them liable for damages that result from a situation wherein the parent is absent from the scene of the consumption of alcohol by minors but knows of their child's dangerous propensity as it relates to alcohol but fails to exercise the required control over their minor child. Connecticut courts have also held that a parent can be held liable as a social host where the parent was present on the premises at the time alcohol was ingested and where the parent knew of and/or supplied alcohol to the minor.

A finding by the trier of fact of reckless or wanton behavior, on the part of the parent, could greatly expose that individual to financial ruin. A person's homeowner's or liability insurance policy might not cover some or all of these damages leaving the individual personally exposed.

The most pressing reason why a parent should never engage in or allow this type of behavior is not the criminal liability that could result in the incarceration of the person or the financial ruin that could cripple a family but that children die and are seriously injured by these seemingly innocent activities. If you engage in and/or allow any of these activities to occur then you could be exposing yourself to a myriad of criminal and civil penalties.

Richard P. Hastings is a personal injury lawyer with the office of Hastings, Cohan & Walsh, LLP, with offices throughout CT. He is the author of the books: *The Crash Course on Child Injury Claims* and *The Crash Course On Personal Injury Claims in Connecticut*. He can be reached at (888) 842-8466 or by visiting www.hcwlaw.com.