

I LOVE MY CHILDREN, *BUT*...

**How parents can minimize
liability caused by acts of their
adolescent children**

DEFUSCO LAW, P.L.C.

Chernoff's Lawyers In Limine

March 28, 2025

12:30 to 1:30 PM

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DISCLAIMER

The information provided in this presentation is of a general legal nature only. *Your attendance at this presentation does not form an attorney-client relationship.* All information provided should not be construed in any manner as legal advice or a recommendation to undertake a particular course of action.

The children at my son's elementary school have started referring to me as a "Karen," and mocking my chic hairstyle. Is there anything I can do in the way of legal action to prevent this? I am deeply offended.



Hannah [redacted]

Yesterday at 3:42pm · 🌐

Welp, posting a question about suing 8 year-olds is probably the wrong way to beat the stereotype

Like · Comment · Share

When am I responsible for serving alcohol to minors?



My wife and I hosted a house party. Our guest Dan, age 24, drank A LOT of beer and on his drive home crossed the centerline, killing a young woman in the other vehicle. Are we responsible for the woman's death?

- A. Yes, we supplied the alcohol, so we are legally responsible.
- B. Yes, but we are only partially responsible. Dan bears liability as well.
- C. No, we are immune from liability.

C. We are immune from liability!



A.R.S. § 4-301: Liability limitation; social host

A person . . . is not liable in damages to any person who is injured, or to the survivors of any person killed, or for damage to property, which is alleged to have been caused in whole or in part by reason of the furnishing or serving of spirituous liquor *to a person of the legal drinking age*.

**“Legal Drinking Age” means
age 21, *NOT AGE 18!***

Am I legally responsible for my child's negligent driving that harms another person?



Our sixteen-year-old drove into another vehicle, badly injuring the other driver. Are we liable for her injuries?

- A. Yes, parents are legally responsible for the negligent driving of their children.**
- B. No, parents are not responsible for the negligent driving of their children.**
- C. Maybe, if our child was driving a family vehicle.**
- D. Maybe, depending on whether the vehicle was insured.**

C and D: Maybe!

FAMILY PURPOSE DOCTRINE

- HEAD OF HOUSEHOLD
- PROVIDES VEHICLE TO FAMILY MEMBER
- FOR FAMILY PURPOSE

Distinction between insurance coverage and liability:
Your auto insurance will provide liability insurance coverage for you and your child driving your vehicle with your permission (absent a named driver exclusion). But under Family Purpose Doctrine, parents are *vicariously liable* for child's negligence. *A good reason to have large auto insurance limits!*

STATUTORY LIABILITY FOR CHILD'S NEGLIGENT DRIVING

A.R.S. § 28-3160(B): Negligent/wilful misconduct of minor when driving is imputed to person who signed the minor's application for a permit or license (usu. a parent). Signor is liable with the minor for damages.

BUT: Parents/guardians not liable if minor covered by auto insurance in at least minimum limits.

Am I legally responsible for my child's intentional conduct that hurts another?



A sixteen-year-old bully picks a fight with another student, during which Bully fractures the student's facial bones. Are Bully's parents legally responsible?

- A. Yes, parents are liable for their children's intentional acts.
- B. Yes, parents are responsible, but their liability is limited.
- C. No, parents are not responsible if the child intentionally harmed another.

B. Parents are liable with child, but their liability is limited.

A.R.S. § 12-661: Liabilities of parents/legal guardians for malicious or wilful misconduct of minors

- A minor's malicious or wilful misconduct
- Causing injury/property damage
- *Shall* be imputed to the parents/legal guardian
- Even if parents/guardian could not have anticipated the misconduct
- Parents/guardian *jointly and severally liable* with minor for all damages, not to exceed \$10,000 *for each tort of minor.*

This is in addition to parents' independent negligence!

Examples of Independent Negligence Claims against Mom and Dad???



Negligent Entrustment of Motor Vehicle/Recreational Vehicle to an Incompetent or Intoxicated Child



Failure to Safeguard Firearms, Prescription Drugs, Alcohol from Children

Jumping off Roof into Swimming Pool



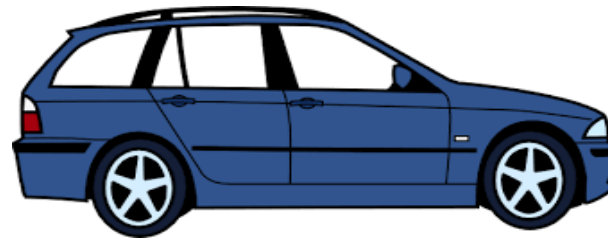
Typically NO INSURANCE COVERAGE for intentional acts of minors (because of *intentional acts exclusion* within parents' homeowner's or automobile insurance policy).

Typically, liability for intentional acts are NOT DISCHARGEABLE IN BANKRUPTCY.

Other than having deep pockets...
How do parents minimize liability if
child's *negligence* causes harm (injury,
death or property damage) to others?

LIABILITY INSURANCE COVERAGE!

Automobile Insurance



When injury, death or property damage arises out of the negligent ownership, maintenance or use of a motor vehicle.

Typically split limits; can be combined single limit for larger coverages.

State minimum: \$25,000/\$50,000/\$15,000

Don't purchase minimum coverage!



State Farm Mutual Automobile Insurance Company

PO Box 9009
Tempe, AZ 85281-9709

12511-1-A

MUTL VOL

DECLARATIONS PAGE

PAGE 1 OF 2

NAMED INSURED
AT2

03-1166-1 A A

POLICY NUMBER [REDACTED]
POLICY PERIOD MAR 07 2018 to AUG 24 2018
12:01 A.M. Standard Time

AGENT
[REDACTED]

DO NOT PAY PREMIUMS SHOWN ON THIS PAGE.
IF AN AMOUNT IS DUE, THEN A SEPARATE STATEMENT IS ENCLOSED.

YOUR CAR

YEAR	MAKE	MODEL	BODY STYLE	VEHICLE ID. NUMBER	CLASS
2018	CHEVROLET	TRAVERSE	SPORT WG	[REDACTED]	407H51K000

SYMBOLS	COVERAGE & LIMITS	PREMIUMS
A	Liability Coverage Bodily Injury Limits Each Person, Each Accident \$250,000 \$500,000 Property Damage Limit Each Accident \$100,000	\$305.78
D-WG	Collision Coverage - \$500 Deductible	\$225.23
G	Emergency Road Service Coverage	\$4.13
H	Car Rental and Travel Expenses Coverage Limit - Car Rental Expense Each Day, Each Loss 80% \$1,500	\$10.61
R1	Uninsured Motor Vehicle Coverage Bodily Injury Limits Each Person, Each Accident \$250,000 \$500,000	\$6.85
U	Underinsured Motor Vehicle Coverage Bodily Injury Limits Each Person, Each Accident \$250,000 \$500,000	\$60.72
W		

Total premium for MAR 07 2018 to AUG 24 2018.

\$704.57

This is not a bill.

Homeowner's Insurance



Typically provides liability coverage in addition to coverage for home and contents.

Provides liability coverage for *negligent conduct* that harms others that does not arise out of the ownership, maintenance or use of a motor vehicle (subject to numerous other exclusions).

Most homeowner's insurance policies provide minimum \$100,000 of liability insurance; greater coverage may be purchased for a nominal premium.



State Farm Fire and Casualty Company

2700 South Sunland Drive
Tempe, AZ 85282-3387

000378

B-24- 1634-F748 H F



Location:



Loss Settlement Provisions (See Policy)

- A1 Replacement Cost - Similar Construction
- B1 Limited Replacement Cost - Coverage B

Forms, Options, and Endorsements

- Homeowners Policy FP-7955
- Increase Dwlg up to \$171,360 OPT ID
- Ordinance/Law 10%/ \$85,680 OPT OL
- Jewelry and Furs \$1,500/\$2,500 OPT JF
- Amendatory Endorsement FE-7203.4
- Policy Endorsement FE-5320
- Fungus (Including Mold) Excl FE-5398
- Motor Vehicle Endorsement FE-5452
- Telecommuter Coverage FE-5831
- Back-Up Dwell/Listed Property FE-5706.1
- Amendatory Debris Removal * FE-5480

*Effective: NOV 29 2008

RENEWAL CERTIFICATE

POLICY NUMBER	
Homeowners Policy NOV 29 2008 to NOV 29 2009	
DATE DUE	SEE BALANCE DUE NOTICE
NOV 29 2008	\$1,812.00

Coverages and Limits

Section I

A Dwelling		\$856,800
Dwelling Extension	Up To	85,680
B Personal Property		642,600
C Loss of Use		Actual Loss Sustained

Deductibles - Section I

All Losses	1,000
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Section II

L Personal Liability	\$300,000
Damage to Property of Others	500
M Medical Payments to Others (Each Person)	1,000

Annual Premium	\$1,812.00
Amount Due	\$1,812.00

Premium Reductions	
Home/Auto Discount	335.00
Claim Free Discount	419.00

Inflation Coverage Index: 197.6

Umbrella Policy



Provides extra layer of liability coverage above your auto, homeowner's and recreational vehicle policies.

Liability limit of \$1 million, \$2 million or greater, depending on the insurance carrier.

Affordable: Often times, \$1 million of liability coverage for less than \$300/year.

Insurer will require you to have specified limits of coverage on your auto, home and recreational vehicle.



State Farm Fire and Casualty Company
A Stock Company With Home Offices in Bloomington, Illinois

Po Box 5000
Dupont, WA 98327-5000

Named Insured

AT1

A-15-2697-FB3C

L F



S11
01011005

DECLARATIONS PAGE

AMENDED MAR 14 2016

Policy Number	[REDACTED]	
Policy Period	Effective Date	Expiration Date
12 Months	SEP 12 2015	SEP 12 2016
The policy period begins and ends at 12:01 am standard time at the named insured's address.		

Your policy is amended MAR 14 2016
PERSONAL LIABILITY LIMITS CHANGED

PERSONAL LIABILITY UMBRELLA POLICY

Automatic Renewal - If the **policy period** is shown as **12 months**, this policy will be renewed automatically subject to the premiums, rules and forms in effect for each succeeding policy period. If this policy is terminated, we will give you written notice in compliance with the policy provisions or as required by law.

Coverage(s)	Limit of Liability
Coverage L - Personal Liability	\$ 2,000,000
Self-Insured Retention	None

Required Underlying Insurance (Terms in bold in this section are defined in the policy)			
Type of Policy	Minimum Underlying Limits		or
	Combined Limits (Bodily Injury and Property Damage)		
Automobile Liability	\$ 500,000	Bodily Injury -	\$250,000 Per Person \$500,000 Per Accident \$100,000 Per Accident
Recreational Motor Vehicle Liability Including Passenger Bodily Injury	\$ 500,000	Bodily Injury -	\$250,000 Per Person \$500,000 Per Accident \$100,000 Per Accident
Personal Residential Liability	\$ 100,000		
Watercraft Liability	\$ 100,000		

Forms & Endorsements		Endorsement Premium	
Personal Liability Umbrella	FE-7950.2	Increase	\$ 29.44
Amendatory Endorsement	FE-7670.3		
Fuel Oil Exclusion	FE-5837		
Registered Domestic Partnership	FE-6858		

Other limits and exclusions may apply - refer to your policy



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