Legal Matters®

Personal Injury
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Can parents be held responsible for their teen's car accident?

In June 2024, Jonathan Williams, a high school basketball coach in California, was on his way to a tournament when the vehicle he was riding in was struck by a Toyota Camry operating at a speed of about 95 miles per hour. The Camry's driver was a 16-year-old who was trying to beat the light at the intersection where the crash occurred.

Williams died of his injuries, and the teen driver was charged with vehicular manslaughter. Meanwhile, Williams' wife and five children brought a lawsuit against the teen driver, seeking $10 million in damages for their loss.

However, the family didn't name just the at-fault driver in the lawsuit; they also named his father. Which raises an interesting question: to what extent can parents be held responsible for the careless or reckless driving of their teens?

The simple answer is that it varies based on the laws of the state where the crash took place, the teen driver's conduct, and the specific circumstances of the accident.

For example, California has a state law making parents responsible for a minor child's misconduct resulting in injury or death. While the law generally caps the parent's responsibility at $25,000, there's no such cap for car crashes. This paves the way for Williams' family potentially to recover every dollar they're seeking in compensation.

A law like this is known as a "vicarious liability" (or "imputed liability") law. In some states, the law might come into play only if the teen was acting as the parent's "agent" at the time of the accident, such as using a family vehicle to run an errand. In other states, it doesn't matter why the teen was using the car as long as they were a minor at the time.

Other states adhere to a concept known as the "family purpose doctrine" under which a parent is accountable for any harm caused by their teen driving a vehicle owned for family use. This means if a parent gives their teenager a car to get to work, school or social events, they can be subject to liability.

"Negligent entrustment" is another doctrine used in many states.

Under this theory, a parent who knows or has reason to know their teen is an unfit driver and still allows the teen to operate a vehicle is liable for harm the teen may cause.

Teens with a history of speeding tickets, reckless driving or other risky

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Store faces liability for condition that was not 'unreasonably dangerous'

We've all gotten distracted and stumbled over something that we might have avoided had we been paying closer attention. If this has happened to you and you suffered an injury, it's still worth talking to an attorney. Because as a recent Arizona case suggests, you may still be eligible for some kind of recovery under certain circumstances.

In that case, customer Roxanne Perez was shopping at a Circle K store when she tripped over a case of water at the end of the aisle. She suffered an injury in the fall.

Perez sought to hold Circle K responsible for her injury, arguing that it was unreasonably careless for storekeepers to keep the case of water in that particular location.

A trial judge threw out the lawsuit, ruling that the case of water was an "open and obvious" danger that wasn't serious enough to impose any kind of responsibility on the store to remedy it. A key factor in the judge's analysis was Perez's admission that if she had looked down as she was navigating the aisle, she would have seen the case of water.

The state Court of Appeals upheld the trial court's decision — specifically its finding that an open and obvious condition like the case of water was not so unreasonably dangerous so as to saddle Circle K with a duty to prevent harm in this instance.

But the Arizona Supreme Court reversed in a unanimous decision.

According to the Supreme Court, whether a defendant has a duty to the plaintiff hinges on their relationship. In this case, the court said, Perez was an "invitee" — in other words, Circle K invited her onto the premises in order to obtain some kind of benefit from her — and, as such, it owed her a duty to take reasonable steps to keep her safe. Accordingly, the Supreme Court said, it was a mistake to throw out her case based on a lack of such duty.

This does not mean, of course, that the case is over. The Supreme Court kicked it back to the trial court, where Perez will still have to establish that the store breached its duty to keep her safe. This could pose a challenge for her under the circumstances. Regardless, she will still be entitled to her day in court.

If, like Perez, you have been injured on a business owner's premises and you don't think the hazard was particularly dangerous, don't assume you have no recourse. Talk to an attorney where you live.

Beware of summer hazards on commercial property

A family from California has decided to take on one of America's biggest corporations over its alleged carelessness. The case stems from their stay at Disney's Aulani Resort and Spa in Hawaii, where their 10-year-old son slipped and fell by the side of a pool, hitting his head on hard cement. He needed emergency medical treatment and stitches to close his head wound.

Disney apparently knew for years that the pool area at this particular resort was too slippery, causing the risk of a fall to anyone near the pool. Yet for some reason Disney had not applied anti-slip surfacing to the area. Nor did it apparently warn guests of the hazard.

The boy's family knew this because the treating physician had treated multiple children who had slipped and fallen in the same area. Online reviews indicated this was a problem as well.

The family decided to handle the matter as a "class action" — in other words, they're taking action on behalf of their son and all other people injured at the resort under the same circumstances. As the case wends its way through the courts, this is a good time to provide a reminder that all sorts of summer fun can pose safety hazards. If such hazards are foreseeable, commercial property owners are obligated to take reasonable steps to address them or face liability for harm.

This could mean doing a better job mopping wet surfaces near pool decks (which apparently didn't happen at Disney), fixing uneven payment, marking slick tiles, and warning of badly lit staircases.

Business owners also need to address less obvious dangers, like cleaning up spilled drinks at outdoor events in a reasonable period of time; addressing extension cords that power music setups and pose tripping hazards; and cleaning up after customers in wet swimsuits track water into nearby stores.

As a customer, it's important to be aware of such hazards to protect your own safety. But the property owner has a legal obligation too, so if you've been injured enjoying summer fun on a commercial property, call a lawyer to discuss your case.

Someone pulled out in front of my vehicle... so who's at fault?

One of the most common accident scenarios is a driver unexpectedly pulling out in front of another car. When this happens, the driver who initially had the right of way may not be able to react in time to avoid a crash. Technically, that driver hit the other vehicle. So who is responsible?

In most states, the driver must yield to oncoming traffic. That means if someone's entering a main road from a parking lot, driveway or side street and they don't check to see if it's clear, if you hit them, you're likely not the one to blame.

Still, the other driver (and their insurance company) is likely to contest fault. For example, they might claim you were speeding or you were distracted by your phone or the radio and that had you been paying closer attention, you could have braked in time to avoid the collision. If they can establish this, you could be found at least partially responsible. In a lot of states, that means that even if the other driver was more at fault, whatever compensation you recover for the harm you suffered will be reduced by your own percentage of the fault.

Other factors that help determine who's at fault include traffic signals and signs. If the other driver disregarded a stop sign or red light when they pulled out in front of you, they will very likely be considered at fault.

Witness statements can also play a role. If other people saw the accident, they may be able to help clarify how fast you were going or how much time you had to react, potentially backing up your own account.

Similarly, if you can document road conditions, that may play into the determination of fault. For example, maybe it was icy during winter or slick from a rainstorm. Obviously, a treacherous road surface would be a factor in whether you were reasonably able to stop in time.

If you get in an accident caused by someone pulling out in front of you, you can protect your rights by calling 911 at the scene to get a police report, seeking medical attention right away (even if you think you aren't hurt; some injuries develop over time), taking photos of the accident scene, and getting contact information for any witnesses.

Perhaps most important, call an attorney. He or she can help you gather evidence, negotiate with insurance companies, and potentially bring your case to court to get you whatever compensation you're entitled to.

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behavior like drug and alcohol abuse could fall under this rule.

Meanwhile, a number of states have "parental responsibility laws" that hold parents responsible for specific types of harm that their minor children may cause. Depending on the laws of the state, car accidents may fall into this category. Similar to the California law, there may be caps on damages, but the caps can vary and still lead to steep consequences for the parents.

Finally, some states are even moving toward holding parents criminally responsible for the dangerous driving of their teens. In the summer of 2024, a mother and father in Queens, New York, were convicted of child endangerment after their 16-year-old son killed a 14-year-old girl in a car accident. They had given their son access to the car when he was not legally allowed to drive.

If you or a loved one have been injured in a crash caused by a teen driver, it's important to talk to a personal injury lawyer right away. An attorney can help navigate the various theories of liability that will help you recover all the compensation you're entitled to.

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Even products designed for children can pose dangers

Common household products, including those designed for children, can pose serious dangers to kids, particularly when they're defectively designed.

So what kinds of products should you pay especially close attention to if you have children around?

The most obvious are small objects like watch batteries, toys with tiny parts, and laundry pods. They can cause serious choking and even poisoning hazards if swallowed. If you're not super careful, they can be easy for your kids to access when you're not watching.

Additionally, furniture — particularly free-standing bookshelves and cabinets — can tip over and seriously injure small children if they don't have proper wall attachment pieces.

Meanwhile, certain clothing items, due to poor design, can cause risk of suffocation.

And many children's toys, because of how they are designed, can cause serious cuts or choking hazards.

Many other products pose similar risks. If your child was injured because of a manufacturing defect or because the product didn't provide sufficient warning of the risks, you could potentially hold the manufacturer accountable. Call a local attorney to learn more.