

# Andrew Berns Quoted in NJ.com Article, "When Prom Weekend Gets Canceled, Should Motel Give Students Their Money Back?"

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## WHAT THE LAW SAYS

Businesses across the country are suffering, trying to figure how they can open under modified shutdown rules.

That's clear on the Jersey Shore as much as anywhere. Most Shore businesses — motels, restaurants, amusement parks and more — make most of their annual income during the summer.

While Gov. Murphy is allowing a modified opening for beaches on May 22, exactly how people can socially distance is still in question.

Any delay in opening could be devastating to Shore businesses.

That includes prom weekend outings attended by seniors, many of whom are still minors. Some establishment require a parent to cosign or otherwise take responsibility for the students.

The age of majority in New Jersey is 18, said Andrew Berns, chair of the commercial litigation and employment department at Einhorn, Barbarito, Frost & Botwinick in Denville.

He said there are some exceptions to minors entering into a contract, such as for medical care, food and housing. But other contracts with minors, he said, would usually be unenforceable, he said.

"A minor can also repudiate a contract he or she entered into before turning 18," he said.

“It is nice to offer the kids other weekends but if it is not workable for the group or even if it is acceptable for some of the kids and parents, if someone cannot or does not want to participate, they should be offered a refund, even if they have to wait for the payment,” Berns said.

NJ Advance Media showed Berns the receipts the students received when they made the reservations, and Berns said they are “unlikely to be construed as contracts.”

[Click here to read the article in its entirety on NJ.com.](#)