

Being The “Cool Parent” Isn’t So Cool

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At this time of year, when parents and their teenage children are enjoying the summer with parties and celebrations, issues often arise from the liability of serving alcohol to minors.

Often times, parents say they would feel better to have their children and their friends at their home consuming alcohol rather than have the teenagers “party” at someone else’s home, in a public place or in a car. Unfortunately, this misguided approach exposes the adults to potential criminal liability.

The New Jersey Statute, N.J.S.A. 2C:33-17(a) (Disorderly persons offense) says that purposely or knowingly or actually serving or making available an alcoholic beverage to persons under the legal age of twenty-one (21) is illegal.

The statute also prohibits an adult from enticing or encouraging an underage person to drink an alcoholic beverage. This could result in a jail sentence up to six (6) months and a thousand dollar

(\$1,000.00) fine. Further-more, the underlying offense could result in civil liability if a person is injured as a result of the alcohol consumption (see next article).

In addition, under certain circumstances, a parent serving alcohol to underage teenagers could also be charged and convicted under N.J.S.A. 2C:24-4, endangering the welfare of a child, charged with a Third Degree offense, which carries with it a maximum exposure of five (5) years in prison and a one-hundred thousand dollar (\$100,000.00) fine.

Specifically, that statute provides that any parent or other individual who has legal duty to protect an underage child and who causes the child harm that would make the child abused or neglected is guilty of the offense. That statute includes endangerment of children by persons other than parents and guardians. This is a very open ended statute since the definition of abuse and neglect is quite broad. A charge can arise from any conduct that creates a substantial risk of protracted impairment of physical or emotional health.

A review of these laws reveals that anyone who serves under-age children or allows underage children to consume alcohol faces criminal prosecutions and other significant consequences.