Parental Liability for Underage Drinking: Parents Who Host Lose the Most

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College students are home for the summer and Fourth of July is right around the corner. Your young adult children will be going to summer parties, where beer and creative, liquor-infused drinks will likely be on the menu. This could present you, their parents, with the question of underage drinking and parental liability.

The New Jersey drinking age is 21. Every adult younger than 21 who drinks is criminally liable in New Jersey pursuant to the provisions of statute N.J.S. 2C:33-15. The statute provides that "any person under the legal age, who purchases, knowingly possesses or consumes alcoholic beverages in school, public conveyance, place of public assembly, or motor vehicle is guilty of a disorderly person offense and shall be fined not less than $500." When underage drinking is done in a motor vehicle, the court is also required to suspend the defendant's driving privileges for 6 months.

The statutes also provide for liability when adults supply alcohol to an underage drinker. It is a disorderly person offense either to serve alcohol to anyone younger than 21 or to make property available for minors to consume alcohol. The statute that applies in either example (N.J.S. 2C:33-17) subjects the adult to a $1,000 fine and up to 6 months in jail. There are also Division of Alcohol Beverage Control statutes that provide penalties for supplying alcohol to those under 21.

It is imperative that parents be vigilant and know exactly what their children are planning. There is no excuse for parents who knowingly permit underage drinkers to consume alcohol at a property owned by them. Police and prosecutors can prove criminal liability if they can establish that beer or other liquor was delivered to a home prior to a party while the parents were home, even if the parents were

not home during the party. It is also unlawful to purchase alcoholic beverages for a minor; this is a disorderly person offense under New Jersey Division of Alcohol Beverage Control statute N.J.S. 33:1-81. Local municipal ordinances may also apply, and may call for imposing additional penalties for underage drinking.

In addition to the criminal liability that parents face, a civil suit for monetary damages could also result if an underage drinker is injured in the parent's home or becomes ill as a result of alcohol consumption. Also, if an underage drinker leaves the home and then becomes involved in an automobile accident or an incident involving a third party, an injured third party can sue the parent "host." Under those circumstances, the protection of the Social Host Statute, meant to reduce liability, would not apply.

To avoid the possibility of fines, loss of license, jail time and long-term civil consequences, parents must take every precaution to prohibit underage drinking on their property. Be sure your children understand that "just one party" can present years of problems for them and for you. Also, young adults who bring marijuana home to New Jersey (where it is still illegal) from states where it is legal also face legal challenges, but this is a topic for a future article.