

Parental Liability For Underage Drinking

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The month of May brings warmer weather, graduation parties and college students home for the summer. This is the time your young adult children will want to get a jump on summer parties, when likely beer and creative liquor-infused drinks will be on the menu. Parents are then faced with underage drinking and with that, the question of parental liability. The New Jersey drinking age is 21. Every young adult under that age that 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 committed in a motor vehicle, the Court is also required to suspend for 6 months driving privileges of the defendant.

The Statutes also provide for liability when adults supply alcohol to an underage drinker. It is a disorderly person offense to either serve alcohol to anyone under the legal age of 21 or to make property available for minors to consume alcohol. The Statute (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 about knowing 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 kegs of beer were 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. The Alcohol Beverage Commission Statute N.J.S. 33:1-81, also creates a disorderly person offense for that. Local Municipal Ordinances may also apply and impose additional penalties for underage drinking.

In addition to the criminal liability that parents face, there is also a possibility of a civil suit for monetary damages if an underage drinker is injured in the parent's home or becomes ill as a result of consumption of alcohol. Also, if an underage drinker, after leaving the home is 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 be applicable.

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 home marijuana (still illegal in N. J.) from states where it is legal, also face legal challenges, but this is a subject for a future article.