

## Did you know . . .

- The legal drinking age in Massachusetts and every other state is 21. It is against the law to serve or provide alcohol to underage guests or to allow them to drink alcohol in your home or on other property you control. If you do, you may be prosecuted criminally. The penalty is a fine up to \$2,000, imprisonment for up to a year, or both. G.L. c. 138, sec. 34.

- You may also be sued civilly. If you are sued civilly, a jury may decide whether you are liable and how much you will have to pay for injuries caused by your guests.

- You could be prosecuted criminally or sued civilly if you knowingly allow a person under 21 to drink at your home, and they become very ill or dies from alcohol poisoning or other injuries.

- You could be civilly liable if you give permission for your underage child to drink in someone else's home and they injure or kill a third party.

- You could be civilly liable if your child has a few friends over when you are not at home, it develops into a drinking party, and a partygoer injures themselves when fleeing after the police arrive.

## Important Facts

- Four out of ten middle and high school students (ages 12-17) who drank alcohol in the past year had a serious problem related to drinking. ([www.health.org/govpubs/RPO990](http://www.health.org/govpubs/RPO990)) Incidents of sexual assault, date rape, motor vehicle accidents, drowning, and suicide can occur more commonly among these youths.

- 45% of 7th and 8th graders in Massachusetts said that it was easy to obtain alcohol. 78% of high school students reported that alcohol was easy to obtain.

(Massachusetts Youth Alcohol Prevention Task Force, May 2009)

- Parents often don't know that four out of five teens have the opportunity to drink alcohol; only three out of five parents believe children have access to alcohol. (*US Department of Health and Human Services, 2008*)

- On a typical weekend in the United States, an average of one teenager per hour dies in a car crash. More than 45% of these crashes involve alcohol. (*Students Against Drunk Driving, 2010*)

- If drinking is delayed until age 21, a child's risk of serious alcohol problems is decreased by 70%. (*Grant & Dawson, 1997*)

## How We Can Help

The Juvenile Justice, Elder, and Disabilities; and Education and Child Abuse units of the Northwestern District Attorney's Office are available to help.

With the State Police attached to the Northwestern District Attorney's Office, these units investigate and prosecute crimes against children, the elderly and disabled, as well as cases that involved cyber crimes.

The Community Outreach and Education unit along with community partners in available to consult with schools and parents about keeping children safe.

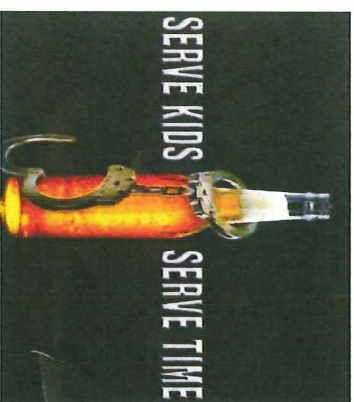
## To Find Out More

To find out more about the scope of services offered by the Northwestern District Attorney's Office, please contact Jana McClure, director of Community Outreach and Education, at 413-586-9225



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# Social Host Liability



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## What will it cost you?

**Can I be sued if my child or a teenage guest at my home drinks alcohol and harms another person?**

Yes. Under the principle of social host liability, you can be held financially responsible if your guest harms or kills another person after having consumed alcohol at your home.

**Why should I be liable for the criminal or negligent acts of my guests? If my guest kills or injures someone in a drunk driving accident after drinking in my home, why should that be my problem?**

If your guest was under age 21 and you allowed them to consume alcohol, you committed a crime. Violation of a criminal statute is powerful evidence that you were negligent. There is no good reason to allow anyone under 21 to drink alcohol. If your guest was an adult who was visibly impaired, you were negligent if you permitted them to drink alcohol at your home. There is no good reason to serve any impaired guest more alcohol.

**One of my underage twins is in college and the other is in the military. What's wrong with serving alcohol to them and their friends in the safety of our home if their friends' parents give permission?**

The legal drinking age in Massachusetts is 21. It is against the law for you to serve alcohol to underage guests or to allow them to consume alcohol in your home. You could also be civilly liable for their acts if they injure or kill someone else after drinking at your home. Parents who gave permission for their underage child to drink alcohol could also be civilly liable.

**I do not keep alcohol in my home and my child does not drink. If I allow her to have a party when I'm not home and she allows friends to bring alcohol and drink it, might she or I be liable for injuries her friends cause to another person?**

Your child may be charged criminally for allowing minors to drink alcohol at your home. If you did not give permission to your child to allow drinking at your home, you might not be civilly liable. Even if you claim that you did not know your child's guests would be drinking, it may still be up to a jury to decide whether you are civilly liable.

**Will my insurance policy cover a judgement against me as a social host?**

It might, but your coverage will most likely not be enough to pay the judgement. If you are also charged criminally, then it is possible that your policy will not cover the civil judgement.

**If my guest caused the injury and we both get sued, why should I have to pay?**

Under the principle of joint and several liability, if two or more parties are civilly liable, then any one of them may be required to pay the entire amount of the judgement. If an underage guest who drinks alcohol at your home injures or kills someone, you and that guest could be sued and found liable. You could be forced to pay the entire judgement if the underage guest cannot afford to pay. Recent judgements in these cases have been more than one million dollars.

**If someone gets a judgement against me as a social host and I later declare bankruptcy, will I have to pay it?**

A drunk driver who is ordered to pay a civil judgment cannot avoid paying by declaring bankruptcy. It is possible a social host can avoid paying a civil judgement if he is bankrupt, but there is a growing trend to prevent this from happening.

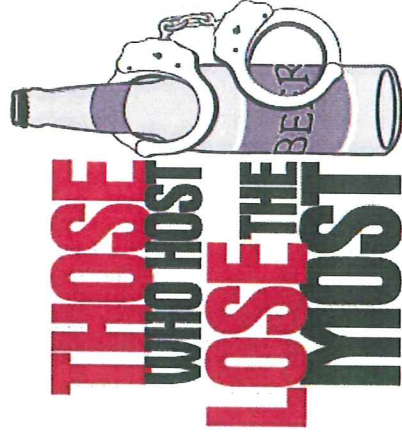
**Liabe:** Criminally responsible (meaning that you might be ordered to pay a fine or serve a prison term) or civilly responsible (meaning that you might be ordered to pay for injuries to or for the death of another, and other related costs).

**Negligence:** Failure to do what is required; carelessness; inattention. You are negligent if you permit an impaired and/or underage guest(s) to drink alcohol at your home.

**Social host:** An adult or juvenile who is in control of premises and who serves alcohol or allows it to be consumed on those premises.

**Social host liability:** You can be held financially responsible if your child or guest injures or kills another person after you permit your child or guest to drink alcohol in your home or other property you control.

**Underage:** The legal drinking age in Massachusetts and every other state is 21. Someone under 21 cannot legally drink alcohol.



Don't be a party to underage drinking.  
It's against the law.