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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Illinois Court Considers Parental Liability for Accident Stemming from Underage Drinking

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Bell v. Hutsell is a recent decision out of the Appellate Court of Illinois, Second District, that involved allegations that homeowners were responsible for the death of an 18-year old who died in an [automobile accident](#) after drinking alcohol at the home of the defendants.

In *Bell*, it was alleged that the defendants' son, who was also 18, hosted a party for his underage friends at his family's home. The plaintiff's deceased son attended the party. Although the defendant's parents provided only soft drinks, alcohol was brought to the party by others who attended the party.

The basis of the civil complaint was that the defendants were liable for the plaintiff's son's death since they voluntarily agreed to ensure that no underage partygoers would drink alcohol and likewise violated the Liquor Control Act.

Specifically, the plaintiff asserted that common law liability arose because the defendants' son assured the plaintiff's son that there would be no alcohol at the party and that his parents would monitor the party to ensure that no drinking occurred.

At the outset, the court rejected the defendants' defense that they were "social



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hosts” since the defendants “did not supply the alcohol, store the alcohol, or affirmatively permit its consumption.” Thus the court concluded that the case could proceed on the common law theory that the defendants negligently performed the duty to monitor alcohol intake at the party. However, the court dismissed the counts alleging violations of the Liquor Control Act since the defendants did not supply the alcohol that was present at the party.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles **workers' compensation and personal injury cases**. Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.