

NEW MEXICO INJURY ATTORNEY BLOG

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The Potential Costs of "Cool" Parenting are High During High School Graduation Season

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With graduation season fast approaching, would be graduation party hosts should keep in mind all the costs of being the "cool parents." In addition to exposure to very serious felony charges for service of alcohol to minors, there is potentially devastating liability for personal injuries and damages associated with DWI related auto accidents.

New Mexico's Liquor Liability Act, often referred to as dram shop laws, imposes a duty and corresponding liability on all social hosts. This includes parents who host a graduation party. In fact, the Act was perhaps geared most to this kind of negligent behavior.

The Liquor Liability Act established varying levels of duties and liability for different situations. At the high end of the spectrum are restaurants and bars who over serve patrons. For these situations, an injured person need only show negligence.

There is a lesser standard for social hosts. In these actions, because the alcohol was not served for financial gain, it must be shown that the social host was "reckless." This is a much higher burden of proof than simple negligence. The standard is long established and most recently set forth in *Delfino v. Griffo* wherein it was stated, "For a suit against a gratuitous provider, or social host, the plaintiff must show that the host provided alcoholic beverages "recklessly in disregard of the rights of others, including the social guest."

Though a showing of recklessness is a fairly significant hurdle, serving alcohol to minors will most definitely meet that hurdle. The liability runs not only to innocent third parties, but to the minor as well.

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In the case of a DWI auto accident, the injuries and damages can be catastrophic including the possible wrongful death of innocent third parties, passengers, and the minor him or herself. The liability for the social host likewise can be catastrophic. It is hardly worth the fleeting moments where the drunken child and his or her teen friends believe the parent to be cool.

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