

ASK THE LAWYER: KNOW YOUR RISK FROM HOSTING TEEN PARTIES

By Kim K. Steffan, Attorney

With prom and graduation season here, many teens are celebrating with their friends. Knowing your risks as a party host can help you avoid criminal charges and expense (not to mention heartache).

Criminal risks: As a “no exceptions state,” NC makes it a crime (a misdemeanor) for an adult to provide alcohol to someone under 21 for any reason, anywhere. There is no parent-child exception, at-home exception, or a dinner-table exception. Penalties include fines, community service, and possible jail time. Prosecutions in Orange County aren’t uncommon, including one recently where an educated mom in a nice neighborhood faced having a criminal record. She was charged with aiding and abetting underage drinking and of contributing to the delinquency of minors for furnishing alcohol at her home for her teenager’s party. She thought it was legal if she provided alcohol at home under her supervision, and thought that was somehow safer than having kids drink elsewhere. You know the old saying, “ignorance of the law is no excuse.” If she didn’t know, your friends and family might not either, so help spread the word that this is illegal.

Civil risks: What if someone gets hurt at the party you are hosting? What if a teen drives after the party and hits someone, causing injury, death, or property damage? You as the host are liable for monetary damages because providing alcohol to an underage person is negligence on your part.

The injured person will have a claim against your homeowners’ or renters’ insurance (if they provide coverage), and possibly against your umbrella policy. Even if your policies do provide coverage, it may not be enough. Death and serious injury claims are very expensive. If you don’t have insurance, or if it isn’t enough to cover all the damages, the injured person can get a judgment against you. A judgment can be satisfied by taking assets you own, like your house, your vehicle, and your bank accounts. Judgments last for 10 years, and can be renewed for another 10 years, so the problem stays with you for a long time. Also, judgments can keep you from qualifying for a home or vehicle loan.

Keeping Kids out of Legal Troubles: As a parent, you also care about what happens to your kids and their friends. Besides not wanting them to get into an accident after drinking, you want to help them avoid legal trouble. Remember that any criminal conviction can cause problems with applications for employment, college, or apartment rental.

Underage purchase, possession, or consumption of alcohol is a misdemeanor. In addition, North Carolina is a “zero tolerance” state for underage drinking and driving. It is illegal for an underage person to drive with any alcohol in his system, or while drinking alcohol. Consequences include license suspension or revocation (yes, even just for purchasing, not involving driving), fines, court costs, community service or jail time, attorney’s fees, and higher insurance rates.

Good Samaritan Law: NC’s Good Samaritan law protects from criminal prosecution someone who calls for emergency medical help for another person who appears to be having a drug-related overdose, including alcohol poisoning. To get this protection, the caller must give her name to the 911 operator, and must stay with the victim until help arrives. The victim also receives immunity from criminal prosecution. If a medical emergency like this happens at a party, fear can cause deadly inaction. It is important to know that you can and should call 911.

Knowing the law may help keep you and those you love out of trouble, and from suffering life-changing consequences. Thanks to Gayane Chambless of the Orange Partnership for Alcohol and Drug Free Youth for assisting with resources for this column.

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