

SUBJECT: Making a parent liable for property damage by a child of at least 10-years old

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 6 ayes — Goodman, A. Reyna, E. Reyna, P. King, Morrison, Tillery
0 nays
3 absent — Menendez, Naishtat, Nixon

SENATE VOTE: On final passage, February 22 — voice vote

WITNESSES: None

BACKGROUND: Family Code, sec. 41.001 establishes the liability of parents for their children’s conduct. A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage caused by the wilful and malicious conduct of a child who is at least 12-years old but younger than 18-years old.

Family Code, ch. 51, known as the Juvenile Justice Code, defines a child as a person who is at least 10-years old and younger than 17-years old, except in the case of a young person who is found to have engaged in delinquent conduct, in which case the definition is extended to age 18.

DIGEST: SB 233 would amend Family Code, sec. 41.001 to lower to 10-years old the age of a child for whose wilful and malicious property damage a parent or other person with the duty of controlling the child could be held liable.

This bill would take effect September 1, 2001.

SUPPORTERS SAY: SB 233 is necessary in order to make the definition of a child in Family Code, ch. 41 consistent with that used in the Juvenile Justice Code. It simply makes sense to align these definitions throughout the Family Code.

OPPONENTS No apparent opposition.

SAY: