



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 29, 2011

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Title

Liability Limits of a Parent or Guardian  
(amend Appendix B of the Cal. Rules of  
Court)

Agenda Item Type

Information Only

Date of Report

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Submitted by

Administrative Office of the Courts staff

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### Executive Summary

Civil Code section 1714.1(c) requires the Judicial Council to compute, adjust, and publish every two years the liability limit of a parent or guardian for the willful misconduct of a minor.

### Previous Council Action

*By Circulating Order CO-97-07*, the Judicial Council authorized the Administrative Director of the Courts to make these adjustments and to report this action at the following council meeting.

### Methodology and Process

On March 16, 2011, the Administrative Director of the Courts adjusted the liability limit as mandated by Civil Code section 1714.1(c) and as authorized by the Judicial Council. The adjusted liability limit is stated in Appendix B of the California Rules of Court. Staff has posted the amended Appendix B on the California Courts website and is sending the amendment out for publication in the advance sheets of the California Official Reports.

Civil Code section 1714.1(a) imputes liability for any act of willful misconduct of a minor that results in injury or death to another person or in any injury to the property of another to the parent or guardian having custody and control of the minor. Under section 1741(b), a parent or guardian having custody and control of a minor is liable for any act of willful misconduct of the

minor that results in the defacement of property of another with paint or a similar substance. Under either section 1741(a) or (b), the joint and several liability of the parent or guardian having custody or control shall not exceed \$25,000 for each tort of the minor, *except as provided in section 1741(c)*.

Section 1741(c) requires the Judicial Council to compute, adjust, and publish the maximum amount of liability every two years, on or before July 1 of each odd-numbered year, to reflect any increases in the cost of living in California, as indicated by the annual average of the California Consumer Price Index.

The statutory formula for determining each adjustment is published in Appendix B to the California Rules of Court, which gives the adjustments and calculations a permanent place for reference. Based on that formula and based on the 226.919 annual average of the 2010 California Consumer Price Index, the adjusted liability limit as of January 1, 2011, is \$37,400.

Amended Appendix B, attached to this report, states the 2011 calculation of the adjusted liability limit, including the formula used for the calculation.

### **Cost Implications**

No special requirements or costs will result from this adjustment.

### **Attachments**

1. Attachment A: Cal. Rules of Court, Appendix B, at page 3

## Appendix B

### Liability Limits of a Parent or Guardian Having Custody and Control of a Minor for the Torts of a Minor (Civ. Code, § 1714.1)

#### Formula

Pursuant to Civil Code section 1714.1, the joint and several liability limit of a parent or guardian having custody and control of a minor under subdivisions (a) and (b) for each tort of the minor shall be computed and adjusted as follows:

$$\text{Adjusted limit} = \left[ \frac{\text{Current CCPI} - \text{January 1, 1995, CCPI}}{\text{January 1, 1995, CCPI}} + 1 \right] \times \text{January 1, 1995, limit}$$

#### Definition

“CCPI” means the California Consumer Price Index, as established by the California Department of Industrial Relations.

#### January 1, 2011, calculation and adjustment

The joint and several liability of a parent or guardian having custody and control of a minor under Civil Code section 1714.1, subdivision (a) or (b), effective January 1, 2011, shall not exceed \$37,400 for each tort. The calculation is as follows:

$$\$37,445.38 = \left[ \frac{226.919 - 151.5}{151.5} + 1 \right] \times 25,000$$

Under section 1714.1, subdivision (c), the adjusted limit is rounded to the nearest hundred dollars.