

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

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San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Mary M. Roberts, General Counsel
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Office of the General Counsel

DATE: February 25, 2009

SUBJECT: Liability Limits of a Parent or Guardian (amend Cal. Rules of Court, Appendix B) (Informational)

Issue Statement

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. The Judicial Council has authorized the Administrative Director of the Courts to make the adjustment.

Action Taken

On February 18, 2009, 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 Web site and is sending the amendment out for publication in the advance sheets of the California Official Reports. This report is for the Judicial Council's information only.

Rationale for Action Taken

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 subdivision (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 subdivision (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 subdivision (c)*.

Subdivision (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. By Circulating Order CO-97-07, the council authorized the Administrative Director of the Courts to make future adjustments.

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 224.807 annual average of the 2008 California Consumer Price Index, the adjusted liability limit as of February 18, 2009, is \$37,100.

Attached as Exhibit A is the amended Appendix B to the California Rules of Court. It states the 2009 calculation of the adjusted liability limit, including the formula used for the calculation.

Alternative Actions Considered

The adjustment is required by statute; no alternative actions were considered.

Comments From Interested Parties

None. This is a minor substantive change that is unlikely to create controversy, and it was not circulated for public comment.

Implementation Requirements and Costs

No special requirements or costs.

Attachments

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.

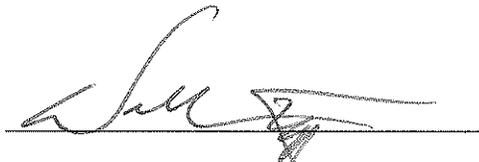
February 18, 2009, calculation and adjustment

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 February 18, 2009, shall not exceed \$37,100 for each tort. The calculation is as follows:

$$\$37,096.86 = \left[\frac{224.807 - 151.5}{151.5} + 1 \right] \times 25,000$$

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

Approved: _____



William C. Vickrey
Administrative Director of the Courts

Date: _____

2/17/09