

Additional Information—Precedents for Change

K.H. Through Murphy v. Morgan
914 F 2d 846, 849 (7th Circuit 1990)

States Are Responsible for Safekeeping of Children in Foster Care

"Once the state assumes custody of a person, it owes him a rudimentary duty of safekeeping no matter how perilous his circumstances when he was free." The distinction tracks tort law--there is no duty to rescue, but, having effected it, the "rescuer" is "not entitled to harm the person who he has rescued." Parents and guardians of minors have a legal duty to rescue and therefore a legal duty not to place their children in perilous situations like behavior modification programs.

Procanik by Procanik v. Cillo
97 N.J. 339, 478 A 2d 755
(Supreme Court of New Jersey, 1984)

Victim's Rights to Recovery

"We hold that a child or his parents may recover special damages for extraordinary medical expenses incurred during infancy, and that the infant may recover those expenses during his majority." The law typically defines all minors as "infants" for legal purposes.

Gavin W. v. YMCA of Metropolitan Los Angeles
131 Cal.Rptr 2d 168
106 Cal. App. 4th 662 (2003)

Limited Liability Clauses that Include Injuries Caused by Negligence or Employee Action are VOID/ILLEGAL

"Exculpatory agreement that purported to relieve child care provider of liability for its own negligence is void as against public policy." This means a limited liability clause that relieves the service provider of responsibility for negligent or intentional harms is void and illegal (against public policy).

Glomb v. Ginosky
366 Pa. Super. 206
530 A. 2d 1362 (1987)

Parents Liable for Retaining/Hiring Abusive Babysitter

If parents know or should have known that a caregiver is abusing their child and employs him/her anyway, the parents are liable for the damages suffered by the child.

Scott v. Pacific West Mountain Resort
119 Wash.2d 484
834 P. 2d 6 (1992)

Parents Cannot Waive the Rights of Their Minor Child

"Parents can waive their own rights, but, not their minor child's."

Mahnke v. Moore
197 Md. 61
77 A. 2d 926
77 A. 2d 923 (1951)

A Minor's Right to Sue Parents for Abandonment and Cruel and Inhuman Treatment

"When...the parent is guilty of acts which show complete abandonment of the parental relation, the rule giving him immunity from suit by the child, on the ground that discipline should be maintained in the home, cannot logically be applied, for when he is guilty of such acts he forfeits his parental authority and privileges, including his immunity from suit... Justice demands that a minor child shall have a right of action against a parent for injuries resulting from cruel and inhuman treatment or for malicious and wanton wrongs."