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Parents Reminded of Social Host Liability as Prom Season Begins
Violators May Face More Than Criminal Penalties

BOSTON - (April 2012) – Prom and graduation season is the right time for parents to speak to their teenagers about the dangers of drinking and driving. The safety of our children is paramount. Beyond the obvious dangers of their kids drinking and driving, parents need to know about their own potential social host liability if underage drinkers consume alcohol in their home.

It is well known that anyone under 21 who drinks or possesses alcohol in Massachusetts can be charged criminally. Anyone who furnishes alcohol to a person under the age of 21 can also be prosecuted. What is not known to most citizens of the Commonwealth is the fact that under the state's social host responsibility law, there are also serious consequences for parents who allow teens and their friends to consume alcohol in their homes. Parents may face imprisonment and fines under the law.

"Safety is the most important point in any conversation about drinking and driving," said Boston attorney David W. White. "It is particularly important that parents have zero tolerance for underage drinking in their homes, and obviously they must not supply any alcohol to minors. Providing even a small amount of alcohol to an underage drinker may result in a large civil judgment if it contributes to an accident."

White urged parents to intervene to ensure that prom celebrations do not include alcohol and to make sure that prom season does not result in needless injuries or loss of life.

David W. White is a Boston lawyer with over 25 years of experience handling personal injury and premises liability cases. He is a former president of the Massachusetts Bar Association (2007-2008). He can speak about the civil liabilities homeowners may face for allowing underage drinking on their property. Contact him by telephone at 617-723-7676, cell phone at 617-823-6543 or e-mail at white@bwglaw.com.

Questions and Answers About the Social Host Liability Law

Can I be charged criminally if underage guests are drinking in my home?

Yes. The legal drinking age in Massachusetts is 21. It is against the law to allow a person under 21 years of age, "to possess alcoholic beverages on premises or property owned or controlled by the person." M.G.L. c.138, sec. 34.

What are the penalties for serving underage guests alcohol in my home?

You could face a fine up to \$2,000, imprisonment for up to a year or both. You may also be civilly liable.

What if my underage child has a party at my home and serves alcohol to underage guests when I am not there?

Your child may be charged criminally for allowing underage guests to drink, whether he provided the alcohol or not. Even if you are not home you have a duty to prevent teens from drinking in your home.

What if my underage child is drinking at someone else's home?

You could still be civilly liable in this situation if you gave permission for your underage child to drink in someone else's home and he injures or kills a third party.

Will my homeowner's insurance policy cover a judgment against me if I am found civilly liable?

It may, but your insurance policy may not cover the full judgment.

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About Breakstone, White & Gluck, PC

Breakstone, White & Gluck, PC, is a Boston law firm which represents injured plaintiffs in personal injury and medical malpractice cases. The firm has established a reputation as one of the top personal injury firms in Massachusetts. Notable cases include the case against a surgeon who left a patient on the operating table to cash a check, and several multi-million dollar cases arising from medical malpractice, EMT malpractice and motor vehicle accidents.