



Legal Insurance

Legal Issues
as Your Children
Grow Up



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This guidebook looks at some of the possible, but unplanned, legal issues of raising children. While it can't cover every scenario, it takes a broad look at some of the high-profile legal issues parents and children may face. By becoming familiar with these potential situations you can help your children understand their rights and their responsibilities.

As a parent, understanding the issues you face when raising your kids will help you keep them safe —



physically.



financially.



legally.

Playground and Sports Injuries

It seems children no sooner learn to walk, than they are off to run, play, swing, race, throw and tackle. While playgrounds and school sports are among a child's best memories, they can be a source of worry for parents. More than 2.6 million children ages 19 and under visit an emergency room every year for injuries caused by sports and recreation.¹

To keep children from getting hurt, several laws and regulations have been enacted to increase their safety. For example, 21 states and Washington, D.C., have enacted bicycle helmet laws for children.² All 50 states and Washington, D.C., have put laws in place that address traumatic brain injuries such as concussions.³ And many states have enacted playground equipment guidelines and standards developed by the U.S. Consumer Product Safety Commission and the American Society for Testing and Materials.⁴

The liability of others

While courts have acknowledged schools play a role in a child's safety, they cannot guarantee the safety of all students. School personnel may be legally liable when a student is injured either because of an intentional act or because of negligence.

Tort law is based on the idea that an individual is liable for the consequences of his conduct if it results in injury to another person.

Tort claims are generally governed by state law. If you believe your child has been hurt by another person's negligence, you'll need to be able to prove the following:

- Existence of a duty to protect
- Failure to exercise a reasonable standard of care
- The failure was the proximate cause of an injury
- Actual injury

Because tort law is complicated, consult with an attorney who can help you understand your situation and what outcomes you can realistically expect if you file a lawsuit.



Tort law:
A type of law that covers the wrongs caused by the inappropriate or negligent actions of others.

Did you know?

Every 3 minutes, a child is seen in an emergency room for a sports-related concussion.⁴



Find Your State's Laws

Visit <https://www.safekids.org/state-law-tracker> for a state-by-state list of laws that impact child safety.



Prevention strategies

For sports: You can keep your children safer by ensuring they consistently use the appropriate gear necessary for each respective sport or activity, including helmets, wrist guards, elbow pads, knee pads and mouth guards. Prevent overtraining by having children take at least one day off from organized physical activity each week and at least two to three months off from a particular sport per year.

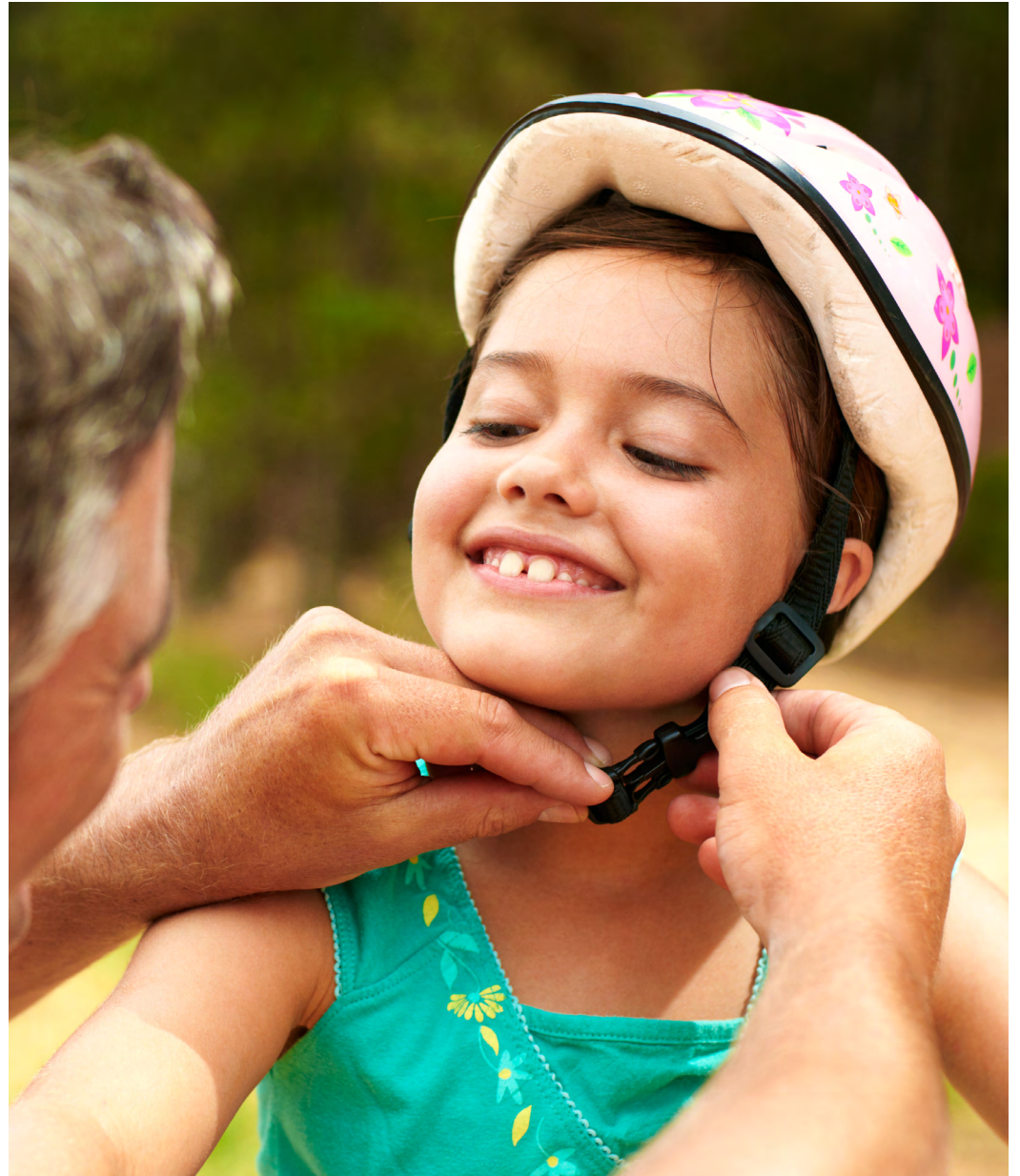
You also can help prevent issues by checking to see that coaches are trained in first aid and CPR, have a plan for responding to emergencies, know the proper use of equipment and enforce rules on equipment use. Make sure you also recognize signs and symptoms of common sport-related health issues such as heat illness and concussions.

For play: When you leave your children on the playground, make sure adults actively supervise. Supervisors should understand safety issues, know how to check for broken equipment, remove unsafe modifications (such as ropes) and make sure children are wearing proper footwear.

You also may want to note the height of playground equipment, and if the surface is covered with an energy-absorbing material such as shredded rubber, wood chips, wood fiber or sand to reduce injuries. Also look to see if there are signs to indicate the age range of the intended users. If not, you can bring up these issues with whoever oversees the playground.

Did you know?

The right gear matters! A \$3 mouth guard reduces the risk of losing a tooth, which can help you avoid expensive emergency dental work as well as thousands of dollars in lifetime dental procedures.



School Discipline

As your children enter school, it will be helpful to know the school's expectations and policies. School discipline procedures and offenses are laid out in the materials of each school district or private school.

Bullying

Bullying is when one child picks on another child repeatedly. Bullying can be physical, verbal or social. It can happen at school, on the playground, on the school bus, in the neighborhood or over the internet. The issue of bullying has become so important that all states have a law or policy in place that addresses bullying.

Know your rights

Bullying may be considered harassment when the bullying is based on gender, sexual orientation, race, color, national origin, disability or religion. Harassment is illegal when it is so severe, persistent or pervasive that it creates an intimidating or hostile school environment and interferes with education. Harassment can come in many forms, including:

- Assaults or unwanted touching.
- Theft or vandalism.
- Threats of bodily injury.
- Unwanted sexual advances.
- Derogatory comments, slurs or gestures.

When a school receives a complaint of harassment, it is required to look into it and take steps to protect the student from further harassment. If you feel your child is being harassed, look at your school's policy and follow the process for raising a complaint. Keep careful notes about what happened, when it happened, who was involved and when you reported it.

Did you know?

Schools are legally required to have anti-bullying policies and need to make those available to students and parents. Visit your school district's website for information.

Bullying Facts⁵

20% of students in grades 9-12 reported being bullied on school property.

46% of students ages 12-18 who were bullied during the school year notified an adult.

15% of students were bullied online or by text.



How to keep your child safe

While retaliation may feel like an option to protect your child, it is generally counterproductive and may simply evolve into another form of bullying and harassment. Before bullying becomes a legal issue, consider the following advice for keeping your child out of bullying situations.

When your child is bullied

- Help your child learn how to respond by teaching him or her how to:
 - ✓ Look the bully in the eye.
 - ✓ Stand tall and stay calm in a difficult situation.
 - ✓ Walk away.
- Teach your child how to say in a firm voice:
 - ✓ "I don't like what you are doing."
 - ✓ "Please do NOT talk to me like that."
 - ✓ "Why would you say that?"
- Teach your child when and how to ask for help.
- Encourage your child to make friends with other children.
- Support activities that interest your child.
- Alert school officials to the problems and work with them on solutions.
- Make sure an adult who knows about the bullying can watch out for your child's safety and well-being when you cannot be there.

When your child is a bystander

- Tell your child not to cheer on or even watch bullying.
- Encourage your child to tell a trusted adult about the bullying.
- Help your child support other children who may be bullied. Encourage your child to include these children in activities.
- Encourage your child to join with others in telling bullies to stop.

When your child is the bully

- Be sure your child knows that bullying is never okay.
- Set firm and consistent limits on your child's aggressive behavior.
- Be a role model. Show children they can get what they want without teasing, threatening or hurting someone.
- Use effective, non-physical discipline, such as loss of privileges.
- Work on solutions with the principal, teachers, counselors and parents of the children your child has bullied.

Driving

Learning to drive is an important milestone for teenagers and not just because of the increase in personal independence. They are also beginning to put themselves in situations where the law will consider them to be an adult.

All states and Washington, D.C., offer a graduated licensing system that requires young drivers to meet minimum requirements at one phase before moving on to the next. A young driver will need to complete a supervised learner's period first and then obtain an intermediate license that limits driving in high-risk situations. After passing that phase, the driver can get a license with full privileges.

Depending upon your state's laws, a minor's ability to obtain a driver's license (permit, intermediate or full) can be negatively impacted as a result of moving violations, accidents and even school grades and attendance. High-risk situations that should be monitored and limited as teenagers include learning to drive at night and driving with other teenage passengers.

Distracted driving

Distracted driving continues to be an issue. 39% of high school students texted or emailed while driving at least once.⁶ Because teen drivers are inexperienced and easily distracted, things such as friends in the car, loud music, or texting while driving are especially dangerous.

Help keep your young drivers safe by doing the following:



Give clear instructions. Tell teen drivers simply never to use their wireless devices while driving. Discuss the reality that taking their eyes off the road — even for a few seconds — could result in injury or death.



Lead by example. If you need to text or talk on the phone while driving, set an example and pull over to a safe place.



Become informed and be active. Set rules for yourself and your household regarding distracted driving. Tell family, friends and organizations to which you belong about the importance of driving without distractions. Take information to your child's school and ask that it be shared with students and parents.



Find your state's graduated licensing restrictions

Visit ghsa.org/html/stateinfo/laws/license_laws.html



For state laws on distracted driving and tips

on how to keep your teens safe, visit distraction.gov.

Online Safety

Children are using computers more and more at school and home. Obviously, an adult cannot always be on hand to monitor what they're seeing — or who is seeing them. Whether you're concerned about their privacy or exposure to objectionable content, or want to protect them from harassment and harmful encounters, the following are steps parents can take to keep their children safer while online.



- Read privacy policy statements on websites your children visit, especially social networking sites and password access sites where personal data is likely collected. Look for what information is collected, what is done with it and how you can choose to keep your child's information from being collected.



- Establish a contract with your child to establish what responsible online behavior is. Include statements that outline online restrictions about giving out personal information, setting up face-to-face meetings with people met online, entering sites that require a credit card number, sending personal photos and responding to emails that seem threatening.



- Set rules for computer use. Include time limits and curfews. Keep the computer in a family room rather than the child's bedroom. Ensure that children know that people online may not be who they say they are and not everything they read is true.



- Check out filters for spam and unsolicited email and find out what parental controls are available to you.



Credit Cards

One of the initial discoveries your student might make once they turn 18 is the power of plastic. Credit cards can be convenient and serve as a safety net in an emergency, such as paying for an unexpected car repair. In addition, building a credit history is an important part of financial health. Having no credit history can be almost as difficult as having a low credit score. On the other hand, credit cards can be too easy to use on impulse.

The following tips can help you teach your children about credit cards and money management early on, before they're on their own and in any financial trouble:

- Point out the responsibilities that come with owning a credit card, including the importance of a higher credit score versus a lower one.
- Recommend that they start out using the card only for emergencies or for purchases that can be paid off at the end of the month.
- Teach them how quickly credit card interest can pile up and inflate the original cost of what was bought.
- Carefully review the terms of credit card offers and contracts.
- Develop a plan for dealing with monthly payments and what to do if there's a problem. Encourage a monthly review of what's been charged and how that compares to the budget rather than imply that you'll bail a child out after a spending spree.

College Students and Credit Cards⁷

67%

College undergraduate students with credit cards in their own name

46%

College undergraduate students who have credit card debt

27%

College undergraduate students who have over \$2,000 in credit card debt

First Lease

At some point, your son or daughter will move out. Whether it's their first apartment or sharing a house off campus, getting a new place to live usually means getting roommates. While having a roommate makes it more financially feasible to live on their own, it can complicate financial matters.

Consider these tips to help protect your child from legal and financial issues when renting:



Read the lease. Be prepared to ask questions of the landlord and carefully review all of the conditions of the tenancy before you sign on the dotted line. Your lease or rental agreement may contain a provision that you find unacceptable; for example, restrictions on guests, pets, design alterations or running a home business. Also, check to see what, if any, utilities or services are billed separately or are included in the monthly rent.



Know who's responsible. If two or more people sign the same rental agreement or lease, they are considered cotenants and share the same legal rights and responsibilities. A landlord can legally hold all cotenants responsible for the actions of one, including terminating everyone's tenancy. This means two cotenants can be evicted even if only one of them violated the lease or rental agreement.



Carefully consider who's signing the lease. If someone lives in the same house or apartment as your child but has not signed the lease or rental agreement as a cotenant, he or she is generally considered a "subtenant" who is paying rent to the cotenant(s) and will not have the same legal rights and responsibilities as your child. Conversely, if your child's name is on the lease or rental agreement, he or she is likely liable for any damages, late rental payments or other violations.



Get everything in writing. Roommates can make lots of informal agreements about splitting rent, paying bills, occupying bedrooms and sharing chores. Put your understandings in writing and be as specific as possible. Oral agreements are too easily forgotten or misinterpreted. Creating a written agreement can force all occupants to take cotenancy responsibilities seriously.

Considering Cosigning Your Child's Lease?

Know that anyone who signs a lease is fully liable on the lease. Cosigners are potentially liable for damage to the premises, or for legal claims against the apartment or leased premises. They are liable to the same extent as anyone else on the lease, even if the cosigner does not reside there.

Drinking

Growing up and moving out can be exciting for many young adults; for others, the experience may involve harmful activities such as illegal drug use or underage drinking. Recent statistics indicate that drinking by college students aged 18 to 24 contributes to an estimated 1,519 student deaths, and 696,000 students are assaulted by another student who's been drinking.⁸ A majority of sexual assaults in college involve alcohol or other substances.⁸

Legal consequences

In addition to the risks your son or daughter may take by drinking, they (or you) also may be at risk if they are the host of a party where others are drinking. This is known as "social host liability." A similar liability, known as "dram shop" laws, regulates the activity of people who provide alcohol for profit. If your son or daughter charges admission to a party or asks for donations, they could face dram shop liability if your state has such a law.

Minimize the risks of social host liability:

- Don't buy alcohol for parties when minors will be attending.
- Be aware that this does not prevent others from bringing alcohol to the party. Hosts may want to ask all guests to turn over car keys when they arrive and be prepared to have a place for guests to stay if they cannot drive.
- Host a party in a rental hall or restaurant because this shifts the liability onto the owner and wait staff.
- Check your state's laws to fully understand what applies in your specific situation.

If your college student gets in trouble, they could wind up being arrested or fined according to the specific state, city or local laws where the school is located. They may also be subject to punitive measures or policies established by the institution they are attending, which may involve fines, sanctions, restrictions, counseling or even expulsion.

The legalization of recreational and medicinal use of marijuana has become more common across the U.S., which means your child could potentially be exposed to and have more access to it. See if marijuana has been [legalized where you live](#). While marijuana has been legalized in several states, it's still illegal under federal law. As a result, transporting marijuana across state lines could result in federal criminal prosecution.

Offer your support

Every child will handle their new living arrangements, social environment and life experiences differently — and with varying levels of success. As a parent or guardian, you can offer your support and help prepare your children to meet these challenges by:

- Talking to them about the new opportunities and responsibilities that come with living away from home.
- Encouraging them to make the right choices on their own and while out with their friends.
- Helping them remain aware of their surroundings and emphasize their personal safety.
- Ensuring that they understand the potential legal, financial and personal consequences of their actions and the impact on their future.

You may also want to find out what support services, groups and organizations are available to students (and to you as their parent or guardian) at the institution they're attending. Understanding what resources are available to them when help is needed can make a huge difference in bolstering their academic and social development.

Juvenile Crime

Whether it's peer pressure, a need to push limits, outright defiance or false accusation, sometimes even "good kids" end up in trouble with the law. And parents who believed "it would never happen to my kid" find themselves bailing their child out of jail, appearing in court or hiring attorneys to clear a record.

What your child needs to know about their legal rights

While you want to teach younger children to cooperate with authorities, especially if their own or another's safety is at stake, they should also know that they always have the right to remain silent and request that a parent be present if they are questioned.

As children get older and potentially face risks of underage drinking, drug use, automobile accidents or other crimes where they could be charged as an adult, it's important they understand what to do if stopped by the police. These guidelines can help them retain their rights and minimize potential damage:

- Stay calm and in control of words, emotions and body language.
- Keep hands where the police can see them.
- Don't run. Don't touch any police officer. Don't resist even if innocent.
- Ask for an attorney upon arrest.
- Note the officer's badge and patrol car numbers. Write down everything that happened as soon as possible.
- Try to find witnesses and get their names and phone numbers.
- If anyone is injured, seek medical attention first and take pictures of the injuries as soon as possible.

If your child is charged with a crime

If you don't find out your child is in trouble until they are actually charged with wrongdoing, you can take steps to protect their legal rights. For starters, stay calm and get the facts. If you get a call about damage your child may have caused, be sure to write down all the details you can. Find out if there were witnesses or if a police report was filed. Then discuss with your child to get their side of the story.



What parents need to know about their liability

Depending on the child's age and the situation, parents also may be legally liable for damages or injury their children cause to people or property.

Generally, parents can be held responsible if their children are involved in delinquent acts such as vandalism, theft and shoplifting, automobile accidents, fights and assaults, or file sharing (for example, music industry copyright cases). Parents may be considered "vicariously liable" in the following circumstances:

- The parent knew about prior misconduct.
- The parent signed the child's drivers' license application or the child drives the parents' car with permission.
- The child is guilty of willful misconduct.
- The child was given access to firearms.
- The child defaces another's property.
- The child is convicted of a crime and ordered to pay restitution.



Help Prevent Juvenile Crime

- Make your children aware of not only the personal consequences of crime but the financial and legal responsibilities you and they may face.
- Supervise your children and find back-ups for times when you cannot be there.
- Help your children fight peer pressure. Know who their friends are and make sure their friends know you.

Legal Documents You Need

As your children grow up, you may want to have the following legal documents in place.

Child custodial authority consent form

This document is used for granting temporary custodial authority over your child to a third person for a limited period of time. It is most often used when you are traveling for an extended period of time and you are leaving your child in the care of a friend or relative. It can also be used when your child is traveling on an extended school trip, with a sports team or on a vacation with a family friend.

This form can be used if your child is traveling abroad, but keep in mind that you will need other documentation such as a travel consent form and passport as well. There are several reasons why you may want to use this form if your child will be in the care of another person for an extended period of time:

- The temporary custodian will have easy access to all of your child's pertinent medical information, including doctor contact information, preferred hospital and any allergies or conditions your child may have.
- If there is an emergency involving your child and you cannot be reached or the situation is urgent enough that contacting you is impractical, the temporary custodian will be able to authorize medical treatment.
- This form can help detail how any costs relating to your child are going to be paid. Documenting this information can help resolve disputes that may arise later.
- This form assures that the temporary custodian has knowledge of your child's medical conditions and is aware of the responsibilities of having your child in their care.



Medical treatment authorization for minors

This document is used to authorize medical treatment for a child in the event a parent is not present. This document is necessary because children cannot receive medical treatment without parental consent unless it is a matter of life and death.

Consider using this document if you expect to be away from your child for an extended period of time, or for when you leave your child in the care of someone else on a regular basis. These situations could include vacations, business trips, in-home childcare, daycare centers and babysitters. It is a good idea to give a copy of this document to your childcare providers so it is easily accessible if your child should ever need medical attention while in another's care.

This document also requires that a reasonable attempt to contact you be made before treatment is given. If you cannot be contacted, this document gives medical personnel permission to act.

Appointment of HIPAA representative

An appointment of Health Insurance Portability and Accountability Act (HIPAA) representative is a document in which you give someone authority to review and discuss your health information with your health care providers, as provided in HIPAA. This federal law protects the privacy of medical information of patients, but you can expressly permit disclosure to your named representative or family or friends.

Talk to your children that are older than 18 about appointing you as their HIPAA representative. Otherwise, if something happens to your college-age child, you have no legal right to obtain information about their medical issues.

Health care power of attorney

A health care power of attorney is a document in which an agent (and alternate agent, if desired) is appointed to make health care decisions for a person when he or she is incapacitated. Encourage your children to create this document once they are 18 so that if something happens to them, you or another trusted adult can make these important decisions for them.

Durable power of attorney

This is a document in which an agent (and an alternate agent, if desired) is appointed to act according to the powers and matters listed in the document. A durable power of attorney needs to clearly and fully state what authority and powers have been granted so that the reasonable expectations of third parties (such as banks, insurers or investment managers) are met. Talk to your children who are older than 18 about naming you as their durable power of attorney, particularly if they are going to be studying abroad.

Have These Documents Ready

Keeping legal documents up-to-date keeps your kids safer physically and financially. Make sure you have the following documents and financial arrangements in order for your family.

Grade School

- Child's medical authorization

High School and College

- HIPAA authorization
- Health care power of attorney
- Financial power of attorney

Financial Checklist

- Property liability
- Umbrella liability
- Your estate plan
(your will, powers of attorney)
- Life insurance for you
- Life insurance on them

Financial Issues

Liability insurance

Personal liability coverage pays when you are legally obligated for damages that occurred as the result of something that happened on your property. It also covers damages caused by your personal activities (like hitting a baseball through your neighbor's window). This coverage would pay the claims as well as for an attorney to defend you in the event of a lawsuit. In addition to protection for claims and lawsuits arising out of incidents that occur at your premises, these policies often provide protection for incidents that occur off the premises. Personal liability coverage is often a part of your homeowners insurance, but read your policy to know what you have.

Life and disability insurance

Both life insurance and disability insurance become even more important once you have children since they can help make sure your dependents are provided for in case of your death or disability. Check with your insurance agent or financial planner to determine how much and what type of insurance you need.

You may also want to check with your employer to see if you have coverage you can enroll in or increase. You'll also want to be sure your beneficiary designations are current and reflect your intentions now that you have a child.

College savings

While college is a significant expense, fortunately there are tax-free options to help you save. Both state-sponsored 529 plans and Coverdell education savings accounts allow you to contribute up to specified limits each year and let your money grow tax-free as long as it is used for college. Check with your financial advisor and/or [IRS Publication 970: Tax Benefits for Education](#) at [irs.gov](#) for more information.



Student loans

Lower interest rates and flexible payment options can make student loans a great way to finance a college education. Remember, however, that if you co-sign a student loan for your child and he or she can't make the payments, you are liable for the debt. And while federal loans are automatically discharged upon the death of the student, if you co-sign on a private loan, you will be liable as a guarantor and have to pay the balance on these loans. Many people purchase term life insurance issued on the life of the student in case of death or severe illness/disability.

Your student also needs to be aware that repaying a student loan is serious business because the federal government can garnish wages to pay student loans in default. They can also intercept income tax refunds or use any federal benefit payments (including Social Security retirement benefits and Social Security disability benefits) to reimburse student loans. If necessary, the government or private lenders can sue for payment of the loan, and unlike other debts, there is no time limit on suing to collect student loans—an individual can be sued at any time.

Further, student loan debt is not generally dismissed in bankruptcy. Student loans are non-dischargeable debt, which means it remains after bankruptcy and it must be paid. The one exception is the borrower is in a state of an undue hardship, as demonstrated by the following:

- A minimum standard of living cannot be maintained while also repaying loans.
- The current financial situation is likely to continue.
- Honest efforts to pay off the loans have been made.

It's almost impossible to show undue hardship unless you're physically unable to work and your situation isn't likely to improve in the future.



For general information on student loans, visit studentaid.gov.

For information about tuition, fees, financial aid and more for specific schools, visit <https://nces.ed.gov/globallocator/>

Take Control with ARAG



If you have questions or aren't sure where to turn, ARAG can help. Visit [ARAGlegal.com](https://araglegal.com) to learn more about how ARAG legal coverage gives you an affordable way to manage legal matters.

¹Nationwide Children's Hospital. "Contact Sports and Kids: How to Keep Your Children Safe." February 2021. <https://www.nationwidechildrens.org/conditions/health-library/contact-sports-and-kids-how-to-keep-your-children-safe>

²Governor Highway Safety Association. "Helmet Laws." November 2021. <http://www.ghsa.org/state-laws/issues/Bicyclists-and-Pedestrians>

³The Policy Surveillance Program - A LawAtlas Project. "Youth Sports Traumatic Brain Injury Laws." June 2017. <https://lawatlas.org/datasets/sc-reboot>

⁴Safe Kids Worldwide. "Sports Safety Infographic." 2015. <http://www.safekids.org/infographic/sports-safety-infographic>

⁵StopBullying.gov. "Facts About Bullying." September 2021. <https://www.stopbullying.gov/resources/facts>

⁶Centers for Disease Control and Prevention. "Teen Drivers and Passengers: Get the Facts." November 2022. https://www.cdc.gov/transportationsafety/teen_drivers/teendrivers_factsheet.html

⁷U.S. News & World Reports. "Survey: 46% of College Students With Credit Cards Have Debt." 2022. <https://money.usnews.com/credit-cards/articles/survey-46-of-students-with-credit-cards-have-debt>

⁸National Institute on Alcohol Abuse and Alcoholism. "College Drinking." 2022. <https://www.niaaa.nih.gov/publications/brochures-and-fact-sheets/college-drinking>