

# Senate Bill 787

Sponsored by Senator DECKERT; Representatives BARKER, READ (at the request of Mayor Rob Drake and Chief David G. Bishop, City of Beaverton)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes cap on damages where parent is liable for conduct of child.

## A BILL FOR AN ACT

1  
2 Relating to minors; amending ORS 30.765 and 419C.461.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 419C.461 is amended to read:

5 419C.461. (1) When a youth offender has been found to be within the jurisdiction of the juvenile  
6 court for having committed an act that if committed by an adult would constitute a violation of ORS  
7 164.383 or 164.386 or criminal mischief and the act consisted of defacing property by creating  
8 graffiti, the court, in addition to any other disposition, may order the youth offender to perform:

9 (a) Personal service, as provided in ORS 419C.465, consisting of removing graffiti; or

10 (b) If the victim does not agree to the personal service, community service consisting of re-  
11 moving graffiti at some location other than that defaced by the youth offender.

12 (2) In no case shall the youth offender, pursuant to this section, perform more hours of personal  
13 or community service than would be indicated by dividing the monetary damage caused by the youth  
14 offender by the legal minimum wage.

15 (3)(a) When a youth offender has been found to be within the jurisdiction of the juvenile court  
16 for having committed an act that if committed by an adult would constitute a violation of ORS  
17 164.383, the court may find the parent, legal guardian or other person lawfully charged with the care  
18 or custody of the youth offender liable for **the full amount of** actual damages to person or property  
19 caused by the youth offender. However, a parent who is not entitled to legal custody of the youth  
20 offender at the time of the act is not liable for the damages.

21 *[(b) The legal obligation of the parent, legal guardian or other person under this subsection may*  
22 *not exceed the liability provided in ORS 30.765.]*

23 *[(c)]* (b) The court may, with the consent of the parent, legal guardian or other person, order the  
24 parent, legal guardian or other person to complete a parent effectiveness program approved by the  
25 court. Upon the parent's, legal guardian's or other person's completion of the program to the satis-  
26 faction of the court, the court may dismiss any other penalties imposed upon the parent, legal  
27 guardian or other person.

28 **SECTION 2.** ORS 30.765 is amended to read:

29 30.765. (1) In addition to any other remedy provided by law, the parent or parents of an  
30 unemancipated minor child shall be liable for actual damages to person or property caused by any  
31 tort intentionally or recklessly committed by such child. However, a parent who is not entitled to

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 legal custody of the minor child at the time of the intentional or reckless tort shall not be liable for  
2 such damages.

3 *[(2) The legal obligation of the parent or parents of an unemancipated minor child to pay damages*  
4 *under this section shall be limited to not more than \$7,500, payable to the same claimant, for one or*  
5 *more acts.]*

6 *[(3) (2) When an action is brought under this section on parental responsibility for acts of their*  
7 *children, the parents shall be named as defendants therein and, in addition, the minor child shall*  
8 *be named as a defendant. The filing of an answer by the parents shall remove any requirement that*  
9 *a guardian ad litem be required.*

10 *[(4) (3) Nothing in subsections (1) or (2) [to (3)] of this section applies to foster parents.*

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