

## LOOKING OUT FOR LITTLE DUFFERS

# What happens if your child causes a golfing injury?

By Lawrence Savell

**T**HE INCREASING POPULARITY OF family golf has taken a large number of youngsters from the sand box to the sand trap. Thus, new questions arise: What are the responsibilities of the parents of these minor players? Can parents be held liable for injuries or property damage their golfing children cause? What can parents do if their youngsters are hurt by others while playing?

The following are some of the most frequently asked questions and some general answers based on the evolving law.

### Can I be held responsible for injuries my child causes to another person?

Possibly, depending on the circumstances. Most states impose limited parental responsibility for offspring wrongdoing. Generally, this liability is limited to extreme cases of willful, malicious, intentional, unlawful or grossly negligent acts by children.

### What would make my liability more likely?

If your negligence made it possible for your child to cause the injury.

### What constitutes such negligence?

One example is allowing a child to handle equipment that could cause injury if not handled properly — where the child is deemed too young to handle it properly.

### Would letting a young child handle a golf club qualify?

It might. The court might examine whether the parent could or should have anticipated harm. A recent Georgia case involved a 5-year-old boy playing with a golf club. He struck

and injured a friend, and the court said the critical issue was whether the parents should have anticipated the injury. However, the court emphasized that the fact the parents allowed the child unsupervised access to the club would not, by itself, be enough to prove the parents had been negligent.

### Have all courts let such cases go forward?

No. In a recent Alabama case involving an 8-year-old who had struck another with a club, the court stated that such sporting equipment did not have to be kept under lock and key.

Similarly, a North Carolina case ruled that a golf club was not inherently dangerous. The court refused to find liability where a 6-year-old took a full swing with a putter and hit a friend in the eye.

### Can anyone other than the young golfer's parents be held responsible?

Yes. A Nebraska court said a school district was liable for the death of a student who was struck in the head by

a club swung by a classmate during an indoor class. The court ruled there was sufficient evidence that the death was the result of ineffective attention and observation by the teacher in charge.

### What if the accident occurs outside of school?

It would be harder to hold the school authorities responsible. In an Indiana case involving a 9-year-old student who struck another student with a golf club in the 9-year-old's backyard, the court did not hold school officials responsible, although they had allowed the student to borrow the club for practice at home. The court ruled that the school district had no duty to supervise students at home.

### What legal options do I have if my child is injured playing golf and I believe someone else is to blame?

First, you can bring a lawsuit, if it's warranted, on behalf of your minor child for the child's injuries. Second, you can sue in your own right for any impairment of your parental rights caused by the injury. This would include the loss of your child's present and future services and earnings, and the expenses you incurred for medical treatment of your child's injuries.

### What is the lesson of all this?

Regardless of legal considerations, you should take all reasonable precautions to make sure your "little hackers" don't hurt themselves or others. Teaching your children safe and responsible use of potentially dangerous golf equipment will avoid tragedies. *GFW*

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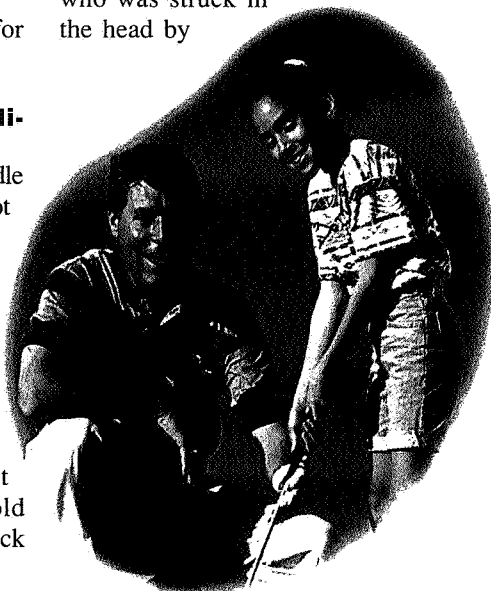


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