

January 28, 1969
Law Enforcement

Reprinted 5/13
HOUSE FILE 90

By VAN DRIE, STROMER, KREAMER,
MILLEN, CHRISTENSEN, MILLER
of Jones, LANGLAND, ROORDA,
BERGMAN, LIPPOLD, MENEFFEE,
KEHE, LIPSKY, BATTLES,
KNIGHT, ELLSWORTH, SORG,
NIELSEN, WARREN, WINKELMAN,
FREEMAN of Clay-Dickinson, NELSON,
WALTER, TIEDEN and MOHRFELD

Passed House, Date Passed Senate, Date.....
Vote: Ayes Nays Vote: Ayes Nays
Approved

A BILL FOR

- 1 An Act relating to parental responsibility for actions of
- 2 children.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. The parents of any unemancipated child under
- 5 the age of twenty-one years shall be responsible for damage
- 6 to persons or property committed by such child.

EXPLANATION OF HOUSE FILE 90

This bill holds parents responsible for damage to other persons or property by children under twenty-one years of age.

1 Amend House File 90 as follows:
2 1. By striking all of section 1 and substituting in
3 lieu thereof the following:
4 "Section 1. The parents of an unemancipated minor
5 child under the age of eighteen years shall be liable for
6 actual damages caused by negligent or wrongful acts of
7 such child to persons or property. A legal guardian of a
8 minor child, except a person having custody of a minor
9 child as a foster parent, shall be deemed its parent for
10 the purpose of this Act.
11 "Sec. 2. The legal obligation to pay damages by the
12 parents or legal guardian shall be limited in a sum not to
13 exceed one thousand dollars for each negligent or wrongful
14 act, and the total limit of all such damages arising out
15 of personal injury or property damages sustained by two or
16 more persons as a result of two or more acts of personal
17 injury or property damage committed as a joint venture in
18 repetition shall be in a sum not to exceed two thousand
19 dollars. If the damages are cumulative arising out of a
20 joint venture, the legal obligation to pay damages by the
21 parents or legal guardian shall be cumulative as to the
22 separate parents or legal guardian not to exceed the sum
23 of two thousand dollars.
24 "Sec. 3. The word 'person' for the purpose of this
25 Act shall include firm, association, partnership, or
26 corporation."

Filed - *Withdrawn 2-28*
February 11, 1969

COMMITTEE ON LAW ENFORCEMENT

1 Amend the committee amendment to House File 90 filed February 11,
2 1969, by adding the following new section: "Sec. 4. This Act
3 shall not limit any liability of any minor for his own acts and
4 shall not limit any liability imposed by the common law or by any
5 other provision of the Code."

Filed and adopted,
February 14, 1969

VAN DRIE of Story

1 Amend the committee on law enforcement amendment to House
2 File 90 by inserting in line eight (8) thereof after the word
3 "person" the following:
4 "or other child care facility or child placement agency
5 licensed under the provisions of chapter 237 and chapter 238."

Filed
February 17, 1969

FRANKLIN of Polk

1 Amend House File 90 by striking all after the enacting clause
2 and substituting in lieu thereof the following:
3 Section 1. Negligent Acts. The parents, both natural and
4 adoptive of any unemancipated child under the age of
5 eighteen years shall be liable for damages to persons or
6 property committed by such negligent acts of the child.
7 The liability shall be limited as follows:
8 a. One thousand dollars (\$1,000.00) for any one act.
9 b. Two thousand dollars (\$2,000.00) for two or more
10 acts involving two or more persons.
11 c. In no event shall the sum exceed two thousand dollars
12 per joint venture or act.
13 Sec. 2. Willful and Intentional Acts. The parents, both
14 natural and adoptive of any unemancipated child under the
15 age of 18 years shall be liable for damage to persons or
16 property committed by such willful or intentional acts of
17 the child.

Filed - *Withdrawn 2-28*
February 17, 1969

RENDA of Polk

1 Amend the committee on law enforcement amendment to House
2 File 90 as follows:
3 1. By inserting in line twelve (12) thereof after the
4 "limited" the following:
5 "to damages that are unreimbursed to the victim, by
6 insurance or otherwise, and".
7 2. By inserting in line fourteen (14) thereof after the
8 word "such" the following:
9 "unreimbursed".
10 3. By inserting in line nineteen (19) thereof after the
11 word "the" the following:
12 "unreimbursed".

Filed
February 17, 1969

JESSE of Polk

1 Amend the committee on law enforcement amendment to House
2 File 90 by adding the following:
3 "Sec. 4. If the wrongful acts of a child, as defined
4 herein, shall also form the basis for invoking the jurisdiction
5 of a court established, by chapter 231, and the presiding judge
6 of such court finds the liability created by this Act would be
7 detrimental to the successful disposition of the case, an
8 Order may be entered so finding and dissolving all or any part
9 of such liability."

Filed
February 17, 1969

JESSE of Polk

-
- 1 Amend the committee on law enforcement amendment to House
 - 2 File 90 as follows:
 - 3 1. By striking from line six (6) thereof the words
 - 4 "negligent or".
 - 5 2. By striking from line thirteen (13) the words
 - 6 "negligent or".

Filed

February 17, 1969

JESSE of Polk

-
- 1 Amend the committee on law enforcement amendment to
 - 2 House File 90 by inserting after the period (.) in line ten
 - 3 (10) thereof the following:
 - 4 "Provided that in no case shall any person be held liable
 - 5 under the provisions of this Act for damages caused by a child,
 - 6 as defined herein, who is not in fact a member of such person's
 - 7 household at the time of the injury or damage."

Filed

February 17, 1969

SKINNER of Polk

-
- 1 Amend the committee amendment to House File 90
 - 2 by striking from line five (5) the word "eighteen"
 - 3 and inserting in lieu thereof the word "twenty-one".

Filed

February 17, 1969

VAN ROEKEL of Marion

-
- 1 Amend the Renda amendment to House File 90, filed February
 - 2 17, 1969, by adding the following new section:
 - 3 "This Act shall not limit any liability imposed by any
 - 4 other provision of the Code."

Filed - *Withdrawn 2-28*

February 18, 1969

RENDA of Polk

-
- 1 Amend the Renda amendment to House File 90, filed February 17,
 - 2 1969, by
 - 3 adding in line four (4) after the word "adoptive" the following:
 - 4 " , having the care, custody and control".
 - 5 Further amend the Renda amendment in line fourteen (14) after
 - 6 the word "adoptive" the following: " , having the care,
 - 7 custody and control".

Filed - *Withdrawn 2-28*

February 19, 1969

RENDA of Polk

1 **Amend House File 90 as follows:**

2 1. By adding a new section thereto as follows:

3 "Chapter six hundred thirteen (613), Code 1966, is
4 amended by adding a new section thereto:

5 When an action is brought on parental responsibility
6 for acts of their children, the parents shall be named as
7 defendants therein and, in addition, the minor child shall
8 be named as a defendant. The filing of an answer by the
9 parents shall remove any requirement that a guardian ad
10 litem be required."

11 2. By adding a new section thereto as follows:

12 "Chapter six hundred twenty-four (624), Code 1966,
13 is amended by adding a new section thereto:

14 "When an action is brought on parental responsibility
15 for acts of their children, a personal judgment may
16 be rendered against the minor for an amount in excess of
17 the parents' liability."

Filed - *Withdrawn 2-28*
February 19, 1969

DOYLE of Woodbury

1 **Amend House File 90 by striking all after the enacting
2 clause and inserting in lieu thereof the following:**

3 Section 1. Chapter six hundred thirteen (613), Code 1966,
4 is amended by adding the following sections:

5 "1. The parent or parents charged with the care, custody
6 and control of an unemancipated minor child under the age of
7 eighteen years shall be liable for actual damages caused by
8 negligent or wrongful acts of such child to person or property.

9 2. The legal obligation of the parent or parents charged
10 with the care, custody and control of an unemancipated minor
11 child under the age of eighteen years to pay damages shall be
12 limited as follows:

13 a. Not more than one thousand dollars for any one act.

14 b. Not more than two thousand dollars, payable to the same
15 claimant, for two or more acts.

16 3. The word 'person' for the purpose of this Act shall in-
17 clude firm, association, partnership or corporation.

18 4. When an action is brought on parental responsibility
19 for acts of their children, the parents shall be named as
20 defendants therein and, in addition, the minor child shall be
21 named as a defendant. The filing of an answer by the parents
22 shall remove any requirement that a guardian ad litem be
23 required."

24 Sec. 2. Chapter six hundred twenty-four (624), Code 1966,
25 is amended by adding the following section:

26 "When an action is brought on parental responsibility for acts
27 of their children it shall not limit any liability of any minor
28 for his own acts and shall not limit any liability imposed by
29 the common law or by any other provision of the Code."

Filed - *Adopted as amended 2-28*
February 25, 1969

VAN DRIE of Story
MILLER of Marshall
RENDA of Polk
DOYLE of Woodbury
BAILEY of Wright
HUFF of Polk

- 1 Amend the Van Drie, et al., amendment to House File 90 filed
- 2 February 25, 1969, by striking from lines twenty-six (26) and
- 3 twenty-seven (27) the words "when an action is brought on
- 4 parental responsibility for acts of their children it" and
- 5 inserting in lieu thereof the words "The provisions of section
- 6 one (1) of this Act".

Filed - *Adopted 2-28*
February 26, 1969

VAN DRIE of Story

- 1 Amend the amendment to House File 90 filed
- 2 February 25, 1969, by Van Drie, et al., by striking from
- 3 line seven (7) the word "eighteen" and inserting in
- 4 lieu thereof the word "twenty-one".

Filed - *Withdrawn 2-28*
February 26, 1969

VAN ROEKEL of Marion

- 1 Amend the Van Drie, et al., amendment to House File 90
- 2 filed February 25, 1969, by striking all of lines 14 and
- 3 15.

Filed - *Lost 2-28*
February 27, 1969

McINTYRE of Linn

- 1 Amend the Van Drie, et al., amendment filed February 25, 1969,
- 2 to House File 90 by adding after the period (.) in line
- 3 twenty-three (23) thereof the following:
- 4 "Nothing in this act shall be construed to provide the
- 5 right of subrogation to any claim for damages under this act."

Filed - *Lost 2-28*
February 27, 1969

JESSE of Polk

- 1 Amend the Van Drie, et al., amendment filed February 25, 1969,
- 2 to House File 90 by striking from line eight (8) thereof the
- 3 words "negligent or".

Filed - *Adopted 2-28*
February 27, 1969

JESSE of Polk

- 1 Amend the Van Roekel amendment filed February 26, 1969,
- 2 by striking from line eleven (11) the word "eighteen" and
- 3 inserting in lieu thereof the word "twenty-one".

Filed and lost ✓
February 28, 1969

VAN ROEKEL of Marion

- 1 Amend the Van Drie, et al., amendment filed February 25,
- 2 1969, to House File 90 as follows:
- 3 1. Strike the words "one thousand" in line thirteen (13)
- 4 and insert in lieu thereof "three hundred".
- 5 2. Strike the words "two thousand" from line fourteen (14)
- 6 and insert in lieu thereof "five hundred".

Filed and lost ✓
February 28, 1969

JESSE of Polk

- 1 Amend the committee amendment to House File 90 by
- 2 striking from line four (4) all after the figure one (1), and
- 3 all of lines five (5), six (6) and seven (7) up to and including the
- 4 period.

Filed
February 14, 1969

VAN ROEKEL of Marion

- 1 Amend the committee on law enforcement amendment to H. F. 90
- 2 by striking the period in line 19 of the amendment
- 3 and inserting in lieu thereof the following: "per act or
- 4 joint venture."

Filed
February 14, 1969

KLEIN of Winnebago-Worth

March 13, 1969

HOUSE FILE 90

*Sen. Judiciary 3-12
Without Recommendation - 3-25*

By VAN DRIE, STROMER, KREAMER,
MILLEN, CHRISTENSEN, MILLER
of Jones, LANGLAND, ROORDA,
BERGMAN, LIPPOLD, MENEFEE,
KEHE, LIPSKY, BATTLES,
KNIGHT, ELLSWORTH, SORG,
NIELSEN, WARREN, WINKELMAN,
FREEMAN of Dickinson, NELSON,
WALTER, TIEDEN and MOHRFELD
(As Passed by the House)

Passed House, Date 2-28-69 Passed Senate, Date 4-8-69

Vote: Ayes 108 Nays 9 Vote: Ayes 35 Nays 17

Approved May 1, 1969

*Passed 4-16 as
amended by Senate
109-2*

Motion to reconsider tabled 4-8

A BILL FOR

- 1 An Act relating to parental responsibility for actions of
- 2 children.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*
- 4 Section 1. Chapter six hundred thirteen (613), Code 1966,
- 5 is amended by adding the following sections:
- 6 1. The parent or parents charged with the care, custody
- 7 and control of an unemancipated minor child under the age of
- 8 eighteen years shall be liable for actual damages caused by
- 9 wrongful acts of such child to person or property.
- 10 2. The legal obligation of the parent or parents charged
- 11 with the care, custody and control of an unemancipated minor
- 12 child under the age of eighteen years to pay damages shall be
- 13 limited as follows:
- 14 a. Not more than one thousand dollars for any one act.
- 15 b. Not more than two thousand dollars, payable to the same
- 16 claimant, for two or more acts.
- 17 3. The word "person" for the purpose of this Act shall
- 18 include firm, association, partnership or corporation.
- 19 4. When an action is brought on parental responsibility
- 20 for acts of their children, the parents shall be named as

1 defendants therein and, in addition, the minor child shall be
2 named as a defendant. The filing of an answer by the parents
3 shall remove any requirement that a guardian ad litem be
4 required.

5 Sec. 2. Chapter six hundred twenty-four (624), Code 1966,
6 is amended by adding the following section:

7 "The provisions of section one (1) of this Act shall not
8 limit any liability of any minor for his own acts and shall
9 not limit any liability imposed by the common law or by any
10 other provision of the Code."

EXPLANATION OF HOUSE FILE 90

This bill holds parents responsible for damage to other persons or property by children under 18 years of age.

- 1 Amend House File 90 as follows:
2 1. On page 1, strike lines 6 through 9, inclusive, and
3 insert in lieu thereof the following:
4 "1. The parent or parents of an unemancipated minor child
5 under the age of eighteen years shall be liable for actual
6 damages to person or property caused by unlawful acts of such
7 child. However, a parent who is not entitled to legal custody
8 of the minor child at the time of the unlawful act shall not
9 be liable for such damages."
10 2. On page 1, lines 10 and 11, strike the words "charged
11 with the care, custody and control".

*House
concerned
4-16*

Filed and adopted
April 8, 1969

By STANLEY, KYHL and THORSEN

- 1 Amend House File 90 by striking all of subsection
2 2 of section 1, and renumbering the remaining subsections
3 accordingly.

Filed and lost
April 8, 1969

By GLENN

- 1 Amend House File 90 by numbering properly and adding on page 2
2 the following new section:
3 "Legal guardian shall not include the state, any of its de-
4 partments or institutions, its political subdivisions, employees,
5 or officials of the state, its political subdivision, or anyone to
6 whom legal custody of a child is given for the purpose of parole
7 or probation as a juvenile offender or because such child is a
8 delinquent or neglected child."

Filed and withdrawn
April 8, 1969

By KYHL and GAUDINEER

- 1 Amend House File 90, as passed by the House and amended by the
2 Senate, by inserting on page 1, after the word "damages" at the end
3 of subsection one (1) of section one (1), the following: "and for
4 unpaid balances of accounts of credit extended to such child within
5 the limits of this Act."

Filed and lost
April 8, 1969

By REICHARDT

- 1 Amend House File 90, as passed by the House, by inserting on
2 page 1 after the word, "property" at the end of subsection 1 of
3 section 1, the following:
4 "and for unpaid balances of accounts of credit extended to
5 such child within the limits of this Act."

Filed and withdrawn
April 8, 1969

By REICHARDT