

## **CHAPTER 7 - PARENTAL LIABILITY**

### **701 GENERAL LIABILITY**

The parent or custodian of a child shall be liable for damages to real or personal property caused by such child, where such child:

1. has willfully, maliciously, or unlawfully damaged, defaced or destroyed the property; or
2. has wrongfully taken, obtained or withheld the property.

### **702 PRIVATE RIGHT OF ACTION**

The Nation or any private individual, association, organization or entity may bring an action in the Court for a judgment to recover such damages from such parent or custodian other than a governmental entity or a foster parent.

### **703 DEFENSES**

It shall be a defense to an action brought under this Chapter that the property owner has been paid full restitution for the damages caused to his property. No parent shall be liable for damages under Section 701 of this Code if the child was a Person In Need of Supervision under Article 7 of the Family Court Act of the State of New York at the time that the damage was caused. In no event shall it be a defense that the parent or custodian has exercised reasonable care in supervising the activities of the child. In the interest of justice, however, in entering judgment the Court may consider mitigating circumstances that bear directly upon the actions of the parent or custodian in supervising such unemancipated child.