



# Ankin Law Office LLC

Protecting the Rights of Injured Workers

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## If a child is hurt by the fault of another child: Can the child also be contributory at fault for the accident?

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Children can be contributory negligent depending on their age. Children under the age of 7 cannot be held contributory negligent under the “tender age doctrine.” Children between the ages of 7 through 14 can be contributory negligent depending on their age, capacity, intelligence and experience. Minors over the age of 14 may also be contributory negligent. However, the minor’s actions must be judged by an adult standard, which takes into consideration the minor’s intelligence and experience.

### Can a Parent be Contributory Negligent for Their Child’s Action?

Parents can be negligent in a tort that their child committed. However, parents cannot be negligent of that tort merely because of the parent-child relationship. Lott v. Strang, 727 N.E.2d 407,409 (Ill. App. Ct. 2000). Parents may be liable for their child’s torts if they failed to adequately control or supervise their children. Parents maybe negligent in supervising their children if the injured party is able to show 1) the parents were aware of specific instances of prior conduct sufficient to put them on notice that the act complained of was likely to occur and 2) the parents had the opportunity to control the child.