



JUDICIAL COUNCIL OF CALIFORNIA

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CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-21-03

Title

Civil Practice and Procedure: Adjustment of Maximum Amount of Imputed Liability of Parent or Guardian for Tort of a Minor

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, Appendix B

Recommended by

Judicial Council Staff
Anne Ronan, Supervising Attorney
Legal Services

Action Requested

VOTING MEMBERS ONLY: Submit votes by responding to the transmittal email.

Please Respond By

December 16, 2021, at noon

Date of Report

November 30, 2021

Contact

Anne Ronan, 415-865-8933
anne.ronan@jud.ca.gov

California Rules of Court, rules 10.5(h) and 10.13(d), allow the Judicial Council to act on business between meetings, including urgent matters, by circulating order. This memorandum is not a Judicial Council meeting; circulating orders are conducted via electronic communications. Prior public notice of a proposed circulating order is not required.

Executive Summary

Judicial Council staff recommend amending Appendix B of the California Rules of Court to reflect the biennial adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1. On December 9, 2021, the Rules Committee reviewed the proposal in this circulating order memorandum under California Rules of Court, rule 10.13(d), and approved its circulation to the council.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective July 1, 2021, amend Appendix B of the California Rules of Court to adjust the maximum liability of the parent or guardian having custody and control of a minor for the willful misconduct of the minor, under Civil Code section 1714.1(a) or (b), from \$45,000 to \$47,100.

Proposed amended Appendix B is attached at page 4.

Relevant Previous Council Action

Since January 1, 1997, Civil Code section 1714.1(c) has required that the council compute an adjustment to the dollar amounts stated in subdivisions (a) and (b) of that code section every two years, based on the change in the California Consumer Price Index (CCPI). The required adjustment has been published in Appendix B of the California Rules of Court ever since.

Analysis/Rationale

Civil Code section 1714.1(a) and (b)¹ imputes liability to the parent or guardian having custody and control of a minor for any act of willful misconduct of the minor that results in injury or death to another person, injury to the property of another, or the defacement of the property of another by paint. Both subdivisions state that the maximum liability of the parent or guardian shall not exceed \$25,000 for each tort of the minor but note that the maximum amount is subject to subdivision (c). Subdivision (c) requires the Judicial Council to compute an adjustment to the maximum amount every two years to reflect increases in the cost of living, as indicated by the annual average of the CCPI, and to publish the adjusted maximum amounts of liability on or before July 1 of each odd-numbered year.²

The formula for determining each adjustment is published in Appendix B to the California Rules of Court, which gives the adjustments and calculations a permanent place for reference.³ Applying that formula and the annual average of the 2020 CCPI of 285.315, the adjusted liability limit as of July 1, 2021, should be \$47,100, as shown in the attached amended Appendix B.⁴

This amendment to Appendix B will be published—as required by section 1714.1(c)—on the California Courts (judicial branch) website, as are all amendments to the California Rules of Court.

Policy implications

There are no policy implications in this statutorily mandated adjustment to the published liability limits.

¹ All further statutory references are to the Civil Code, unless otherwise indicated.

² Although the required biennial adjustment for 2021 has not yet been adopted, an adjustment effective July 1, 2021, is appropriate because subdivision (d) of Civil Code section 1714.1 provides that the maximum amount of liability is the one so authorized at the time the act of willful misconduct occurred. Any claims for such misconduct occurring after July 1, 2021, are unlikely to have been adjudicated at this time.

³ A copy of the letter from the Department of Finance setting out the formula for the original adjustment, which has been followed since 1997, is available as Attachment A.

⁴ The California Consumer Price Index is published each year by the California Department of Industrial Relations. A copy of the most recent chart is available as Attachment B.

Comments

The proposed amendment of Appendix B is a technical amendment made in response to a statutory mandate, which has not been circulated for comment. (See Cal. Rules of Court, rule 10.22(d)(2).)

Alternatives considered

None.

Fiscal and Operational Impacts

No court costs or operational impacts are associated with this amendment of Appendix B.

Attachments and Links

1. Cal. Rules of Court, Appendix B, at page 4
2. Attachment A: April 21, 1997, letter from Department of Finance, at page 5
3. Attachment B: Consumer Price Index—California, 2020–2021, at pages 6–7
4. Voting instructions, at page 8
5. Vote and signature pages, at pages 9–10.

Author

Anne Ronan
Supervising Attorney, Legal Services

James Barolo
Attorney, Legal Services

Appendix B of the California Rules of Court is amended, effective July 1, 2021, to read:

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Appendix B
Liability Limits of a Parent or Guardian Having Custody and Control of a Minor
for the Torts of a Minor (Civ. Code, § 1714.1)

Formula

Pursuant to Civil Code section 1714.1, the joint and several liability limit of a parent or guardian having custody and control of a minor under subdivisions (a) and (b) for each tort of the minor shall be computed and adjusted as follows:

$$\text{Adjusted limit} = \left[\frac{\text{Current CCPI} - \text{January 1, 1995, CCPI}}{\text{January 1, 1995, CCPI}} + 1 \right] \times \text{January 1, 1995, limit}$$

Definition

“CCPI” means the California Consumer Price Index, as established by the California Department of Industrial Relations.

July 1, 2019~~21~~, calculation and adjustment

The joint and several liability of a parent or guardian having custody and control of a minor under Civil Code section 1714.1, subdivision (a) or (b), effective July 1, 2019~~21~~, shall not exceed ~~\$45,000~~ **\$47,100** for each tort.

The calculation is as follows:

$$\del{\$44,968.65} \ \underline{\$47,081.68} = \left[\frac{\del{272.51} \ 285.315 - 151.5}{151.5} + 1 \right] \times \$25,000$$

Under section 1714.1, subdivision (c), the adjusted limit is rounded to the nearest hundred dollars, so the dollar amount of the adjusted limit is rounded to ~~\$45,000~~ **\$47,100**.



April 21, 1997

Ms. Cara Vonk
Judicial Council of California
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, CA 94107

Dear Ms. Vonk,

The updated number calculated in accordance with Civil Code section 1714.1 subdivision c is \$25,900.00. Proper escalation procedure divides the difference of the end-of-period number and the beginning-of-period number by the beginning-of-period number. Next add one and multiply by the original number in this case \$25,000.00.

The California Consumer Price Index (CCPI) formula is established by the Department of Industrial Relations (DIR). The Department of Finance, using the DIR formula for the CCPI, calculates the January 1, 1995 CCPI as 151.5, for January 1, 1996 (154.0), and for January 1, 1997 (157.1). The calculation rests on the assumption that the figure of \$25,000.00 originates January 1, 1995 as you stated in our conversation this morning.

$$25,925.00 = \left[\frac{(157.1 - 151.5)}{151.5} + 1 \right] \times 25,000.00$$

Subdivision c requires the number to be rounded to the nearest one hundred dollars producing \$25,900.00. My phone number is (916) 322-2263 x2423; where I can be reached to answer to any questions. I have included CCPI data tables for purposes of documentation.

Sincerely

A handwritten signature in cursive script that reads "Jason Barnhart".

Jason Barnhart

CONSUMER PRICE INDEX – CALIFORNIA

Los Angeles-Long Beach-Anaheim, San Francisco-Oakland-Hayward, San Diego-Carlsbad,
 Riverside-San Bernardino-Ontario, United States City Average, 2020-2021

All Items
 1982 - 1984 = 100

All Urban Consumers

Year	Month	California ^a	Los Angeles Long Beach Anaheim ^b	San Francisco Oakland Hayward ^b	San Diego Carlsbad ^b	Riverside San Bernardino Ontario ^b	U.S. City Average ^b
2020	January		277.755		302.564	107.143	257.971
2020	February	284.886	278.657	299.690			258.678
2020	March		276.589		302.589	107.162	258.115
2020	April	283.006	275.853	298.074			256.389
2020	May		276.842		301.317	106.899	256.394
2020	June	284.835	278.121	300.032			257.797
2020	July		279.899		305.611	107.640	259.101
2020	August	286.388	280.116	300.182			259.918
2020	September		279.366		304.443	108.201	260.280
2020	October	286.843	279.947	301.736			260.388
2020	November		280.102		306.334	108.626	260.229
2020	December	287.367	279.560	302.948			260.474
2020	Annual Average	285.315	278.567	300.084	303.932	107.672	258.811
2021	January		280.178		307.688	109.550	261.582
2021	February	289.632	281.347	304.387			263.014
2021	March		282.648		315.035	110.981	264.877
2021	April	294.274	285.808	309.419			267.054
2021	May		287.620		317.141	113.222	269.195
2021	June	297.447	289.218	309.497			271.696
2021	July		290.890		323.906	114.682	273.003
2021	August	299.815	291.333	311.167			273.567
2021	September						
2021	October						
2021	November						
2021	December						
2021	Annual Average						

Date of last update: 10/14/2021

^a Weighted average of the consumer price indexes for Los Angeles-Long Beach-Anaheim, San Francisco-Oakland-Hayward, San Diego-Carlsbad, and Riverside-San Bernardino-Ontario. A conversion factor has been included for comparability of 2018 data with 2017 and prior years. Computed by the Department of Industrial Relations, Office of the Director - Research Unit from indexes issued by the U.S. Department of Labor.

^b Source: U.S. Department of Labor, Bureau of Labor Statistics. Beginning with the November 2017 data, indexes for San Diego-Carlsbad will be published bi-monthly on odd months only (January, March, May, etc.). The Riverside-San Bernardino-Ontario indexes are on a December 2017 = 100 base and will be published bi-monthly on odd months only (January, March, May, etc.).

CONSUMER PRICE INDEX – CALIFORNIA

Los Angeles-Long Beach-Anaheim, San Francisco-Oakland-Hayward, San Diego-Carlsbad,
 Riverside-San Bernardino-Ontario, United States City Average, 2020-2021

All Items
 1982 - 1984 = 100

Urban Wage Earners and Clerical Workers

Year	Month	California ^a	Los Angeles Long Beach Anaheim ^b	San Francisco Oakland Hayward ^b	San Diego Carlsbad ^b	Riverside San Bernardino Ontario ^b	U.S. City Average ^b
2020	January		268.127		284.272	107.580	251.361
2020	February	274.917	268.938	292.010			251.935
2020	March		266.964		285.543	107.425	251.375
2020	April	273.050	265.930	290.304			249.515
2020	May		267.007		284.607	107.490	249.521
2020	June	274.921	268.118	292.420			251.054
2020	July		270.012		288.956	108.055	252.636
2020	August	276.751	270.563	293.062			253.597
2020	September		270.257		287.515	108.684	254.004
2020	October	277.443	270.864	294.442			254.076
2020	November		270.695		290.228	109.021	253.826
2020	December	277.885	270.167	295.687			254.081
2020	Annual Average	275.568	268.970	292.601	286.967	108.117	252.248
2021	January		271.129		291.490	110.204	255.296
2021	February	280.644	272.816	297.170			256.843
2021	March		274.097		298.292	111.823	258.935
2021	April	285.139	277.126	302.294			261.237
2021	May		279.139		300.413	113.749	263.612
2021	June	288.784	280.687	304.971			266.412
2021	July		282.271		307.737	115.129	267.789
2021	August	291.317	282.691	307.423			268.387
2021	September						
2021	October						
2021	November						
2021	December						
2021	Annual Average						

Date of last update: 10/14/2021

^a Weighted average of the consumer price indexes for Los Angeles-Long Beach-Anaheim, San Francisco-Oakland-Hayward, San Diego-Carlsbad, and Riverside-San Bernardino-Ontario. A conversion factor has been included for comparability of 2018 data with 2017 and prior years. Computed by the Department of Industrial Relations, Office of the Director - Research Unit from indexes issued by the U.S. Department of Labor.

^b Source: U.S. Department of Labor, Bureau of Labor Statistics. Beginning with the November 2017 data, indexes for San Diego-Carlsbad will be published bi-monthly on odd months only (January, March, May, etc.). The Riverside-San Bernardino-Ontario indexes are on a December 2017 = 100 base and will be published bi-monthly on odd months only (January, March, May, etc.).

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **December 16, 2021** at noon.
- If you are unable to reply by December 16 at noon, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

**CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages**

Effective July 1, 2021, the Judicial Council amends Appendix B of the California Rules of Court to reflect the biennial adjustments to the dollar amounts of the maximum amount of liability of parents or guardians to be imputed for the torts of a minor under Civil Code section 1714.1.

My vote is as follows:

Approve Disapprove Abstain

Tani G. Cantil-Sakauye, Chair

_____/s/
Marla O. Anderson

_____/s/
Richard Bloom

_____/s/
C. Todd Bottke

_____/s/
Stacy Boulware Eurie

_____/s/
Kevin C. Brazile

_____/s/
Kyle S. Brodie

_____/s/
Jonathan B. Conklin

_____/s/
Carol A. Corrigan

_____/s/
Samuel K. Feng

David D. Fu

_____/s/
Carin T. Fujisaki

_____/s/
Brad R. Hill

Rachel W. Hill

My vote is as follows:

Approve Disapprove Abstain

_____/s/
Harold W. Hopp

_____/s/
Dalila Corral Lyons

Gretchen Nelson

_____/s/
Maxwell V. Pritt

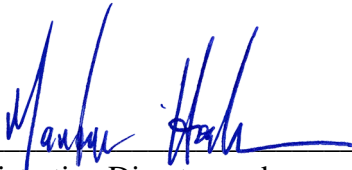
_____/s/
David M. Rubin

_____/s/
Marsha G. Slough

_____/s/
Thomas J. Umberg

Date: 12/20/21

Attest:



Administrative Director and
Secretary of the Judicial Council