

Parents combat underage drinking

Advocates seek better enforcement of social hosting law



[Nick Krug](#)

Cups, beer bottles and boxes are strewn about the front porch of a house on the 1300 block of Ohio Street Saturday morning, April 11, 2009.

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Nancy Renfro, mother of a 16- and a 19-year-old, is in the trenches of navigating the world of teenage parties.

“I always call and say ‘This is Nancy Renfro and thanks for having my son over tonight.’ And, I can tell from the first response (if they know),” said Renfro, who administers a local blog geared toward providing information to parents about underage drinking.

Among Renfro’s biggest foes are parents who turn a blind eye when it comes to what their children are doing — and drinking — at home.

But Renfro and other parents' arsenals of defense includes the state's social hosting law, which hands out a minimum \$1,000 fine and potentially one year in jail for anyone intentionally allowing a minor to drink alcohol on their property.

"It validates what parents should know is the right thing to do," Renfro said.

Lawrence charges

Passed in 2004 after Lenexa teen Paul Riggs died in a car accident after attending a party where parents were home, the social hosting law was designed to hold parents' behavior accountable.

In Lawrence, Renfro — and others — have said it's a law that could use more teeth.

A review of Lawrence Municipal Court records show that since 2005, 24 charges have been filed for unlawful hosting of minors. Douglas County District Court has one case filed.

Of the 24 cases in municipal court, just one defendant pleaded guilty to the charge and two others were required to pay the full \$1,000 fine. Three have been taken to trial and found not guilty. In at least half the instances, the cases had been diverted, dismissed or defendants pleaded to a lesser charge with the fines accompanying the cases ranging from nothing to a little more than \$450.

"It is upsetting, and I think that as a community member and a parent, to me it sends the message: 'Yes, we have this law, but it may not apply to everybody and that it is not important,'" said Jen Brinkerhoff, a director with Lawrence-based drug and alcohol counseling center DCCCA. "Enforcing underage drinking laws is very important. By enforcing laws and following through on them, it's one strategy to reduce tragedies."

Proving the case

In Lawrence, rarely are parents the targets of the social hosting law. In 75 percent of the cases, the ticket was cited at a residence within the Oread neighborhood, which surrounds Kansas University. And just as many were given out in late summer and early fall during the start of the school year. It's around the same time that the courts see a rash of charges for minors in possession of alcohol and disturbing the peace.

Both City Prosecutor Jerry Little and Municipal Court Judge Randy McGrath said they don't ever remember a parent coming to court under the charge.

Little, who works with defendants in resolving the cases, acknowledges the low rate of convictions. Part of the reason, he said, is lack of physical proof that the person hosting the party intentionally invited the minor to it.

In the three cases Little has taken to trial, this argument was offered: Just because someone was on the property and drinking alcohol wasn't enough evidence that an invitation was issued.

"The judge came back and said there has got to be some other form of invitation, a letter or e-mail or poster or witness saying, 'Yes, I was invited,'" he said.

The outcome of those cases doesn't mean the city has given up.

"We are aware now of what kind of evidence we need, and the officers are aware of the evidence they need," Little said.

McGrath, who presided over the trials, acknowledges at times it can be difficult to prove.

"You have to intentionally permit your residence to be used for that," he said.

Statewide enforcement

Complaints about enforcing the social hosting law have surfaced across the state, said Keri Renner, director of communications for Kansas Family Partnership.

Police departments often don't have enough manpower to break up teenage parties and can become frustrated when tickets are written and don't get prosecuted.

"I think there is a lot of disparity throughout the state with this law," she said.

In Johnson County, where the push for the law originated, most social hosting cases go through the district attorney's office. The intention is to send a clear message to the offender.

"There was a decision that they wanted to take a hard stand on this," said Karen Arnold-Burger, presiding judge for the city of Overland Park Municipal Court.

In the cases Arnold-Burger has seen, half have involved parents. All the cases have either ended in guilty pleas or diversions.

In her eight years in the Shawnee County District Attorney's Office in Topeka, Karen Wittman prosecuted four or five cases under the social hosting law. One involved parents who threw their son an 18th birthday party with alcohol. When police broke up the party, they had to call an ambulance for one intoxicated minor. Both parents were charged, and their cases were diverted with required alcohol evaluations and fines as penalties.

Wittman, who is now a Kansas traffic safety resource prosecutor, said the outcome of cases depends on the police investigation and the judge's interpretation of the law.

She has successfully prosecuted cases where a host had uninvited minors show up to the home with alcohol. In Wittman's mind, the host is still responsible.

"It may not have started out that way, but once other steps occur, you allowed it to continue and you intentionally allowed it to go on," she said.

Fine-tuning the law

A bill is currently on the governor's desk that tweaks the language of the social hosting law so both those who intentionally or recklessly permit minors to drink alcohol would be ticketed.

The change would make the burden of proof for prosecutors much easier. Even if parents said they didn't know their children were drinking, they still could be held responsible, Arnold-Burger said.

Renfro is supportive of the change. But in the meantime, she is working to get high school and junior high school parents to pledge to provide safe and alcohol-free homes. They can sign the pledge on the New Tradition Coalition's blog at thenewtraditioncoalition.blogspot.com.

"It's always prime time for party season," Renfro said. "The whole key is for parents to be in charge and ask all those questions, the who, what, when, where and how are you going to get around."