

**2000 INTENTIONAL TORT: LIABILITY OF MINOR**

The fact that \_\_\_\_\_ was a minor, that is, under the age of 18, does not excuse (him) (her) in any way from liability for the injury (if any) caused to \_\_\_\_\_. You will consider (his) (her) liability just as if (he) (she) were an adult.

**COMMENT**

The instruction and comment was originally published in 1963. The comment was updated in 1990. A citation was corrected in 2014.

Vosburg v. Putney, 80 Wis. 523, 50 N.W. 403 (1891 (assault by child aged 14)); Wisconsin Loan and Fin. Co. v. Goodnough, 201 Wis. 101, 107, 288 N.W. 484 (1930) (misrepresentation by minor aged 19); Kiefer v. Fred Howe Motors, Inc., 39 Wis.2d 20, 26, 158 N.W.2d 288 (1968).

If the tort involves the mental element of malice, the child must be old enough to form this mental attitude. See Kiefer v. Fred Howe Motors, Inc., *supra*.

A minor who acts maliciously may be liable for punitive damages. Anello v. Savignac, 116 Wis.2d 246, 342 N.W.2d 440 (Ct. App. 1983).

See Annot., 67 A.L.R. 573 (1930) and 67 A.L.R.2d 570-78, "Tort Liability of Child of Tender Age," and Wis JI-Civil 1010, Negligence of Children.