

## Minors In Hotels

Unless your state has a statute addressing the issue, or has legal precedent otherwise, you had better admit a minor to your hotel. It has been the rule for hundreds of years (literally) that a hotel must allow a minor to check in. The reason for the rule is simple: hotels were originally (and are now) safe havens from the brigands who would harm, rob or swindle weary travelers. Because of that, hotels are deemed quasi-public institutions. The rule is that as long as there is room at the inn, you must admit a person seeking a room.

And you might ask yourself: who needs shelter more than a minor travelling without a caregiver? If it was your son or daughter alone in a city (or on a turnpike) and he or she was denied shelter because of age, you would be and would have every right to be madder than a hornet. In short, if you turn away a minor, you violate a common law duty, and if harm then comes to the minor, you will get sued and you may well lose. In some states, if you refuse to admit a minor, you commit a crime (New York is the prime example) and arguably in all states you would violate laws prohibiting age discrimination.

What if the minor can't pay? The law is that a minor's guardians (parents usually) are liable for necessities (such as room and board) which a minor contracts for. However, do not supply anything more than that because a minor and his or her guardians can walk away from any contract unless it is for necessities.

Can you demand that the minor give you his or her guardian's name? Yes, you can. But you cannot refuse entry if the demand is refused. What you can, should, and in some states, must do, is contact the local child welfare agency to inform them that a minor is present who refuses to disclose his or her guardian.

Can you demand payment up front? Not unless that is your normal policy. Even then, remember that the parents are liable for necessities, and follow the "let me call your folks" routine above. In short, if you are refusing entry to a minor, who might be at risk on the streets, even if you are doing so in terms applicable to all guests, keep in mind that he or she is a minor. Play it safe. Contact the parents, child welfare or the police to report the situation.

Can you refuse to rent a room if you "know" it is going to be used for underage drinking, partying, and other sundry behaviors unbecoming a child? If you "know" that a crime is going to be committed, then you can refuse to rent the room to anyone (minor or not). If you "know" that they will break "house rules" -- loud music, 700 dancing heathens in an 8' by 10' room, etc., then you can deny admittance. But, chances are that you don't "know." You "suspect." It's prom night, after all. All the suitcases have "Jack Daniels" labels, etc. "Suspect" is not the same as "know." When you do "know," call the police to shut the activities down.

How about this one: Deny admittance to anyone (minor or not) within a 10 mile radius of the hotel, thereby picking off the minors who want to party because they tend to be short haul? The last hotel to try that got sued for race discrimination; turns out that the population within the 10 mile radius was predominately Hispanic and black. Further, such a rule (which

lacks reason) violates the fundamental principle that if there is room, then a guest must be admitted.

In the end, the best rule is the "imagine it's your kid" rule. What would you want a responsible general manager to do if it were your kid asking for a room? Common sense answers that question.

And, by the way, the kid in Home Alone II who kept avoiding the Plaza Hotel room clerk in fear that he would be chucked out into the cold New York winter, had nothing to worry about. The worst that would have happened to him would have been that he would end up the plaintiff in a million dollar lawsuit.

Of course, he had a lawsuit anyhow, because there was no evidence that the hotel removed the liquor from the in-room bar prior to letting a minor occupy the room alone. (Something you should do, if you value your liquor license and your relationship with your insurance company.)

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