

# PERSPECTIVES

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## Parent TRAP

Lawsuits filed against parents for the actions of their children bring into question how much control a parent really has

In reference to the recent shootings on school grounds, how much blame should be assigned to the perpetrators' families?

Is there a price tag that can be put on the suffering endured by survivors of the devastating incidents?

In light of recent lawsuits filed in Lane County against Bill and Faith Kinkel's estate, at least two grief-stricken families are seeking answers to those questions. Along the way, more concerns — including those about our litigious society — will no doubt be raised.

Loretta Miltonberger, the mother of Thurston High School shooting-survivor Teresa Miltonberger, filed a \$14.5 million civil suit against the Kinkel estate July 1.

On July 15, a second civil suit, asking for up to \$250,000, was filed

the right thigh. Of the Thurston survivors, she suffered arguably the worst injuries on May 21, 1998. To date, Miltonberger's medical expenses have exceeded \$250,000, and they'll continue to grow in the future, according to her family attorney Art Johnson.

Peek Jr. was shot in the left forearm. His list of damages include: pain, disfigurement, humiliation and post-traumatic stress disorder.

Kip Kinkel, who was 15 years old at the time, allegedly committed those horrible acts against his classmates, one day after apparently killing his parents, Bill and Faith. Now 16, Kip remains incarcerated at the Lane County Jail, charged with four counts of murder and 54 other charges.

Kristin Kinkel is living in Eugene, trying to cope with the loss of her parents, and the loss, in another extent; of her brother.

And now, as the personal representative of the Kinkel estate, she faces the distress of these two pending civil suits as well.

Both parties who filed suit claim negligence on the part of Bill and Faith Kinkel.

The Miltonbergers claim Kip's parents were negligent for providing their son with guns, giving him unsupervised access to guns and failing to take steps to prevent him from obtaining and having the weapons. The Peek Jr. suit claims that the Kinkels failed to exercise parental control over their son.

These suits, most likely, have been filed not only with the intent of gaining compensation for significant losses, but with the hope that, somehow, they'll help prevent similar tragedies from occurring in the future.

But in all probability, these civil suits won't accomplish either of those objectives.

Chances of sizable awards are slim in such cases, an attorney in

Colorado said in April after the Columbine shooting, where the family of one of the victims has filed suit for \$250 million. In addition, the glaring question remains: how much legal responsibility can the family of an obviously troubled teenager expect to bear?

Proceeding with civil trials and their various appeals indefinitely lengthens the suffering of everyone involved.

Of course, it is completely impossible to comprehend or understand what the families of any of the Thurston or Columbine victims are feeling, unless one has experienced it first-hand. By all means, their desire for assistance in paying for escalating medical bills is a legitimate concern.

Certainly, these families have been gravely wronged. And it's part of the American culture to sue when one has been wronged.

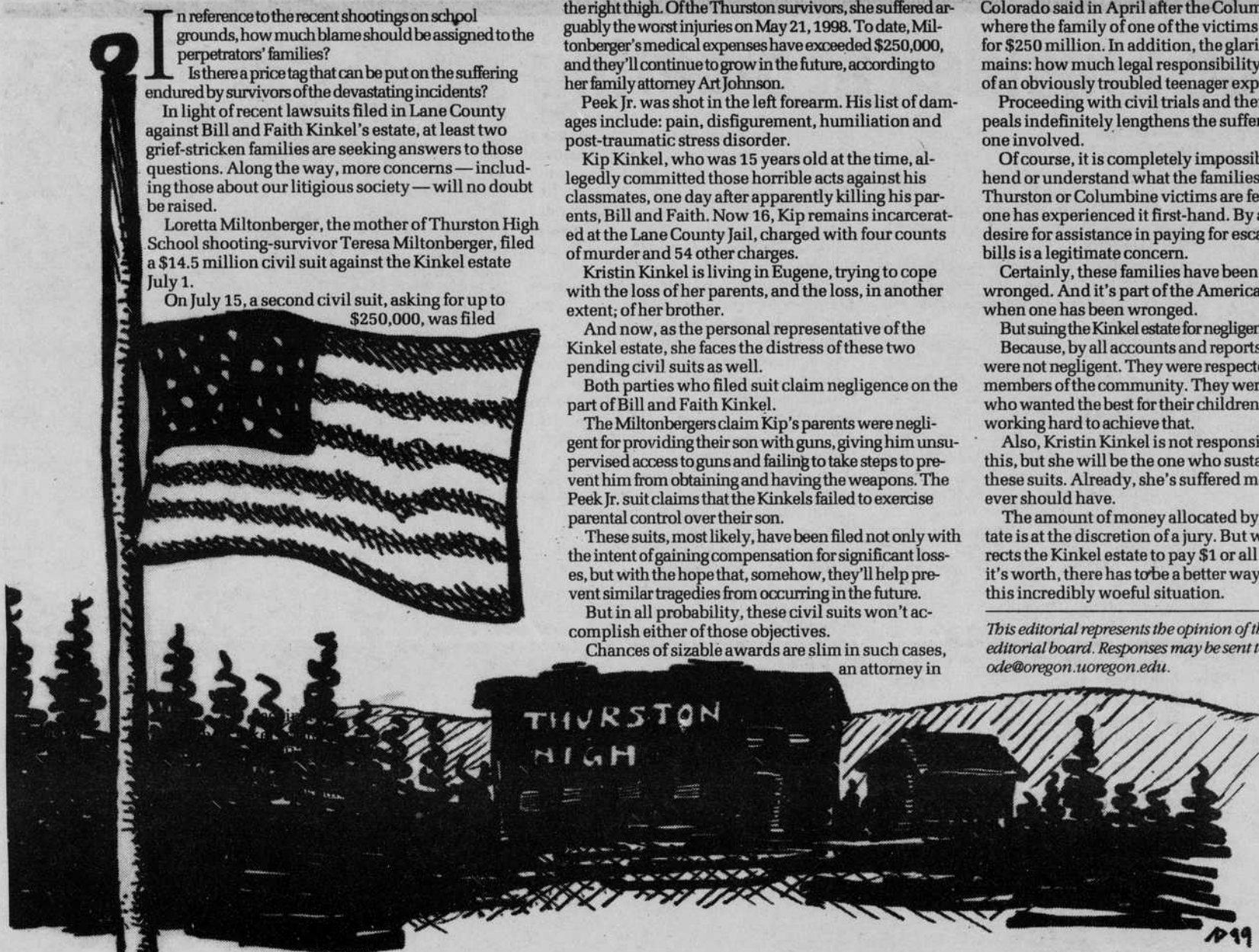
But suing the Kinkel estate for negligence is misguided.

Because, by all accounts and reports, Bill and Faith were not negligent. They were respected and adored members of the community. They were loving parents who wanted the best for their children, and who were working hard to achieve that.

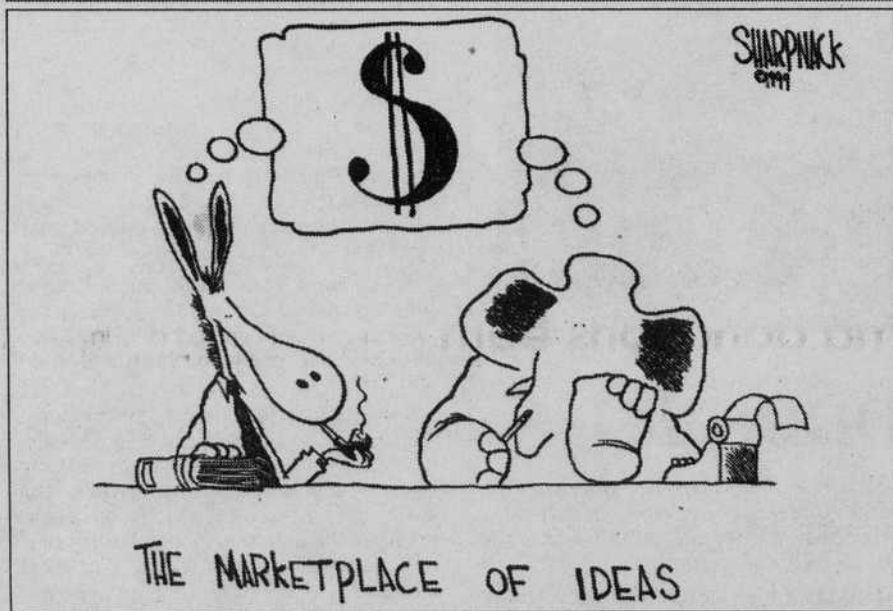
Also, Kristin Kinkel is not responsible for any of this, but she will be the one who sustains the brunt of these suits. Already, she's suffered more than she ever should have.

The amount of money allocated by the Kinkel estate is at the discretion of a jury. But whether it directs the Kinkel estate to pay \$1 or all \$528,127 that it's worth, there has to be a better way to deal with this incredibly woeful situation.

*This editorial represents the opinion of the Emerald editorial board. Responses may be sent to ode@oregon.uoregon.edu.*



### Editorial Cartoons



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