

Attractive Nuisances

What Is An Attractive Nuisance?

This is a term originated by a judge to describe property that attracts youngsters and, because of their dangerous nature, creates a special obligation to property owners. Examples are:

- swimming pools
- trampolines
- empty buildings
- appliances kept outside
- excavations
- construction materials

All of these can lure children onto property and they all have the potential to cause serious injury.

Why Do Attractive Nuisances Create A Special Obligation?

A special obligation exists because of such property's child endangering nature. Children do not have the reasoning ability of adults. When an opportunity to have fun pops up, it's a rare child who thinks about the chance of being injured. A property owner with an attractive nuisance on his property cannot escape liability because of a trespassing child. When an attractive nuisance is involved, adults have to make a special effort to protect children from their blind sense of adventure or face the consequences.

How Do You Handle Attractive Nuisances?

The answer is...do whatever it takes to prevent a child's access to the nuisance. Therefore, in order of their effectiveness:

1. Eliminate the nuisance - examples:

- have old appliances hauled to a junk yard
- tow old, non-running vehicles away
- get rid of construction materials immediately after a building project is complete

2. Secure the nuisance - examples:

- take off doors or covers from large appliances awaiting garbage pickup
- keep sharp tools, especially power tools and equipment, locked away
- store construction materials in a garage or shed

3. Reduce the chance for injury from a nuisance – examples:

- install a pool cover and have a locked fence to prevent access to pool
- do not allow younger children to use equipment such as trampolines
- make sure there's adult supervision of children using play equipment

If you're not certain about whether you have an attractive nuisance situation, discuss the situation with an insurance professional.

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