

# Attractive nuisance doctrine

Law



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Attractive Nuisance Doctrine Introduction In case an individual decides to call children over to his or her house to have fun, for example, a pool party, the person is assumed to be responsible for the wellbeing of the children at that time. This is in case an upset occurs when the children are using the pool. In regard to tort laws, the Attractive Nuisance Doctrine states that, people who own land may be held responsible for accidents that occur to children trespassing on the land (Okrent 22). This law applies if the risk is caused by dangerous objects, or some features of the lands that are likely to attract children who are unable to determine the risks that are likely to be caused by the objects or the features (Okrent 39). The doctrine can be linked to anything lying on the land, but mostly to dangerous objects such as; abandoned cars, piles of timber, sand, trampolines or even swimming pools (Okrent 18).

The doctrine tends to protect small children who are not mature enough to make responsible decisions over their own safety. The doctrine does not cater for adults. However, if an adult sustains injuries while attempting to save a child who is in an attractive nuisance, then the owner of the property will also be held responsible for the injuries of the adult. When citizens reside in areas where there are children, they are expected by the society to come up with responsible ways of protecting the kids (Okrent 19).

A situation might arise when a child trespasses to someone else's property, and in the midst of having fun, for example, swimming, the child drowns. The accident happened without the property's owner being aware (Okrent 24).

Therefore, it would be unfair for the owner to be charged with violating attractive nuisance. If the property owner has knowledge of the presence of children on his or her of the property, and a risk occurs linking it to any

object that might harm them, then the owner is responsible for violating attractive nuisance (Okrent 20).

### Conclusion

In this essay, it is clear that the law of attractive nuisance is actually fair. If a person has something on their property that would raise the curiosity of small kids, for example, a swimming pool or a damaged car, the individual needs to check whether they are sufficiently and safely sheltered. The person should adopt methods like putting up a secured barrier or safe and sound covering over the entity (Okrent 30). Landowners are required to be aware of all the potential dangers posed by their property like tractors or an open ware house. This will help them know what to keep children away from (Okrent 39). If property owners do not make the upgrade to meet these requirements, children may be attracted to their property, leading to injuries (Okrent 38). Parents should also warn their kids against the dangers that they might be involving themselves in if they intrude on their neighbors' property. They should also partner with their neighbors to discuss ways in which they could keep their kids away from danger. Owners of property can be held responsible by law if children sustain injuries from their property. The parent's of these children can proceed to court to sue property owners for medical bills, missed wages, and more.

### Work cited

Cathy J. Okrent. *Torts and Personal Injury Law*. 2nd ed. New York: Delmar Cengage Learning, 2009. Print.