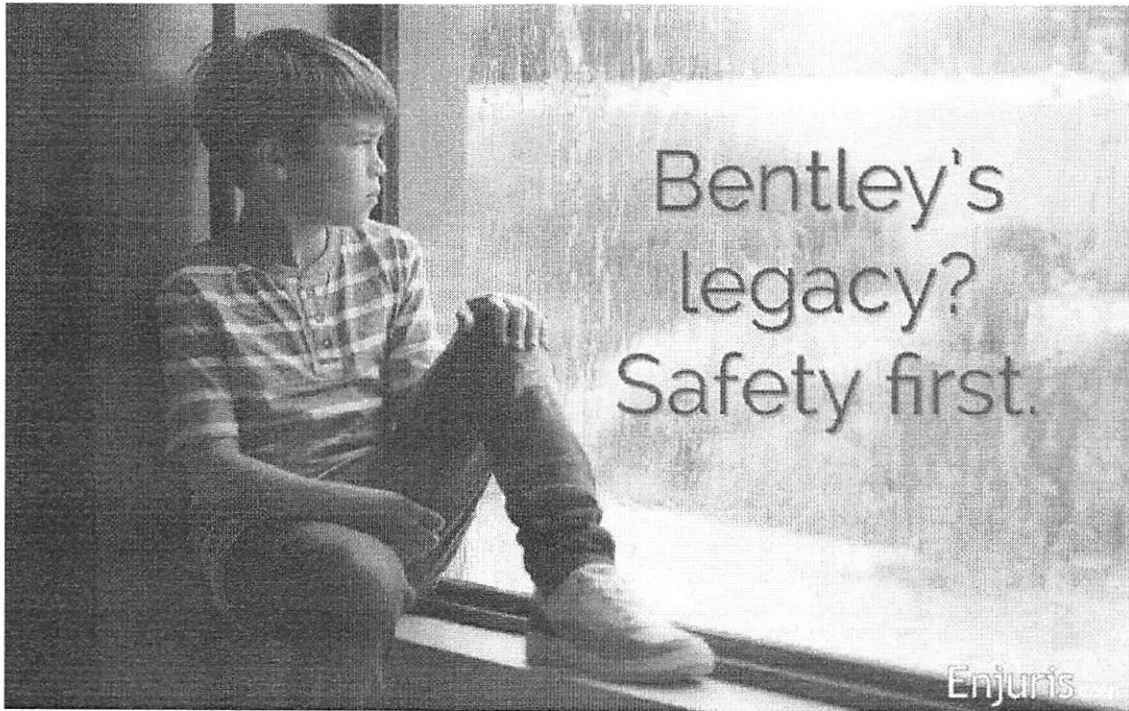


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Protecting Families: How Bentley's Law is Curbing DUI Impacts



New law requires convicted drunk drivers to pay child support if they kill a parent or guardian

Bentley's Law is transforming the aftermath of drunk driving accidents in the United States by mandating child support from perpetrators. Enacted in several states, it provides financial assistance to affected children under 18, ensuring support and stability amidst profound grief and loss.

Drunk driving accidents cast a dark shadow on American roads. The National Highway Traffic Safety Administration (NHTSA) reports that **every 39 minutes**, someone is killed in a drunk driving accident in the United States. Beyond the emotional trauma, these events often have devastating financial consequences for the families left behind.

Children, especially, bear the brunt of these incidents. When they lose a parent to a drunk driving crash, their world crumbles. Beyond the almost unbearable grief, they face challenges in adjusting to new caregiving situations, potential changes in living arrangements, and disruptions in their education. The loss of a primary provider can also lead to financial instability, making it difficult for the surviving family to afford basic necessities, let alone the therapeutic interventions these children might need.

In light of the deep ramifications of drunk driving on families, there has been a surge in legislative efforts to curb its impact. Bentley's Law, most recently enacted in Texas, embodies this movement. It represents a significant step in holding drunk drivers accountable, particularly when a family loses a primary provider.

What is Bentley's Law?

Bentley's Law requires that drivers under the influence, who cause the death of parents with children below the age of 18, provide financial restitution in the form of child support. This obligation extends not just to the surviving spouse, but also to any relative who assumes the responsibility of raising the affected children.

Consider the following hypothetical:

John and Emily Smith are the parents of twin daughters, Sarah and Lauren, aged nine.

One evening, while the couple is out celebrating their anniversary, they are struck by a car driven by Ray Anderson, who is under the influence of alcohol.

Tragically, both John and Emily pass away from the injuries sustained in the collision. Following the accident, the twins move in with their maternal aunt, Clara, who takes on the role of their guardian.

Upon investigation, it is established that Ray Anderson's impaired state was the primary cause of the accident. He is subsequently convicted of DUI manslaughter.

Given the enactment of Bentley's Law in their state, in addition to his criminal sentence, the court also mandates Ray Anderson to provide child support to aid Clara in raising Sarah and Lauren until the twins reach the age of eighteen.

Who is Bentley's Law named after?

Bentley's Law takes its name from Bentley, the four-year-old grandson of Missouri resident Cecilia Williams. Bentley tragically lost both of his parents and a sibling in a fiery drunk driving crash in April 2021.

Cecilia, who was left to care for Bentley, created and lobbied for the law.

"Bentley's Law was created out of a tragedy that has affected the lives of two beautiful boys, Bentley and Mason, and the lives of our family," said Cecilia. "These crashes are totally preventable, and I will continue to fight for change for all who have suffered from impaired drivers. Many families like mine suffer such a loss every second of every day, and Bentley's Law will bring change to hold the offender accountable for such horrific actions."

Which states have passed Bentley's Law?

Bentley's Law was first introduced in Missouri, but Tennessee became the first state to enact it in June 2022.

Since then, three other states have passed similar laws. Furthermore, almost identical legislation has been introduced in at least 20 other states. The most recent state to pass a version of Bentley's Law was Texas, where the law passed unanimously with a 143-0 vote in the Texas House of Representatives.

List of states that have passed Bentley's Law	
State	Legal citation
Tennessee	Tenn. Code Ann. § 39-13-219
Kentucky	Ky. Rev. Stat. Ann. § 532.036
Texas	Tex. Code Crim. Proc. Ann. § 42.073
Maine	Me. Rev. Stat. tit. 17-A, § 2020

Though Bentley's Law was first introduced in Missouri, where Bentley's parents were killed, the bill failed during the 2022 spring session.

"It was one of those bills that there wasn't enough information simply because many of these drunk drivers may

However, Cecilia Williams hasn't given up hope. She continues to advocate for the law's passage in every state.

Bentley's Law mandates child support from drunk drivers responsible for the deaths of parents with children under 18. It's now law in four states and counting. [Tweet this](#)

What damages can be recovered under Bentley's Law?

The amount of child support the driver will have to pay varies by state. In most cases, the amount of child support is based on whatever the court determines to be "reasonable and necessary" for the maintenance of the victim's child.

Factors the court typically considers include:

- Financial needs and resources of the child
- Financial needs and resources of the surviving parent or guardian
- The standard of living to which the child is accustomed

Incarcerated drunk drivers will have one year post-release to commence child support payments. If they haven't paid what they owe by the time the child is 18, they'll be required to continue until they've paid in full.

DUI accidents and personal injury lawsuits

Bentley's Law applies to cases in which the drunk driver is criminally convicted. However, it's important to keep in mind that victims of drunk driving accidents can typically file an insurance claim or [personal injury lawsuit](#) to recover damages.

You may need to file a personal injury lawsuit against the intoxicated driver if:

- The driver is uninsured (and you don't have [uninsured motorist coverage](#))
- The insurance company doesn't offer you enough money to settle your claim, or
- Your damages exceed the driver's policy limits.

When a loved one falls victim to a drunk driving accident, eligible family members may pursue a [wrongful death lawsuit](#) to seek compensation for their losses.

Proving that an intoxicated driver caused an accident is usually as simple as obtaining a police report indicating that the driver was intoxicated. If liability is contested, you may need to hire a [car accident attorney](#) to help develop and prove your case.

What's next?

If your state hasn't yet enacted Bentley's Law, there's a high likelihood it might in the near future. We'll keep track of all the legislation and update this page whenever a new state passes a version of Bentley's Law.

In the meantime, you can ask your state lawmakers to introduce and pass Bentley's Law using the [online form](#) created by Mothers Against Drunk Driving (MADD).

Have additional questions about drunk driving? These resources may help: