

CHURCH YOUTH EVENTS: ASSOCIATED ACTIVITY RISKS

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With summer upon us, church youth groups schedule events with lots of physical activities. Sometimes, youth ministers fail to appreciate the risks associated with those activities. Some recent incidents demonstrate the church's responsibility to approve and supervise activities organized by the church's youth department.

DODGEBALL INCIDENT

During a youth event, some kids were playing a game of dodgeball. A youth minister was playing, along with the kids. One young man threw the ball at the youth minister's head, missing him. However, the next time he had the ball, his throw connected with the youth minister's head, knocking his glasses off. Consequently, the youth minister lost his temper and pushed the young man down and proceeded to kick him in the groin. The hospital reported later that the young man had a mild concussion and blood in his urine as a result of the youth minister's assault.

AIRHORN INCIDENT

One kid brought a compressed airhorn (like those used at football games or on a sailboat) to a youth event at the church. He blew it several times with no response from adult supervisors. Since no one told him to stop blowing the airhorn, he decided to take revenge on another kid that had been taunting him. He blew it directly into the offending kid's ear, resulting in 70% permanent hearing loss in that ear.

CHURCH'S DUTY TOWARDS YOUTH

Both these incidents demonstrate how common activities can result in extraordinary injuries. They also demonstrate the degree of screening and supervision needed at youth events.

If youth are placed within the church's care, even on a temporary basis, the church has a duty to protect them from foreseeable risks associated with the planned activities. The church must ask: Can the participant be injured during this activity? If so, what can we do minimize the risk of injury? What can the church do to minimize the injuries that may occur? What level of supervision is necessary to prevent injuries to participants? How and where will the church inform the parents and youth about the risks inherent in the activity?

PREVENTING INJURIES

Let's take the two incidents mentioned above and see how risk analysis may have changed the outcome. The church should require the youth minister to list and discuss all planned activities with a risk assessment team. This team should review the proposed activity list and discuss the foreseeable risks on injury. They should also check with the

church's insurance carrier to determine whether the church needs additional insurance coverage because of an activity. Based on the risk analysis, they should create rules to ensure the safety of the participants in each activity.

The risk assessment team should review and approve a permission slip that each parent will sign for each activity. The permission slip should list all the potential injuries that are inherent with the activity. Since the disclosure must list all the risks, a separate permission slip should be required for each activity or event if multiple activities are scheduled. The youth cannot participate in the activity without a parentally signed permission slip. Since some youth have forged parental signatures, many churches require that the permission slips contain the notarized signature of a parent.

The risk assessment team should also dictate the minimum number of adult supervisors needed for each activity and activity site. Every time an activity is repeated, the risk analysis team should review its past experience with the activity. It should also review the previously set standards to determine whether any changes will reduce the risk of injury further.

For example, dodgeball is dangerous to some youth, some of the time. The biggest danger of serious injury concerns head injuries. The church could adopt rules that prevent a participant from throwing at another participant's head. The participant may break bones and receive bruises during even a friendly game. The church should make sure the participants are spaced far enough apart not to fall on each other and not receive the full force of a throw. The church should also inform the parents and youth that certain injuries may occur during the game. After informing the parents about the risks inherent in a properly conducted dodgeball game, the church should seek the parent's permission for the youth to participate in the dodgeball game.

The number of supervisors needed for the game will vary with the number of participants and the number of simultaneous activities. There should be at least two (2), unrelated adults present at each activity site at all times – one to intervene if a youth misbehaves and one to supervise the remaining youth. More adults will be needed if some of the youth will not participate in the dodgeball game. To enforce the rules, the leaders should supervise the dodgeball game – not participate in the game.

When youth arrive at a church activity, they may bring things that may injure another participant or an adult supervisor. I suggest that the church develop a list of prohibited items to be given to each parent and child before each activity. Besides the obvious items like guns and airhorns, the list should prohibit anything unnecessary for the activity or that may be used to injure anyone else. The parental notice should inform the child and the parents that anything can and will be confiscated if necessary to protect others. If anything appears that is prohibited or that may injure another person, the supervisor should immediately confiscate the item.

A WORD ABOUT RELEASES

Many churches naively assume that a release or waiver signed by the parents will protect the church from liability. In most, if not all states, a parent cannot release the church from a liability to a child. When the child turns eighteen (18) years of age, he or she will have the right to sue the church for injuries received while in the church's care. If the church wants a release that is enforceable against the child, the release will need to be approved by a court, with a court appointed attorney also approving the release.

To further complicate the matter, most states have statutes or rules that govern the enforceability of a release or waiver against an adult. In general, these statutes or rules have a goal of assuring that the release or waiver is given knowingly. This means that a release or waiver will not be effective unless the signer has been fully informed of what rights and injuries have been released.

Due to the statutes and rules, most releases and waivers are legally ineffective. To increase the chances for success, the church should have the release or waiver reviewed by an attorney in your home state. Since each church is unique in the planning of its activities, the church should not copy a release from another church.