

Style Plus

You

Let the Chaperon Beware

Take Note of the Potential Legal Problems and Act to Protect Yourself From Liability

By Lawrence Savell
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So you've signed up to be a chaperon for one of your child's school trips. You've done so thinking that your helping out and keeping an eye on things will make the trip safer for both your child and the other students. But have you considered the risk you may be taking?

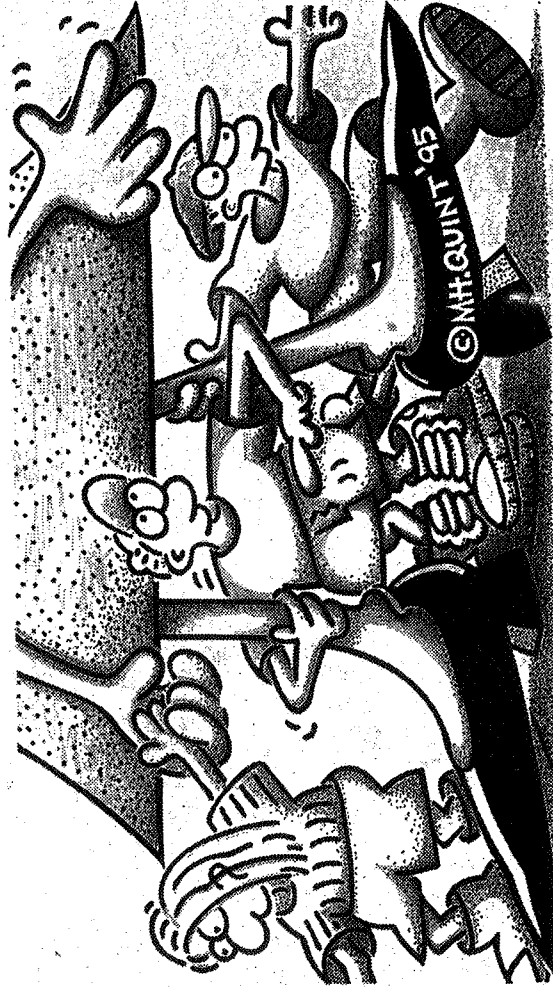
Have you considered that you may be opening yourself for possible legal liability if something goes wrong while you're around?

While you should feel free to participate in such events, you should keep in mind the potential legal downsides and the things you can do to insulate yourself from liability.

What are the risks? Bearing in mind that legal rules vary depending upon where you are located, it can

Bearing in mind that legal rules vary depending upon where you are located, it can generally be said that if you are negligent, you may run the risk of being held responsible if there is an accident. Negligence means you have failed to use the required level of care under the circumstances. (More egregious behavior may rise to the level of recklessness, for which liability is more easily found.)

Although few cases have addressed specifically the liability of chaperons, many have involved the related liability of schools and school workers, and can provide



BY MICHAEL QUINT FOR THE WASHINGTON POST

some guidance. Ordinarily, a school owes a student a duty of "ordinary care." This means that the school and its staff must act in the way that a careful, prudent person would considering all the circumstances. Basically, you should anticipate any dangers or risks that would be considered foreseeable by a reasonable person.

Your duty of care might be increased if the students you are chaperoning are engaged in an inherently dangerous activity. An example would be a trip to a target shooting range, where rifles will be used. In one case, a school that allowed the dangerous game of "crack the whip" to be played was held liable to a student who fell during the game.

However, if an injury occurs as a result of an activity you had not authorized, your risk of liability would likely be reduced.

If your chaperoning involves driving, you could be held responsible for injuries resulting from your negligent operation of a motor vehicle, or your negligent maintenance if it is your own car. If your chaperoning includes having the students come to your home, you could be held responsible for injuries resulting from dangerous conditions on your premises.

Note that it is not only injuries to students for which you might be held responsible. If a child under your supervision injures a third party (such as by throwing a rock and hitting a passerby), the third party could sue you for not keeping the student under control. Similarly, if a child damaged someone else's property while under your care, the property owner might try to make you pay for the damage.

What can you do to reduce your risk of liability? Here are a few suggestions:

- Be extra careful. This may sound obvious, but the bottom line is that your vigilance and close supervision may be the best defense to a claim that you were negligent or reckless. Bottom line: Don't let one of your child's classmates do something you wouldn't let your child do.

- Follow the guidance and procedures of official school personnel who are present on running the trip. They have greater experience handling such outings and groups. However, you can and should alert them to potential hazards or situations of which you believe they may not be aware (such as suspicious persons lurking near the group).

- Have the school indemnify you from liability. This means having the school (or the governmental entity that runs it) agree—in writing—that it will pay in full any court judgment (or settlement) rendered against you regarding your chaperoning activities. Make sure that the indemnification includes the school's promise that it will pay your legal defense fees, which can be a major expense.

- Have the parents of your child's classmates agree in writing that they will not hold you responsible for any injuries to their children while you are chaperoning. Such a "waiver" of liability may, of course, be difficult (and awkward) to obtain.

- Take a look at your various insurance policies (auto-insurance, homeowners) and see if these might provide any coverage in the event of an accident while you are chaperoning. This would be particularly important if you will be using your own car to transport the

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students, or having them come in or around your house at any point in the day.

- In the unfortunate event of an injury or accident make sure that a full investigation is made. If it turns out that the tragedy was caused by a sudden, impulsive or instantaneous act by one of the students, which your intervention could not possibly have prevented, you might be absolved from liability.

Volunteering to chaperon a class trip demonstrates your generosity and concern. Paying attention to the children and to your potential legal risks can help ensure the experience is a positive and fulfilling one for all concerned.

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