

## **LEGAL NOTES**

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### **“Care and Safety of Children on Church Premises” – Continued**

Last month I reviewed the case of Hargrove v. Tree of Life Christian Daycare Center, 69 So. 2<sup>nd</sup>, 1242 (Alabama 1997). This case involved the kidnapping of a three-month old child from a church-operated childcare center, by three teenage employees of the center. The Alabama Supreme Court allowed this case to go to trial on the theory of breach of contract by the childcare center. I pointed out that some courts may look to other theories of liability in such cases, such as negligent selection of employees, negligent supervision of employees, and master-servant liability.

#### *Applications*

In addition to the applications I mentioned last month, there are other applications involving these types of situations in churches. I will note the following:

1. All of these cases point out the absolute necessity of proper *screening* of workers in church daycares and nurseries.
2. “Two-Adult Rule”. I discussed kidnapping of children from church nurseries or daycare centers last month, but the “Two-Adult Rule” certainly applies in many other instances. In nursery situations and in many activities, this rule requires that no child shall ever be in the presence of fewer than two adults. This would significantly reduce the risk of kidnapping and also can help prevent false allegations of improprieties with children. This brings up the issue of using teenagers as helpers in nurseries and daycare centers. Using teenagers as helpers in and of itself does not create liability, but when other adults are also present, this liability risk is significantly reduced.
3. Other activities – In any church-sponsored activity involving youth, remember that the largest area of liability claims involves inadequate or improper *supervision*. When sponsoring off-site activities and events, remember to “err on the side of caution” in providing adequate supervision. Also, the source article points out that some churches always group younger children in pairs. Always keep such a group together and have frequent “roll calls”.
4. It is important to implement an effective check-in procedure for church nurseries. When children are placed in a nursery, it is a good practice to give them an identification number and give only the adult bringing the child a separate piece of matching identification. Only the person presenting the correct identification number should be allowed to take the child from the nursery.
5. Some churches use video technology and keep video cameras constantly screening and viewing their church nurseries, to avoid the problems we have discussed. Also, some

churches take additional steps to have extra supervision, even on restroom breaks for children.

6. Be sure to follow all of your policies, if any are set forth in writing, and always remember to follow applicable state regulations in these areas.

### *Conclusion*

It is sad that we have to be so careful in this day and age regarding children on church premises, and it is impossible to remove every possible risk involving children. However, following these simple precautions may prevent considerable problems for you and your church!

### *Source*

*Church Law & Tax Reports*, Volume XII, No. 5, September/October 1998, Pages 1-5.

*The writer is not engaged in rendering legal or other professional services herein. If legal advice or other expert assistance is required, the services of a competent professional should be sought.*