

New
Jersey **4-H**

Leader Training Series



Liability of 4-H Volunteers

Many volunteers are concerned about their liability if a 4-H member is injured while under their supervision. All things in life involve some sort of risk. When working with youth, this is especially true. To avoid problems, volunteers must successfully minimize and manage risk. Proper planning and common sense go a long way! Although *not* to be considered legal advice, here are some facts and issues to know and keep in mind while serving as a 4-H volunteer:

1 Law suits involving organizations such as 4-H are commonly in one of two areas: **injuries/physical damages** or **discrimination**. Injuries can occur in unsafe situations, often in the absence of adequate or proper supervision. Discrimination is usually claimed in cases where unfair rules are adopted by a club or where fair rules are not applied impartially.

2 **New Jersey's tort liability law provides some protection for volunteers** in the line of duty (when you are performing normal 4-H volunteer responsibilities). Anyone can sue, but the plaintiff (person filing the suit) must prove negligence on your part in order for you to be liable for damages. Below are some tips to help you avoid negligence.

3 A Latin term commonly used regarding proper care is *in parentis locus*. Translated, it means "in the place of a parent." In other words, when you are entrusted with the care of someone else's children, you should do everything a good parent would do with his or her own child under

*Written by: Keith G. Diem, Ph.D.,
Affiliate Extension Specialist in
Educational Design, 1990, revised
1994*

the same circumstances. The best way to accomplish this is to **provide proper and adequate supervision for all children, based on their ages and experience.** Consider the question, “What would I want another person who is caring for my child to do?” Consider safety first!

4

Accidents will happen. This is why many county 4-H programs (usually sponsored by their county 4-H organizations) provide **basic accident insurance coverage** for all officially registered 4-H members and leaders. This policy generally covers injuries incurred during any 4-H activity. Most



families have some sort of medical coverage to help pay for serious injuries sustained. However, basic accident insurance is offered, particularly for individuals who don't have such coverage, or as additional coverage beyond what families already carry. Check with your county 4-H staff to see if your county provides any accident insurance. If not, information may be available on where to get inexpensive coverage if your club wants its members to participate in such a program.

5

County 4-H programs recommend or require **permission forms/liability waivers** for any non-routine 4-H activity, particularly when traveling on a field trip or other outing. Although liability waivers generally are not recognized in court, a consent form ensures that parents have given permission for their children to participate in a given activity, and that they are aware of some of the risks in participating. Copies of the "RCE 4-H Event Permission Form" are available from your county 4-H office. *(Refer to Appendix.)*

6

As non-paid staff members of Rutgers University, 4-H volunteers might be represented by the University in a legal dispute. **Check with your county 4-H staff immediately regarding any situation involving an injury (or other controversial incident) as part of a 4-H activity.** Promptly write down all of the facts of the situation, to account for what happened and how.

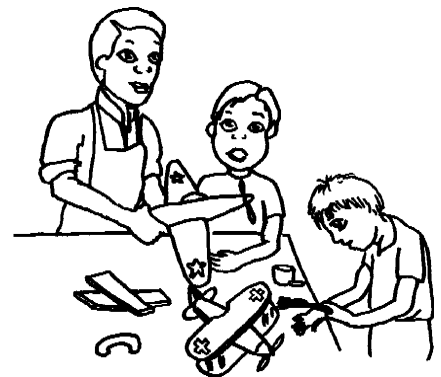
7

Make safety and fairness priorities in everything your club does! An ounce of prevention truly is worth a pound of cure! When in doubt about a new activity or club rule, confer with your county 4-H staff first.

8

Some examples of situations to avoid:

- Allowing a new 4-H woodworking project member to use a power tool.
- Allowing an experienced electrical project member to experiment with trying to short out a motor “to see if sparks will shoot out.”
- Leaving members unattended in a meeting room.
- Reprimanding a member for not following an established club rule, but ignoring another member’s violation of the same rule.
- Not properly instructing and supervising a member of a food and nutrition project, who tries to cook food in a metal container using a microwave oven.



-
- Allowing members in a science project to mix unknown or dangerous chemicals together “to see what will happen.”
 - Asking a teen leader to fix a flat tire on your car or mow your lawn during your rabbit club meeting.
 - Refusing to admit a boy into your club one day because “there isn’t enough room” and then allowing two girls to join the next day (or vice versa).
 - Forcing a member who cannot swim to “try a few laps” while on a club outing at a local lake.

**RUTGERS COOPERATIVE EXTENSION
N.J. AGRICULTURAL EXPERIMENT STATION
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
NEW BRUNSWICK**

Distributed in cooperation with U.S. Department of Agriculture in furtherance of the Acts of Congress on May 8 and June 30, 1914. Rutgers Cooperative Extension works in agriculture, family and consumer sciences, and 4-H. Zane R. Hessel, Director of Extension. Rutgers Cooperative Extension provides information and educational services to all people without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Rutgers Cooperative Extension is an Equal Opportunity Employer.