

LEGAL ISSUES

GENERAL INTRODUCTION

Standard 538.012 of the *National Practicalities Standards for Educators* requires the following of educators with regard to civil legal concerns.

Develop policies and programs that reflect the appropriate implementation of legal responsibilities relating to the screening and supervision of volunteers, negligence, corporal punishment, fire laws and procedures, health procedures, permission slips, search and seizure, defamation, child abuse, sexual abuse and other related issues.

Empowering Catechetical Leaders, pg. 208



Policy 401.10 introduces some legal issues that impinge on the work of a religious education leader. Please understand that if these issues are not attended to with diligence, people may be injured. This section is not here to frighten, but to be clear that leaders have specific responsibilities in the areas noted above. Failure in these responsibilities may cause injury to someone and ultimately result in costly lawsuits. Please read this section carefully. Remember - ignorance of the law is not an excuse.

Please note that specific policies concerning some of these issues are contained elsewhere. In particular, see Policy 230 *ff* concerning *Professional Agreements*; Policy 250 *ff* concerning protection against *Child Abuse* and *Blood Borne Pathogens*; and Policy 410 *ff* for recommendations on issues to be covered in parish handbooks.

Most attorneys would agree that the best law is, like medicine, preventive. The best defense is having tried to follow the right course in the first place. Catechetical leaders must realize that despite their best efforts in any and all areas of religious education, they may face lawsuits. Nonetheless, all catechetical leaders should be fair in dealing with others. For this they have the mandate of the Gospel. In addition, a basic tenet of civil law, the main source of the law governing religious education, is **the standard of reasonable care**. The religious education leader can be held liable for injury to a student if there is a failure to exercise reasonable judgment to avoid injury.

A Primer on Law for DREs and Youth Ministers, Mary Angela Shaughnessy, SCN, pg. 53