

## LEGAL ISSUE

### NEGLIGENCE

#### NEGLIGENCE AND RELIGIOUS EDUCATION

Negligence is the “fault” against which catechetical leaders and other parish administrators must guard; however, what may be considered negligence in one court may not be considered negligence in another. Since negligence is an unintentional act or omission which results in injury, a person charged with negligence is generally not going to face criminal charges. Persons who bring successful negligence suits are usually awarded money damages in amounts calculated to compensate for the actual injuries suffered. However, if the behavior rises to the level of gross negligence then, in fact, criminal charges may be brought. Gross negligence is defined as an extreme deviation from the standard of reasonable care.

Catechetical leaders should consider developing a staff rule that students are not to be left unattended unless absolutely necessary and that proper procedures are followed in an emergency. No one under the age of 18 should be given sole and direct responsibility for supervising children or adolescents.

One situation that presents problems from a negligence standpoint is that of the student who arrives early and/or is not picked up at dismissal time. These issues should be specifically addressed in parish handbooks. All staff must understand that students need supervision from the time they arrive at the religious education site until the time they depart. If parents are late picking up their children, an adult staff member must remain with the students until the parents arrive.

Catechetical leaders must take a proactive approach with regard to the elimination of hazards. All activities should be carefully monitored. The catechetical leader who practices prevention by constantly striving to eliminate foreseeable risks will avoid injuries and costly lawsuits.

*Empowering Catechetical Leaders*, pgs. 222-226

