

# Negligence

There are four elements which must be present for legal negligence to be found: *duty, violation of duty, proximate cause, and injury*.

The person charged with negligence must have had a *duty*. In youth ministry, the person charged must have had a duty to the young person at that time. A youth ministry leader attending a public school football game where some of the teens he/she works with at church does not constitute a duty.

Negligence cannot exist if *a violation of duty* is not present. The courts understand that accidents and spontaneous actions can occur. If a teenager spontaneously hits another teenager while you are carrying out your duty there is no violation. If however, a teenager began throwing objects at another and you did nothing to stop this behavior then you would be in violation of duty. Another example of violation of duty would be leaving a room full of teens without adult supervision to go make non-emergency phone calls when your presence could have prevented the injury.

The violation of duty must be the *proximate cause* of the injury. Here, the concept of foreseeability is important. Would proper supervision have prevented the injury? Would a reasonable person have foreseen that there is a likelihood of injury? Proximate cause is a complex legal concept. Youth ministry programs can pose special dangers when young people are not sitting safely in desks at church. For this reason, it is wise for youth ministry leaders to have on-going conversations about foreseeable dangers in regard to youth ministry events (on and off-site) and determining what proper supervision requires to minimize injury.

The final element necessary for a finding of negligence is *injury*. In order to bring suit in a court of law, an individual has to have sustained an injury for which the court can award a remedy. Therefore, if you left a group of 20 six graders for twenty minutes but there was no injury there could be no negligence (at least in a legal sense), though it certainly could constitute poor judgement. The best defense against negligence for any youth ministry program is a reasonable attempt to provide for the safety of all through the development of appropriate rules and regulations. The best defense for adult leaders is to implement the rules and regulations.