



Quarterly Insight into Current
Insurance Concerns for Churches



Inflatable Bounce Houses and Your Church

Children love bounce houses! Although these can be a lot of fun, there are some safety hazards that should be evaluated prior to their use. There have been a few incidents where the house was swept away by wind, with children inside of them.

- A wind gust swept one bounce house away in South Glens Falls, New York, making it climb as high as 20 feet in the air. Two boys ages 5 and 6 were seriously injured in this incident.
- In Littleton, Colorado a bouncy slide was blown between 200 and 300 feet, tossing two children who were playing on it. The children were ok, but it could have been very serious.

These entertaining devices have become ubiquitous at child-oriented events, including Vacation Bible Schools. The Insurance Board has been asked for our opinion of them, and whether there are policy restrictions pertaining to them. First, there are no current coverage restrictions in the Insur-

ance Board program for our participants regarding bouncy houses. Nevertheless, our opinion of them is one of concern. They are a variation of a trampoline, with similar injury potential. When two children's heads collide, or one falls upon another, someone gets hurt. So the question is, how much hurt are you willing to tolerate in order to provide a "good time?" While we want our children to get exercise and have a good time, there are certain precautions that need to be taken to reduce the potential for injury.

Here are some minimum basic guidelines if you would like to use a bounce house at a church sponsored event:

- Wind is the number one enemy of an inflatable and can cause it to become dangerous. Most manufacturers recommend removing children from bounce houses and/or deflating them when winds are 20 miles per hour or higher.
- Only children age 6 and older should play in a bounce house. Younger chil-

dren may not have the balance, coordination or strength to safely enjoy it.

- Having one child play at a time is the safest, but that's not very realistic (or much fun), so only have children of similar age and size play inside these bouncers at one time.
- Horseplay, flips and somersaults should be prohibited; that kind of play leads to the most dangerous injuries.
- Children should be required to remove their shoes, glasses, and jewelry prior to entering a bounce house.
- Always have an adult present when these devices are in use -- but not inside with the children. Adults should be in a position to observe and intervene if children are engaging in horseplay or doing flips and somersaults.
- If you are hiring a company to set up a bounce house, make sure the company

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Top 5 Reasons Churches Went to Court in 2015

By: **Richard Hammar** [posted 7/07/2016] for Church Law & Tax Report

After reviewing thousands of rulings by state and federal courts in 2015 that pertain to churches, I am able to identify the top five reasons churches go to court.

1. Sexual abuse of minors (11.7% of cases). Sadly, for several years the sexual molestation of minors has been the number one reason that churches went to court. Victims in these cases generally allege that a church is responsible for their injuries on the basis of negligent selection, retention, or supervision of the perpetrator. Churches have lost many of these cases due to their failure to implement appropriate safeguards in the selection and supervision of employees and volunteers who work with minors.

Because of the significant harm that can be done to children, their families, and church leaders, churches need to take an aggressive position on this matter. Churches must implement policies and procedures that demonstrate proper screening and training of staff/volunteers, proper processes for reporting actual/suspected abuse, and specific attention to proper supervision and other measures that ensure accountability.

2. Property disputes (10.2% of cases). Churches frequently are in court to litigate property-related issues. Common examples include eminent domain, restrictive covenants, and religious discrimination in the rental/sale of property.

3. Nonsexual personal injuries (9.5% of cases). These can be injuries from slips/falls, vehicle accidents, playground equipment, and assaults on church property. Church liability for injuries occurring during any of these activities generally is based on negligent selection of workers, or negligent supervision.

Churches can reduce the risk of injury, and of negligence-based liability, in a number of ways, including the use of qualified adults and "benchmarking" safety procedures and risk management with the practices of other charitable organizations and public school districts.

4. Zoning (4.9% of cases). Many of these cases involve the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA" or "the Act"). It addresses two areas where religious freedom had been threatened: (1) land-use regulation, and (2) persons in prisons, mental hospi-

tals, nursing homes, and the like.

RLUIPA specifies that state and local governments cannot subject religious organizations to a "land use regulation" that imposes a substantial burden on the free exercise of religion unless the law is supported by a compelling governmental interest. The courts have reached conflicting conclusions regarding the application of RLUIPA, and the meaning of a "substantial burden on religious exercise."

5. Insurance coverage disputes (4.5% of cases). It's common for churches and their insurers to end up in court, often in a declaratory judgment action, to determine if coverage is available under a church's policy for a claim. Common kinds of coverage disputes include the intentional misconduct exclusion, the employment practices exclusion, and the duty of prompt notification.

Church leaders should review their policies with their insurance agents to understand what is covered, what isn't covered, and what special types of coverage must be obtained.

Richard Hammar is an attorney, CPA, and the senior editorial advisor to Church Law & Tax.

Upgrade to Green Endorsement

By: Alison Hanna

Did you know that the Insurance Board has an Upgrade to Green Endorsement in its property policy? The endorsement is provided to all of our participants at no additional cost, and it is something you will not find with many insurance companies.

Here is a summary of the coverage: Automatically included in your policy is an Upgrade to Green Endorsement that provides up to \$50,000 for the increased cost of using “green” products and practices for the repairs (if applicable). For example, energy efficient light bulbs, low VOC paint, Energy Star appliances, debris recycling, water-free urinals, bamboo flooring, etc. . . .

We are pleased that some of our churches have used this Upgrade to Green Endorsement. Specifically, one church had damage to its boiler, and the adjuster advised the church that the boiler could be replaced with a boiler, that was the same like, kind, and quality. The church looked into replacement boilers, but spoke with the adjuster about green options. The adjuster was happy to report back to the church that they could accomplish their goal by purchasing a new Energy Star rated unit. Because the Upgrade to Green Endorsement was utilized the church incurred no extra cost for the upgraded green appliance.

If you have a claim, and you are looking to incorporate a green option, ask your adjuster if you can take advantage of the Upgrade to Green Endorsement. The Insurance Board is hopeful and excited to see more and more churches take advantage of the Endorsement.

BOUNDARY TRAINING!

While the IB provides free abuse prevention training for employees/volunteers, the training needs for clergy run deeper. When we refer to “boundary training” we refer specifically to training for clergy that covers various issues and takes into account their roles as pastors, counselors and teachers. Material for clergy includes such subjects as sexual harassment and ethics in personal relationships. We are pleased to let you know that the IB provides financial support for middle judicatories wishing to organize boundary training for their clergy in two ways: 1. **The IB will reimburse tuition expense** to middle judicatories for an individual to attend the Faith Trust Institute’s “train the trainer” program entitled, **“Healthy Boundaries for Religious Leaders.”** The program prepares individuals to present interactive seminars to large groups. The program is presented by FTI at various times/places around the country. See www.faithtrustinstitute.org. 2. **The IB will pay a stipend and travel expenses** for a trainer at a regional event at which 20 or more attend, **ideally at the Conference, Region or Presbytery level.**

The IB can identify trainers for you. To get more information on this subsidized program that is FREE to IB participants, go to our website, www.InsuranceBoard.org. Click on Safety Solutions, then “Have a Question?” in the drop down menu to contact Mary Lammermeier.



The Insurance Board is pleased to present the 2017 schedule of FREE Loss Control Webinars:

- What is the Right Background Check?: Best Practices in Screening for Your Church - Wed. March 8th, 2pm Eastern (Praesidium)
- Risk Management for Keeping Youth Safe at Camps – Wed. May 10th, 2pm Eastern (IB - Mary Lammermeier)
- Fire Prevention and Protection for Churches – Wed. July 12th, 2pm Eastern (IB – Mary Lammermeier)
- Keeping Your Ministries Safe: 5 Things Churches Can Do to Prevent Abuse – Wed. September 13th, 2pm Eastern (Praesidium)

To register for any, or all of these *free* webinars, please see the link to the IB website at: <https://www.InsuranceBoard.org/online-learning/>

Inflatable Bounce Houses and Your Church *continued from front page*

is insured and provides you with a hold harmless agreement and a certificate of insurance. Trained staff members should be the ones setting up and supervising the bounce house.

- The workers setting up the bounce house should be properly trained so that it is anchored sufficiently to the ground. Heavy duty metal stakes should be used to anchor it to the ground, as opposed to 4 or 5 inch plastic stakes. Manufacturer’s guidelines should be followed.
- Church leaders should ask the operator to see the state inspections. There are no national inspection guidelines or regulations for bounce houses. Inspections are left up to the states. Some have thorough inspection programs, and some have none at all. Regardless, it is important to inquire with the operator or manufacturer to learn about inspections to the bounce houses and to get more details on the company’s reputation.

Whether you, or a vendor, is supervising, you should assure that the rules above are being followed.



PREVENT FALLS NOW!

It's only a matter of time before the ice melts! Start planning today for how you can prevent slips, trips and falls at your church.

As we look at injury claims, distinct patterns emerge which reflect the demographics of who is coming and going from our churches. We see a pattern of more serious claims among elderly guests. This causes us to ask why. Considering the variety of activities on our church properties, are only the elderly attending? We think not.

But there are distinct factors that bear on the injury results. One source tells us that older people slip no more than young people, however, reaction time of older guests is reduced by 50%. And the time to recover from injury is considerably longer.

Another major impediment for older adults is vision, not just in the sense of reading the words on this page, but more subtle issues of contrast, glare and depth perception. Lighting that is bright enough for a 30-year old is not nearly bright enough for the elderly. Two concepts to think about that can help dramatically improve the risk at your church: visibility and friction.

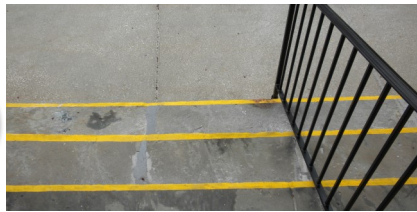
Visibility:

- Improve contrast, as on stair treads and curbing.
- Reduce glare.
- Improve color schemes -- Avoid shades of blue, blue on green and blue on black
- Gradual transition in lighting levels: sanctuary to narthex to street.
- Remove clutter – less is better.
- Warning signs

Friction:

- Install slip resistant flooring, use slip resistant finishes.
- Eliminate tripping hazards – loose thresholds, wobbly pavers, protruding furniture
- Stair treads tight and slip resistant
- Careful use of mats in good condition.
- Aggressive spill clean-up
- Put out “wet floor” sign

Try this test: Find your darkest sunglasses and smudge them a bit. Take a walk through your buildings, indoors and out, at dusk. Take notes and set an agenda to improve it all before Memorial Day.



Top View of Two Sets of Stairs. Do You See a Difference?



Now imagine you have balance/ vision problems. How safe do you feel on these steps?



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CLAIMS CORNER
Cy McFarlin, Director, Claims
216.736.3265
Alison Hanna, Sr. Claims Analyst
216.736.3250
Mark Zimmerman, Sr. Claims Analyst
216.736.3276
File a Claim Online:
www.InsuranceBoard.org

The Steward is the joint effort of:
Mary Lammermeier, Manager, Loss Control
and Elizabeth Vance, Manager, Marketing
& Communications
www.InsuranceBoard.org