

### **3.13 Release of Liability Forms** **IOP Effective 4/1/01**

#### **Philosophy**

The Department of Human Services is responsible for the health, safety and well being of the children in its care and custody. The Department believes that the children in its care and custody should have opportunities for positive childhood and adolescent experiences. In order to achieve both these goals the Department has developed guidelines regarding Release of Liability Forms, which caseworkers are asked to sign as the child's legal guardian, needed before a child participates in certain school related trips, and other recreational or adventure activities.

#### **Procedures:**

Release of Liability forms will be reviewed by the caseworker and supervisor prior to the form being signed. Forms can be signed by representatives of the Department when:

- the release describes the activity, why it is dangerous, including what injury might occur and asks that the company/agency be released from liability due to the assumption of risk.

Release forms may not be signed by a representative of the Department when:

- the company/agency requests release of liability for their own negligence in their operation.
- the Department is required to "indemnify and hold harmless" the company/agency for any claim, loss or injury under any circumstances.

There are some companies/agencies that are willing to adjust their release forms to comply with the above criteria. If these changes are made the form may be signed. A copy of the signed release form shall be placed in the child's record.

Prior to a child or youth participating in any activity requiring a Release of Liability form the caseworker will determine if this activity is suitable for the child at this time. The caseworker will consider the child's:

- current level of physical and emotional functioning.
- understanding and willingness to participate in the proposed activity.

When necessary the child or youth's caregivers and relevant treatment providers should be consulted about the child or youth's participation in the proposed activity. The final decision will be documented in the child's record.

Caseworkers are responsible to assure that the child or youth is participating in activities conducted by known, reputable companies/agencies. The caseworker will take all reasonable steps to assure that appropriate safety equipment will be used at all times.