

Working with Minors – Critical Staffing, Supervision, and Informed Consent Issues

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Adventure programs accustomed to dealing with college students, adults, and corporate groups may need to evaluate policies and procedures in light of the additional responsibilities – and risks – involved in working with minors. Programs who work with youth under the age of majority (18 in most states) are acting “in loco parentis” – the legal term for the principle of being in place of the parent. It assumes you will act as any reasonably prudent parent (or legal guardian) would act in the same or similar circumstances. This legal principle governs your actions when you are in charge of the supervision of minors.

Areas that need analysis include permissions and agreements, staffing, and supervision.

Permissions and agreements

- **To participate**

Getting parent or guardian permission for minors to participate in your program involves adequate information exchange between parties. Programs must provide enough detailed information about the philosophy, anticipated activities and their risks, methods of emergency communication, use of third-party vendors, modes of transportation, supervision policies, and required participant conditions and expectations for parents and participants to make informed decisions.

Participants and parents need to know what to expect. The purpose is to eliminate surprises and disappointments – to avoid persons coming back to say “If I had known all that, I would not have permitted my child to participate.” Permission forms provide evidence that parents/guardians authorized the minor’s participation in that program. The form can also be used to demonstrate the program was authorized to provide the stated service (e.g., transportation.)

Programs often also use a waiver or release as part of the permission to participate. Generally, minors may not sign away their rights, nor may parents sign away the rights of their minor children (although this is changing in some states.) Those children have the right to bring suit on their own behalf for some limited time period after they reach the age of majority. However, a parent may give up their right to sue the program (except in cases of gross negligence) in consideration of the opportunity for their child to participate. Waivers and releases need to meet state-specific criteria for wording and criteria, so programs are advised to seek legal counsel for appropriate wording in their states.

- **To provide medical treatment**

Information exchange is also critical in the area of health screening and suitability to participate, medication management, medical treatment, insurance, costs, and parental notification. Programs will need to gather enough information from the participant and parent/guardian to determine suitability to participate. Or, programs will need to provide enough information to the participant, parent/guardian, and his/her physician so that they can decide on suitability.

Programs need to evaluate their screening and information sharing systems to be sure they meet new medical privacy regulations – providing a reasonable balance between providing details to those who need to know (e.g., field staff, food service) and protecting the privacy of participants.

Programs also need permission from parents or guardians to provide both routine and emergency medical treatment. Parents expect to be notified as soon as possible about any tests or treatment necessary, costs, and insurance arrangements.

Programs may also want to evaluate management of medications for minors. The possibilities of mismanagement or misuse in a group setting are different than “normal” use in the home.

- **For release of minors**

If youth participants are to be released to anyone other than the custodial parent, specific permission should be sought. Transportation arrangements need to specify transfer of responsibility for participants.

Staffing

Everyone agrees that staffing is critical for programs with a commitment to safety and quality. In addition to the expected steps in staffing any program (screening, training, supervision, etc.), several additional concerns need to be addressed when working with minors.

- Background checks, references, etc. to be sure staff – both paid AND volunteer staff – are acceptable to work with youth. In today’s society with heightened awareness of and sensitivity to child abuse issues, any gap in thorough staff screening procedures could put young people (and the program) at risk.
- Training for ALL staff on problem solving, appropriate discipline techniques, child abuse prevention and reporting, appropriate and inappropriate behaviors for participants and staff, and handling sensitive issue discussions. Programs should have a system in place to be sure that staff who are hired out of the “normal” training cycle get necessary training.

Supervision policies and procedures

Supervision is a two-fold concern for programs. Parents expect that their children will be well supervised and that the staff who are supervising those minors will do a good job. Programs are well served to address both issues.

- **Supervising participants**

Behavior incidents, harassment, and inappropriate sexual remarks or conduct between youth participants is an increasing concern for programs serving minors. Staff supervision is critical to preventing such incidents. In addition, programs should analyze and design appropriate supervision policies for base sites, on trips, at night, on solos and expeditions, in transportation, and in public places.

- **Supervising staff**

A key to staff effectiveness is appropriate training followed by supervision, reinforcement, coaching, correcting, and instruction as needed. To effectively observe and evaluate staff performance, supervisors of staff need to be able to identify the acceptable

levels of job performance and appropriate behaviors of the staff positions they supervise. Programs need a system to train supervisors, observe staff interactions, and recognize and deal with problem behaviors.

Young outdoor leaders today do not necessarily come with knowledge and experience in working with youth and teens. Staff need not only specific training in their responsibilities when supervising other people's children but also a solid support system to help them solve problems and succeed as effective leaders.

Today's successful outdoor programs must keep pace with changes in the outdoor adventure industry, expectations of the public, and the challenges of operating a program in today's highly regulated and litigious society. Public expectations are high, especially when programs are entrusted with America's most valued resource – our youth.

Author information

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Additional Resources and References

American Camping Association (ACA) Web site: www.ACAamps.org

∑ Knowledge center, public policy, accreditation, and publications links

∑ *The CampLine* Newsletter, published by ACA

∑ ACA Bookstore publications and videos – 800-428-CAMP (2267)

Outdoor Education and Recreation Law Quarterly, Catherine Hansen-Stamp and Reb Gregg, co-editors.
www.lawquarterly.com