Welcome!

- This webinar will help you –
  - Manage the risks of running your business
    - Custody disputes
    - Transportation issue: Parents show up drunk
    - Parent lawsuits
    - Privacy
    - Defending your program from attacks on the Internet
Instructor

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Resources

* For child care centers: Managing Risks in Early Childhood Programs

* For family child care providers: Family Child Care Legal and Insurance Guide

* Both books: www.redleafpress.org
“I am not rendering legal, tax, or other professional advice. If you require this type of assistance, please consult a professional to represent you.”
Manage Risks
The Risks of Caring for Children

- Injuries to children
  - 18 month old scratched by cat: $5,000

- Damage to property
  - Tornado destroys all household property: only $2,000 covered

- Lawsuits
  - Court awards $800,000 in SIDS death

- Car accidents
  - Two children killed in van fire
Can’t Eliminate Risks

* You cannot eliminate all business risks
* These risks can be managed
* Manage small risks – establish and follow common sense policies
* Manage large risks - insurance
Liability Waivers

• “Child care program/provider will not be held liable for any injury suffered by child in my program.”
• Such waivers are not recognized by courts
• Child can sue you later
• You can protect yourself by following safe practices and purchasing insurance
POLL #1
Price Fixing

* It’s illegal for competitors to discuss rates
* All of the following activities are illegal!
  * You ask another center/provider in class about her rates
  * You call another center/provider and ask if she’s raising her rates this year
  * Association surveys its members about rates and shares results at an association meeting
* If one party doesn’t know the other is a competitor, it is not illegal

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Custody Disputes
Custody Disputes

* Biological parents have equal rights to child until court takes away their rights
* One parent cannot limit the rights of the other
  * You cannot agree to mother’s request that father not pick up child
* Mother cannot restrict rights of father by leaving him off pick-up list
Parent Rights

- Legal custody
  - Who has power to make decisions about child’s health/welfare, including right to enroll child in care
- Physical custody
  - Who lives with child and is responsible for food, clothing, shelter
- Joint custody
  - Sharing of legal and/or physical custody
Single/Divorced Parents

- Ask parent at enrollment who has legal/physical custody
- Get copy of court order
- If parent will not give copy of court order
  - Tell parent that other parent will be allowed to take child
Divorce decree gives father rights to pick up child on Tuesdays and Fridays

- He arrives on Wednesday
  - Ask him to leave
  - Call 911
- Mother says it’s ok for father to pick up on Wednesday
  - Get request in writing
Difficult Situation

- Man shows up to pick up child and says he is the father (child recognizes man)
- Provider does not know him. What to do?
  - Call mother. Ask man to wait
  - Follow instructions of mother
  - Man will not wait and starts to take child
  - Call 911
Transportation Issue: Parents showing up drunk
POLL #2
Transportation Policy

- Parent shows without a car seat, drunk, or otherwise impaired
- Center/Provider faces two risks
  - Mandated reporter responsibility
  - Parent/child suing if child is injured
- Pickup policy
  - Others pick up, get car seat, cab, other
  - Call police if parent insists on taking child
Never charge parents to transport children
  * Include in regular fee

If parent is transporting daycare children in her car
  * Her insurance will cover children
  * Get parent permission
  * Make sure parent has insurance

If your employee transports children
  * Get “hired and non-owned liability” coverage
Parent Lawsuits
Protecting Yourself from a Lawsuit

* Can’t prevent a parent from suing your program
* Keep detailed notes about parent conflicts/threats
* Inform your licensor of unhappy parents who you believe may complain to licensing or sue you
* Keep your business liability insurance agent fully informed of all incidents
If You Are Under Investigation

* Two key articles
  * How to Prepare for an Investigation
    * http://tomcopelandblog.com/how-to-prepare-for-an-investigation
  * You are Being Investigated - Now What?
Privacy/Confidentiality
Privacy/Confidentiality

• Parents expect you to hold confidential all info about their family unless they give specific permission otherwise.
• State laws may restrict what you can share about families in care.
• You should keep family info confidential.
  • Professional, good business practice.
  • Can reduce risk of parent lawsuit.
Privacy Situations

• You post child’s photos around center/home
• School counselor asks about child’s behavior
• You overhear info about private family matter
• Parent wants to know who bit her child
• Parent wants addresses of other parents to invite to church bazaar
Privacy on the Internet

* Facebook
  * Posting of photos of children in your care at center/home vs. posting of photos on Facebook or Internet
* Family child care homes
  * May not want to share address on Craigslist or website.
Defending Your Program From Attacks on the Internet
Parent review sites: Yelp, About.com, Yellow Pages

- “I would never send my kids here”
- “The staff are lazy and careless”
- “Stay Away! Health is not the owner’s priority”

Not used much now by parents, but may grow
How to Respond

* Talk to your licensor
* Respond online
  * Parents can post positive comments first
  * Website may take down negative comments if in violation of their terms and conditions
* Sue the parent?
* Monitor your online reputation
  * Google Alert
  * Reputation.com
Summary

* You cannot eliminate the risks of running a business but you can manage them
* Keep careful records of incidents and keep licensor and insurance agent informed
* Create a transportation policy
Further Information

- Contact Tom Copeland
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Good luck!