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
Disclaimer

“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

• 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

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

Handling Custody Disputes

- 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

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

POLL #2
Vehicle-Related Issues

- 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

- 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

Protecting Yourself from a Lawsuit

- 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

- 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

Protect Your Business

- 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!