

WAIVER OF LIABILITY

Churches often sponsor activities which are dangerous. Can your church eliminate liability for injuries during these activities through waiver of liability forms?

If the person signing the form has reached his majority (usually 18 years of age), that person can waive liability. The form must point out the kind of dangers inherent in the activity. A general waiver of liability form will likely be rejected by the court because a person must have notice of the dangers he is taking to accept the liability for those dangers.

A person who has not reached his majority CANNOT WAIVE LIABILITY nor can his parents or guardians. Courts reason that the injury or damage is to the participant who will be forced to live with and suffer the pain of the injury; therefore, only the participant can waive the liability. A person who has not reached his majority is not seen as

having the ability to make an informed decision to waive the liability. Liability in these instances will always rest with the church. Make sure that your church's liability insurance will cover the activity. Some activities are so inherently dangerous the activity cannot be covered. Many others are not covered without a separate insurance rider. Be sure when you sponsor an activity that your church is protected.

CHURCH LAW

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