

Ten Ways to Manage Liability

- 1] Remember that your best defense is responsible, knowledgeable performance in the conduct of the job.
- 2] It is important to know from where the issues will come. The vast majority of cases come from the child protection arena and a list of the five main areas is attached.
- 3] It is important to remember that the State and Counties have sovereign immunity unless they choose to relinquish it. Generally speaking, this means that in policy setting and policy matters, there is no liability.
- 4] Most litigation centers on ministerial function [or staff performance of the policy]. This is a most critical point. If policy level activity is not subject to litigation and if staff is acting well within the boundaries of policy, then they and their department are well defended in the event.
- 5] Insure that your Department's policies are congruent with the State's and that they have been thoroughly vetted in the local community. Conformity to State rule and to State recommended practice assures that your policy reflects standards that are considered effective and responsible. Also since they will have been vetted in your own community, they will represent the consensus position for performance.
- 6] Insure that your staff is fully trained in their area of responsibility.
- 7] Insure that they meet qualifications for the performance of their jobs.
- 8] Insure that there is consistent oversight so that performance reflects the set policy.
- 9] It is also important to verify that your county government has appropriate insurance coverage including mechanisms to cover malfeasance by employees.
- 10] Document, Document, Document. Document the workers' training and qualifications; document your oversight of the worker; have your workers document their performance; document your policy setting processes.

Key Areas of Liability

- Failure to Diagnose
- Failure to Report
- Failure to Properly Investigate
- Wrongful Removal or Detention of Children
- Failure to Properly Select or Monitor Placement