

THE CAMPLINE

Providing Camp-Specific Knowledge on Legal, Legislative, and Risk Management Issues

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Photo courtesy of West End House Girls Camp, Parsonsfield, ME

ACA Hotline: *Taking Stock and Striking a Realistic Balance*

By Charles R. Gregg and Catherine Hansen-Stamp

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The Fall 2019 issue of *CampLine* included a summary of the year's Hotline calls. The American Camp Association (ACA) categorized the year's calls into various areas. They found a full 65 percent of calls related to camper health and medical issues, general camper issues (primarily behavior related), abuse issues, and parent behavior issues. A camp's reaction to these statistics may be to hunker down, broaden their "safety net," promise safety, and declare that they will protect campers from harm. This may include describing to camper families and the public what the camp is doing to protect its campers in its effort to "ensure" campers' well-being while at camp. This approach is well-meaning, but ultimately unrealistic and not sustainable — and it will

backfire when someone in an angry call or lawsuit turns their back on the camp, saying, "But you promised."

Considering these statistics, what is a camp to do? Instead of promising safety, a camp's approach should be realistic and strike a balance among sharing important information with camper families about:

- Camp's efforts to manage risks
- Value of risk
- Limits on the camp's efforts (including the reality of inherent risks)
- Camper and parent responsibilities

This partnering with camp families (Gregg & Hansen-Stamp, 2006) is critically important in this age where parents are more boldly demanding assurances, and campers are arriving more risk averse and perhaps less

prepared for the camp experience. In other words, partnering with parents doesn't mean the camp must compromise on its requirements, but that the camp and parents should exchange accurate and valuable information relevant to the camp experience, and, importantly, that parents must be held accountable for their responsibilities, including the terms of their agreements with the camp.

The primary focus for the camp should be running a quality program aligned with its mission. This approach includes the camp's ongoing effort to understand and manage risks, considering the potential risk of loss to both the camper and the camp, and having a solid emergency and crisis response plan in place in the event of an injury or other loss. Running a quality program includes examining

the camp's duty of care — and the limits of that duty — in this most extraordinary relationship between camp and camper.

Examined here are some current issues raised by the *CampLine* report and highlights of the camp's duty of care, including responsibilities of supervision and how a camp can strike a realistic balance with camper families regarding some of these challenges.



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The Camp's Duty of Care and Limits on the Duty

As we have explained previously, a camp's (and its staff members') legal duty of care is to exercise reasonable care to protect its campers from unreasonable risks of harm. The standard by which the camp will be measured — the question for a jury, for example — is whether the camp (including its staff members) acted as a reasonable camp/staff member would have acted in the same or similar circumstances. When dealing with minors, some courts refer to the duty *in loco parentis*. Courts interpret this to mean that the organization "stands in the shoes" of the parent in terms of its duty of care. That is, the camp must exercise the degree of care that a reasonably prudent parent would exercise in the same or similar circumstances. Again, this is typically construed as a duty to exercise reasonable care, not a requirement to assure safety. Over the years this "in loco" concept has matured to the point that acting in the place of the parent, in a camp context, includes a commitment to the managed risk-taking that is so vital to a child's personal development (Gregg & Hansen-Stamp, 2018).

A variety of factors can reduce or eliminate the camp's duty of care, including the following:

- In many states, those (adults or minors) who voluntarily participate in adventure and experiential activities assume the inherent risks of those activities. As a result, the camp has no duty to protect a camper from injuries resulting from those risks and no resulting liability. In addition, courts in an increasing number of states will, in appropriate circumstances, tolerate simple carelessness by co-participants and staff in the context of sports and recreation

activities — characterized to be of significant social value. These courts hold that this carelessness is integral to and an inherent risk of vigorous participation, and, in the case of staff, in pushing the student/camper to learn new skills. The courts' rationale for these rulings is to avoid a "chilling effect" on vigorous participation and, in the teaching context, on the student's learning and growth. A camp must know the law in its jurisdiction and make sure camper forms and information reflect those realities.

- In most states, camper families can agree to release the camp, in advance, from liability for its negligence. In some states, a parent can release these rights for their minor child. This provision is usually incorporated into a larger "participant agreement" that identifies camp activities, risks, and contains an acknowledgment and assumption of risks and other important provisions. A camp should work with its legal counsel to develop an agreement that is consistent with applicable law and fits the camp's culture.
- A camp's duty to supervise children in its care is tempered by the law, which commonly recognizes that accidents will happen and that inherent risks can cause injury. In other words, a recognition that the duty to supervise is not constant and that supervision can be deemed reasonable even if a child suffers injury.

Considering the camp's duty of care and the current challenges, how does a camp respond?

Hotline Calls and Current Case Law and Trends

Recent Hotline calls, case law, and trends reflect:

- Increasing health issues — including in the area of mental, emotional, and social health (MESH), and campers' increasing use of medications, frequently for mental or behavioral issues.
- An uptick in reports of sexual abuse or misconduct (camper to camper, staff to camper, or third party to camper), whether arising at camp or simply disclosed at camp.
- A rise in parental misconduct — including parents' efforts to bend the camp rules (e.g., allowing the child to sneak a mobile phone into camp), failing to truthfully disclose their child's health issues, or enrolling a child without notifying a former spouse who then demands the child not attend/be sent home from camp.
- A steady stream of camper behavior issues including improper or illegal use of drugs or other substances; missing campers or campers in unknown locations (e.g., outside their cabin at night with other campers); mental health-related issues such as eating disorders, cutting, or other self-harm, and suicidal ideation.

A Central Concept — the Information Exchange

We know that the flow of information between the camp and its camper families is critical before, during, and after camp. We also know there is a tension between marketing and the realities of the camp experience. Camps are often reluctant to be honest with camper families, afraid that they will flee to the next camp that has assured camper safety. This isn't likely. Camps that realistically relay the value of their programs and their efforts to manage risks, along with the inherent and other risks associated with the camp experience and the campers' and parents' personal responsibilities, are in a stronger position. These camps are more likely to have happy parents and satisfied campers who have grown from their experiences, and they can better stand behind their programs if they are tested by a parent's complaint or, worse, a lawsuit. On a basic level, camps should inform parents about the camp environment, activities, and the reality of risks inherent in and integral to the camp environment.



Parents should understand the limits of the camp's supervision and the reality of free, unstructured, or independent time. Parents should also understand the value of risk in a child's growth and development. Parents should know what is expected of them in "partnering" with camp as well as their children's (campers') responsibilities associated with camp. Terms and conditions of enrollment and a participant agreement can provide some of this information, as can trip information and a general risk and safety statement on the camp's website. A camper code of conduct signed by the parent and child can further commit camper families to upholding the camp's rules and respecting its culture. During camp, a camper orientation can enforce the camp's expectations.

On the flipside, parents need to disclose to the camp accurate information regarding a camper's health and medical condition, commit to its accuracy, and understand the ramifications if they don't. They should agree to update the camper's health condition and recognize and agree to the Essential Eligibility Criteria necessary for their child's participation in camp activities.

This flow of information between camp and camper families, if set up appropriately, helps:

- Develop trust
- Hold parents and campers accountable
- Minimize the risk of loss to the camper and the camp
- Allow the camp to focus on running a quality program

Parents who are well informed, aware of the risks, and clear on the camp rules may be less likely to file suit in the event of an injury or other loss. In other words, they have become partners with the camp in producing a quality experience.

Important Legal and Risk Management Issues to Address Related to Current Issues

1 For camps that have not already dealt with sexual abuse and molestation, this area of the law is worth some time and consideration, including a new approach that involves a revamp of risk management systems. This revamp includes discussing these new realities with camper families (email or online), tasking parents to talk with their children ahead of camp, and orienting campers upon arrival. This is a huge issue for all organizations serving youth, and many organizations, including ACA, have resources for camps as they undertake this effort. Numerous legal cases have dealt with camp, school, religious institutions, and many other organizations fighting claims of sexual abuse occurring on their watch. And camps were recently in the news on this subject (see Crime Stoppers grid: [crime-stoppers.org/wp-content/uploads/2019/10/Spreadsheet-of-Camp-Molestations-8-5-2019.pdf](https://www.crime-stoppers.org/wp-content/uploads/2019/10/Spreadsheet-of-Camp-Molestations-8-5-2019.pdf)).

2 Include a provision in your terms regarding parental authority and responsibility. This takes the responsibility for resolving custody disputes (regarding enrollment) off the camp's shoulders, resting it squarely with the parent registering the child. If there is a dispute, the child will not be enrolled, or, if enrolled, will be sent home if the parents or other parties cannot resolve their dispute, with the enrolling parent indemnifying the camp for expenses and liabilities arising from the dispute.

3 Address on your website and in your participant agreement the limits of a camp's supervision responsibilities and the realities of free, independent, and unstructured time, including, if it is true, no or limited supervision during sleeping hours (see *Amoako v. Church of the Messiah United Methodist Church*, 2015).

4 Implement a proactive understanding of and compliance with the Americans with Disabilities Act (ADA), and develop essential eligibility criteria for your camp activities that can back up and support your medical screening. Access your regional ADA center for valuable assistance in this endeavor (adata.org/find-your-region) and talk with a qualified lawyer.

5 Put some teeth in your collection of health and medical information – whether in the medical form, the participant agreement, or in other Terms and Conditions, signed by the parent. This includes the parent's commitment to disclose honest and complete information, the camp's right to separate the child for a parent's failure to disclose a medical condition, and the reasons for – and limitations on – the impact of the camp's collection of this information. For example, although the camp will review submitted health information and may allow participation, the camp cannot anticipate or eliminate risks or complications posed by participant's mental, physical (including fitness level), or emotional condition.

6 Include in your terms or other agreements the camp's right to separate a child, at the camp's discretion, if the child presents a medical risk, a safety or behavioral issue, or otherwise conducts him or herself in a manner detrimental to the program.



Photo courtesy of North Star Reach, Pinckney, MI

7 Develop a code of conduct (including positive behavior that is expected and welcomed) and rules for the child *and* parent, including limits on a parent's ability to contact the child during camp, to send treats, or to send a mobile device, for example.

8 Make an effort before and during the program to provide opportunities for campers to take on age-appropriate responsibilities – including in your ongoing risk management efforts. Campers can and should become team players in the risk management equation, and even young campers will be empowered and rise to the occasion.

9 Develop a Risks and Safety Statement for the camp website or app. This should include a balance of information regarding the positive and unique aspects of the camp as well as the reality of inherent and other risks integral to camp activities. Dare to emphasize the value of risk that contributes to the thrill of the adventure, the opportunity to learn, and the catalyst for growth. Address a camper's personal responsibilities and the camp's efforts to manage risks, coupled with the reality that the camp cannot guarantee a camper's safety.

An Opportunity for Reevaluation

ACA's annual compilation and publication of Hotline results and current issues in the industry offers camp management a chance to reflect on its own experiences in the identified trouble spots and elsewhere. Take an opportunity each year to take a fresh look at your programs — aligned (or not) with what ACA Hotline is finding.

Note that many organizations, in fact, recognize the importance of regular attention to what they are doing and how they are doing it — to systematically reevaluate even their most sacred practices and policies, asking, for example: "If we were to decide, now, for the first time, to do (an activity), would we do it? If so, why, and how would we do it?" It is an important opportunity for the organization to reexamine its programs and activities to determine if they are indeed aligned with the camp's mission, relevant ACA accreditation standards, and taking into consideration applicable laws and practices in the industry.

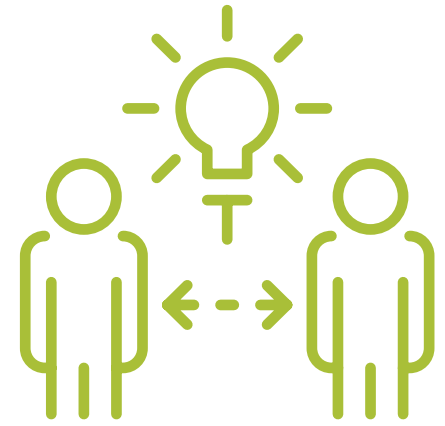
In the corporate world, this is sometimes referred to as "sun setting"; that is, dropping the curtain on a practice or practices and essentially starting over with fresh ideas and goals.

Such a practice requires hard work and is sometimes best accomplished systematically over multiple years, addressing only a few activity areas at a time, perhaps influenced by trends or concerns in the industry. The task is to reexamine whether current programs and activities meet the organization's mission, set or reset goals, identify existing or new programs that will best meet those goals, develop or refine a strategy for managing the risks of the particular program, and then launch (or relaunch) it.

This article contains general information only and is not intended to provide specific legal advice. Camps and related organizations should consult with a licensed attorney regarding application of relevant state and federal law as well as considerations regarding their specific business or operation.

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Additional Resources

The Campline — Releases and Related Issues: Revisited
[ACAacamps.org/resource-library/articles/releases-related-issues-revisited](https://acaacamps.org/resource-library/articles/releases-related-issues-revisited)

The Campline — Sexual Abuse: Liability Issues Revisited
[ACAacamps.org/resource-library/articles/child-sexual-abuse-liability-issues-revisited](https://acaacamps.org/resource-library/articles/child-sexual-abuse-liability-issues-revisited)

The Campline — After-Camp Contacts between Campers and Staff: A Problem? Whose?
[ACAacamps.org/resource-library/articles/after-camp-contacts-between-campers-staff-problem-whose](https://acaacamps.org/resource-library/articles/after-camp-contacts-between-campers-staff-problem-whose)

The Campline — Who's in Charge?
[ACAacamps.org/resource-library/articles/whos-charge](https://acaacamps.org/resource-library/articles/whos-charge)

The Campline — The Americans with Disabilities Act Revisited
[ACAacamps.org/resource-library/campline/americans-disabilities-act-revisited](https://acaacamps.org/resource-library/campline/americans-disabilities-act-revisited)

Kannakuk Child Protection Plan
kanakukchildprotection.org



Photo courtesy of AstroCamp, Idyllwild, CA

References

- Gregg, C. R., & Hansen-Stamp, C. (2006, Fall). Legal & partnering — really? *Camping Magazine*, Martinsville, IN.
- Gregg, C. R., & Hansen-Stamp, C. (2018, Fall). A new child in the wild. *The Campline*, XXIX(2), 14-17.



Photo courtesy of Gold Arrow Camp, Lakeshore, CA

Camp Insurance Trends — Social Inflation and the Hard Insurance Market

By Gaetana De Angelo

For more than 20 years, the American Camp Association (ACA) Insurance Committee has held an annual roundtable with many of the camp industry insurers and brokers in conjunction with the ACA National Conference. The 2020 Roundtable brought some new things for consideration to the table, but also saw the recurrence of many of the same types of trends we've discussed before. Each year the committee reports out the findings of the roundtable in several

ways. At the conference we hold a session called Trending Now and simply report out to the attendees what we learned, infusing the discussion with not only facts, but practical information camps can use to respond to the trends. As many of our members do not have the opportunity to attend the national conference, this article serves as our report to the members at large. In general, several positive notes came from the roundtable. Keep in mind that each camp is unique. If you

are not experiencing the following, take the time to chat with your broker or agent to find out what you can do to improve the processes.

- Camps are doing a better job of managing outside user groups as evidenced by claims (or lack thereof). This seems to be a product of better contractual wording by camps and proactive questions to brokers or agents about proposed uses.

- Workers' compensation premiums have been trending downward. Remember that your camp's premium is a factor of several things, including payroll and your experience modifier (Mod) factor (which is based on losses). If your payroll and/or experience Mod increases, your premium may increase. Conversely, if your payroll and/or experience Mod decreases, you should expect to see a reduction in premium.
- Camps appear to be doing a great job of workforce development, especially with such a tough employment market, which helps lead to retention of staff. Still experiencing trouble retaining your staff? ACA's website offers many products to help you meet your goal of training and retention.

With this roundtable, a new term kept popping up in the discussion — *social inflation*. Social inflation generally refers to the rising costs of insurance claims resulting from societal views toward increased litigation (injured party feels they are entitled to a large payout), broader contract interpretations, and larger jury awards (juries feel the injured party is entitled to a larger award). As we explore each of the following trends from 2019, you will see how social inflation is causing such a stir in the insurance industry.

Property Losses

Property losses were felt by most of the providers.

- The wildfire losses in the West created catastrophic problems for camps and insurers.
 - Undervalued and undermaintained buildings/infrastructure resulted in losses far exceeding projections based on policies.

- Business interruption issues related to smoke, road closures, evacuations, and other factors the camp had no control over.

- Flood and wind damage losses were also reported. Flood reports generally resulted in a loss of income, largely due to the interruption of business.

The result of these staggering losses will be felt primarily in the West:

- Reduced limits of coverage at renewal (due to limited availability of reinsurance).
- Huge premium increases for the coverage you can get — camps can expect to see a 200-percent or higher increase in premium.

What can you do to reduce impact on your operation?

- Property loss mitigation
 - Have defensible zones; keep leaves and pine needles away from and off buildings and roads (a leaf blower is a good tool).
 - Use noncombustible materials when building/renovating buildings and structures.
 - Install standpipes and pumps in your lakes for use by staff or fire fighters, particularly important if your camp is remote.
 - Keep buildings and equipment properly maintained, including the smaller things like cleaning the lint out of the dryers, removing frayed cords, and using fewer extension cords (and unplugging them after each use).
 - Hire a professional arborist to evaluate your trees — eliminate any dangerous or unhealthy ones before they fall.

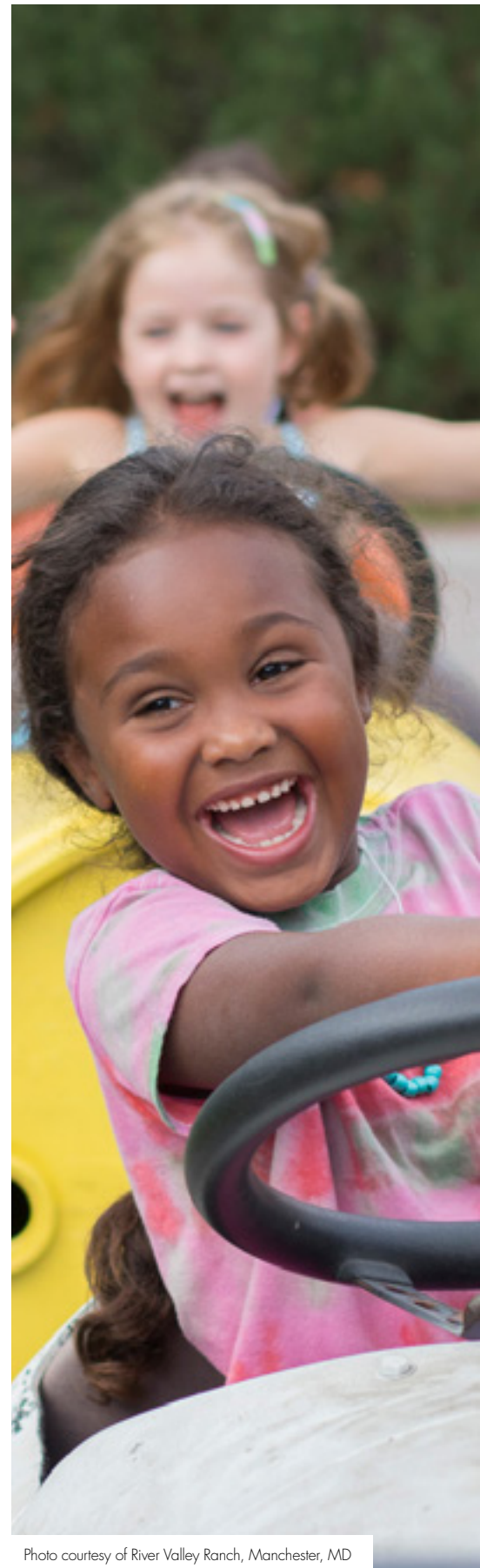


Photo courtesy of River Valley Ranch, Manchester, MD

Abuse

Barely a day goes by when we don't see in the news something related to abuse of some sort.

- Social inflation has created enormous claim awards.
- The #MeToo movement is manifesting in camps with an increase in peer-to-peer claims.
- The definition of abuse has broadened — many actions previously seen as harmless are now seen and treated as a threat.

The result in this ever-changing arena:

- Awards to plaintiffs can be staggeringly high.
- Survivor statutes are being passed by states and being opened up.
- Groups of attorneys and venture capitalists are looking to capitalize in states with higher limits — banking on social inflation to create nuclear verdicts (think about the previous asbestos and talcum powder class action suits).
- Longer tails are creeping into policies, and limits of coverage may be reduced or radically changed.

What can you do to reduce the impact on your operation?

- Take every claim or concern seriously and investigate it. Every victim, regardless of their age or when they claim the incident occurred, needs to hear, "I believe you; it wasn't your fault, and I will do what I can to help heal you." In addition, when an adult comes forward who may have been a victim years ago as a child, you need to let them know that the practices in place today have much higher standards and safeguards.
- When a child is involved, don't only report to Child Protective Services, but also to your insurer. This doesn't



mean a full-blown claim — just put them on notice that an incident was reported to you. Failure to do so could result in a loss of coverage.

- Unstructured time is critical to a child's growth, but unstructured does not equal unsupervised. Adult staff should still be actively supervising the children and young adults participating.

Cyber Losses

- Ransomware claims are the most common and are becoming more prevalent in camps. While they are not exceptionally high-dollar claims compared to the two preceding, they do result in a disruption of services to your business.
- Social engineering — the most common losses are usually related to a transfer of funds based on a fraudulent exchange of emails requesting funds transfers between a legitimate employee and a third party. The thieves are very good at what they do, and it is hard to detect the fraud unless you have redundant procedures in place to ensure all transfers are validated in several ways. For example, follow up an email request with a phone call to the requestor to be sure they actually sent the email.
- Using cloud-based services? Did you read that endlessly long contract/agreement? Generally, most cloud-based services stipulate that the user of the service, not the provider, is responsible for any losses.

What can you do to help protect your assets? Speak to your broker or agent and clearly discuss your work practices, especially related to the use of the internet. Don't assume that because you have cyber coverage you have the right cyber coverage — there are many different forms. If your broker or agent is not aware of your practices, you may not have all the coverage you need to be protected.

Workers' Compensation

Frequency and severity of injuries that could have been prevented were the most reported. These resulted from things such as staff wearing flip-flops and poorly stepping or tripping, over-participation in camp activities (acting more like a camper than a staff member), and general distracted behavior.

What can you do to help reduce preventable work accidents?

- Have procedures and practices in place that eliminate the problems and zero tolerance for repeat offenders. No matter how good an employee you think they are, if they repeatedly flaunt the rules, they are costing you money.
- Make sure all equipment used by staff is properly maintained and used. If there is a safety bar or other safety feature, make sure it is engaged.
- Watch for fatigue in your staff and adjust schedules as needed to relieve them before they get distracted or cloudy headed.

Other Types of Claims and Trends

- **Vehicles** (very similar to last year)
 - o Largely related to golf carts, ATVs, and service carts. Be sure to properly train your staff, and, again, zero tolerance for repeat offenders.
 - o Social inflation hits in this area also when it comes to auto claims. Training and frequent assessment of drivers is critical to road safety — and if you are still using those old high-capacity vans, make a solid plan to get rid of them. They are a hazard and when involved in accidents will result in injury or death.
- **Slips, trips, and falls** — oh no, here comes that social inflation factor again.
- **Deaths** — while several deaths were reported last year, two stand out that may hold a high impact on camp operations:
 - o A drowning at a non-ACA-accredited camp in California has resulted in the family seeking legislation to regulate all organized camps in California, with a goal to roll out nationwide regulations for all organized camps.
 - o A camp running a day care at their facility during the noncamp season suffered the loss of a young child to sudden infant death syndrome (SIDS). While this has not yet resulted in a claim, it is a reminder that all unrelated business that is conducted on your properties could result in a loss that might also impact your camp program. As you look for ways to financially supplement income to your properties, be

sure to look at it from every angle and know your potential risk.

- **Medical marijuana, opioids, and anxiety medications**
 - while no claims were reported yet, it is important to keep in mind the following:
 - o Policies must state clearly what “under the influence” means and include non-negotiables to protect both the employee and others.
 - o Claims related to regulation of staff and the use of such drugs may result in employment practices liability. While many nonprofit camps have this coverage as part of their Directors & Officers policy, many for-profit camps may be missing this important coverage.
 - o Policies must be in place for campers also. Many medical practitioners are prohibited by licensing from administering medical marijuana.
 - o Don’t forget about marijuana edibles. The use of such products often produces a more intense high and may be accidentally ingested by children.
- **Insect/bat/waterborne illness**
 - o Check when setting up geocaching locations that bats are not living in the trees above where you have placed the box.

- o Equine encephalitis has been reported in Michigan and the East. This is spread by insects and often starts with flu-like symptoms.

What Is an Insurance Hard Market and How Might it Impact Camps?

An insurance hard market occurs when investments are showing poor or low return, capacity for reinsurance is diminished or not available, and multiple catastrophic losses across lines result in higher premiums and lower coverages. This generally leads to underwriters taking a more conservative approach to risk and suppliers being less inclined to negotiate cost. Undoubtedly, the social inflation factor with abuse, auto, and other liability claims along with catastrophic property losses have helped to harden the market.

Property coverage, particularly in the West, will see a huge increase in premium and reduced limits of coverage. While financially this may be overwhelming, be cautious of making any decisions about reducing coverage without fully understanding the impact to your business. If you are considering changing carriers to save money, be sure



you are getting comparable coverage, not just similar — the parts that are missing may be the most important.

Liability coverage, especially excess/umbrella coverage, will certainly experience premium increases and reduced limits of coverage. The market will greatly impact premiums for higher limits of coverage, if you are able to get them. This is largely due to the social inflation factor and the staggering number of claims that are presenting in the area of sexual abuse.

Automobile coverage — expect to see some increase in premium, again because of the social inflation factor when it comes to claims awards.

Workers' Compensation coverage is regulated by each state. You should not expect to see any significant increase in premium, all things remaining constant with your payroll and experience Mod. If either or both increases, it will impact your premium upward.

The hard insurance market may also impact other lines and types of insurance that have not been discussed. The focus here is intentionally on insurance types that are most contemplated by camp professionals.

How Can You Be Sure You Have the Right Coverage?

- Enlist a broker/agent who knows the camp market. If your organization provides other services or has other business practices, be sure your broker/agent understands them as well.
- Give quality data to your broker/agent. You simply cannot get the best and most efficient coverage if you are not sharing what you do with your broker/agent. Every

camp business is unique — give them the information they need to show underwriters you are better than the average risk.

- Keep your website current. Underwriters love to surf camp websites. If you have old or incorrect information and/or pictures on your website that don't support what you have presented in your application or renewal packet, it will not result in good will and could negatively impact an underwriting decision or premium.
- Have strong policies and procedures in place and in practice. Share them with your broker to strengthen your case to the underwriters. Underwriters are wary of low-functioning camps — camps that have low or no policies and procedures or that fail to practice what they do have. You can be sure that if you incur a loss at your camp, you will be asked for your policies and procedures and proof that you are practicing them.
- At renewal time, don't just sign on the dotted line because the premium seems right. Have your broker/agent explain to you any changes that may have occurred to your policy. Here are a few questions you need to consider when discussing your policy:
 - o Have limits changed?
 - o Is coverage replacement cost or actual cost value?
 - o Is coverage "claims made" or "occurrence"? (An occurrence policy covers claims resulting from an injury or another event that occurs during the policy term. Coverage depends on the timing of the event. A claims-made policy covers claims that are made during the policy period. In this

type of policy, coverage depends on the timing of the claim.)

- o Will increasing my deductible decrease my premium substantially? This is a very important question because once you pass a certain threshold, further increasing the deductible may not make a notable change in the premium.

Don't be afraid of the insurance hard market; ride it out like other unpleasant occurrences — it will equalize again, hopefully within a few years. Work with your broker/agent to ensure that you have the coverage you need at the lowest cost available.

Finally, do you know where all your insurance policies from previous years are stored, and do you have ready access to them if needed? With the influx of past abuse claims rising, it is critical that you can locate and access those policies. It could mean the difference between coverage and no coverage for prior years abuse claims. Find them and, if possible, scan and store them electronically.

Focus on the mission of your business and camp — providing a safe, fun, and educational outdoor experience for children and youth.

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THE ROLE OF MANDATED REPORTERS IN VIRTUAL YOUTH PROGRAMMING

By Sandy Weaver, MS

Protecting children is everyone's responsibility. Anyone who has a reasonable cause to suspect that a child is being abused must report that suspicion. This even includes when we are interacting with children in an online/virtual world. Just because a youth program is no longer being delivered by an in-person modality, it doesn't mean that there won't be situations where an adult has reasonable suspicion of child abuse. Adults will still be interacting with children and children may disclose. Adults will still be able to visually see children and may notice physical signs of abuse. Adults will still be able to witness verbal behaviors that may be related to abuse or neglect.

"Clearly, teaching in a virtual environment changes the rules to some degree without removing the responsibility of being a mandated reporter," says Steve Mandell, prevention education manager at Darkness to Light, an organization working to empower adults to prevent, recognize, and react responsibly to child sexual abuse through awareness, education, and stigma reduction (S. Mandell, personal communication, April 23, 2020).

"Most kids are sexually abused by someone they know, and now children are at home. People need to be observed, and when something's not right, it needs to be interrupted," Mandell says.

Some experts in the field of child abuse and neglect fear that there could be a rise in the number of incidents of child abuse and neglect due to the related stress that is caused by the COVID19 pandemic. Jamye Coffman, MD, who serves as medical director of the Cook Children's Center for Prevention and Child Abuse and Neglect, says, "It all just adds stress on top of stress. Any time there's increased stress increases the risk of abuse on children" (Santhanam, 2020).

Additionally, parents may perceive a greater potential for abuse to occur through online program delivery. Amy Lang, MA, sexual health education expert and counselor, says, "I think the

online format will make parents feel more vulnerable” (A. Lang, personal communication, April 23, 2020).

However, other trends are showing a decrease in the number of reports of suspected child abuse and neglect (Campbell, 2020). The thought behind this statistic is that children are no longer in schools or participating in extracurricular activities. This limits the opportunity for detection of abuse and neglect by other adults who are interacting with children outside of the home setting where the abuse may be occurring.

What this means for those of us who are going down the path of delivering youth programs through a virtual/online format is that we must continue to be diligent and remember our responsibilities in reporting suspected child abuse. Even though it may be a little more challenging to recognize the signs of the different forms of child abuse via an online interaction, the red flags of suspicion may still be raised.

All US states and territories have laws in place that identify who and when someone must report suspected child abuse (Child Welfare Information Gateway, 2019). For example, in the State of Pennsylvania, mandated reporters are required to make a report of suspected child abuse if they have reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances (Pennsylvania Department of Human Services, n.d.):

- They come into contact with the child in the course of employment, occupation, and practice of a profession or through a regularly scheduled program, activity, or service.
- They are directly responsible for the care, supervision, guidance, or training of the child, or are affiliated with an agency, institution,

organization, school, regularly established church, or religious organization or other entity that is directly responsible for the care, supervision, guidance, or training of the child.

- A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.
- An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

Note that none of the conditions differentiate how the contact disclosure occurs (i.e., in person or virtual). Therefore, it is important to refresh our memories of the signs and symptoms for and the risk factors of abuse and neglect (Smith, Robinson, & Segal, 2019). Reacquaint yourselves with the specific reporting guidelines for your state. Also, be aware that because programs are delivered virtually, you may need to report suspected abuse and neglect to a state other than the one in which you reside. Instead, you may be required to report into the state where the abuse occurred.

Lang says, “Reporting is a gut check. If a seventh grader says something about their boyfriend, and a counselor is astute and asks about that boyfriend, and the child says, ‘Oh, he’s in ninth grade,’ that’s reportable. If a child says, ‘I’m super hungry and I didn’t get dinner last night or breakfast this morning,’ that’s reportable. Always err on the side of caution.”

Remember, it is not our job to know for sure if abuse has occurred. If we suspect it, we report and let those professionals whose job it is to investigate make the final determination.

Sandy Weaver, MS, is the youth program compliance specialist at Penn State University. Her position is in the Office of Ethics and Compliance, and she is responsible for coordinating compliance with the Pennsylvania Child Protective Services Law and university policies that impact employees, volunteers, and minors who participate in a variety of university youth programs across the Commonwealth. She can be reached at stw126@psu.edu.

Additional Resources

[Mandatory Reporters of Child Abuse and Neglect](#) — Information on state statutes from the Children’s Bureau

Resources from Darkness to Light:

- [Protecting Children During a Crisis](#) — Free 30-minute online training
- [Safe Online Learning: For Teachers](#) — Safety protocols for remote learning

[Understanding What Makes Kids Vulnerable to Being Sexually Abused](#) — from Stop It Now!

[Amy Lang’s Birds & Bees & Kids](#) — Offers information and training options

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PARENT COMMUNICATIONS CONSIDERATIONS – WHEN CAMP DOES OPEN

By Laura Blaisdell, MD/MPH, FAAP

As communities in a number of states begin to open up, state-by-state conversations are being held about if, how, and when camps can open. Provided your state/local public health authority makes a determination that camps can open, and your camp has completed a thorough risk assessment that it will open, it is important to hope for the best yet plan for the possibility that coronavirus may circulate in camp this season. That means creating a strong communicable disease plan where communication with all your stakeholders— parents/

guardians in particular — before, during, and after a camp session is key for the safest summer possible for your campers, staff, and families.

Clear, calm, timely, and consistent communication with parents can alleviate fears and build trust. Given the COVID-19 media blitz of the past few months, camp directors should already be communicating with parents about camp plans around COVID-19 on a regular basis. These conversations should demonstrate your awareness and monitoring of the situation and should be placed in the context of the policies

and procedures that your camp has in place to make every year healthy. (See the Marketing and Communications section of ACA's [COVID-19 – Resource Center for Camps](#) for sample language.)

If you have not done so in past years, now is a good time to make sure that health and communicable diseases are a standard section in pre-camp communication with parents. Set a date for health forms and immunization records. Communicate your vaccination and illness/infection screening policies (especially if you will be screening prior to campers getting on buses)

and discuss clearly if you will refuse ill campers. Set expectations about how often parents will hear from you or your health staff about issues — especially important if related to occurrence(s) of COVID-19 in or near camp. You will also want to clearly state your established relationships with local public health, emergency, and pediatric providers.

If campers or staff are screened/treated for health issues in camp, infectious or otherwise, it is always a good practice to communicate early with parents. Camp directors should consider how to manage the triangle of communication between parent, physician, and camp director, and who will be the primary voice.

Camp directors and health staff will want to consider a communication form for physicians when campers are evaluated out of camp or insist on a direct call from the evaluating physician about the camper. For day camps, communication with a child's parent(s)/guardian about doctor visits is essential to ensure a successful return to camp. Consider specifically requesting the physician outline return-to-camp guidelines that you can share with parents.

Communication of health issues should continue after campers head home and is essential for your camp's trust and campers' health. Consider having your health staff draft quick health notes for any camper who has had ongoing health issues at camp. For example, make sure to communicate to a parent/guardian if their child has had a tick removed during camp so they can continue to screen for Lyme symptoms at home. Camp directors may also want to communicate with parents widely about diagnoses (e.g., strep throat, impetigo, viruses) seen during the last weeks of camp, signs and symptoms to watch for at home, and what you've done to send their kids home healthy.

Lastly, camp directors should proactively establish relationships with local

public health officials and pediatric/emergency providers, and let parents/guardians know you have done so. Bookmark your local and state health websites and ensure your local health department has a single point of contact for your camp health center. Make sure you can confirm with parents for the COVID-19 season and beyond that you know what, when, how, and to whom to report infectious disease concerns.

Camps should put into place common sense policies for prevention, consider their response plans, and communicate clearly with parents, campers, and staff. Camp directors and health staff are experienced in managing expected and unexpected challenges of camping (communicable disease management is no different), as well as parent fears about sending their children away from home. While COVID-19 may add an additional layer of concern for anxious parents/guardians, communicating well and often will allow them peace of mind in knowing the decision they make to send their child to camp is an informed one.

NOTE: For additional guidance on communication related to the COVID-19 pandemic, refer to the [communications section](#) of the *Field Guide for Camps on Implementation of CDC Guidance* from Environmental Health & Engineering, Inc.

Laura Blaisdell, MD/MPH, FAAP, is the medical director of Camp Winnebago in Maine.



Photo courtesy of URJ Camp Harlam, Kunkletown, PA



Photo courtesy of Gold Arrow Camp, Lakeshore, CA

Your Source for the Latest Camp Operations Information

For the latest on state-by-state requirements related to camp operations this summer, check out these American Camp Association resources:

- [Camp Business Resources — COVID-19](#)
- [State Operating Guidance for Summer 2020](#)

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