



## **Driven to Disaster**

### **Youth Groups and Youth Drivers**

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Last September, Larry Mahoney walked out of the Kentucky State Reformatory a free man. He'd served 10 years in prison for causing the single worst drunk-driving accident in U.S. history, a crash that killed 27 members of a church youth group heading home from a trip to an amusement park.

What Mahoney did was tragic, shocking, and emotionally devastating. It was also a drop in the bucket. In 1988, the year Mahoney slammed into that church bus near Carrollton, Kentucky, 7,242 teens died in motor vehicle accidents. Some 65 times that many were injured on American roads the same year.

The Carrollton tragedy brought much needed attention to the problem of drunk driving—and to the questionable safety of thousands of older-model school buses. It also taught many churches a valuable, if painful lesson: Christianity is not a shield against tragedy, and putting on St. Paul's "breastplate of righteousness" won't necessarily protect our kids from a drunk driver barreling down the wrong side of an interstate highway in a pickup truck.

Nor will the shield of faith or the full armor of God protect teens who are driving during a youth group activity. And yet, even today, the issue of youth drivers is a non-issue for many youth leaders. Some youth workers argue faith is enough because God takes care of his own.

"Don't believe it!" say Jack Crabtree, author of *Better Safe Than Sued: Keeping Out of Trouble in Youth Ministry*. "God is capable of rescuing people from any hazardous situation, but that does not mean we should tempt him or defy the forces of nature."

And one of the forces of nature seems to be that teen drivers die in car wrecks at alarming rates. Just consider these statistics:

- Motor vehicle accidents are the leading cause of death among young people ages 15-20, accounting for 35 percent of all teen fatalities.
- Teenaged drivers account for just 6.9 percent of all licensed drivers, but they are involved in 14 percent of all fatal crashes.
- On a per-mile-driven basis, teens are four times more likely to be involved in a car wreck than older drivers.
- Sixty-two percent of teen passenger deaths occur when another teen is driving.

While one leading cause of car crashes—alcohol—should not be a problem on youth group outings, other, more significant risk factors, such as inexperience and the distraction of friends, are inescapable. Mike Ravn, who is assistant vice president and underwriting manager at Church Mutual Life Insurance and the parent of teens, knows all about those other factors. “Sixteen-year-olds who are with their friends are talking about the football game or who’s dating whom or which teacher is mean, and they’re so wrapped up in their own world that their concentration level goes out the window,” Ravn said.

So does their good sense from time to time. In his book, Crabtree recounts the story of a group of young people “car surfing” in a church parking lot; fortunately, no one was hurt before adults intervened.

But he also remembers a story with a less-happy ending: During a Maryland youth group’s around-the-town scavenger hunt a couple of years ago, two teenaged boys—instead of joining their teammates in an adult-driven car—grabbed the clue packet and took off in their own car. A few miles from the church, Crabtree says, “Something happened. Nobody knows quite what, but they lost control and hit a telephone pole, and the boy who was the passenger died.”

Needless to say, a tragedy like the one Crabtree describes can devastate not just the families involved, but also the youth group and the entire church. “It’s hard to pick up and move forward when things like that happen,” Crabtree says. “Remorse is a long-term companion.”

Another long-term companion after most accidents these days is litigation. Once, Crabtree says, “the idea of suing a church was just unthinkable. These days, it’s not unthinkable; it’s common.”

While churches can’t prevent all lawsuits—just as they can’t prevent all accidents—they can take steps to minimize the chance of both occurring, including not letting teens drive on youth outings.

Mike Ravn of Church Mutual says, “I would strongly discourage allowing youth to drive either their own vehicles or church-owned vehicles on any youth outing or event.” In fact, Church Mutual, which insures 69,000 churches and related institutions, recommends that the *minimum* age for drivers be 21, although some churches set even higher standards.

According to Crabtree, Church Mutual is not at all unique. “Try to find an insurance agent who would approve of high school students driving for youth group activities,” he says. “They don’t exist. Take the hint.”

Crabtree argues that churches should set a minimum age of 21 for drivers and should establish a comprehensive vehicle policy to ensure that adult drivers are safe as well. See the sidebar “Committed to Safety” for more information.

## **Limits of Liability**

So where does a church’s liability begin and end when it comes to youth drivers? Basically the church is responsible for whatever happens “within the boundaries of when the youth program starts and stops,” Crabtree explains. If a youth driver has an accident on the way to the church for a youth group meeting, the church bears no responsibility. Driving from the church to a weekend retreat is another matter and should not be permitted.

But liability is not always so clear cut. Consider the example of a church-sponsored lock-in, where kids are encouraged to stay up all night. If the church lets those kids drive home the next morning, and one of them has an accident, the church could be held liable, according to Ravn, who was a claims attorney for Church Mutual before assuming his current post in 1998. Just as a bartender can be held partially liable for a drunk-driving accident, so a church leader can be held partially liable for putting youth into a position where their driving ability is impaired.

Ravn cites another example of a gray area in the law: Imagine that you as the youth leader send a teen out in his own car to pick up some supplies. On the way, he takes a detour to grab a snack and has a wreck. Is the church liable? In theory, no, Ravn says, because the teen had deviated from your instructions in order to take care of a personal errand. But several factors would factor into the decision a judge or a jury makes—including the severity of any injuries and whether other insurance is available to cover those injuries.

“A ‘bad facts’ situation—a horrible injury or a very sympathetic injured party—will make judges and juries look beyond liability and say, ‘Someone has to take care of this person,’” Ravn explained.

## **Legal Gymnastics**

Some churches allow kids to drive themselves or other kids if their parents have signed a release form, but Ravn says courts will do “legal gymnastics” to invalidate those forms in the case of serious injuries.

For example, a judge who would allow a release form in a case where a girl broke her arm might well disallow the same form if the girl broke her neck and became a quadriplegic. “The judge knows that if he honors that form, this young girl who’s going to need millions of dollars in medical care has no claim,” Ravn says.

Church leaders often ask Ravn if he can provide them with a “perfect” release form, but he says no. “I don’t know if it’s ironclad or bulletproof until the facts are there,” he says. “A release form can be good today and bad tomorrow.”

That doesn’t mean that release forms are not valuable, Ravn emphasizes. It just means that they’re no substitute for having good safety policies in place.

## **Conclusion**

The bottom line, according to Crabtree, is to make sure your church has a comprehensive policy on vehicles—one that prohibits kids from driving. Then, all you have to do is a youth leader is to enforce that policy. Doing so will help protect the church from lawsuits and, more importantly, protect your young people from tragedy.