



Photos by Gary Malerba / Special to The Detroit News

Max Bailliff, 12, who plays football with the Oakland Macomb Youth Football Association, practices in Royal Oak.

Injury waivers challenged

■ Court rules youth leagues may not be protected by forms that hold them blameless if kids get hurt.

BY STEVE PARDO
The Detroit News

Youth leagues and recreational programs relying on an injury waiver signed by a parent may learn the agreement isn't worth the paper it's printed on if a kid gets hurt.

The Michigan Court of Appeals recently ruled forms signed by parents agreeing to hold an organization blameless if their child gets injured doesn't mean the organization is in the clear.

The ruling may be especially profound for smaller organizations, which could have to rethink insurance policies to ensure instructors, coaches and referees are covered.

"Courts across the United States are grappling with this issue, and now it is Michigan's turn," wrote Appeals Judge Bill Schuette. "The decision in this case is bound to have enormous consequence and profound impact throughout Michigan."

The case stemmed from a 2006 case in which a 5-year-old broke his leg on a slide at a "bounce party." A Kent County court initially upheld the waiver signed by his father.

The issue is likely to be decided by the Michigan Supreme Court, said Ron Sollish, an attorney at the South-



The Oakland Macomb Youth Football Association cheerleaders perform a stunt. The ruling may affect insurance for organizations.

field-based law firm of Maddin, Hauser, Wartell, Roth & Heller.

"Where this becomes a big issue is for the dad or mom coaching soccer — the volunteer coach coaching football," Sollish said. "Is he potentially liable if a kid gets hurt?"

The ruling won't affect high school sports because schools don't demand the "hold harmless" waivers, said John Johnson, spokesman for the Michigan High School Athletic Association. But it is causing consternation.

Kenneth Camilleri coaches football for the Grosse Ile Youth Recre-

ation Association, which already carries liability insurance — and that's key, he said.

"The ruling puts an onus on the organizations to have adequate insurance and adequate coverage that's going to cover the coaches and the organization," Camilleri said.

Still, the ruling is a "double-edged sword" as leagues grapple with costs versus liability issues, said Greg Kish, a board member for the Grosse Ile Youth Recreation Association.

"Our job as an organization is to try to keep the cost of sports accessible for our kids. We don't want to turn anybody away," Kish said. "What this is going to do is make us re-evaluate our level of insurance."

The ruling says it's an issue for legislators to tackle. Lawmakers will have to determine specifics, such as differences between nonprofit and for-profit companies, Schuette wrote. There is room for legislative focus, Sollish said.

Michigan already limits the liability for organizations and people involved in the skiing and horse riding industries, he points out.

The Michigan Equine Activity Liability Act states: "An equine professional is not liable for an injury to or the death of a participant in an equine activity resulting from an inherent risk of the equine activity."

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APPEALS JUDGE BILL SCHUETTE, in the court's ruling