

The Importance of A Church Board Resolution

Church Sponsored International Trips

Address <http://www.servingabroad.com/> Go Links »



ServingAbroad
Protection, while serving others around the world.

HOME ABOUT FORMS TESTIMONIALS LINKS CONTACTS

Peace Of Mind...

Traveling outside the US is always an adventure....make sure it is a fun, safe and rewarding adventure to remember for a lifetime!

Whether you are traveling alone or organizing a group trip, nothing is more important than the safety and welfare of you and your loved ones. We work with thousands of students, Church members, trip organizers and full-time missionaries each year to make sure they have the equivalent of an "international 911 number" when they are away from home.

[Learn more about International Health Coverage here...](#)

**What If
You were injured on your trip abroad?**



Click Here to Apply Online!

Churches	Students	Missionaries	Travelers
 <p>Every year, thousands of church organizers reduce their liability.</p> <p>Learn more...</p> <p>group individual</p>	 <p>Your biggest concern when your children leave on an international trip is their safety.</p> <p>Learn more...</p> <p>group individual</p>	 <p>Missionaries are special people. Protect yourself as you're serving others abroad.</p> <p>Learn more...</p> <p>group individual</p>	 <p>Making the decision to carry "Peace of Mind" Coverage is as easy as 1-2-3.</p> <p>Learn more...</p> <p>group individual</p>

**International
Medical
Insurance**

**International
Emergency Care**

**Special
Coverages**

**www.
ServingAbroad.
com**

Remember - Requiring the International health insurance & Emergency Care coverage makes sense, even if you have great coverage at home:

- Most US-based health plans are not set up to handle claims and emergency phone calls from around the world. (Imagine contacting your carrier at 3:00a.m. from a foreign country.)
- HMO and PPO plans may impose severe out-of-network penalties for treatment internationally
- Medicare generally does not cover any claims incurred outside the United States.
- Most US health plans would not: (1) Pay for or coordinate Emergency Evacuation, (2) Pay for Repatriation of Mortal Remains upon a death, (3) Provide simple travel coverage for lost / stolen bags

John M. Drye, Esq.
Attorney-at-law, Program Director

jdrye@ServingAbroad.com

The Importance of a Church Board Resolution

Insurance – Liability – Intent – International Trips

Caveat

Each year churches across the United States help to organize small trips (missions) outside the US. Unfortunately, many churches find out the hard way the liability they have to assume when a trip participant is injured and medical bills go unpaid because the traveler thought he/she had insurance coverage that would pay the bills for an injury occurring outside the US.

Understanding (1) What A Resolution Is, and (2) What It Does

Whether it is legal liability or moral responsibility, individuals who coordinate and arrange for groups to travel internationally create a great deal of liability for their Ministry.

Assuming, or even requiring, that all travelers have medical protection does not shield the group organizer from liability. Inadequate coverage or the trip leader's inability to assist a traveler in contacting his/her US carrier can lead to out-of-pocket expenses that the Ministry may be obligated to cover.

The **first step** in protecting the safety and security of the trip participants and the Ministry is to establish a board resolution by the leadership of the church. This is important for several reasons described below:



Legal Significance – At first glance, the legal standing of a resolution seems to be insignificant. Since a resolution is a unilateral (one party) document, it would be very difficult to enforce compliance of any of the provisions (details) of the document by an individual that the resolution was trying to govern. However, while the directives within the resolution are intended to “direct” the intended audience, the real significance of a resolution lies in the importance of “defining the intent” of the board in a “timely” manner.

Intent of the Ministry – Establishing the intent of the ministry at the very beginning of a missions trip is extremely important. Establishing the intent of the ministry in a formal, written document is crucial in the event that liability does arise from an injured traveler on the church-sponsored trip.

Intent can/should establish the boundaries or scope of the mission trip that will take place. A formal resolution will at the very least demonstrate the intent of the ministry to take steps towards (1) properly supervising the trip, and (2) demonstrate that reasonable safety and security precautions were taken to protect the travelers.

The “*it won’t happen at our church*” scenario often catches ministries unprepared to defend themselves when a church member is injured during an international church-sponsored trip and the traveler’s insurance company does not cover all of the bills or emergency services (never covered under a standard US insurance policy).



When hospitals, bill collectors or attorneys attempt to recover the money from the trip-sponsoring organization, oftentimes the recovery theory is based on negligence or negligent supervision. Having a written document before the fact that demonstrates intent and outlines safety and security precautions required by the ministry can go a long way towards defending a lawsuit or collection action.

Types of Resolutions – For the purpose of discussion most applicative to church resolutions, there are two basic types: (1) *Active Church Resolutions*, which require action on the part of the church leadership or its members, and (2) *Declarative* (or passive) *Church Resolutions*, which are announcements of information not requiring a proactive effort on anyone’s part.

When a Ministry sponsors an international trip, it is most appropriate to issue an “Active Church Resolution” establishing the subject, intent of the board, scope of the mission, requirements of the participants and duration of the resolution.



Resolutions vs. Waivers – In discussing the subject of resolutions, it is important to address the concept of a waiver. The two documents are quite different and have differing levels of legal significance. Waivers are designed to limit liability a trip-sponsoring organization has in relationship to its travelers. Most of the time, this includes the requirement for insurance and agreement not to sue an organization.

HOWEVER, a waiver can never be fully enforced when the legal/liability issue brought against the church is for negligence. In other words, you cannot “waive negligence.” Therefore, you may often hear attorneys state that many waivers are “not worth the paper they are written on.”

Additionally, when an international trip is at issue, a traveler may freely sign a waiver stating that he/she has insurance coverage only to discover that domestic insurance coverage would not pay for many of the expenses associated with being injured abroad (i.e., emergency evacuation, ambulatory coordination, foreign language claims translation, returning minor children, emergency reunion, out of network coverage), or simply the fact that coverage may stop at US borders (see page #2 of your US passport).

Concept of Negligence (Negligent Supervision) – In my experience, the most common area of liability that results in lawsuits or actions against the church is based on a claim for negligence or negligent supervision. This could occur when a trip participant is injured while under the supervision of the trip leader (which, on international trips, is generally during the entire trip) and the trip leader is not prepared to deal with an emergency. A claim of this type often negates a waiver the trip participant signed.

Simply put: Whenever there is an injury and bills go unpaid, one of the first areas an attorney would look at in order to hold the church liable is “negligent supervision.” Sponsoring a mission trip without requiring a group international medical and emergency care policy (which costs as little as \$2 per day per traveler) demonstrates poor risk management and liability reduction practices.

Sample Elements of a Board Resolution

1. **Recitals** (“Whereas” section) – This portion often identifies the authority of an organization, declares the general scope of the document, and identifies whom the resolution will apply to and who will lead the trip. If the trip is being organized by a mission-sending organization, it is appropriate to add a “Whereas” that lists the name of the mission-sending organization as being the one selected by the church.
2. **First Directive** (“Now Therefore” section) – This is the start of the section of the resolution that lists the instructions of the organization.
3. **Section 1 - Scope of the Mission** – The scope of the mission is the part of the resolution that defines the general purpose of the trip. It is designed to provide a brief overview of why the trip is occurring and what the goal of the trip is from the church’s perspective.
4. **Section 2 - Safety/Security** – The safety/security section is the most legally significant section of the resolution in that it clearly defines an intent for all travelers to abide by general safety precautions, as well as demonstrates clear efforts taken on the part of the ministry to ensure the safety and security of all travelers.
5. **Signature** – It is important to present the resolution as soon as the decision has been made to take a mission trip. Oftentimes trip leaders have each participant sign a copy of the resolution, but such acknowledgement is not required.

Note: US State Department Pub. 10942 is available to download from our website located at www.ServingAbroad.com

Letterhead of First Sample Church

Ministry Board Resolution

Short-Term Mission Trip – Kingston, Jamaica May 12-24

Whereas, the governing body of *First Sample Church* supports the efforts of the church members to form and organize a short-term mission trip to the above mentioned location; and

Whereas, the governing body of *First Sample Church* considers it paramount that all travelers take all necessary and reasonable steps to ensure a safe and enjoyable trip; and

Whereas, the governing body of *First Sample Church* officially recognizes the following people as trip leaders for the above mentioned trip...

International Trip Leader (traveling with the group) _____

Domestic Trip Leader (remaining at the ministry to help coordinate) _____;

Now Therefore, the governing body of *First Sample Church* hereby directs all members of this mission trip to abide by and agree to the following resolutions.

(1) Scope of Mission:

Provide description of why the trip is being organized, the purpose of the trip, what physical activities are to be accomplished (i.e., sightseeing, building churches), what spiritual activities are to be accomplished, etc.

(2) Safety/Security: It is of the utmost concern and importance to the governing body of *First Sample Church* that all travelers not only have a fun and rewarding trip, but a safe and secure trip. For this reason, the following items are required of each traveler:

- ☒ Mandatory – Participate in our international insurance and emergency care coverage
- ☒ Mandatory – Provide personal statements on fitness to travel and waiver of liability
- ☒ Mandatory – Attend trip leader safety and security training session prior to departure
- ☒ Mandatory – Read US State Department Publication 10942 “A Safe Trip Abroad”
- ☒ Mandatory – Complete an Emergency Contact Sheet for trip leaders
- ☒ Mandatory – Attend all trip planning meetings

So Be It Resolved that the governing body of *First Sample Church* has voted unanimously on the resolution points listed above and does hereby instruct that the trip leaders provide a signed copy of this resolution to each trip participant as soon as reasonably possible.

Resolved this _____ day of 2003

Signature of the Governing Body of First Sample Church