

A Serving Abroad
Risk-Management Opinion

Serving Abroad

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Church Board Resolution

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Introduction

This white paper describes several important topics pertaining to insurance, liability, and intent surrounding international trips.

Challenge

A church, trip coordinator, or any mission-sending organization creates an assumed liability for themselves when facilitating international travels, such as mission trips.

Previous Options

Previously, churches or trip organizers assumed that travelers were protected with medical coverage. This assumption has led to expenses being paid by the church or trip coordinator.

Solutions

With a two-part risk management solution, trips organizers and churches now can protect themselves from the liability associated with international trips by requiring travelers carry international medical coverage and implementing a church board resolution.

The Importance of a Church Board Resolution

Challenge

Whether it is legal liability or moral responsibility, individuals who coordinate and arrange for groups to travel internationally create significant liability for their ministry. Assuming, or even requiring, that all travelers have medical protection does not shield the group organizer or ministry from liability. Inadequate domestic coverage or the trip leader's inability to assist a traveler in contacting his or her U.S. medical carrier can result in out-of-pocket expenses the ministry may be obligated to cover.

Many ministries are caught off guard when a traveler becomes sick or injured and realize that even the best domestic major medical policy does not provide coverage outside of the U.S. 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 trip that demonstrates intent and outlines safety and security precautions required by the ministry is easy to implement and serves as a smart risk-management tool in the event a ministry finds itself defending a lawsuit or collection action.

Solution

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:

1. **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.
2. **Intent of the Ministry** - Establishing the intent of the ministry in a formal, written document at the conception of a missions trip is paramount. Intent can and should establish the boundaries or scope of the mission trip that will occur. At a minimum, a formal resolution demonstrates the intent of the ministry's steps toward properly supervising the trip and demonstrating that reasonable safety and security precautions were taken to protect the travelers.

Types of Resolutions

There are two basic types of church resolutions applicative:

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.

*Special Note: 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 or she has insurance coverage only to discover that domestic insurance coverage would not pay for many of the expenses associated with being injured abroad, such as: emergency evacuation, ambulatory coordination, foreign language claims translation, returning minor children, emergency reunion, out of network coverage. Many popular U.S. domestic coverage's do not provide coverage overseas whatsoever, as stated on page two of the U.S. 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 can occur when a trip participant is injured while under the supervision of the trip leader and the trip leader is not prepared to deal with an emergency. Typically, it is assumed that travelers are under the supervision of the trip leader throughout the entire trip. 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 pursue to hold the church liable is for "negligent supervision." Sponsoring a mission trip without requiring a group international medical and emergency care policy demonstrates poor risk management and liability reduction practices. International medical policies can typically be purchased for less than two dollars per day per traveler.

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.

Letterhead of First Sample Church

Ministry Board Resolution Short-Term Mission Trip - Kingston, Jamaica from 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.*
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(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 also 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 U.S. 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 20XX

Signature of the Governing Body of First Sample Church

Other Important Considerations

After implementing your ministries two-part risk management plans with a Church Board Resolution and having all travelers obtain international medical coverage, here are a few other risk-management tips from Serving Abroad:

- **Register your group with the U.S. Department of State.** Travel registration is a free service provided by the U.S. Department of State to U.S. citizens who are traveling to, or living in, a foreign country. Registration allows you to record information about your upcoming trip abroad that the Department of State can use to assist you in case of an emergency. Americans residing abroad can also get routine information from the nearest U.S. embassy or consulate.

First, you will need to create a profile by following the steps below. Secondly, you will add your trip to your new profile to register your group and travel dates/destination.

Registering your group with the U.S. Department of State is easy with these steps:

1. Visit the U.S. Department of State's secure website at <https://travelregistration.state.gov/ibrs/ui/>
2. Click on "Create an Account" to begin registering your group. See website picture below.



The screenshot shows the homepage of the U.S. Department of State's Travel Registration website. The header features the U.S. Department of State logo and the text "U.S. DEPARTMENT of STATE". Below this is a navigation bar with "TRAVEL.STATE.GOV" and "BUREAU OF CONSULAR AFFAIRS". A secondary navigation bar includes links for "Home", "Create Account", "Add Trip", "Subscribe", and "Contact Us". The main content area is divided into three columns. The first column, titled "What is Travel Registration?", provides a brief overview of the service. The second column, titled "What can you do on this website?", lists options: "Register a trip or overseas residence with a US Embassy or Consulate" and "Subscribe to receive Travel Warnings". The third column contains a login form with fields for "User ID:" and "Password:", a "Login" button, and a red arrow pointing to a "Create an Account" link. Below the main content is a "Registration and Privacy" section with a disclaimer about data security.

3. Once you click "Create an Account", you will be directed to the next step, selecting an Individual or Organization Account. Based on the descriptions, select your Account type. Typically, most group travelers will want to create an "Organization" account. This may differ based on your specific needs. See website picture below.

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Create Account Help ?

Select Account Type

Individual Account	<p>Select an Individual Account if you are registering yourself and/or your travel companions. This is the most common selection and is intended for private parties, citizen travelers, expatriate Americans, and others registering trips abroad or foreign residences.</p> <p style="text-align: center;">Create Individual Account</p>
Organization Account	<p>Select an Organization Account if you are registering a group of travelers or will be registering on behalf of someone else. Organization accounts are intended for companies, travel agencies, schools and universities, and other agencies that will be registering trips for a number of Americans or registering someone other than yourself.</p> <p style="text-align: center;">Create Organization Account</p>

- After selecting your Account type, you will be prompted to enter an User ID, password, and security question. After completing this information, click "Next."

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Start Help ?

Start → Org Info → Confirm

After completing this Wizard, you will have created a new Account with the online Travel Registration system and will be able to register upcoming trips.

Enter your desired User ID:	<input type="text"/>	Minimum 8 characters, only letters and numbers
Enter a Password:	<input type="password"/>	Minimum 8 characters, with at least one number and one letter
Re-enter your Password:	<input type="password"/>	Confirm your password
Select a Security Question:	<input type="text"/>	Select a question/answer known only to you.
Enter the Answer to your Security Question:	<input type="text"/>	This is case sensitive, and you will be asked for this answer if you lose your password.

< Previous
Next >

- After creating your User ID and password, you will be prompted to enter the individual or organization information. Please enter the most applicable information for the primary point of contact for the individual or group leaving the country.

The screenshot shows the 'Personal Information' registration page on the U.S. Department of State website. The page header includes the U.S. Department of State logo, the text 'U.S. DEPARTMENT of STATE', and 'TRAVEL.STATE.GOV BUREAU OF CONSULAR AFFAIRS'. Navigation links for 'Home', 'Logout', and 'Contact Us' are present. The main content area is titled 'Personal Information' and features a progress bar with 'Start', 'Org Info' (the current step), and 'Confirm' buttons. A note states '* Indicates the field is required to continue'. The form includes fields for 'Organization Name', 'Organization Point of Contact' (with sub-fields for First Name, Middle Name, Last Name, and Suffix), a 'Comments' text area, an 'Address' section (with sub-fields for Type, Address 1, Address 2, City, State, Postal Code, Province, and Country), and a table for 'Phone' and 'Email' entries. Each entry in the table has 'Update' and 'Cancel' buttons, and there are 'Add Phone' and 'Add Email' buttons at the bottom of the respective sections.

- After entering the Individual or Organization information, click Finish. Your permanent profile is now created! Please keep your user ID and password in a safe place for future reference. From this permanent profile, next you can add trips and traveler information. Just click on "Add a Trip" to begin registering your trip with the U.S. Department of State.

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Home | Logout | Profile Info | Contact Us

Profile Info Help ?

Organization Information:

Organization Name:
Contact Name:
Address:

Phone:
Email:

Existing Trips:

Arrival	Destination	Departure	Remove	Edit

Traveler Information Worksheet:

To register large groups of travelers, you may use the Traveler Information Worksheet Template. To utilize this feature:

1. Download the template to your computer
2. Complete the template for all travelers without changing the template format.
3. Save the template as a CSV file type.
4. Click on Add a Trip to register your trip, and upload your completed CSV file when prompted to register the travelers

You may download the Traveler Information Worksheet template [here](#).

Add a Trip:

The Add a Trip Wizard will guide you through the steps to add a new group trip to your account. This wizard is intended to be used by organizations planning group trips beginning in the US. Please note that you will need the following information to complete the form:

- Itinerary Information
- Traveler Information



7. Once you click, "Add a Trip" you will be prompted to enter the itinerary, upload the file, enter travelers, travel information, and confirm. Once this information is complete, your trip will be registered with the U.S. Department of State.

- **Know where the closest U.S. Embassy is.** Visit <http://www.usembassy.gov/> to locate the nearest U.S. Embassy during your travel abroad.
- **Have a number for emergencies.** Travelers will be provided with a toll free number with their international medical coverage to call for information or emergencies 24/7. Ensure each traveler has this card on their person and is aware of the emergency number in case they are separated from the group. Visit www.ServingAbroad.com to obtain international medical coverage in just minutes.
- **Contact Serving Abroad for a trip planner check list or for more information on risk management via 866.416.0656.**