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ROBSON FORENSIC PRESENTS

Child Supervision

A child's safety depends in large part on the quality of adult supervision. Effective supervision is much more than merely watching children play. Protecting children requires the training to be able to identify hazardous conditions and behaviors before they cause injuries, and the active involvement to intervene before things go wrong.

Robson Forensic experts determine if failures of adult supervision were causes of child injuries. Our sports and recreation experts are experienced coaches, teachers, chaperones, lifeguards, and trainers. They speak to standards of care for organizing and supervising school trips, athletic events, and camp or retreat activities. Our facility and playground safety experts evaluate the safety of schools, playgrounds, and child care centers. Product engineers examine the safety of toys and children's products. Our human factors experts evaluate the distinctive perception, behavior, and cognitive abilities of children.

Inside you'll find highlights of investigations where **questions of child supervision were primary factors** as well as information on several of our child safety experts.

Contact us at one of our offices listed on the reverse of this piece, or visit www.robsonforensic.com.

Robson Forensic

Engineers, Architects, Scientists & Fire Investigators

Child Supervision

Our Expertise in Child Supervision:

- ◆ Injury causation
- ◆ Product safety / toys
- ◆ Warnings / labeling
- ◆ Sports and recreation
- ◆ Schools and playgrounds
- ◆ Pools and waterparks
- ◆ Child transportation
- ◆ Emergency procedures

Other Expert Areas:

- ◆ Biomechanics
- ◆ Fire/explosion
- ◆ Construction
- ◆ Professional liability
- ◆ Human factors
- ◆ Marine
- ◆ Motor vehicles
- ◆ Environmental health and safety
- ◆ e-Discovery
- ◆ Meteorology
- ◆ Industrial safety
- ◆ Workplace safety
- ◆ Transportation

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Recent Case Highlights

Toddler choked to death at nursery school.

A two-year-old choked on a French toast stick and died while eating lunch at nursery school. Robson Forensic was asked to evaluate the actions of the nursery school and determine if they were a cause of his death.

Our expert evaluated the actions of the care center before and during the choking incident including the safety of the food being served, the supervision provided to the children while eating, and the emergency response efforts of the staff when the boy began to choke. We demonstrated that the supervision failures that caused the child's death were well recognized as dangerous and contrary to accepted safe practices. We presented extensive documentation in support of that position, including documents from the Food and Drug Administration, the Center for Disease Control, and the American Academy of Pediatricians.

The food being served was not safe for children of the toddler's age and presented a choking hazard. It was the school's responsibility to provide food for the children that was small enough that it could be easily swallowed. It was the school's failure to provide safely portioned food to their children that caused the boy to choke.

The toddler was not properly supervised during meal time and had put the entire stick of French toast in his mouth. Because none of the adults were watching the boy as he ate, they did not immediately realize that he was choking, and did not initiate the proper emergency procedures. This failure on their behalf prevented the boy from receiving emergency assistance in a timely manner. Furthermore, we found that the procedures taken by the staff members once they recognized the boy was choking exacerbated the situation and were not in accordance with any procedures for choking children. The choking procedures for children under one year of age differs from those procedures used on children one year and older as well as for conscious versus unconscious victims. The staff members were responsible for knowing the proper emergency procedures for the children in their care. Additionally, a call to 911 should have been placed immediately, not several minutes after emergency care has begun.

This case settled favorably for the plaintiff prior to trial.

Child burned when hair catches on fire.

An 11-year-old boy was severely burned when his hair caught fire, allegedly while applying hair cream near a burning stick of incense. Our expert was retained to determine if the hair cream was defective in a manner that caused the incident.

The boy, who lived with his grandmother, was applying hair cream when he stopped to light a stick of incense. He retrieved his grandmother's lighter from the kitchen, returned to his room and lit the incense stick, then continued to apply the hair cream. Half a minute later he realized his hair was on fire.

Through testing, our expert determined that a burning stick of incense could not have caused the boy's hair to catch fire as claimed. Rather, the boy's hair caught fire because he was using a lighter carelessly and while unsupervised. We asserted that product flammability is not necessarily evidence of a product defect, as a significant number of common household products are flammable yet deemed safe.

We further demonstrated that the opposing expert's claims of product defect were unfounded: he showed that the cosmetic product was flammable, but failed to prove that it created an unreasonably dangerous condition. His testing of the product was flawed and his protocol did not accurately recreate the incident.

Our expert showed that it was the failure to properly supervise the child, not a defective product or inadequate warnings that caused this incident. The grandmother knew that the child had used the lighter in the past and yet she left her cigarette lighter out where the child could easily reach it. Adding a warning to the hair cream did not address the unreasonably dangerous activity of a child playing with fire. It was the grandmother's failure to follow the warnings on the lighter which stated "keep away from children" and the fact that she allowed the child to play with fire that caused this incident.

The matter settled prior to trial.

Boy impaled by tree branch on playground.

A 6-year-old boy was blinded in one eye when he was impaled by a low hanging tree branch on a child care center's playground. Robson Forensic was retained to determine whether playground operations were dangerous in a manner that resulted in his injury.

While outside with a center staff member, a group of children played near two pine trees on the edge of the playground. The staff member was attending another group of children across the playground when she heard a scream after the boy's eye was struck by one of the tree branches. Our expert examined the playground area and the actions of the care provider.

When inspecting the playground itself, we found numerous hazards. There were inadequate fall protection around equipment, unsafe and improperly located equipment, sharp objects, tripping hazards, and unguarded boundaries. It was not enclosed with a fence and two evergreen trees close to the edge of the playground were unguarded, untrimmed, and had branches that reached ground-level. Our expert showed that all of these hazards presented clear dangers to the children playing in the area and violated the standard of care for safe playgrounds.

Failures in supervision also contributed to the boy's injury. One supervising adult is not adequate to ensure all of the children's safety and, in fact, was against the state code and care center's staff policies. Further, adults were responsible to watch over the appropriateness of children's play and to prevent children from engaging in unsafe acts. Specifically, the staff had been told to remind children not to play with sticks and each teacher was responsible for orienting the children to the playground.

Our expert determined the center failed to provide safe supervision that met state codes for child care centers. Additionally, given that the boy was in a clearly dangerous area when he was injured, more than the minimum required supervising adults should have been on hand. The on-duty supervisor failed to prevent or reasonably control children playing in the area until after the boy was injured. The teacher's failure to adequately supervise the children she was charged with created a dangerous condition that led to the boy's injury.

The judge ruled in favor of the plaintiff in this matter.

Featured Experts

Maria K. Bella, MAFOIT, CPOI, NPSI, LGI

Sports facility operations; child supervision, instruction and coaching; daycare, playground & amusement ride safety

Maria has more than 30 years of experience in sports and recreation, with particular expertise in child supervision and youth athletics. She is an expert in sport facility risk management and has specialty experience with swim schools, therapy facilities and water parks.

In addition to her forensic consulting, Maria owns and operates companies that provide swimming instruction and exercise programs to children and adults, and aquatic consulting services to colleges/universities, municipalities, school districts, general contractors, and the hotel/motel industry. She has expertise and experience in hospitality operations, child care management, exercise, health club and recreation facility planning and operations.

Maria holds professional certifications through numerous national organizations and is an authorized instructor with the National Recreation and Park Association, National Swimming Pool Foundation, and American Red Cross.

Brett Scott Galambos, MEd

Education, sports recreation, SCUBA diving

With 12 years of experience as an instructor and teacher, Brett is an expert in child supervision and school administration. He is an alternative education teacher for junior high students and works with at-risk adolescents in non-special education alternative classroom settings. Brett provides a successful classroom experience through his interface with school administrators, parents and outside agencies.

As a SCUBA instructor, Brett provides instruction on all phases of recreational SCUBA diving. His training includes the safe and appropriate use of diving equipment, and the adherence to safety guidelines. He is responsible for individuals on chartered dive boats in the Atlantic Ocean and Inlet trips.

Brett maintains his Red Cross and New Jersey Safe Boating certifications, and he is also an instructor for First Aid, CPR and AED. He maintains a number of professional memberships including the National Education Association, the National Association of Underwater Instructors and SCUBA Schools International.

Robb S. Rehberg, PhD, ATC, CSCS, NREM

Coaching, athletic training/sports medicine

Dr. Rehberg has extensive experience as an educator and clinician. He spent 25 years working with athletes of all levels, from high school to Olympic competitors. His teaching experience is just as comprehensive with 18 years as an instructor in a variety of courses.

Prior to his current role as a Professor and Director of Athletic Training Education, he was the Chief Athletic Trainer for the prestigious Kessler Institute for Rehabilitation. In addition, he spent 13 years overseeing the athletic training and sports medicine needs of 39 interscholastic athletic teams.

Dr. Rehberg is board certified and is a licensed athletic trainer in both New Jersey and Pennsylvania. He holds a Ph.D. in Health Science and is an authorized instructor with several organizations, including the National Safety Council and the American Academy of Pediatrics. He has lectured and published extensively on Athletic Training, Sports Medicine, and Emergency Care.