

TEACH YOUR CHILDREN WELL: EXPERIENCED INJURY ATTORNEY SAFETY AND INJURY PREVENTION TIPS FOR YOUR CHILDREN AND/OR TEENAGERS

Brought to you by the attorneys at Shapiro, Lewis, Appleton & Duffan, P.C.

After 25 years of representing injury victims and their families who have family members who have suffered through wrongful death, amputation, paralysis, and other horrible injuries in all sorts of accidents, I offer our unique perspective on a parent's health and safety tip sheet and an injury prevention checklist for protecting your children or teenagers from preventable injury or even death. I included some popular rock song titles or lyrics to spice up this otherwise serious topic.

When you review safety issues with kids or teenagers, always *explain the reasons behind each safety tip*. Giving the reasons why things are done is key for teenagers. Print this checklist and check off each safety tip.

General Safety

Preventable Is a Sliding Scale--After the horrible things I've seen in death cases and cases of tragic injuries, I have developed a belief that there are "preventable" injuries and then there are categories of unpreventable injuries (unpreventable through parental guidance). What do I mean by this? It's 2:00 a.m. and a teenager gets struck and injured by a drunk driver in a random accident. That random accident couldn't happen unless that teenager was out at 2:00 a.m. in the first place. There is a serious negligence case against the drunk driver but if the teenager was not out after midnight or at 2:00 a.m. driving home from a party it would not have occurred. One of your general health and safety tips to your children and teenagers is to avoid being in the type situations that statistically will place them in perilous or statistically more dangerous situations like the above. Like walking home alone at 2:00 a.m. through a known, high crime area. Life changes in a New York Minute, and avoid the high risk moments if possible.



□ **Hey, Bartender** – Let's talk alcohol. Many states have a 21 year old drinking requirement although when I was growing up it was 18. Are you promoting drinking or providing beer or alcohol to teenagers in your house and letting them get in the car and drive? Need I say more? Consistency – in giving your children or teenagers good choices you have to be consistent in your message and consistent in what you teach. If you are drinking every day or if you are drinking and driving with a glass of wine and letting others do so, that's not a consistent message to give a teenager who you are counseling about drinking and driving.



□ **Drugs**--Even if you've dabbled with any illicit drugs yourself (as many parents did) your message must be consistent because you can tell your teenager you're now a successful professional and don't do what I did. I'm not touching the issue of whether a parent should admit any prior illegal drug use on your own behalf – that's beyond the scope of this article. But explain that drugs can ruin a path to a productive career or the ability to finish college for example.

□ **Internet**--Besides car accidents dangers (texting/driving, drinking/driving) internet chatting might be the most dangerous thing your teen does. You must review Facebook, MySpace, and social networking dangers with your teen. The girlfriend your female teen may have met may be a 55 year old male sex predator. The stories are all over the media of web chat disasters. Seriously consider having parental control/access to your teen's laptop. Tell your teen that you are buying the computer for them, but you own that computer and you are reserving the right to examine anything that they do, any chat, any email. Repeat that often to your teen in the first weeks after you provide it and better yet establish parental administrator access for yourself and tell your teen you have done so. If you allow your teen to be on a social site, mandate that you are a "friend" with full access to their profile and be sure to set it up.



Review current cases involving online predators pretending to be who they are not, and discuss social sites, online chatting and all possible variations.

□ **Where's My Teenager (GPS):** If you provide your teen a car or a cell phone, establish a GPS tracking ability. Several programs allow you to "see" on a computer the geo location of a mobile phone or of a car (your teen may drive it but you likely paid or co-signed for it!). To get GPS tracking software try software called Google Latitude, pocketfinder.com, brickhouseseurity.com (search: teen).



Car Driving Safety - Accidents Involving Teenager Drivers

This topic requires a bunch of separate sub-topics which are listed below:

- Drinking** – You must talk to your teenager about not only drinking, but especially drinking and driving. How do you explain not to drink but also explain a no penalty policy if they need a ride home because they are impaired by drinking? That is a mystery to me. But, warn them about the second most dangerous part – getting in a car with a friend of theirs that has been drinking. This is an absolute NO and you must tell your teenager they are never allowed to get a substitute ride home from any event without calling you and obtaining your approval. Tell them that they can use their cell phone or simply pick up one of their friend's cell phones to call you and there will not be retribution for getting approval of *not driving their car* and you will pick them up.



Review what happens in each possible “drinking” scenario.

- No Substitute Drivers for Rides** – There have been a number of tragic personal injury cases involving teenagers who get a last minute ride from some friend that as not approved by the parents in advance-with bad car wrecks or deaths. Who are these substitute drivers? Of course it's too late when you find out that there's been a terrible accident. This is specifically an important requirement for parents to counsel their teenagers about when there is a vacation or a summer trip or something unusual that takes your teenager into a slightly unusual situation. You must advance plan, not fail to plan.



Review “substitute” drivers and getting rides from others.

- Texting/Emailing** – Unless you've been under a rock you know that texting and driving is probably the number one danger besides drinking and driving amongst teenagers. Teenagers are addicted to texting these days. Tell your teenager about how many deaths have occurred because of teenagers driving and texting even in violation of state law. Forget state law! Explain to them that it's like drinking in its danger level and everything can wait. They can pull over to the side of the road



and respond to a text. Talk to your teen about various scenarios and details.



Review all issues about texting/emailing and driving.

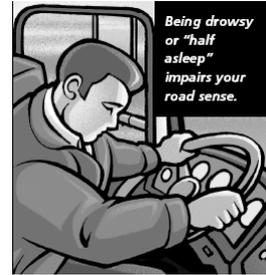


Blinker Use – This is a really basic thing but you must explain to your teenager how important using the blinker is even when they know no one is coming in the next lane. I cannot tell you how many personal injuries and even deaths have occurred where the person changing lanes was sure there was no one in the lane beside them and did not use a blinker before turning into the next lane-failing to give key seconds of notice to another driver. Train your teenager that they must also *take a quick glance over their shoulder* despite looking in their rearview and side view mirror. So many car accidents involve blind spots or the failure to see a vehicle in a blind spot at the moment that the person begins to change lanes. Blinker first, quick look over the shoulder second, then change lanes.



Review all issues about blinkers, checking over the shoulder.

Drowsy Driving – There is no excuse for ever having your teenager drive when they are tired or driving late at night. This can extend into college days. Never allow your child to take a long trip or late night trip that could expose them to drowsy driving and a terrible accident because of these circumstances.

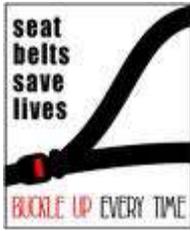


Review all issues about drowsy driving and getting rest instead of plowing on.

After Midnight – Okay, there may be a rare circumstance that your teenager (I'm talking under 18) needs to drive after midnight, but the circumstances are few and far between. Guess what? Every time you allow your teenager to drive after midnight you're statistically increasing the chance that some drunk driver or other person who is doing dirty deeds after midnight could be the cause of an accident or death involving your teenager. Avoid after midnight driving at all times your teen is in high school.



Review all issues about after midnight driving, about stopping places, etc.



□ **Seatbelt/Shoulder Harness** – Do I need to say that your teenager must be counseled to wear a seatbelt and shoulder harness at all times? Of course I should not have to tell you this. But again, note the consistency point at the beginning of this article. You must wear your seatbelt and shoulder harness at all times. I had one case where the man did not secure the seatbelt and shoulder harness for his wife because she had her leg in a cast and the seatbelt and shoulder harness was not convenient around her body with her long cast. It just so happened that a vehicle that was negligently operated by another driver smashed into the side of his pickup truck, rolled the vehicle over, ejected the wife from the vehicle all because of the negligence of the other driver, but because the seatbelt was not used his wife was ejected from the vehicle. You never know when the random careless act will happen and you can't leave it off for five minutes.



Review all issues about seatbelt/shoulder harness and no exceptions.

□ **Snow Skiing** – I have been an avid snow skier for years and skied without asking helmet for many moons, but no longer. I began wearing a helmet and require that my kids wear one whenever they are on snow skis. There is a parent who I know who actually lost his teenager because of a brain/head injury in a skiing accident. Why give your teenager less of a chance to survive an unexpected skiing accident by allowing them to ski without a helmet. Our law firm has represented those injured on ski slopes and just like you have to watch out for the other driver on the highway, you have to watch out for the other skiers at all times. Never purposefully allow your kids to be daredevils and try to do daredevil type of activities on skis, unless it is at a part of the ski slope allowing various ski or snowboard stunts or tricks.



Review helmets, and “daredevil.”

□ **ATVs and Go-Carts** – First of all, never allow your child on a three-wheel ATV, they are much more likely to roll over and cause serious injury or death. If your teenagers are allowed to operate an ATV, they should have appropriate training, if not professionally (best), then from you. They must always wear a helmet and nearly as important must be dressed appropriately with closed shoe/sneaker, long pants and no loose hanging clothing that can catch on any close clearance. Explain what can happen if an ATV is unbalanced and rolls over and make sure your child or teenager understands how many deaths occur from an unintended ATV rollover onto the person operating it.

Explain the extreme dangers of uneven terrain and that the tipping hazard of an ATV is probably one of the most dangerous issues of all. Secondly, there is no showboating or daredevil activity on multiple ATVs because this is another major cause of injury. Also ATVs should never be operated on regular highways unless it is very briefly to cross only.



Review helmet, proper training, no 3 wheel ATV's, discuss rollover dangers.

□ **Boat/Jet Ski/Watercraft (PWC)-General** – I happen to live in Virginia Beach VA near the oceanfront and there are many deep water rivers as well as navigable lakes nearby. So we have ski boats, jet skis, watercraft, and all kinds of boat activities. Virginia now requires jet ski or watercraft operators to take a training course and be licensed but even if your state does not require this you should require your teenager to take an approved jet ski/watercraft course before ever operating one alone. I have a jet ski and a ski boat and have also represented victims of boat/watercraft injuries and accidents. Below are some safety tips.

□ **Jet Ski/PWC Safety** – All teenagers want to goof off and have fun on a jet ski. As a parent you need to understand that the main ways to suffer a serious injury or even a death on a jet ski is by dangerous acts between two jet skis or between a jet ski and a boat. In other words, a person on a jet ski is totally unprotected and the largest chance of harm is not falling off a jet ski (although this can cause serious injury) it is running the jet ski into another jet ski, a dock, or a moving boat. Many times these happen because either the other boat operator or the jet ski operator was careless and makes a sudden turn. With teenagers, goofing off or dare deviling should be avoided. As a parent you need to explain to your teenager that the biggest dangers are sudden U-turns without looking over the shoulder (a boat is coming for example) or purposefully crossing a wake too close to a boat and not being aware of another boat or jet ski also making a sudden turn. It's the sudden turns and showboating that cause the most serious accidents.



Review boating safety course requirements, U turns, dare deviling, etc.

□ **Boat Accidents** – Tube or Towing Accidents: We recently settled a case where a ski boat operator pulling two teenagers negligently pulled them wide in a turn and slammed them into a boat that was stationary/anchored which was occupied by friends and relatives. Again, it



was probably a showboating act because someone was filming the teenagers on the tube and the parent/boat operator sought to whip the teens too close to the stationary boat, but this can happen near a dock as well. One of the biggest safety tips for your teenager operating a boat is to explain that no wide turns should be made without being careful that the turn is safe for the boat as well as the teenagers on the tube or raft. Of course, no drinking or drugs on the boat by any operator, that's a big duh.



Review tubing basics, showboating, care around other boats, docks, etc.

Swimming Pools/Swimming – Whether the topic is swimming in the ocean, lake, river, or a swimming pool the first point is your child or teenager must learn to swim! Whether you live in Idaho or the middle of nowhere, you have a responsibility as a parent to see that your child can swim well even if you never learned how to swim. A significant number of drowning deaths involving teenagers involve teens that don't know how to swim and get into a swimming pool at a party (the first bad idea). You must see that your child or teenager can swim well and this is the first and most important issue about avoiding drowning injuries and accidents.



Mandate that your teen learn to swim, get them the course and follow through.

Diving – Do you know how many parents have failed to ever talk to their teenager about never diving head first into a lake, river or pool for that matter because of the chance of paralysis or a paralyzing injury if the water is too shallow? Teens will show off and try to jump off areas right into a shallow part of a pool, river or lake too Rule No. 1: If you can't see the bottom, you can't dive into it. No. 2: Talk to your teenager about never diving into a shallow end or into any type of pool or body of water until it has been established that the depth of that pool or body of water is deep enough for diving. Rule No 3: always jump in feet first, never dive head first unless and until its clear the depth is good for safe diving.



Review diving rules, and generally, always jump feet first.

Bikes and Bicycle Safety – In Virginia Beach, Virginia as in many cities and towns, there is a city ordinance that requires bicycle helmets until age 16. Parents routinely ignore it. Don't be one of them. I'm one of the only parents on my block who insists that my kids wear that bicycle helmet, and if I see them on their bicycle without it they're grounded.



Why do parents let their kids out on a bicycle with no shoes or flip-flops, and no helmet? I can't tell you the answer to that question as I'm not their guardian. But with my own kids they will wear a helmet even if we didn't have a city ordinance. It doesn't matter if it's the car driver's fault if your teen suffers a brain injury from a moment of carelessness by another car driver, as there's not much contest between the solid steel of a car and an unprotected bicyclist.



Review helmet rules and explain why they are important.



Walking Beside Roadways and Highways – Whether it's walking down a country road, or not, most people do realize that if you're walking along any residential road or highway, that you do not walk on the side with the traffic flow, but laws require you to walk *along the side facing traffic*. A surprising number of parents do not know that this is a basic law in almost every state. Presumably, it's been the common law because you see the cars approaching you.



Review that pedestrians walk facing traffic always.

Crosswalks/Intersections – Most state laws provide that pedestrians must cross streets at a marked crosswalk, or as close to the intersection as possible (frowning on jay walking of course). But, these regulations mean that a pedestrian may lose the right of way, or lose the upper hand in any civil injury suit, if your kid or teen does not follow these regulations. Explain to your teen that they must walk in the crosswalk or as near to the corner if there is no marked crosswalk. The law is NOT always in favor of the pedestrian despite what you may believe.



Review that pedestrians must walk in marked crosswalks, or nearest to the intersection as possible if no marked crosswalk.

Bicycling on Roads/Highways – The opposite is true on bicycling that is true for pedestrians – All bikes or bicyclists must ride with traffic flow on the right side of the road. The bike or motor scooter actually has most privileges of a car driver. Teach your child or teenager that they must ride with traffic on the right side of the road. Early in my personal injury lawyer career we examined a tragic death of a teenager on a bike who unfortunately was riding along the left side of the road and



should never have been hit by the approaching car. Nonetheless, because she was riding on the left, not with traffic on the right, her contributory fault barred any claim for wrongful death on behalf of her family.



Review biking no right side of road, follow rules of road at intersections.

Night Time Bicycle Use – Nearly every state or local jurisdiction requires a bicyclist to have a light illuminating the front of the bike after sundown, and to have a reflector on the rear of the bike. If your teenager is out at night on the bike, or will return after dark, you need to be sure that you equip your kid's bike with the following:



1. Working bike light;
2. Reflector on rear of bike;
3. Never let your teenager wear all dark clothing when riding over to a friend's home at night. It is very hard to see dark colors from a distance;
4. Discuss with your kid or teenager that they must ride on the far right with traffic, and
5. Be sure that you go over general bicycle safety with your kid and teenager especially how they should be careful when turning corners or intersections and how they must stay to the right and look in all directions before swinging into turns at intersections.



Review bike light after dark, never wear all dark clothing at night, stay on right.

We covered a lot of ground in this article and I hope that there are a few tips that will help you keep your kid or teenager safe.