



Personal Injury to a Student at School

An injury at school to a student can be one of the most stressful and upsetting experiences that a parent can face. Injuries can result from accidents between students, physical altercations, or even short or long term abuse from a teacher or other staff member. If you suspect sexual abuse of your child at school, you should contact police and CPS immediately, as well as attorney. When an injury occurs at school, there are many different and intersecting areas of law that can pertain to the situation and it is important that you consult with an attorney experienced in these types of claims.

The information below will provide you with some very basic information and help answer some frequently asked questions, but the information on this website is not legal advice and is not meant to be a substitution for seeking the advice of competent legal counsel. Your case is unique and you need legal advice that is specifically tailored to fit your needs. Our Hollingsworth & Zivitz, PC education team is here to provide you with the advice you need to make decisions that will have a lasting impact on your child's life. Contact Catherine Michael at Hollingsworth & Zivitz, PC to discuss any injury your child received at school.

PERSONAL INJURY TO A STUDENT IN SCHOOL- General Information

Unfortunately, injuries in both public and private schools, colleges and universities are fairly common. There are also situations where a child has been either sexually or physically abused at a school. If your child is injured or abused school and the accident you may be able to make a claim for compensation for your child. Timeliness is very important in making your claim in these types of situations and you should consult with an attorney promptly. At Hollingsworth & Zivitz, PC our education law division is equipped to deal with these matters that involve various educational laws in addition to the laws governing personal injury.

Some of the most common types of claims we deal with relating to injuries or abuse at schools include cases where students have:

- Been sexually molested by another student, teacher or staff member
- Received a head injury while playing sports or as a result of defective seating
- Assaults by another student, teacher or staff member
- Restraint of a non-verbal student for excessive periods of time
- Involuntary confinement of a student for excessive periods of time
- School bus accidents
- Force-feeding and other inappropriate actions of special needs students
- Residential facility abuse

SCHOOL INJURY– FAQs

What should do if my child is injured at school?

The most important thing you can do is to document the entire situation by taking careful notes and asking questions as soon as you have been alerted to the incident. As soon as the school contacts you find out who was involved in the injury, ask whether it occurred from another student, teacher, or other person on campus. Is this a situation concerning abuse? Was the school nurse involved in treating the injury or sexual violation? Having notes to remind you of all the details of what happened, and what you went through, is far easier and far more accurate than relying on your memory or your child's recollection. Make sure you get an incident report from the school and at that point make a full records request if you believe that there may be evidence of ongoing abuse or injuries to your child.

What should I do if I suspect my child is being abused at school?

In cases where students are non-verbal, many parents must completely trust the educational system to tell them how the child is progressing, issues, and problems. The ultimate betrayal of this trust occurs when a parent discovers or suspects abuse at school of their child. If you suspect your child is being abused, carefully and fully document bruises, cuts, abrasions, and any behavior that seems out of the ordinary. Contact CPS and report the incident immediately if your child comes home injured. We also recommend you contact an attorney to work with you in investigating this matter.

How much do you charge for a personal injury case?

We charge on a contingency fee basis, meaning that you will not pay us anything unless there is a settlement or a winning verdict at trial. Typically, our fee is one-third or 33.3% of the total recovery, in addition to "case costs" and in complex cases in which a trial takes place we charge 40%.

What are case costs?

Case costs are money that we pay out to others in order to get your case ready for trial. Examples would be the filing fee required by the court and expenses for depositions and experts. Case costs vary depending on the complexity of the case, but we always have an up-to-date balance available if you want it.

Remember that if we do not recover anything for you, you do not have to pay back the case costs to us. This is not true of all law firms, so make sure you understand what other firms might propose to you. Of course, we will be happy to answer any of your questions about fees or costs before you decide to hire us.

How much is my child's case worth, and will you guarantee success?

The "value" of your case depends on many factors, such as the extent of your child's injury, the amount of your medical bills, and your condition after you have finished treating. In Indiana there is a statutory cap on the amount of damages a school will have to pay if they are found liable. This cap is currently \$750,000 for the child for the occurrences. There are also other laws that play into whether we can immediately file your case, whether we can argue multiple occurrences, and whether we have to exhaust administrative remedies.

We will not take your case unless we think it has a good chance of success. Even so, there are no guarantees. All we can do is give you a fair assessment of the outcome of your case based on our experience, the injury itself, and what jury verdicts have been achieved in cases similar to yours.

How long will it take?

This can vary significantly based on the complexity of your case, the congestion of court dockets, and whether other administrative procedures need to be completed prior to filing in court.

Can I talk to you about my case for free?

Yes. Simply call our office and ask to speak to Catherine Michael regarding an injury that occurred at school. After you have answered a few basic questions, we will be happy to discuss your case for free on the telephone or in our office. Generally, it will take only ten to thirty minutes for us to decide whether or not we can help you.