

## **REVIEW OF DAY 1**

### **QUIZ - WHAT HAVE I LEARNED?**

1. A malpractice suit is a “tort law” action which does not include criminal liability and usually determines monetary compensation for injury or harm?

True \_\_\_\_

False \_\_\_\_

2. Unlike Judges, prosecutors or witnesses, Child Welfare workers only enjoy *absolute immunity* when performing quasi-prosecutorial functions connected with the initiation and pursuit of child dependency proceedings?

True \_\_\_\_

False \_\_\_\_

3. Child Welfare employees in positions of administration, management, supervision, consultation, training, etc. risk malpractice action due to what form of liability?

\_\_\_\_\_

4. The practice of identifying practices or activities that may potentially lead to legal liability in agencies is known as: \_\_\_\_\_

5. There are usually 4 elements present when malpractice litigation occurs. In the Elisa Izquierdo case, the caseworker assigned did not make regular home visits. This is an example of which of the 4 malpractice elements?

a. Professional Duty \_\_\_\_

c. Measureable Harm \_\_\_\_

b. Dereliction of Duty \_\_\_\_

d. Legal & Proximate Cause \_\_\_\_

6. In Barber v. State of Florida, Margaret Barber was eventually cleared of which criminal charge in which she was accused of failing to provide the Court with the results of psychological evaluations?

a. 1<sup>st</sup> degree murder \_\_\_\_

c. qualified immunity \_\_\_\_

b. withholding evidence \_\_\_\_

d. culpable negligence \_\_\_\_

(over)



**KEY**

**REVIEW OF DAY 1**

***QUIZ - WHAT HAVE I LEARNED?***

1. A malpractice suit is a “tort law” action which does not include criminal liability and usually determines monetary compensation for injury or harm?

**True X**

False \_\_\_\_

2. Unlike Judges, prosecutors or witnesses, Child Welfare workers only enjoy *absolute immunity* when performing quasi-prosecutorial functions connected with the initiation and pursuit of child dependency proceedings?

**True X**

False \_\_\_\_

3. Child Welfare employees in positions of administration, management, supervision, consultation, training, etc. risk malpractice action due to what form of liability?

**Vicarious Liability**

4. The practice of identifying practices or activities that may potentially lead to legal liability in agencies is known as: **Risk Management**

5. There are usually 4 elements present when malpractice litigation occurs. In the Elisa Izquierdo case, the caseworker assigned did not make regular home visits. This is an example of which of the 4 malpractice elements?

a. Professional Duty \_\_\_\_

c. Measureable Harm \_\_\_\_

b. **Dereliction of Duty X**

d. Legal & Proximate Cause \_\_\_\_

6. In Barber v. State of Florida, Margaret Barber was eventually cleared of which criminal charge in which she was accused of failing to provide the Court with the results of psychological evaluations?

a. 1<sup>st</sup> degree murder \_\_\_\_

c. qualified immunity \_\_\_\_

b. withholding evidence \_\_\_\_

**d. culpable negligence X**

(over)

7. Which malpractice risks were evident in the Elisa Izquierdo case?

- a. **Inappropriate response time to referral**   X
- b. **Inadequate assessment/diagnosis**   X
- c. **Lack of monitoring the case plan**   X
- d. **Lack of ongoing evaluation of the plan**   X
- e. **Inadequate supervision**   X
- f. **Inappropriate assessment of risk at closing**   X

8. The significance of the DeShaney case was that the U.S. Supreme Court ruled that Child Welfare workers could be sued in Federal Court because the 14<sup>th</sup> Amendment to the U.S. Constitution provides individuals with protection from private violence.

True \_\_\_

**False X**

9. Child Welfare agencies face increased risks of civil and criminal liability due to:

- a. **Unpredictability of cases due to D/A use**   X
- b. **Reunification mandates**   X
- c. **Increasing caseloads**   X
- d. **Staff turnover**   X
- e. **Development of State Standards** \_\_\_\_\_
- f. **Certification requirements** \_\_\_\_\_

10. Name 3 activities/steps you could take in your job position in the agency which may protect you if malpractice litigation occurs?

**This depends on the job position of the participant taking the test. The trainer should refer to Handout #43, My Personal Liability Protection Plan, which lists risk management topic areas for caseworker, supervisor, and administrator in a Child Welfare agency. The trainer should ask for several volunteers in different job positions to share their answers to this question. This question leads the class into the next section of the training on Risk Management.**