

**Chapter: Volunteer Management**  
**Title: Confidentiality and Liability**

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**Replaces:** VLS.03.09, 11/01/01

**ACA Standard(s):** 4-JCF-6G-12

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(a) **Policy.**

Volunteers agree in writing to abide by agency policies, particularly those relating to the confidentiality of youth records and information and facility security.<sup>1</sup> Volunteers enrolled with the agency are protected from civil liability as described by §61.096, Texas Human Resources Code.

(b) **Procedures.**

(1) **Confidentiality.**

- (A) All volunteers sign the Volunteer Agreement form (VLS-018) and the Confidentiality Agreement for Non-TYC Employees form (LS-001).
- (B) The community relations coordinator, in consultation with the facility administrator, may grant a volunteer access to confidential information to better serve the volunteer's assigned youth.
- (C) Confidentiality does not apply to communications by youth involving:
  - (i) confessions or allegations of abuse, neglect, or exploitation – see GAP.81.34 and GAP.93.33;
  - (ii) an imminent escape; or
  - (iii) intent to harm self or others.
- (D) The requirement to report alleged abuse, neglect, or exploitation applies without exception to a volunteer whose personal communications may otherwise be considered privileged.

(2) **Liability.**

- (A) A volunteer may receive limited immunity from civil liability for damages arising from an act or omission performed in the course and scope of duties as a volunteer. See Texas Human Resources Code § 61.096 for more information.
- (B) A volunteer is liable for personal injury, death, or property damage proximately caused by an act or mission related to the operation or use of any motor-driven equipment to the extent of the greater of:
  - (i) the amount of financial responsibility required for the motor-driven equipment, if any, under Chapter 601, Transportation Code; or
  - (ii) the amount of any liability insurance coverage that applies to the act or omission.

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<sup>1</sup> ACA standard 4-JCF-6G-12