Paranormal Investigations and Legalities

Posted by crystalcross - 22 Apr 2012 20:50

This topic is being started as a splinter of a topic which was first brought up in another thread:

www.ghostsnhaunts.com/forum/general-disc...0&start=30#13139

The topic concerns the dangers of Paranormal Investigation as it relates to the party being investigated and the group doing the investigation. Primarily discussing the importance of a legal document outlining the rights and waivers involved during the investigation. This is to not only protect the client, but also the group doing the investigation.

I know many of you likely have drafted some form of document for your clients to sign. But it was brought up that it may be a good idea to standardize something such as that. Perhaps a freely available template which all groups can use (and modify if needed) prior to performing any investigation.

We have almost 25,000 individuals following this site and forums, and I'm sure within that mix we likely have a plethora of individuals who are bar certified legal councils within certain states. I think if any of you would make yourself known, and perhaps offer your assistance in drafting such as that, it would be a great help. But either way, I think its important that we look at that as a community.

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Re: Paranormal Investigations and Legalities

Posted by bergenparanormal - 22 Apr 2012 22:01

I am so happy this topic got started. Thanks for following up with this CC. To begin, I will post my teams disclaimer form. Any suggestions and modifications would be appreciated.

Privacy and disclaimer form

This form is written in order to provide the client, _____, with an understanding of what rights they waive by choosing to accept the services provided by Bergen Paranormal Investigations. In signing the end of this document, you are hereby accepting the terms and conditions outlined in this document. This document, as well as providing you, the client, with an understanding of what rights you waive, also identifies what rights you are protected by.

As a client, you are protected by certain rights relating to privacy, decision making and monetary damages. Bergen Paranormal Investigations can ensure the following:

(a.) The team ensures the privacy of each client. The team ensures that no information that can specifically identify person or location will ever be released or displayed, without written consent from the property owner.

(b.) The team ensures to respect the wishes of each client. By ensuring this right, the team guarantees to respect all decisions made by the owner. This includes decisions that may be against the advice of the team, in regards to how to proceed with a case, as well as respecting wishes to not enter restricted areas on the clients' property, which should be outlined prior to the investigation.

(c.) The team ensures to respect all religious beliefs within the clients home. In some cases, symbols and objects from certain religions are used during investigations. If the client has any objections to these items, it should be outlined prior to the investigation.

(d.) The team ensures to reimbuirse for damages of property, caused only by the obvious physical contact by an employee. In paranormal investigations, it has been known for objects to move and fall over, sometimes breaking. The team ensures to review all video and audio evidence relating to property damages, and will gladly reimburse if the evidence can prove that the error was a result of our own physical contact with the item.

(e.) Although not always reccomended, the team ensures the right to allow all clients to fully participate alongside employees during all points of the investigation. By doing such, the client can ensure damages and missing items are not the result of the teams' presence.

(f.) The team ensures to not enter spaces commonly accepted as private, without permission from the client. These spaces include areas such as dressers, cabinets, jewelery boxes, drawers, etc. Any other specific places in question should be outlined by the client prior to the investigation.

(g.) The team ensures that the client will be informed of each step throughout the investigaton process. The team believes the client has every right to know what is going on, and we pride ourselves on that belief.

(h.) The team ensures that they will not close an investigation until the client has had no paranormal activity within three months (90 days) of the last client meeting. The team ensures that they will continue to help the client, until either (1) the client terminates the contract or (2) paranormal activity stops for at least three months (90 days).

As a client, you are also expected to waive certain rights to Bergen Paranormal Investigations, which are non-negotionable. These include the following:

(a.) The team should and will not be held accountable for any increase of paranormal activity within a home prior, during or after any investigation. Paranormal activity has been suspected to cause bodily harm, including death. However, we believe that any case which could reach such magnitude would require an intervention, regardless.

(b.) The team will not be held responsible for any damages or lost items, unless it can be proved that direct physical contact by an employee caused the damages or missing property. As stated previously, all clients have the right to participate alongside the investigative team, although not always reccomended, to ensure the safety of all personal belongings. The team expects that clients worried about personal belongings either lock them away prior to investigation, or find another way to ensure their safety. The team will have no part in putting these items away, or making contact with them under any circumstances.

(c.) The team will not be held responsible for investigating any areas previously not outlined as off-limits. This includes property on the clients' land, as well as rooms within the property. The team has no interest in going through spaces such as drawers, cabinets or other personal space considered to be private by common understanding. This waived right does not apply to those areas, as stated previously.

I'm certain there are legal holes in this document, as I'm sure any team without legal counsel may have. Hopefully, we can all get something standardized and uniform ourselves even more!

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Re: Paranormal Investigations and Legalities
Posted by Tresses Of Nephthys - 22 Apr 2012 23:42

Wow, I think it would be fantastic if this in some shape or form was available on our site to download and print for interested parties.

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Re: Paranormal Investigations and Legalities
Posted by DestinyStarr - 23 Apr 2012 20:45

While I am not a licensed attorney I have and continue to study the paralegal field. I will be happy to work with anyone on drafting a basic agreement.

bergen, the only suggestion I would make to your current contract is to fix " The team should and will not be held accountable etc.." With something like " The team should not and will not be held accountable etc..." Believe it or not many a contract has been discarded simply for errors such as one word missing and even typographical errors. (I realize it is one simple word but someone can claim that you are stating that they should be held accountable.)

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Re: Paranormal Investigations and Legalities
Posted by Peek-A-Boo - 23 Apr 2012 20:52

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what about being bonded and insured ?

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Re: Paranormal Investigations and Legalities
Posted by DestinyStarr - 23 Apr 2012 21:32

Being insured and bonded is a great idea. You would have to check your local and state laws though because those laws are not uniform. Most small businesses insure themselves for $25,000 to $50,000 and find those amounts to be enough. A great place to start is with your very own car insurance provider if you have questions about becoming insured.

To find out if this is a good idea for you try www.rid.org/UserFiles/File/pdfs/Affiliat...ACHB_SECTION_19.pdf. There are some great sites on the web that can help in this as well.

From a legal standpoint most documents can be drawn up by anyone and there should be no need to involve an attorney. All state and local laws are available to all citizens and with just a little research you can draw up a perfectly legal document at no cost to you. =)

I would suggest you have at least one team member who is a licensed Notary Public however, just so that you can notarize any contract entered between you and a client. (This makes a legal document more binding. Protecting both you and the client)

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Re: Paranormal Investigations and Legalities

Posted by bergenparanormal - 23 Apr 2012 22:22

I appreciate your input greatly, and I couldn't agree more.

Although I am certain it could still use help, I am offering my teams draft as a template to start with if anyone would like to keep working and bettering it. Obviously, all that would need to be omitted is my team's name.

As we edit it, maybe we could post it again with your edit. Everyone can work in there own ideas, until we develop this and agree on it as a unified community.

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Re: Paranormal Investigations and Legalities

Posted by DestinyStarr - 23 Apr 2012 23:06

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bergen, I think your current contract is excellent on it's own.

I hate to bring about the bad news though. In looking for a general contract I am afraid that is going to be impossible. It truly depends on what you want your contract to contain. I think you would want to come up with two or three different contracts. bergen's contract is GREAT for a private homeowner seeking full assistance of a paranormal group. There are different types of paranormal studies however so different contracts would be needed.

The questions to be asked are What is the full purpose of the contract? Private investigations? Public Investigations? Is your group currently insured? Bonded? What types of services will be provided? (in bergens case they clearly state they will attempt to rid the residence of paranormal activity, but is that something all groups will offer?)

If we can get some more input here on what people would like to see in a general contract I can put something together and see how everyone feels about it. Or of you would like a more detailed contract I am happy to do that as well. We definitely need a lot more input into this topic before we can even come close to making one suitable for everyone to use.

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Re: Paranormal Investigations and Legalities
Posted by crystalcross - 23 Apr 2012 23:09

DestinyStarr wrote:

...I will be happy to work with anyone on drafting a basic agreement....

Destiny - I think what we're working towards is a more generic form which can become the basis for many groups. With some advise on wordings (such as you've already given) or clauses which could potentially work against some state laws. Perhaps with areas that can be initialed whether they're desired or not. If we have additions or add-ons for certain things then perhaps I can create a small application to draft the form based on desired inclusions. Perhaps pre-filling the groups legal name, and representative names as well. Thus in effect creating a form for any group interested in using it.

Peek-A-Boo wrote:

what about being bonded and insured ?

Excellent point, actually we had discussed this at some point in the past. Perhaps now is the time to take this someplace as well.

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Re: Paranormal Investigations and Legalities
Posted by bergenparanormal - 23 Apr 2012 23:25

Honestly, great points from both Destiny and CC.

CC, I would be willing to do some research on the states connecting mine that my team covers (NJ, NY, CT, DE, PA). If I find any statutes, laws, etc. that could prove conflicting with a certain draft, I will post it here.

Before I studied medicine, I studied law. I grew ever so bored very quick, but still have a collection of books relating to state laws, etc.

If maybe a few people can try and do a little research on their state / bordering states in their meantime, maybe we can zero in on the major issues to address.

Let me know what you think.

+ Michael

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