

Cultural Daily

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What Happens If Someone Is Hurt On Your Property?

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Whether you have children who regularly have friends over to play, you have parties, or you have people working on your property, you may be fearful of someone getting hurt.

Someone being hurt on your property could potentially lead to a personal injury claim if the injured party can prove that you were responsible. However, there's more to it than that.

Below, we go into some of the critical things to know about the [different types of injuries](#) that can happen on your property and what the situation might entail if it happens.

Premises Liability and Negligent Supervision

If you have children who have other kids play at your home, you may wonder if you're liable if one of those visitors is injured on your property. The answer is that it depends.

Even though an injury occurs on your property, it doesn't automatically and inherently point to your liability. If someone is injured due to your negligence, that's a different story.

You're more exposed to potential liability if you agree to supervise a playdate or babysit a child or if your property has an attractive nuisance, which we talk more about below.

If someone's hurt on your property, child or otherwise, because you failed to properly maintain it or keep it safe, that could mean liability under premises liability legal theory. If you have a wet floor, for example, and someone slips and gets hurt, you may be liable, no matter the person's age.

If children, in particular, are playing at your home, on your property, they might be considered under your supervision. In that case, there's a legal theory of negligent care under which you might be liable. If you have children at your home, you generally take on the responsibility to keep them safe.

An attractive nuisance, which was mentioned above, is something on your property with the potential to be appealing and attract the curiosity of a child or even a teenager. Pools and trampolines are common examples. It's up to you to make sure that you take the necessary steps to safeguard these things on your property, and even if a child were to trespass and use them and then become hurt, you could still be legally responsible.

Negligence

Negligence is the core principle underlying legal liability.

Generally, if someone gets hurt at your home, then for you to bear any responsibility, you had to have asked them to come. The exception might be the element of the attractive nuisance.

If someone gets hurt after you've asked them to come to your home for any reason, then that person has to establish you had a duty of care for them. They then have to prove their accident and subsequent injuries were due to your negligence.

Invitee vs. Licensee

Another component of legality when someone gets hurt at your home is whether they're a licensee or an invitee.

If you invite someone to your home, your duty of care varies depending on why they're there. If you invite someone over to socialize, you have an obligation to let them know of any potential hazards or dangers so they can protect themselves. You don't have to remove the risks—you just have to inform them. Your friend is in a legal sense, then a licensee.

It would be difficult for your friend in the above scenario to sue you for compensation, at least successfully.

If you have someone to your home for a business purpose, then they're an invitee.

You have more of an obligation to an invitee than to a licensee. You should remove hazards and dangers from your property before they arrive. Warning them isn't enough.

Homeowner's Coverage

Most [homeowners' insurance](#) will cover falls and accidents to an extent. Different individual parts of homeowner's coverage might apply to different situations.

As an example, any homeowner's insurance plan will have liability coverage. Liability coverage is for injuries that occur due to negligence on the part of the property owner.

If someone gets hurt at your home, it's a good idea to contact your insurance carrier soon after.

Duty of Care to Workers on Your Property

You may have a variety of workers who come to your home in a professional capacity. This could include babysitters or nannies, housekeepers, repair people, construction workers, or landscapers.

Don't assume the professional worker has their own insurance policy that would cover them if they're hurt on your property because that's often not the case.

Again, if you hire someone to come and do work at your home, they are legally an invitee. That means you owe them the highest duty of care when they're there.

Legally, you have to search your property for unknown or hidden hazards and repair or remove them in a reasonable amount of time.

If you don't take the necessary steps to prepare your property for workers and they get hurt, you may be legally liable. For that to happen, the worker would have to show you knew of the hazard and failed to fix it, which isn't necessarily an easy thing to do.

What Should You Do If Someone Gets Hurt?

If someone gets hurt on your property, along with talking to your insurance company, you might also want to consult with a personal injury attorney.

If the accuser can't prove you've been negligent, [then you aren't responsible for liability](#).

However, while homeowner's insurance typically covers injuries occurring on your property including to workers, there are exceptions if they find your carelessness or negligence contributed. Insurance companies can withhold coverage if there's a premises liability lawsuit against you if they say that you didn't exercise the right amount of care for the safety of your property.

The best things you can do to avoid being legally responsible for someone getting hurt at your home are preemptive.

For example, keep surfaces dry and add nonslip drugs. Make sure halls are free of hazards, and ensure your stairways have appropriate lighting and handrails.

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