

HOW AND WHEN TO USE THE AFFIRMATION AND LIABILITY RELEASE FORM FOR GENERAL LIABILITY CLAIMS

Since 1972, Kiwanis International has provided a program of general liability insurance for its local clubs and their members. The purpose of this insurance is to protect Kiwanis clubs against claims for bodily injury or property damage caused by the negligence or the wrongful actions of a club member during a Kiwanis activity or event.

However, because of the highly litigious nature of our society, claims have been filed, in the past, against Kiwanis clubs for simple accidents that occur during an event even though the accident was not in any way caused by Kiwanis. Certainly if someone is injured due to the negligence of a Kiwanian, Kiwanis should be held accountable, but frivolous claims have been filed under this insurance for accidents incurred for which no one is to blame.

After many years of study and working with the insurance company to resolve this problem, the Kiwanis Board of Trustees, together with the Kiwanis insurance advisor and legal counsel, is recommending to all local clubs the use of a Waiver of Liability form.

The purpose of this form is to require people to take responsibility for their own actions and to assume the risk of foreseeable injuries when they voluntarily participate in a Kiwanis event. We are requesting that every local club ask each participant in an athletic event to sign a Waiver of Liability. The forms should be retained, on file, by your club for a period of two years following the event. This form is designed to cover participatory events such as:

1. Marathon or 10K races
2. Basketball, football, and various leagues and tournaments
3. Bike-A-Thon and Walk-A-Thon events
4. Tennis and golf tournaments
5. Baseball leagues and tournaments

Kiwanis has determined that there is a foreseeable risk of injury as a participant (not a spectator) in these types of athletic events and that this risk should not be borne by Kiwanis as sponsor, but by the participant.

INSTRUCTIONS FOR USE

1. This sample liability release is intended to serve only as an example to assist your attorney in drafting one appropriate for your event. It may need to be modified to meet the specific needs of your event or your local laws. Neither Kiwanis International nor Hylant accepts any responsibility for your failure to seek competent legal advice prior to using this document.
2. A release of liability is only valid when it is an informed release. Therefore, you should supply written information to each participant concerning the hazards and risks inherent in your event. They should acknowledge receiving, reading and understanding it in writing, and this acknowledgment should be kept on file with the affirmation and liability release.
3. It is critical that all individuals signing the release be of legal age in your jurisdiction or have the co-signature of parents or guardians. Whenever in doubt about the age of an individual, ask for proper proof of age. A release improperly signed by a minor is worthless.
4. Please refer any questions to your attorney. Since local laws vary, neither Kiwanis International nor its insurers can give you specific advice about how to proceed.

SAMPLE: AFFIRMATION AND LIABILITY RELEASE FORM FOR GENERAL LIABILITY CLAIMS

I, _____, hereby affirm that I have been well advised and thoroughly informed of the inherent hazards and policies of the event. I know that participating in a (type of event) is a potentially hazardous activity. I should not participate unless I am medically able. I hereby personally assume all risks associated with my voluntary participation in this event for any harm, injury or damage that may befall me as a result of my participation, whether foreseen or unforeseen, including but not limited to (list incidents most likely to occur in the specific event).

I understand and agree that neither Kiwanis International nor _____ club located in the city of _____ and state of _____ may be held liable in any way for any occurrence in connection with my participation in (name of event) that may result in injury, death, or other damages to me or my family, heirs, or assigns, and in consideration of being allowed to participate in this event, I hereby personally assume all risks in connection with said event for any harm, injury or damage that may befall me, including all risks connected therewith, whether foreseen or unforeseen; and further to save and hold harmless said event and persons from any claim by me, or my family, estate, heirs, or assigns arising out of my participation in this event.

I further state that I am of lawful age and legally competent to sign this affirmation and release, or that I have acquired the written consent of my parents or guardians; that I understand the terms herein are contractual and not a mere recital; and that I have signed this document of my own free will.

It is my intention by this instrument to exempt and release Kiwanis International and _____ club from all liability whatsoever for personal injury, property damage or wrongful death arising out of or in the course of my participation in this event.

I HAVE FULLY INFORMED MYSELF OF THE CONTENTS OF THIS AFFIRMATION AND RELEASE BY READING IT BEFORE I SIGNED IT.

Signature of participant

Date

Signature of parents or guardians where applicable

Date

**Insurance forms are available for download at:
kiwanis.org/liability**