



## NMRA AT-RISK PERSONS POLICY

The National Model Railroad Association (NMRA) has developed a policy, the NMRA At-Risk Persons Policy, regarding persons who are at-risk. At-risk persons are those under the age of majority or who have legal guardians caring for them. This Policy does not prevent persons who are at-risk from being members of the NMRA or enjoying NMRA activities when accompanied by their parents or legal guardians.

The purpose of the Policy is to protect the interests of all parties who participate in model railroading activities or programs sponsored by or in conjunction with the NMRA, including its internal departments, Regions, and Divisions. This Policy does not mean that all activities involving at-risk persons need to cease, only that the proper precautions are taken to avoid unpleasant situations, which can result in lawsuits. Ultimately, the enjoyment and sharing of the hobby by all are what the NMRA aims to achieve.

NMRA programs and activities should always be directed/marked towards all members and, for marketing and recruitment purposes, the public at large. Although NMRA memberships do include junior members and others who are at-risk, the presence of a parent or designated guardian is a paramount requirement. (Note that this is the customary practice in most clubs and associations.) In order to conduct such programs and activities while avoiding risks, the following actions and procedures must be followed:

1. Student members under the age of majority shall always always have a parent or legal guardian physically present with them during any NMRA activities.
2. Persons above the age of majority but having a legal guardian(s) shall always have the legal guardian physically present.
3. In both instances 1 and 2 above, the parent or legal guardian must always maintain a line of sight with the member or guest.
4. A parent or legal guardian may designate a person to be always physically present and responsible for the at-risk person by means of a Legal Guardian Designation Affidavit. (See Appendix A for the form.) The designee authorized by means of the Legal Guardian Designation Affidavit who accompanies the at-risk person need not be a member of the NMRA.



## NMRA AT-RISK PERSONS POLICY

5. The Policy does not prohibit individual NMRA members from participating in their own personal capacity in programs or activities of other organizations directed at or with exposure to at-risk persons on their own initiative. NMRA members are welcome to volunteer their time and expertise to other organizations, but as individuals and not as NMRA members or on behalf of the NMRA in any manner. For example, member Joe Smith may volunteer with the Boy Scouts/Girl Scouts of America, but he/she is volunteering as an individual and not as a member of the NMRA.
  - a. Other organizations shall mean organizations other than the NMRA, its Regions or Divisions.
6. The Policy encourages NMRA Regions and Divisions to provide material support (e.g., kits, tools, money), to the extent a Region or Division is able, to other organizations so that those other organizations may operate their programs directed to at-risk persons. Such material support shall be deemed to be donations to other organizations only.
7. If an organization requests assistance or volunteers, the Policy permits the NMRA to publish requests for volunteers for railroad or model railroad related topics or activities by other organizations directed at or with exposure to at-risk persons. Those volunteers must contact the other organization directly to participate.
  - a. The NMRA shall not organize or direct or coordinate or otherwise control persons who volunteer for such other organizations.
8. 100% NMRA Clubs are not a part of the NMRA or its Departments, Regions and Divisions and are thus exempt from this Policy. The difference between 100% NMRA Clubs and Regions or Divisions is that the 100% clubs use an insurance program to protect against damage or loss, personal injury, public liability etc. claims only.



# NMRA AT-RISK PERSONS POLICY

## APPENDIX A

A Legal Guardian Designation Affidavit is a document in which the parent or legal guardian:

- i. States the name of the at-risk person.
- ii. States the name of the legal guardian or parent.
- iii. States the parent or legal guardian is designating a person as their legal designee able to make all decisions for the at-risk person.
- iv. Acknowledges that the legal designee must be always physically present with the at-risk person.
- v. The parent or legal guardian signs the document; and,
- vi. Has the signature of the person or legal guardian notarized?



# LEGAL GUARDIAN DESIGNATION AFFIDAVIT

State of \_\_\_\_\_ )  
 ) SS:  
 County of \_\_\_\_\_ )

I, \_\_\_\_\_, being duly sworn, make this my affidavit and state:

1. My name is \_\_\_\_\_, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.
2. I am making this affidavit under the penalty of perjury.
3. I am the person legally responsible for \_\_\_\_\_.
4. I am hereby designating \_\_\_\_\_ (designee) as the person legally responsible for \_\_\_\_\_ (At-Risk Person) when in attendance or participating in activities of the National Model Railroad Association, Inc.
5. My designee is aware and understands that he or she must be physically present and able to observe \_\_\_\_\_ at all times.

Further affiant sayeth not.

In witness whereof, I have hereunto subscribed my name and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Name

\_\_\_\_\_

Seal



## AT-RISK PERSONS POLICY QUESTIONS AND ANSWERS

1. The NMRA does not support youths in the hobby, so I quit.

The NMRA does care for, and support youth and others deemed at-risk, but also recognizes that it has a responsibility to protect those individuals, assure their parents/guardians that there are safeguards in place, and to protect the organization. These are the reasons there are simple requirements in place to protect all groups.

2. Can we still be involved in the Boy Scouts or organizations like 4-H and how do we work that?

Yes, individual members may volunteer in a personal capacity to assist in a youth-oriented activity sponsored by another group if the individual meets any requirements set by that group. The NMRA does not have the resources necessary to do the proper background checks, provide training, and keep records required for such activities, as there are far too many members for this. Groups such as the Boy Scouts/Girl Scouts of America, 4-H, schools, etc. do have those systems in place and are equipped to manage the protections needed.

3. We are not taking any chances, so we are completely pulling out of family and youth activities.

NMRA is taking a prudent path because we cannot guarantee the necessary safeguards will be employed by all parts of the organization, and we do not have the resources to implement them. We do and will still have family-oriented events and programs and memberships that include at-risk individuals, but our programs will not be targeted specifically to at-risk individuals, but to families.

4. How do we grow the NMRA and get “younger” members if we cannot have activities for families?

We should have and certainly welcome more inclusive family activities, encourage family participation, and reinforce the advantages and benefits of family participation in the hobby.



## AT-RISK PERSONS POLICY QUESTIONS AND ANSWERS

5. What can we still do and have it be sponsored by an NMRA Region/Division?

An event targeted specifically at-risk individuals cannot be "sponsored" by any NMRA group, and any family-oriented event must adhere to the Policy guidelines. However, individuals can volunteer on a personal level and NMRA groups can provide/donate materials or funds to support activities by other organizations that are directed to at-risk individuals, i.e., Boy/Girl Scouts, 4-H, etc.

6. How come we allow any single adult male or female to join without question, but we will not let younger people in?

The NMRA does let younger people in, as we do offer student and family memberships. The only condition is that the At-Risk Policy is followed. Single adult males or females are legally responsible for their own actions and safety, not the NMRA. The At-Risk Policy provides protection for those individuals below the age of majority and those under the care of a guardian.

7. What about activities aimed at families, where the parents are present 100% of the time? (Three strikes rule still applies.)

If a group is following all the guidelines of the At-Risk Policy, then the "three-visits" policy does not apply to the parent or guardian when accompanying an at-risk member if they are a "passive" attendee and do not actively participate in the activities provided by NMRA members. If they desire to be more active in the NMRA activities, then they can become a member.

8. Why is it ok to target things at adult non-members, but not non-member families?

The only restriction is that NMRA will not undertake or participate in events or activities exclusively for at-risk individuals. We will still target events and activities to families with the appropriate safeguards in place. Adult non-members do not require the protections and safeguards provided by the At-Risk Policy. In addition, the NMRA may support other organizations with materials or funds.

9. Why do we bother with student and family membership categories?

We have student memberships for those at-risk individuals who want to



## AT-RISK PERSONS POLICY QUESTIONS AND ANSWERS

participate in NMRA events even if their parents/guardians have no interest. The student can participate in all activities if the parent/guardian follows the Policy guidelines. Family memberships allow everyone in the family to participate in all NMRA activities.

10. This Policy hurts the NMRA and the hobby.

The Policy protects the individual, assures the parents/guardians that there is a safe environment, and protects the NMRA. It helps everyone, actually.

11. If a parent or guardian is present at all times, then what is the issue? This is already the policy at most clubs, 100% or not.

For at-risk persons to be present at any NMRA event, they must have a parent or guardian who always maintains line of sight. If any clubs or groups already implement such a policy, that is quite positive.

12. Are we even allowed to mention the NMRA in connection with any youth programs?

NMRA can be mentioned in a very limited way as long as it is not seen to be a "sponsor" or "organizer" or "host", etc., of an event targeted **exclusively** toward at-risk individuals. NMRA individuals can be identified as personally volunteering to assist and NMRA groups can be identified as providing financial support or donations to the event. In simplest terms, the NMRA is not to be positioned as being the force behind the event.

13. How long is the affidavit good for? Is a new one needed for every event or meeting?

The affidavit is valid until/unless it is revoked by either the Parents/guardians or the NMRA Region or Division.