



California Indian Legal Services (CILS) Community Legal Education Self-Help Series

Bishop ♦ Escondido ♦ Eureka ♦ Sacramento

What is the California Caregiver Authorization Affidavit?

► What's in this guide and how can it help me?

This guide can help you if you live with a child, but you aren't the parent and you don't have legal custody. It explains how to fill out a Caregiver's Authorization Affidavit form and use it to:

- enroll the child in school
- help the child get medical care

In this guide, you'll find:

- A California Caregiver's Authorization Affidavit form
- A Jurat form (for a notary to sign)
- A "List of People Who Have a Copy of the Caregiver's Authorization Affidavit"

Make sure you read this entire guide before filling out the forms. The guide explains what each of the forms is and how to fill them out.

⇒ **TIP:** Throughout this guide, we refer to the rights that parents have. Whenever we talk about "parents," it means one or both of the parents, or the child's guardian or guardians – it depends on who has legal custody.

► What is a Caregiver's Authorization Affidavit?

A **Caregiver's Authorization Affidavit** is a form you fill out and give to a child's school or health care provider. You can use the form to enroll the child in school or get medical care for the child. California law says what exactly should be in the form. California law also says who can use this form. California does not require the person with legal custody to sign this form.

Some Helpful Terms

An **affidavit** is a written statement where the person who signs it swears that the information on the form is true and correct to the best of their knowledge. An affidavit usually has to be **notarized** (you have to bring the statement to a notary public to do this).

Legal Custody is the legal right to make major and long-term decisions about the raising and welfare of a child. These rights are generally shared by the parents, unless a court order is made giving legal custody to one parent, or another person.

A **custody order** is a court order that says who a child will live with and who should make decisions about health care, education, and other important things.

A **guardian** is a person who isn't the parent, but has a court order giving them legal custody of a child.

► Does a Caregiver's Authorization Affidavit affect the custody rights of the parents?

No. A Caregiver's Authorization Affidavit does not affect the rights of the child's parents. The parents still have custody and control of the child. The parents have the right to take the child from your custody.

⇒ **TIP:** A Caregiver's Authorization Affidavit does not give you legal custody of the child. If you need to get legal custody of a child, consider seeking a guardianship in state probate court.

► What about Indian custodianships?

Indian custodianships may be another option for Indian individuals taking care of Indian children who are not their biological children.

For more information about Indian custodians, contact CILS.

Also, see the CILS Community Legal Education Self-Help Guide, "*What Is an Indian Custodian?*"

✧ Consider This ✧

► Do I have to tell the child's parents about the Caregiver's Authorization form?

Yes. If you know where they are, you **must** tell the child's parents **before** you fill out the Caregiver's Authorization form. If they don't object, then you can complete the form.

- If the parents don't object, then check the **first** box in Question 6 of the Caregiver's Authorization Affidavit.

Remember, whenever we say "parents," it means one or both of the child's parents, or the child's guardian or guardians – it depends on who has legal custody of the child.

► **Can I use the Caregiver's Authorization form if the child's parents object?**

No. If the child's parents object to your getting the Caregiver's Authorization, then you won't be able to use the form.

► **What if I can't find the parents?**

If you can't find the parents, you can still complete the Caregiver's Authorization.

- If you can't find the parents, then check the second box in Question 6 of the Caregiver's Authorization Affidavit.

► **What if the parents show up later?**

If the parents show up later and don't want you to have the Caregiver's Authorization, then they can "**revoke**" (cancel) the authorization. If they revoke the authorization, then you can't use it.

► **What if the parents change their minds? Can they stop me from using the Caregiver's Authorization Affidavit?**

Yes. Even if they told you that they didn't object to the Caregiver Authorization Affidavit, they can always change their mind. Parents can always revoke the Caregiver's Authorization. If they revoke the authorization, then you can't use it.

► **What if the parents and I disagree about medical or dental care decisions?**

The parents get the final say on medical or dental care. If they disagree with you, their wishes will be followed – unless doing so would risk the life, health, or safety of the child.

► **Does the Caregiver's Authorization Affidavit mean that the child is covered by my health insurance?**



No, but you can check with your health insurance provider to see whether the child can be covered under your policy. Some health insurance providers require you to be the child's legal guardian before they will be covered by your health insurance.

Remember, whenever we say "parents," it means one or both of the child's parents, or the child's guardian or guardians – it depends on who has legal custody of the child.

► **Is the Caregiver's Authorization Affidavit good as long as I take care of the child?**

Yes. The Caregiver's Authorization Affidavit does not expire.

If any information on the form changes, you'll need to complete a new form.

► **What if the child stops living with me?**

If the child stops living with you, you must tell everyone who has been given a copy of the Caregiver's Authorization Affidavit. This includes schools, school districts, doctors, dentists, health care providers, and health care plans.

⇒ **TIP:** Complete the "List of People Who Have a Copy of the Caregiver's Authorization Affidavit" attached to this guide. Then you know who you need to tell if the child stops living with you.

✧ School Enrollment ✧

► **Can I use a Caregiver's Authorization Affidavit to enroll a child in school?**

You can use the Caregiver's Authorization Affidavit to enroll a child in school if:

- You are over the age of 18, **and**
- You take care of a child who lives in your home, **but**
- You do not have a court order that gives you custody of the child.

► **What if the child needs medical care related to school?**

If you meet the conditions above, then you can also approve "school-related medical care."

► **What is school-related medical care?**



School-related medical care is medical care that is required for a child to enroll in school. State or local governments set these requirements. Examples include:

- immunizations
- physical examinations
- medical examinations conducted in school

► **How do I fill out the Caregiver's Authorization Affidavit to enroll a child in school and approve school-related medical care?**

Fill in the blanks for Questions 1- 4. These are easy questions:

- The child's name.
- The child's birth date.
- Your name.
- Your home address.

⇒ **TIP:** You do not need to answer Questions 5 - 8 if you are using the form only to enroll the child in school and to approve school-related medical care.

Sign and date the Caregiver's Authorization Affidavit form at the bottom only **if everything is correct**. You are signing the form **under penalty of perjury**. This means if the information isn't correct, you might have to pay a fine or go to jail.

!! STOP!! Don't sign the form yet if it has to be **notarized**. You need to sign it in front of the notary.

⇒ **TIP:** Ask the child's school if the Affidavit has to be notarized.

► **If the Affidavit has to be notarized, how do I do that?**

You'll need to take the Affidavit to a **notary public** and sign it in front of them. They will notarize the form. You can find a notary public in the yellow pages.

- Bring the "Jurat Form" with you to the notary public.
- Also, bring your driver's license with you. The notary public will need it to fill out the Jurat Form.

A Jurat Form is included with this guide.

► **What if I don't have a driver's license?**

The notary may accept other kinds of photo identification.



You can contact the notary you are going to sign the form in front of, and ask what other forms of identification they will take.

► **Do I need to do anything else to enroll the child in school?**

Some school districts require proof that the child lives in the school district. There may be other documents that the school requires to enroll the child. Check with the child's school district to see what it requires.

► **What about other medical care?**

To approve other medical care, you will need to meet the conditions discussed below in the section on "Approving Medical Care."

✂ Approving Medical Care ✂

► **Can I use a Caregiver's Authorization Affidavit to approve medical or dental care for a child?**

You can use the **Caregiver's Authorization Affidavit** to approve medical or dental care for a child if:

- You are over the age of 18 **and**
- You take care of a child who lives in your home **but**
- You don't have a court order that gives you custody **and**
- You are a "qualified relative"

► **Am I a qualified relative?**

You are a qualified relative if you are the child's:

- grandparent
- aunt or uncle
- brother, sister, stepbrother, stepsister, half-brother or half-sister
- niece or nephew
- first cousin
- great-grandparent
- great-aunt, great-uncle, grand-aunt or grand-uncle
- stepparent
- parent
- spouse

You are also a qualified relative if you are the spouse (husband or wife) of any of the relatives listed above. You are a qualified relative even if you are now divorced or your spouse has died.



- If you are a qualified relative, check the box on Question 5 of the Caregiver's Authorization Affidavit.

► What if I'm not a qualified relative?

If you aren't a qualified relative, then you can't use the Caregiver's Authorization Affidavit to approve medical care for a child, except for school-related medical care.

You might also have to get a foster home license to care for the child, or document that you are an Indian custodian.

- Contact your local CILS office if you aren't a qualified relative, but you are caring for a child without having legal custody of that child.

► What else do I need to do to complete the Caregiver's Authorization form?

- Write your date of birth on the line for Question 7 of the Caregiver's Authorization Affidavit.
- Write your California driver's license or identification card number on the line for Question 8 of the Caregiver's Authorization Affidavit.

⇒ **TIP:** If you don't have a California driver's license or identification card, other kinds of identification, such as your Social Security number or Medi-Cal number may be accepted. Make sure you write down what kind of number it is.

- Sign and date the Caregiver's Authorization Affidavit at the bottom only if everything is correct. You are signing the form under penalty of perjury. If the information isn't correct, you might have to pay a fine or go to jail.

⇒ **TIP:** Remember, if you have to get the form notarized, don't sign it yet. You'll need to sign it in front of the notary.

✧ What Do I Do with the Affidavit? ✧

► Who should I give the Caregiver's Authorization Affidavit to?

For school enrollment, give a copy to the child's principal or teacher. Also send a copy to the school district office.

For health care, give a copy to the child's doctor(s). Also give a copy to any hospital or other medical care facility where the child will receive care.

For dental care, give a copy to the child's dentist.



Be sure to keep at least one copy in a safe place and tell other people where it is.

It's a good idea to make several copies of the form in case you need to give it to other people.

Keep a list of all the people you give forms to. You'll have to tell these people if the child stops living with you.

- To keep track of who has copies of the Caregiver's Authorization Affidavit, use the attached "List of People Who Have a Copy of the Caregiver's Authorization Affidavit."

Revised April 2009

Disclaimer

This information is intended to assist you with your legal problem. Each area of the law is complex and changing. Your case may have special factors that could affect the applicability of this information. CILS does not guarantee that this information is sufficient to resolve your legal problem. If you have any questions, you should seek the advice and counsel of an attorney.

CILS Community Legal Education Self-Help Series

The Community Legal Education Self-Help Series is a project of CILS. The Series' mission is to expand access to legal resources that increase Indian self-sufficiency. This guide is part of our Community Legal Education Self-Help Series, providing Indians and Indian tribes with user-friendly information and self-help assistance pertaining to their legal status and rights. Community Legal Education Self-Help guides, and more information about CILS and California Indian issues, are available on our website at www.calindian.org.

California Indian Legal Services

Principal Office: 609 South Escondido Blvd., Escondido, CA 92025
Phone: (760) 746-8941, Fax: (760) 746-1815, email: contactCILS@calindian.org

Do you have a legal problem? For assistance, contact your local CILS office:

Bishop: (760) 873-3581, or toll-free at (800) 736-3582
Escondido: (760) 746-8941, or toll-free at (800) 743-8941
Eureka: (707) 443-8397, or toll-free at (800) 347-2402
Sacramento: (916) 978-0960, or toll-free at (800) 829-0284



Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Please print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____.

2. Minor's birth date: _____.

3. My name (adult giving authorization): _____.

4. My home address:

_____.

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California's driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

NOTICES:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

ADDITIONAL INFORMATION:**To Caregivers:**

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor no longer lives with you.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

To School Officials:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

To Health Care Providers and Health Care Service Plans:

1. A person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

JURAT FORM - CAREGIVER'S AUTHORIZATION AFFIDAVIT

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of
_____, 20____, by _____, proved to me on
the basis of satisfactory evidence to be the person(s) who appeared before me.

(Notary Seal)

Signature of Notary Public

Reserved Page

**LIST OF PEOPLE AND ORGANIZATIONS WHO HAVE A COPY OF THE
CAREGIVER'S AUTHORIZATION AFFIDAVIT**

On this form, list every person and organization you gave a copy of the Caregiver's Authorization Affidavit to. Keep this form for your records.

- Remember to notify the people on this list if the child stops living with you.
- Remember to complete a new form and give copies of it to the people on this list if any of the information changes.

CHILD'S NAME: _____

DOCTOR

Name: _____

Address: _____

Phone: _____

DOCTOR*

Name: _____

Address: _____

Phone: _____

DOCTOR*

Name: _____

Address: _____

Phone: _____

*There is room to list more than one doctor in case the child has more than one doctor.

HOSPITAL – EMERGENCY ROOM

Hospital Name: _____

Address: _____

Phone: _____

DENTIST

Name: _____

Address: _____

Phone: _____

TEACHER/SCHOOL OFFICIAL

Name: _____

School: _____

Address: _____

Phone: _____

SCHOOL DISTRICT (if different than above)

Name: _____

Address: _____

Phone: _____