

Temporary Authorization for Kinship Care

A “Self-Help” Kit that can be used by custodial parents to give a relative the authority to act in their place when caring for their children for a temporary period of time

This “Kit” contains:

Questions and Answers for Parents

Questions and Answers for Kinship Caregivers

Instructions

Blank Form

These materials were produced in August 2004 by Josh William Ard from the Sixty-Plus Law Center of Cooley Law School and Terri L. Stangl from the Center for Civil Justice, in collaboration with members of a Statewide Kinship Care Focus Group. It is based on the Michigan Law in effect at that time.

Rights and Duties under a Temporary Authorization for Kinship Care

Questions and answers for a parent who is considering signing this authorization

1. When should I consider signing this document?

You may want to use this form if you are leaving your child in the temporary care of a relative because you will be 1) out of town for any reason including military service, 2) in prison or jail or 3) unable to care for your children because of medical treatment.

2. Why should I sign a document like this?

It gives the caretaker relative authority to deal with third parties, such as schools and doctors. Also, because the caretaker relative has authority over the child, child protective services will not consider the child to be abandoned if you are unable to handle matters by yourself.

3. What powers can I delegate to the caretaker relative?

You can delegate any of your powers regarding care, custody, or property of the minor child. You can decide which powers to delegate. Under a combination of state and federal law (HIPAA), you can authorize the relative to handle all medical matters if you check the box beginning “make medical (including dental) decisions for the child(ren).”

4. Are there any powers I cannot delegate?

Yes. By law, you cannot delegate the power to consent to marriage or adoption of the minor child or to release the child for adoption.

5. How long does this arrangement last?

By law, each document you sign can delegate powers for a maximum of six months or until 31 days after you return from an overseas military deployment, if longer. You can choose a shorter time if you wish.

6. Can I revoke this delegation early if I want to?

Yes. You have the right to do this. You should notify the caretaker relative if you do this.

7. Must the caretaker relative accept?

No, but if the caretaker relative does not accept these powers, then he or she might not manage very well as caretaker without any authority.

8. Can the caretaker relative resign?

Yes, but he or she should notify you if this happens.

9. Can this document be renewed?

If you and the caretaker relative agree, this arrangement can be continued for one six month period after another until the child is no longer a minor.

10. Is this document valid outside of Michigan?

That depends on the state law of the state you are in. Generally, all states recognize valid documents of this sort.

11. Can the child go to school in the caretaker’s local school district?

Maybe. Relatives who have a signed copy of this document can register the child in the relative’s local school district if the purpose for which the child is living with the relative is to provide them a suitable home. **If** the purpose of the child living with the relative is simply to get the child into a better school district then it is against the state law and the child will not be considered a resident of the school district. School districts have the right to verify that child is living with the relative to ensure a suitable home for the child.

Rights and Duties under a Temporary Authorization for Kinship Care

Questions and Answers for a Caretaker Relative who is caring for a Child

1. Why should I have a Temporary Authorization for Kinship Care?

The document shows third parties, such as doctors or school systems, that you have the legal right to act on behalf of children who are placed in your care.

2. What powers do I have?

Read the document carefully. The parent can delegate most powers regarding care, custody, or property of the minor child. If the parent does not grant you all these powers, the document should clearly say what powers you do or do not have. If the box is checked that begins “make medical (including dental) decisions for the child(ren)” then you have authority under federal law (HIPAA) as the personal representative of the child to handle all medical situations.

3. Are there any powers I do not have?

Yes. You do not have any powers that the parent did not have. Also, by law, the parent cannot give you the power to consent to the child’s marriage or to release the child for adoption.

4. Do I have to accept this authorization?

No. However, if you are caring for the child and do not have this type of authorization it will be more difficult for you to act as a caretaker for the child. Schools, doctors, and government officials may not allow you to receive information about the child or to make decisions for the child.

5. How long does my authority last?

By law, a delegation of powers in any single document can last up to six months or until 31 days after the parent returns from an overseas military deployment, if longer. If the time period is less, the document should clearly say so.

6. Can this arrangement be renewed?

Yes. A parent can sign a new authorization every six months until the child is no longer a minor. If you need authority to care for the child for a longer time, you may also want to consider a limited guardianship. However guardianships can be created and revoked only with permission of a court.

7. Does the parent have the right to revoke this document before the time period is over?

Yes. You should be notified if this happens.

8. Do I have a right to resign before the time period is over?

Yes. You should notify the parent(s) if this happens.

9. Is this document valid outside of Michigan?

That depends on the state law of the state you are in. Generally, all states recognize valid documents of this sort.

10. With this document, can I register the child in my local school district?

Yes, if you are a relative of the child.

Rights and Duties under a Temporary Authorization for Kinship Care

Instructions on How to Complete the Temporary Authorization Form

1. Decide if both the parents and kinship caregivers want to have original forms or if a copy is good enough. (The form states that copies should be treated like an original.) If you want more than one original, you will need to prepare 1 form for each person who will have an original. If there is only one original, it should go to the kinship caregiver.
2. Write in the names, addresses and phone numbers of the parent(s) and kinship caregiver.
3. Write in the names and birth dates of the children who are covered by the authorization.
4. Check off each of the powers that you want to give the kinship caregiver. If you want to give the kinship caregiver full authority – which is often a good idea – check “All of the Above.”
5. Decide if there are any specific things that you don’t want the kinship caregiver to do without your permission. If so, check them off or write them in under the section on what the kinship caregiver may not do.
6. If both parents have custody of the children, then both parents must sign the form. If only one parent has custody, then only that parent needs to sign the form. The parent(s) must sign the form in front of a notary public.
7. Make sure the caregiver has the original form and that the parents have copies of the form.
8. The caregiver should always keep the original of the form and let any other organizations make a copy if they need one for their records.

Where to go for further information, legal advice and help

- Seniors age 60 or older can call the Legal Hotline for Michigan Seniors for additional, free information over the telephone. 1-800-347-5297
- Low-Income Persons or Seniors should contact their local legal services or legal aid office for free help. To find your local legal aid office, or to find an attorney if you are not low income, call the Lawyer Referral Office of the State Bar of Michigan at 1-800-968-0738.

Temporary Authorization for Kinship Care

Purposes of this Document

Michigan Law allows parents to give someone else the power to care for their children when the parents are temporarily unable to care for their children, or feel that it would be best for the children to stay temporarily with that person. When that person is a relative, sometimes they are known as a “Kinship Caregiver.” The parent(s), child (ren), and Kinship Caregiver to whom this authorization applies are named below. The parent or parent(s) who have custody of the children are signing this document so that the Kinship Caregiver has the ability to do what is needed to ensure the safe and efficient care of the child (ren). This document should be read and interpreted with that purpose in mind.

“The parent(s)” who have had custody of the children covered by this document

Name(s) _____

Address: _____

Phone number: _____

“The child (ren)” who will be cared for by the Kinship Caregiver

Name(s) and birthdate(s) of the child (ren): _____

The “Kinship Caregiver” who will be caring for the children

Name of the Kinship Caregiver: _____

Caregiver’s address: _____

Caregiver’s phone number: _____

Relation to the Child (ren) (grandparent, aunt, etc) _____

What the Kinship Caregiver is Authorized to Do*

The Kinship Caregiver is authorized to do all things necessary to ensure the safety and well being of the child (ren) listed above while in the Caregiver’s care. The Kinship Caregiver has the ability to (**check all boxes that apply**):

- make medical (including dental) decisions for the child(ren). The Kinship Caregiver ____ shall ____ shall not notify the parent(s) listed above about any emergency treatment received by the children within ____ days of the treatment.
- see, discuss and receive any medical records or information about the child(ren)
- see and discuss any educational records or information about the child(ren), and to make educational decisions, including enrollment in school. The parent(s) listed above ____ shall ____ shall not continue to receive copies of any reports sent by the school to the Kinship caregiver.
- see, discuss and receive any mental health records, and/or to approve any mental health treatment or services for the child(ren).
- see, discuss and receive any other confidential information about the child(ren)

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- take the child(ren) to a house of worship and provide religious education.
- enroll the child(ren) in school
- consent to participation in extra-curricular school activities
- receive, deliver, and pay money due to the child(ren)
- receive any other information or take any actions that are needed to ensure the well-being of the child(ren)
- All of the above**
- Other (please describe) _____

What the Kinship Caregiver is *not* Authorized To Do – OPTIONAL SECTION

Under Michigan law, the Kinship Caregiver may not allow the child(ren) to be adopted or to agree to their marriage. In addition, the kinship caregiver may not do any of the following without my prior written permission (**check any or all that apply**):

- Move more than _____ miles from the caregiver's current address.
- Change the state where the caregiver currently lives.
- Take the child out of the United States of America.
- Authorize tattoos, piercings, or cosmetic surgery.
- Other (please describe): _____

When this Authorization Starts and Ends

This authorization is in effect as soon as it is signed. It can be used in all states. A copy is just as valid as the original. It will stay in effect even if the custodial parent(s) become disabled or incapacitated. This authorization expires automatically 6 months after it is signed [or if a parent is serving in the military in a foreign nation, 31 days after the parent's deployment] or on this earlier date _____ unless I renew or revoke it before then. If I want to revoke it, I can do so at any time and in any way that shows clearly what I want to do. If I do not revoke it in writing, anyone who sees me revoke it may describe the circumstances in writing and sign it.

Signature of Parent(s): *(Sign in front of a notary public. If both parents have custody of the children, both must sign).*

Parent _____
Parent

The person(s) above appeared before me, identified themselves, and signed this document voluntarily on this _____ day of _____, 20____.

Notary Public,
_____ County, State of Michigan, My Commission Expires: _____