

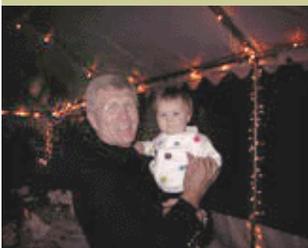
Temporary Authorization for Kinship Care

A "Self-Help" kit that allows parents to give relatives who are taking care of their children the authority they need to do the job.



This "Kit" contains:

- **Questions and Answers for Parents**
- **Questions and Answers for Kinship Caregivers**
- **Instructions**
- **Blank Form**



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These materials were produced by William Josh 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 State-wide Kinship Care Focus Group. It is based on the Michigan Law in effect at that time. This kit should not be used as a substitute for individual legal advice. Additional or updated copies of this kit can be obtained on-line in the family law section of www.lawhelp.org/mi/ or by contacting the Kinship Care Resource Center at Michigan State University, 1-800-535-1218.

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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 (this person is known as a “caretaker relative”) because you are unable to care for your child. This could be for any reason, including 1) you are out of town, 2) you are in the military service, 3) you will be in prison or jail, or 4) you are being admitted for 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 GIVE TO A CARETAKER RELATIVE?

Yes. By law, if your child is a minor, you cannot give up your power as a parent to agree whether the child can get married or be adopted by someone else.

5. FOR HOW LONG CAN I GIVE A RELATIVE THE POWER TO ACT IN MY PLACE?

By law, you may use this form to give a relative your powers as a parent for no more than 6 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 TAKE BACK (“REVOKE”) THESE POWERS BEFORE THE DATE STATED IN THE FORM?

Yes, you have the right to do this at any time. Be sure to tell the caretaker relative.

7. DOES THE CARETAKER RELATIVE HAVE TO ACCEPT THE POWERS I GIVE HIM OR HER?

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 CHANGE HIS OR HER MIND?

Yes, but he or she should tell you if this happens so you can make other plans.

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. CAN THIS DOCUMENT BE USED OUTSIDE OF MICHIGAN?

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

11. CAN THE CHILD GO TO SCHOOL IN THE CARETAKER'S LOCAL SCHOOL DISTRICT?

Yes. Relatives who have a signed copy of this document can register the child in the relative's local school district.

Rights And Duties Under A Temporary Authorization For Kinship Care

Questions and answers for Kinship Caregivers

1. WHAT IS A KINSHIP CAREGIVER?

An adult who is caring for a child to whom the adult is related (but not as a parent) is often called a “kinship caregiver.”

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. DOES THE PARENT HAVE THE RIGHT TO TAKE BACK (“REVOKE”) THESE POWERS?

Yes, a parent can do this at any time. You should be notified if this happens.

9. CAN I CHANGE MY MIND ABOUT CARING FOR THE CHILD?

Yes. You should notify the parent(s) if this happens so they can make other plans.

10. CAN I USE THIS DOCUMENT IF I TAKE THE CHILD OUTSIDE OF MICHIGAN?

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

11. CAN I USE THIS DOCUMENT TO REGISTER THE CHILD IN MY LOCAL SCHOOL DISTRICT?

Yes, if you are a relative of the child.

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 and sign 1 form for each person who wants one. If there is only one, 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. A notary public is someone who has the legal ability to certify that the persons signing the document are who they say they are. You can often find a notary public at the county clerk’s office, a bank, or legal services office (or look in the yellow pages). The notary may charge a fee.
7. Make sure the caregiver has the original form and that the parents have copies of it .
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 over 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, go to www.mi.lawhelp.org or 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 the box by each paragraph below that applies):**

- make medical (including dental) decisions for the child(ren). The Kinship Caregiver (choose one) _____ shall or _____ shall not notify the parent(s) listed above about any emergency treatment received by the children within (insert a number) _____ 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 make educational decisions, including enrollment in school. The parent(s) listed above (choose one) _____ 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 approve any mental health treatment or services for the child(ren).
- see, discuss and receive any other confidential information about the child(ren)
- 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 _____, 200____.

Notary Public, _____ County,

State of Michigan, My Commission Expires: _____