

Caregiver's Authorization Affidavit

A Caregiver's Authorization Affidavit is:

A signed and notarized document that:

- ?? authorizes the caregiver to enroll the child in school
- ?? authorizes the caregiver to make decisions about the child's medical, dental, or mental health care;
- ?? has no effect on parental rights;
- ?? is valid for up to one year.

A *Caregiver's Authorization Affidavit* is a legal paper that allows a caregiver to enroll the child in school. The caregiver can also make decisions about the child's medical, dental, or mental health care.

A *Caregiver's Authorization Affidavit* does not give the caregiver legal custody of the child. It does not terminate the parent's legal rights. If a parent does not agree with the caregiver about the child's care, the parent still has the final word, unless the child's life, health, or safety is threatened. If the child stops living with the caregiver, the caregiver must tell anyone who has a copy of the Affidavit.

**If this form is right for you, you MUST use the form set out in this packet.
The law requires that you use the form provided here.**

Children and youth who are living away from their parents still need care. They need supervision by an adult. When family or friends are willing to take care of the young person, there are a number of choices they can make.

We recommend that you consult with a LAWYER before deciding if the *Caregiver's Authorization Affidavit* is the best legal document to use to care for a child who is living with you. There is also a booklet that explains the different choices available to you. You can find it at www.nmcourts.com, Court Services Information.

GET THE HELP YOU NEED BEFORE YOU USE THIS FORM.

DEFINITIONS

Some of the words used in the *Caregiver's Authorization Affidavit* are defined in the New Mexico law, in the *New Mexico Statutes Annotated, NMSA Section 40-10B-1 et.seq.*

1. “*Caregiver*” means, “an adult, who is not a parent of the child, with whom a child resides and who provides that child with the care, maintenance and supervision consistent with the duties and responsibilities of a parent of the child.”
2. “*Qualified Relative*” for purposes of Item 5 of the *Caregiver's Authorization Affidavit*, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, godparent, member of the child's tribe or clan, an adult with whom the child has a significant bond or any person denoted by the prefix “grand” or “great”, or the spouse or former spouse of any of the persons specified in this definition.
3. “*School-related medical care*” for purposes of Items 1-4, means medical care that is required by the state or a local government authority as a condition for school enrollment.

INSTRUCTIONS

The *Caregiver's Authorization Affidavit* can do two different things, depending on how much of the form you complete:

Option 1. Enroll a child in school and consent to school-related medical care. A caregiver who fills out **Items 1 through 4** will be authorized to enroll the child listed on the form in school and can consent to school-related medical care.

Option 2. Enroll a child in school, consent to school-related medical care AND authorize medical care, dental care and mental health care for the child. A caregiver who fills out **Items 1 through 8** will be authorized to enroll the child listed on the form in school and can consent to school-related medical care. In addition, the caregiver will have the same authority to authorize medical care, dental care and mental health care of the child as a guardian.

To Complete the Form.

First *determine* that you qualify as a *Caregiver* as defined by the New Mexico law AND that the form is right for you. Then *choose* which option (1 or 2 above) works best for you. Finally *complete* the form.

After you have completed the *Caregiver's Authorization Affidavit*, you must *sign* the document before a notary. You are swearing, under oath and penalty of perjury, that the information in the forms is true and correct. **Make sure that the information IS true and correct.**

Once the Form is Complete.

Give copies of the completed form to the child's school (if you chose to complete Option 1 above) and that child's doctor(s) and dentist(s) (if you chose to complete Option 2 above). The *Caregiver's Authorization Affidavit* is valid for one year.

If the child stops living with you, you must tell anyone who has a copy of the Affidavit.

<p>SEE A LAWYER IF YOU HAVE QUESTIONS. GET THE HELP YOU NEED BEFORE YOU USE THIS FORM.</p>
