

Relative Caregiver's Authorization Affidavit Questions and Answers

Question: There are many scenarios where a child lives with a parent and a girlfriend/boyfriend, two same sex parents that are not legally married, etc. Is there a provision for these types of full time caregivers?

Answer: According to the statute, the only people who are qualified full-time caregivers are relatives within the third degree of legal relation, legal guardians or adoptive parents. An unmarried live-in adult is not a qualified full-time caregiver and cannot consent to medical care.

Question: A social security number won't prove any type of identification. Shouldn't it need to be a social security card with the person's name on it?

Answer: The *Relative Caregiver's Authorization Affidavit* form itself is part of the state statute. The statutory form indicates that a social security number is sufficient. The affidavit is executed under penalty of perjury, which is as much legal protection as possible in the event the person is not being truthful.

Question: If a child lives with someone who is not a "qualified relative", does that mean they can't consent for a child to have a shot?

Answer: That is correct, they cannot consent.

Question: Does WIC fall under "other medical care"?

Answer: According to the OSDH Office of General Counsel, Nutrition services would not constitute "medical care". A prescribed diet for a child's medical condition would be, however.

Question: Will we have to notarize every form? If so, the notary will need to see a picture ID, not just a social security number.

Answer: Every form must be notarized. However, the caregiver may come to the county health department with an already completed form, which is acceptable. You may ask for a photo ID to prove that the person standing before you is the person on the form, however it is the opinion of the OSDH Office of General Counsel that if the person does not have it, you cannot refuse care on that basis.

Question: If the relative has legal custody, does the relative still need to complete the form? Is it valid for more than one year?

Answer: A person with legal guardianship/custody "may" (permissive) complete an affidavit, or they may choose not to. If they do not complete the form, they must present evidence of their legal guardianship, such as a court order. If they use the affidavit, it is perpetually valid as long as their guardianship is valid. In such a case, the relative would not fill out item 7, but would instead note their legal status on the form.

Question: Is this form to be completed in addition to the Consent for Service (ODH 303C)?

Answer: Yes.

Question: If a day care, grandparent, etc. brings a child to clinic with authorization from the parent or legal guardian giving permission for that person/entity to consent for services, is that ok?

Answer: Yes. Attach the letter to the consent and place it in the chart.