

KENTUCKY

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by KRS 405.024 and 158.144

If possible, seek the advice of an attorney if there are questions regarding the completion or use of this form. It is the purpose of this document to answer frequently asked questions or for clarification. The information given is not intended to serve as legal advice and cannot substitute for legal guidance.

Information and Instructions

Per statute this affidavit may be completed when a relative caregiver who is raising a child without legal custody or guardianship is seeking authorization for medical care and/or school-related decisions.

Per statute this Caregiver's Authorization Affidavit is valid for not more than one year after the date on which it is executed, but can be renewed annually unless revoked by the parent(s), de facto custodian, guardian, or legal custodian.

Under KRS 405.024 and 158.144 if any of the statements provided are incorrect, the relative caregiver could be committing a crime punishable by a fine, imprisonment, or both.

FOR SCHOOL OFFICIALS:

A person who relies on this affidavit has no obligation to make any further inquiry or investigation and will not be subject to criminal or civil liability or professional disciplinary action because of that reliance. A school official shall not honor the affidavit if you have reasonable grounds to believe that the affidavit is presented solely for the purpose of enrolling the minor in a school for the purpose of access to athletics programs or to circumvent school choice policies. This affidavit does not supersede the provisions of IDA, Section 504, or FERPA.

FOR HEALTH CARE PROVIDERS:

A person who relies on this affidavit has no obligation to make any further inquiry or investigation and will not be subject to criminal or civil liability or professional disciplinary action because of that reliance. A health care provider shall honor a caregiver's authorization to provide health care treatment to a minor, or the caregiver's decision to withhold such authorization, if the caregiver provides this affidavit. A health care provider shall refuse to honor the caregiver's decision to seek or refuse health care treatment if the provider has actual knowledge that a parent, de factor custodian, legal custodian or guardian has made a superseding decision to authorize or refuse health care treatment for the minor. These provisions shall not be construed to prohibit a health care provider from providing health care treatment for a condition that, left untreated, could reasonably be expected to substantially threaten the health or life of the minor.

FOR CAREGIVERS:

This form is to be completed for an individual child. If there is more than one child for which you need authorization for medical care and/or school-related decisions, you must complete one affidavit for each child. Your relationship to the child should be specified as great grandparent, grandparent, step-grandparent, aunt, uncle, great aunt, great uncle, brother, stepbrother, half-brother, sister, stepsister, half-sister, niece, nephew, cousin, or first cousin once removed, etc.

Frequently Asked Questions

Why do informal guardians need an affidavit?

Without legal custody or guardianship, it can be very difficult for relative caregivers to enroll children in school or access educational services or health care for them. But, many relatives do not want or cannot afford a legal relationship with the children in their care. Often, relatives step in to help stabilize the situation for children on a temporary basis, with the understanding that the parents will resume care once they are able.

What does the Kentucky Caregiver's Authorization Affidavit do?

The affidavit allows a relative caregiver to access key services for the children in their care without the need for legal custody or guardianship. Caregivers can complete an affidavit, under penalty of perjury, stating that they are the primary caregiver of the child, and then by presenting the form they can authorize health care treatment, educational services, and school enrollment.

What if I am unable to locate the parent(s) or legal guardian of the child?

Complete the Kentucky Caregiver's Authorization Affidavit and indicate the ways in which you attempted to locate the parent(s) or legal guardian in the space provided.

I have legal guardianship of my relative's child. Do I need to complete this affidavit?

No. If your guardianship is recognized by the courts then you already have the ability to authorize medical treatment or school-related decisions.