

## HOUSE BILL NO. HB0159

Child caregivers-right to authorize care.

Sponsored by: Representative(s) Martin, Berger, Bagby,  
Goggles, Harvey, Hastert, Iekel, Landon,  
Osborn, Powers, Robinson and Walsh and  
Senator(s) Job and Ross

## A BILL

for

1 AN ACT relating to children; authorizing caregivers to  
2 enroll children in school and consent to medical or dental  
3 care, as specified; prescribing a form affidavit for  
4 caregiver authorization; providing definitions; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 20-7-103 is created to read:

10

11 **20-7-103. Child caregivers; consent to medical care.**

12

13 (a) For purposes of this section:

14

1           (i) "Caregiver" means a person, other than a  
2 natural parent or legal guardian, who is the primary  
3 physical custodian and a relative of a minor child;

4  
5           (ii) "Child" means a minor who is in the primary  
6 physical custody of a caregiver;

7  
8           (iii) "Relative" or "related" means the  
9 relationship of spouse, parent, stepparent, grandparent,  
10 great-grandparent, sibling, stepsibling, half sibling,  
11 uncle, aunt, niece, nephew or the spouse of these persons;

12  
13          (b) A caregiver who is eighteen (18) years of age or  
14 older and has primary physical custody of a related child  
15 may enroll that child in school and may consent to medical  
16 care on behalf of the child, as provided in this section.

17  
18          (c) The caregiver seeking to enroll a child in school  
19 or consent to medical care on behalf of a child must  
20 complete an authorization affidavit substantially in the  
21 form prescribed in subsection (j) of this section. The  
22 affidavit, which shall not be valid for more than one (1)  
23 year after the date on which it is executed, shall be  
24 presented to the appropriate school or medical authority.

1 The caregiver shall also mail a copy of the affidavit by  
2 certified mail, return receipt requested, to the child's  
3 parents or legal guardians at their last known addresses.  
4 The copy shall be mailed no later than three (3) business  
5 days after the caregiver first presents the affidavit to a  
6 school or medical authority.

7

8 (d) The caregiver who completes the affidavit shall  
9 have the same rights to authorize or refuse medical care  
10 and dental care for the child as a parent who has not been  
11 deprived of custody of his unemancipated minor child.

12

13 (e) A parent or other person having legal custody of  
14 the child may overrule the decision of a caregiver  
15 regarding medical or dental care of the child, provided the  
16 decision of the parent or other person having legal custody  
17 of the child does not jeopardize the life, health or safety  
18 of the child.

19

20 (f) A person who acts in good faith reliance on a  
21 caregiver's authorization affidavit to provide medical or  
22 dental care, without actual knowledge of facts contrary to  
23 those stated on the affidavit, is not subject to criminal  
24 liability or to civil liability to any person, or is not

1 subject to professional disciplinary action, for the  
2 reliance if the applicable portions of the affidavit are  
3 completed. This subsection shall apply even if medical or  
4 dental care is provided to a minor in contravention of the  
5 wishes of the parent or other person having legal custody  
6 of the minor as long as the person providing the medical or  
7 dental care has no actual knowledge of the wishes of the  
8 parent or other person having legal custody of the minor.  
9 A person who in good faith relies on the affidavit has no  
10 obligation to make any further inquiry or investigation.

11

12 (g) If the child stops living with the caregiver, the  
13 caregiver shall within three (3) business days notify any  
14 school, health care provider or third party health care  
15 payor who has been given the affidavit and acted in  
16 reliance on the affidavit.

17

18 (h) An authorization affidavit is invalid unless it  
19 contains the warning statement specified in subsection (j)  
20 of this section in boldface type of not less than 12-point  
21 size.

22

23 (j) The caregiver's authorization affidavit shall be  
24 in substantially the following form:

1

2

\* \* \* \* \*

3

## CAREGIVER'S AUTHORIZATION AFFIDAVIT

4

5

Use of this affidavit is authorized by W.S. 20-7-103.

6

7

Instructions: Completion of items 1-4 and the signing  
of the affidavit is sufficient to authorize enrollment of a  
minor child in school and authorize medical care of the  
child. Print clearly.

11

The child named below lives in my home and I am 18  
years of age or older.

14

15 1. Name of child: \_\_\_\_\_

16

17 2. Child's birth date: \_\_\_\_\_

18

19 3. My name: \_\_\_\_\_

20

21 4. My home address: \_\_\_\_\_

22

23 5. I am a relative of the child as defined on this form.

24

1 6. Check one or both (if one parent/custodian was advised  
2 and the other cannot be located):

3

4 ( ) I have advised the parent(s) or other person(s)  
5 having legal custody of the child of my intent to authorize  
6 medical care and have received no objection.

7

8 ( ) I am unable to contact the parent(s) or other  
9 person(s) having legal custody of the minor at this time,  
10 to notify them of my intended authorization.

11

12 7. I understand that I must send a copy of this affidavit  
13 by certified mail, return receipt requested, to the child's  
14 parents or guardians no later than three (3) business days  
15 after I present this affidavit to a school authority or  
16 health care provider.

17

18 8. My date of birth: \_\_\_\_\_

19

20 9. My Wyoming driver's license or identification card  
21 number: \_\_\_\_\_

22

23 **Warning: Do not sign this form if any of the**  
24 **statements above are incorrect, or you will be**

1       **committing a crime punishable by a fine,**  
2       **imprisonment or both.**

3

4       I declare under penalty of perjury under the laws of  
5 the State of Wyoming that the foregoing is true and  
6 correct.

7 Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

8

9       **Notices:**

10    1. This affidavit does not affect the rights of the  
11 child's parents or legal guardian regarding the care,  
12 custody, and control of the child, and does not mean that  
13 the caregiver has legal custody of the child.

14

15    2. A person who relies on this affidavit has no obligation  
16 to make any further inquiry or investigation.

17

18    3. This affidavit is not valid for more than one year  
19 after the date on which it is executed.

20

21       **Additional Information for Caregivers:**

22    1. "Relative" means a spouse, parent, stepparent,  
23 grandparent, great-grandparent, sibling, stepsibling, half

1 sibling, uncle, aunt, niece, nephew or the spouse of these  
2 persons.

3

4 2. Under Wyoming law, any caregiver who provides care for  
5 more than 2 children must be licensed unless the caregiver  
6 is exempt under one of the following exemptions:

7

8 • The children are all relatives of the caregiver;

9

10 • The caregiver is a friend or neighbor who provides  
11 occasional child care;

12

13 • The child care facility is supervised by the state, local  
14 government, school district or agency or political  
15 subdivision;

16

17 • All children in care are siblings of one family;

18

19 • The caregiver is a person employed to come to the home of  
20 the child's parent or guardian; or

21

22 • The caregiver is a parent who is exchanging care on a  
23 cooperative basis with another parent or parents.

24



1 If you have any questions, contact your local department of  
2 family services office.

3

4 3. If the child stops living with you, you are required  
5 within three (3) business days to notify any school, health  
6 care provider or third party health care payor who has been  
7 given the affidavit.

8

9 4. If you do not have a driver's license or Wyoming  
10 department of transportation identification number, provide  
11 another form of identification such as your social security  
12 number or "Green Card" (Permanent Resident Card, USCIS Form  
13 I-551).

14

15 **Notice to School Officials**

16 1. The school district may require additional reasonable  
17 evidence that the caregiver lives at the address provided.

18

19 **Notice to Health Care Providers**

20 1. A person who acts in good faith reliance upon a  
21 caregiver's authorization affidavit to provide medical or  
22 dental care, without actual knowledge of facts contrary to  
23 those stated on the affidavit, is not subject to criminal  
24 or civil liability to any person or is not subject to

1 professional disciplinary action, for the reliance if the  
2 applicable portions of this form are completed.

3

4 2. This affidavit does not confer dependency for health  
5 insurance coverage purposes.

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\* \* \* \* \*

7

8 **Section 2.** This act is effective July 1, 2005.

9

10 (END)