
SENATE BILL 5474

State of Washington

58th Legislature

2003 Regular Session

By Senators Regala, Stevens, McAuliffe, Carlson, Kohl-Welles, Winsley and Rasmussen

Read first time 01/27/2003. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to improving services for kinship caregivers;
2 adding new sections to chapter 74.14C RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 assist children in the care of kin to access appropriate medical and
6 education services. Children being raised by kin have faced barriers
7 to medical care and school attendance because their kinship caregivers
8 have not been able to verify that they are the identified primary
9 caregivers of these children. Such barriers pose an especially
10 significant challenge to kinship caregivers in dealing with school
11 officials and health professionals when children are left in their care
12 with little warning. To assist kinship caregivers in executing
13 adequate and appropriate decisions regarding the educational and
14 medical needs of a child in their care, a kinship caregiver's
15 authorization affidavit is hereby created.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.14C RCW
17 to read as follows:

18 (1) A kinship caregiver eighteen years of age or older who

1 completes items 1 through 4 of the affidavit provided in section 4 of
2 this act and signs the affidavit is authorized to enroll a minor in
3 school and consent to school-related medical care on behalf of the
4 minor in his or her care.

5 (2) A kinship caregiver who completes items 1 through 8 of the
6 affidavit provided in section 4 of this act and signs the affidavit is
7 authorized to consent to medical care and dental care on behalf of the
8 minor in his or her care.

9 (3) The affidavit shall not be valid for more than one year after
10 the date on which it is executed.

11 (4) The decision of a kinship caregiver to consent to or to refuse
12 medical or dental care for a minor shall be superseded by any
13 contravening decision of the parent or other person having legal
14 custody of the minor, provided the decision of the parent or other
15 person having legal custody of the minor does not jeopardize the life,
16 health, or safety of the minor.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.14C RCW
18 to read as follows:

19 (1) A person who acts in good faith reliance on a kinship
20 caregiver's authorization affidavit, provided in section 4 of this act,
21 to provide medical or dental care, without actual knowledge of facts
22 contrary to those stated on the affidavit, is not subject to criminal
23 liability or to civil liability to any person, or is subject to
24 professional disciplinary action, for such reliance if the applicable
25 portions of the affidavit are completed. This section applies even if
26 medical or dental care is provided to a minor in contravention of the
27 wishes of the parent or other person having legal custody of the minor
28 as long as the person providing the medical or dental care has no
29 actual knowledge of the wishes of the parent or other person having
30 legal custody of the minor.

31 (2) A person who relies on the affidavit has no obligation to make
32 any further inquiry or investigation.

33 (3) Nothing in this section relieves any person from liability for
34 violations of other provisions of law.

35 (4) If the minor stops living with the kinship caregiver, the
36 kinship caregiver shall notify any school, health care provider,

1 carrier, or other person or entity to whom the kinship caregiver has
2 provided the affidavit.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.14C RCW
4 to read as follows:

5 The kinship caregiver's authorization affidavit must be in
6 substantially the following form:

7 Kinship Caregiver's Authorization Affidavit

8 Use of this affidavit is authorized by RCW 74.14C.--- (section 2 of
9 this act).

10 Instructions: Completion of items 1 through 4 and the signing of
11 the affidavit is sufficient to authorize enrollment of a minor in
12 school and authorize school-related medical care. Completion of items
13 5 through 8 is additionally required to authorize any other medical
14 care. Print clearly.

15 The minor named below lives in my home and I am eighteen years of
16 age or older.

- 17 1. Name of minor:
- 18 2. Minor's birth date:
- 19 3. My name (adult giving authorization):
- 20 4. My home address:
- 21 5. () I am a grandparent, aunt, uncle, or other qualified
22 relative of the minor (see elsewhere on this form for a definition
23 of "qualified relative").

24 6. Check one or both (for example, if one parent was advised and
25 the other cannot be located):

26 () I have advised the parent(s) or other person(s) having legal
27 custody of the minor of my intent to authorize medical care, and
28 have received no objection.

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

- 32 7. My date of birth:
- 33 8. My Washington driver's license or identification card number:

34 _____

35 ****Warning:** Do not sign this form if any of the statements above

1 are incorrect, or you will be committing a crime punishable by a
2 fine, imprisonment, or both.**

3 _____

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

6 Dated: Signed:

7 Notices:

8 1. This declaration does not affect the rights of the minor's
9 parents or legal guardian regarding the care, custody, and control of
10 the minor, and does not mean that the kinship caregiver has legal
11 custody of the minor.

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

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

16 Additional Information:

17 TO KINSHIP CAREGIVERS:

18 1. "Qualified relative," for purposes of item 5, means a spouse,
19 parent, stepparent, brother, sister, stepbrother, stepsister, half-
20 brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any
21 person denoted by the prefix "grand" or "great," or the spouse of any
22 of the persons specified in this definition, even after the marriage
23 has been terminated by death or dissolution.

24 2. If the minor stops living with you, you are required to notify
25 any school, health care provider, carrier, or other person or entity to
26 whom you have provided the affidavit.

27 3. If you do not have the information requested in item 8
28 (Washington driver's license or I.D.), provide another form of
29 identification such as your social security number.

30 TO SCHOOL OFFICIALS:

31 1. This affidavit constitutes a sufficient basis for a
32 determination of residency of the minor, without the requirement of a
33 guardianship or other custody order, unless the school district
34 determines from actual facts that the minor is not living with the
35 kinship caregiver.

1 2. The school district may require additional reasonable evidence
2 that the kinship caregiver lives at the address provided in item 4.

3 TO HEALTH CARE PROVIDERS AND CARRIERS:

4 1. A person who acts in good faith reliance on a kinship
5 caregiver's authorization affidavit to provide medical or dental care,
6 without actual knowledge of facts contrary to those stated on the
7 affidavit, is not subject to criminal liability or to civil liability
8 to any person, or is subject to professional disciplinary action, for
9 such reliance if the applicable portions of the affidavit are
10 completed.

11 2. This affidavit does not confer dependency for health care
12 coverage purposes.

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