



## Caregiver's Authorization Affidavit

### Guidelines/FAQs

This document can help you if you live with a minor, but you aren't the parent/guardian and don't have legal custody. It explains how to fill out a Caregiver's Authorization Affidavit (CAA) and how completing the CAA is sufficient to authorize:

- Enrollment of a minor in school
- School-related medical care
- Access to educational records
- A work permit for the minor
- Additional medical care (only for qualified relatives)

**TIP:** Throughout this document, we refer to the rights that parents have. Whenever we talk about "parents," it means one or both of the parents, or the minor's guardian or guardians – it depends on who has legal custody.

#### What is a Caregiver's Authorization Affidavit?

A CAA is a form you complete and give to a minor's school. California law says exactly what should be in the form. California law also says who can use the form. California law does NOT require the person with legal custody to sign this form.

#### Helpful terms:

- An **affidavit** is a written statement where the person who signs it swears that the information on the form is true and correct to the best of their knowledge. An affidavit may need to be notarized.
- **Legal custody** is the legal right to make major and long-term decisions about the raising and welfare of a minor. These rights are generally shared by the parents, unless a court order grants legal custody to one parent, or another person.
- A **custody order** is a court order that says who a minor will live with and who should make decisions about health care, education, and other important things.
- A **guardian** is a person who isn't a parent, but has a court order giving them legal custody.

#### Does a Caregiver's Authorization Affidavit affect the custody rights of the parents?

No. A CAA does not affect the legal rights of the minor's parents. The parents still maintain legal custody of the minor and have the right to take the minor from you.

A CAA does NOT give a caregiver legal custody of the minor. If you need to obtain legal custody of a minor, please consider seeking legal guardianship through the courts.

#### Do I have to inform the minor's parents about the Caregiver's Authorization Affidavit?

Yes. If you know where they are, you must inform the minor's parents before you complete the CAA. If they don't object, then you can complete it.

#### Can I use the Caregiver's Authorization Affidavit if the minor's parents object?

No. If the minor's parents object to you completing the CAA, then you won't be able to use the form.

**What if I can't find the parents?**

If you can't find the parents, you can still complete the CAA (check the 2<sup>nd</sup> box in Question #6).

**What if the parent shows up later?**

If the parents show up later and do not want you to use the CAA, then they can revoke the authorization. If they revoke the authorization, then it becomes invalid.

**What if the parents change their minds? Can they stop me from using the Caregiver's Authorization Affidavit?**

Yes. Even if they initially told you that they didn't object to the CAA, they can always change their mind. Parents can always revoke the CAA. If they revoke it, then it becomes invalid.

**What if the parent and I disagree about something related to the minor?**

The parents have the final say on the use the CAA. If they disagree with you, their wishes must be followed – unless doing so would risk the life, health, or safety of a minor.

**Does the CAA grant the Caregiver the education rights of the minor?**

Part I of the CAA does NOT grant the Caregiver the education rights of the minor. However, Part II temporarily grants of education rights to the Caregiver. However, both the Parent/guardian with legal custody AND the Caregiver will need to complete the form.

**Does the Caregiver's Authorization Affidavit mean that the minor is covered by my health insurance?**

No. However, you can check with your health insurance provider to see whether the minor can be covered under your policy. Most health insurance providers require you to be the minor's legal guardian before they will be covered by your health insurance.

**Is the Caregiver's Authorization Affidavit valid as long as I take care of the child?**

Yes. The CAA does not expire. However, if any information on the form changes, please inform the school.

**What if the child stops living with me?**

If the minor stops living with you, you must inform the school.

**How do I know if I should complete a Caregiver's Authorization Affidavit?**

You should complete a CAA if:

- You are over the age of 18, **and** You take care of a child who lives in your home, **but** You do not have a court order that gives you legal custody of the minor

**What if the minor needs medical care related to school?**

If you meet the conditions above, then you can also approve "school-related medical care."

**What is "school-related medical care"?**

School-related medical care is medical care that is required for a minor to enroll in a school. State or local governments set these requirements. Examples include: Immunizations and physicals conducted in school

### **How do I complete the Caregiver's Authorization Affidavit to enroll a child in school and approve school-related medical care?**

Complete questions 1-4.

- The child's name
- The child's date of birth
- Your name
- Your home address

### **What about "other medical care"?**

To approve other medical care outside of the school context, you will need to meet the conditions discussed below.

### **Can I use a Caregiver's Authorization Affidavit to approve medical or dental care for a child?**

You can use the CAA to approve medical care for a minor if:

- You are over the age of 18, **and** You take care of a child who lives in your home, **but** You don't have a court order that gives you legal custody, **and** You are a "qualified relative"

### **Am I a qualified relative?**

You are a qualified relative if you are 18+ and the minor's:

- Up to the 5<sup>th</sup> degree of kinship – grandparent, aunt or uncle, brother, sister, stepbrother, stepsister, half brother, or half sister, niece or nephew, first cousin, parent/stepparent, any person denoted by the prefix "great," "great-great," or "grand"
- The spouse of any of the persons specified above, even after the marriage has been terminated by death or dissolution

### **What if I am not a qualified relative?**

If you aren't a qualified relative, then you can't complete sections 5-8 of the CAA to approve medical care for the minor. You may also have to get a foster home license to care for the minor. Please see above.

### **I have legal custody of my child, and my child still lives with me, but I'd like to add his/her grandparent as a caregiver and grant them temporary education rights. Is this possible?**

- Yes, the parent with legal custody and grandparent will have to complete Part I and II of the CAA.

### **Is a Caregiver's the same thing as an official court order?**

No, a caregiver's affidavit is not an official court order. Similarly, nor is a Power of Attorney (notarized document). A caregiver's affidavit and a notarized document/POA are both voluntarily entered into – and they can be revoked at any time from either the caregiver and/or parent/guardian with legal custody.

### **What if I have additional questions regarding the CAA?**

You can contact EGUSD's Family and Community Engagement Office (FACE) at (916) 831-5530.