



Rancho Los Amigos National Rehabilitation Center

ADMINISTRATIVE POLICY AND PROCEDURE

**SUBJECT: AUTHORIZATION BY NON-PARENT TO
TREAT MINORS**

Policy No.: 504.2
Supersedes: April 5, 2019
Revised: May 18, 2022
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PURPOSE:

To provide a procedure for obtaining authorization for medical care for a minor from a "qualified relative" who is not a parent, legal guardian, or conservator of minor.

POLICY:

To comply with California Family Code Section 6910 and Section 6550.

PROCEDURES:

When a minor presents himself/herself at Rancho Los Amigos National Rehabilitation Center for treatment, and is NOT accompanied by their parent, legal guardian, or conservator, the parent, legal guardian, or conservator cannot be timely contacted to obtain treatment consent, and the patient is accompanied by another person, the staff who identifies this situation must initiate the completion of the "Caregiver's Authorization Affidavit." Social Work staff is available to assist staff if necessary.

The Caregiver's Authorization Affidavit" Forms are available in the Rancho intranet under the "Forms" tab or can be printed directly from ORCHID.

"Caregiver's Authorization Affidavit" may be used in lieu of the Juvenile Court authorization when ALL of the following criteria apply:

1. The minor must be living with the accompanying adult family member.
2. The adult must be a "qualified relative" which is defined in the law as a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
3. The adult must advise the parents of the proposed medical treatment and have received no objection thereto; or the adult must be unable to contact the parents.
4. The adult must complete an affidavit (see attached) in which he or she attests that the elements outlined above are true and correct.
5. The affidavit is valid for only one year from the date of the signature.

If a notarized Temporary Power of Attorney (frequently from another country) is presented by the accompanying adult, and the validity or scope of the document is in question, the accompanying adult involved should complete the "Caregiver's Authorization Affidavit".

EFFECTIVE DATE: December 1, 1995

APPROVED BY: 

When possible, the staff assisting the "qualified relative" with completion of the form should attempt to reach the minor's parents in order to verify their agreement with this policy and the proposed medical treatment. This should occur at the time the form is being reviewed or completed. The staff must ensure that the affidavit is completed in its entirety.

Release of a Minor from the Hospital

The Hospital is authorized to release a minor to the caregiver who is authorized to consent for medical care (SB 392 which amends Health and Safety Code Section 1283 to allow this under Section 6550).

Medical Record Documentation

1. The completed "Caregiver's Authorization Affidavit" form should be scanned into the medical records.
2. Document efforts to contact the minor's parents, legal guardian, or conservator in the medical records.

Liability Protection

Health care providers who treat minors in reliance on the signed affidavit of a qualified relative are given certain protections from liability under the CA Family Code Section 6550(c) and (d) provide:

- (d) No person who acts in good faith reliance on a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the affidavit are completed.
- (e) A person who relies on the affidavit has no obligation to make any further inquiry or investigation.

NOTE:

The law does not specify the range of medical treatment for which consent may be provided.

REFERENCES: California Family Code Section 6910 and Section 6550
CHA Consent Manual 2020