

8000 Division of Services for Aging and Adults with Physical Disabilities

8102 Delegation of Power of Relative Caregivers to Consent to Medical Treatment of Minors

1.0 Definitions for terms used in 13 Del.C. §707(a)

Medical treatment does not include treatment in an inpatient mental health facility.

Disease – a pathological condition of a body part, an organ, or a system resulting from various causes, such as infection, genetic defect, or environmental stress, and characterized by an identifiable group of signs or symptoms or life.

Pathology – the medical science concerned with all aspects of disease with an emphasis on the essential nature, causes, and development of abnormal conditions, as well as with the structural and functional changes that result from disease processes. It is also the anatomical or functional manifestations of a disease.

Public clinics include school wellness centers.

This authorization also applies to medical care provided in schools that do not have wellness centers as well as medical care required at school-related activities.

2.0 Definition for terms used in 13 Del.C. §708

- 2.1 Affidavit of Establishment of Power to Relative Caregivers to Consent to Medical Treatment of Minors (also known as Caregivers' Medical Authorization) – An affidavit of written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, and taken by a licensed notary.

3.0 Reasonable effort to locate the parent(s), guardian, or custodian of the child shall include option 1 (3.1), which is required, and a choice of either option 2 (3.2), 3 (3.3), or 4 (3.4).

- 3.1 Certified mail receipt of a written notice from the caregiver that he or she intends to take medical responsibility for the child. The notice should be sent to the last known address of the parent(s), custodian, or guardian. Proof of this step will be the notice and the return receipt saying that the letter was not deliverable because no one by that name lives at this address.
- 3.2 The caregiver or someone acting in his or her place makes an actual visit to the last known address of the parent(s), custodian, or guardian. The individual making this visit will need to describe what was found at this address and to whom he or she spoke regarding the missing parent(s), custodian, or guardian.
- 3.3 Contact with social service agencies, place of employment, health care provider, or friends verified by a written statement signed by that party confirming that the location of the parent(s), custodian, or guardian is unknown.
- 3.4 The caregiver places a legal notice in the News Journal and the Delaware State News informing the parent(s), custodian, or guardian of (child's name) _____ that the caregiver intends to take educational responsibility of the child. Eight days after publication describe what happened. Include the response you received or the lack of response. Attach a copy of the legal notice, being sure to include the portion of the newspaper with the date the notice was printed.
- 3.5 Other documents or confirmations that show the parent(s), custodian, or guardian cannot be found.

4.0 Affidavit

- 4.1 Delaware Health and Social Services will maintain the Caregivers' Medical Authorization form. Anyone who wishes to obtain this form may do so by contacting their local State Service Center, Public Health clinic, or the Division of Services for Aging and Adults with Physical Disabilities (DSAAPD) or their local school district office.