



Consent to Health Care: A Kinship Caregiver's Guide

❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

Should I read this?

Yes, you should read this if you live in Washington State, and you take care of a child who is not your son or daughter.

What will I learn?

You will learn that there are different types of written authorization you might need to get health care for the child. You will also learn about other documentation you might need to show a doctor. You will also learn what kind of health care you can agree to (can *consent* to) for the child.

Who is a Kinship Caregiver?

A kinship caregiver is a relative of a child who is not the child's parent, but who is taking care of the child. Grandparents, aunts or uncles, adult siblings, and other adult relatives can be kinship caregivers.

Some kinship caregivers have a court order that gives them guardianship or custody and the right to agree (to *consent*) to health care for the child. Others have power of attorney, given to them by the parents. Read [Power of Attorney \(POA\) for Parents](#) to learn more.

Many kinship caregivers do not have anything in writing. If this is true for you, you may have problems when you try to get health care for the child.

I am a kinship caregiver. I do not have a court order or power of attorney. Can I consent to health care on behalf of the child in my care?

Yes, under state law at [RCW 7.70.065](#), **but only if** one of these is true:

- You have a signed authorization from the child’s parent to make health care decisions for the child

Or

- You have signed and dated a declaration that you are an adult relative responsible for the child’s health care.

What is a declaration?

It is a written statement you sign swearing the information in the statement is true. You date and sign a declaration “under the penalty of perjury under the laws of the state of Washington.” **Signing a declaration that has false statements is a felony.**

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- ❖ We have an example below of a declaration you can use if you are a family member.
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How long is the declaration good?

It is only good for 6 months from the date you signed it.

What should I do after 6 months if I am still caring for the child?

You should fill out another declaration.

I signed a declaration like the one here. Does it give me legal custody or guardianship?

No. It only lets you consent to health care for the child. It has no effect on legal custody, or the parents’ legal rights. Read [Non-Parent Custody has changed to Minor Guardianship](#) to learn more.

What care can I consent to?

You can consent to any health care to diagnose, treat, or keep up the child’s physical or mental condition. This includes dental care.

I signed a declaration. Can the doctor ask for additional proof that I am a relative responsible for the child’s health care?

Yes. The law allows the provider to do this.

If the provider asks you for additional proof that you are responsible for the child's health care, here is a list of some things you could give the provider. These are just examples. This is not a complete list:

- A will listing your relationship to the child
- A letter from a social worker, school staff, lawyer, religious leader, or licensed medical, mental health, or behavioral professional showing your relationship to the child
- Records from a school, hospital, clinic, or other public health or social service agency showing your relationship to the child
- Proof that you get a public benefit, such as TANF, SSI, medical coupons, food stamps, or free or reduced school meals for the child
- Records from the Department of Social and Health Services (DSHS) showing you are the contact for the child
- Proof that a child lives in your home and/or is related to you
- Insurance for you or the child that states your relationship
- Your Federal Income Tax return listing the child
- Any other paperwork showing your relationship with the child and that you are the child's caregiver

I am not a relative. Can I consent to health care for the child?

It depends. The law lets nonrelatives consent to health care in these situations:

- You are the child's guardian
- The child's parent has given you written authorization
- You are a school nurse, school counselor, or homeless student liaison when the child is a homeless child or youth as defined by the [McKinney-Vento Act](#).

You can read the entire law at [RCW 7.70.065](#).

Can the child consent to health care services themselves?

Maybe. It depends on the type of care and can also depend on the age of the youth. Read [When can a minor access health care without parental consent?](#) to learn more.

How can I get medical help?

For most medical programs, including insurance and subsidies, you can apply online at [wahealthplanfinder.org](#), by calling 1-855-923-4633 (1-855-WAFINDER), or by asking for a paper application from HealthPlanFinder or from your local DSHS office.

Get Legal Help

- **Apply online:** [nwjustice.org/apply-online](#)
- **Facing Eviction?** Call 1-855-657-8387
- **Facing Foreclosure?** Call 1-800-606-4819
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 211 (or toll-free 1-877-211-9274) weekdays 8:00 am to 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am and 12:15 pm or apply online at [nwjustice.org/apply-online](#).
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

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Kinship Caregiver's Declaration of Responsibility for a Minor's Health Care

Use of this declaration is authorized by RCW 7.70.065.

I DECLARE THAT:

Minor's Information:

1. I consent to health care for the child: _____.
(name of the child)
2. The child's date of birth is: _____.

Caregiver's Information:

3. My name is: _____.
(your name)
4. My home address is: _____

5. I am 18 years of age or older and I am a relative responsible for the health care of the minor.
6. My date of birth is: _____.
7. I am the _____ of the minor.
(print your relationship to the child, such as grandparent, aunt/uncle, and so on.)

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

Date: _____ **City and State:** _____

Signature of Caregiver: _____

*This Declaration is **only** valid for **6 months** from the date listed here.

GENERAL NOTICES:

1. This Declaration does not affect the rights of the minor’s parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor. It also does not affect the rights of the minor to consent to his/her own medical care where authorized by law.
2. A person who relies on this Declaration has no obligation to make further investigation or inquiry beyond what is said on the Declaration form if the provider does not have actual notice of the falsity of the statements made in the Declaration.
3. A health care provider may, but is not required to, request additional documentation of a person’s claimed status as being a relative responsible for the health care of the minor patient.
4. **This Declaration is only valid for 6 months from the date above. If necessary, a caregiver may sign a new declaration after its expiration.**

ADDITIONAL INFORMATION:

To Health Care Providers and Health Care Facilities:

1. A health care provider or a health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action, when a health care provider or health care facility relies upon a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. RCW 7.70.065(2)(e).
2. A "health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients. RCW 70.02.010(16). A "health care provider" is a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession. RCW 70.02.010(19).
3. "Health care" means any care, service, or procedure provided by a health care provider: (a) To diagnose, treat, or maintain a patient's physical or mental condition; or (b) That affects the structure or any function of the human body. RCW 70.02.010(15). Health care includes mental health care. RCW 7.70.065(2).