

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Gallegos, Gelser, Gilliam, Gomberg, Keny-Guyer, Olson, Whisnant, Tomei
Nays:	0
Exc.:	Whitsett
Prepared By:	Regina Wilson, Administrator
Meeting Dates:	5/6

WHAT THE MEASURE DOES: Allows relative caregiver with whom minor child lives to consent to medical treatment and educational services, absent consent of parent or legal guardian. Requires reasonable efforts to obtain consent of parent or legal guardian. Clarifies required information in relative caregiver affidavit and expiration of affidavit. Provides immunity from civil and criminal liability for good faith consent of relative caregiver. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Medical and educational consent for children
- Number of states that have passed similar medical and educational consent legislation
- Report from National Conference of State Legislatures
- Immunity provisions for care givers

EFFECT OF COMMITTEE AMENDMENT: Refines language providing relative caregivers with immunity from civil and criminal liability for good faith consent.

BACKGROUND: In many states, extended families, such as grandparents, provide homes for children who are unable to remain with their parents. In 2012, almost three million American children received care from relatives other than their parents. That same year, according to data from the Adoption and Foster Care Analysis and Reporting System, about 107,000 children in foster care received care from relatives – approximately 27 percent. An absence of legal custody or guardianship impacts decisions on children’s medical, educational and emotional needs. Senate Bill 601A allows relative caregivers to consent to medical treatment and educational services for a minor child if consent from legal parents or guardians cannot be obtained.