

MINOR POA FORM (GHS #44077) – PARENT INSTRUCTIONS

POWER OF ATTORNEY FOR TREATMENT OF MINOR PATIENT

MINOR POA FORM CHECKLIST – BE SURE THIS INFORMATION IS INCLUDED	
Page One:	
	Minor’s Full Name and Date of Birth. Medical Record Number (if known).
	Minor’s State of Residence checked: WI, MN, IA If WI, check ONE: 1) shared legal, 2) sole legal, or 3) other parent deceased
	Duration chosen: * If less than one year, list specific dates * For WI, if naming relative for more than one year, include relationship on page 2
	Delegation of Power: ONE box checked A – ordinary/routine medical/dental care OR B – FULL parental power, includes outpatient mental health, outpatient alcohol/drug treatment, elective surgery, and hospital discharge
Page Two:	
	Parent Substitutes’ Contact Information, including <u>relationship</u> to child
	Parent Substitute’s signature(s)
	Date signed
Page Three:	
	If WI shared legal custody, BOTH parents must sign the form
	Each Parent’s Contact Information
	Each Parent’s signature in front of a witness. For MN documents, witness MUST be a Notary
	Each Witness must be 18, NOT related, and NOT the Parent Substitute
	Each Witness’s signature
	Date signed by parent and witness
	PROVIDE: Copy of Court Order to verify custody status. (For sole legal custody where there is no Court Order, the mother may provide a photocopy of child’s birth certificate showing no father has been identified.)

1. WHY IS IT IMPORTANT TO COMPLETE THIS FORM?

A Minor POA form appoints another trusted adult to act as a parent substitute to authorize medical care and treatment for your child. A properly completed Minor POA form enables Gundersen Health System to provide non-emergency medical care to your child when you are unable to bring your child to an appointment.

2. WHERE DO I GET A MINOR POA FORM?

- Any Gundersen Clinic can provide a copy of the Minor POA form.
- You can also download the form from our website:
<http://www.gundersenhealth.org/pediatrics/education-for-parents/poa-treatment-minor-patient>

3. ARE THERE TIMES WHEN THIS FORM CANNOT BE USED?

The Minor POA form CANNOT be used without court approval in two circumstances:

1) Your child is in **Foster Care**. Consult your County Human Services Social Worker. The form is allowed if the Court approves it.

2) Your child is covered by the **Indian Child Welfare Act**. This Act applies if your child is a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Consult your Tribal Social Worker or Indian Tribal Court for guidance. You may be able to complete a Minor POA form and use Wisconsin Court form IW-1783, Consent to Delegation of Powers under §48.979 of an Indian Child to obtain court approval.

4. HOW DO WE DETERMINE THE MINOR PATIENT'S PRIMARY STATE OF RESIDENCE? (Page 1)

The Minor Patient's primary state of residence is the state where the child spends more than 50% of his/her time. If there is equal placement with parents living in two different states, select the state where the custody order is filed.

5. WHAT DO WE DO IF THE MINOR PATIENT'S PRIMARY STATE OF RESIDENCE IS SOMEWHERE OTHER THAN WISCONSIN, MINNESOTA, OR IOWA? (Page 1)

Ask the parent for a copy of the most recent Custody Order. Consult with the Gundersen Legal Department regarding whether our Minor POA form can be completed, whether another form may be needed, or whether a Minor POA form cannot be honored in this situation.

6. DO BOTH PARENTS NEED TO SIGN THIS FORM? (Page 1)

WISCONSIN:

- Shared legal custody – BOTH parents with legal custody MUST sign this form
- Sole legal custody – the parent with sole legal custody must sign AND provide a copy of the Court Order. If there is no Court Order, the mother may provide a photocopy of the child's birth certificate showing no father has been identified.
- One parent deceased - mark the box on page one and the surviving parent signs the form.

MINNESOTA:

- Only one parent with legal custody needs to sign the form in front of a Notary. Minnesota law requires that parent to provide a copy of the form to the other parent within thirty (30) days. Some exceptions apply, such as in the case of a restraining order.

IOWA:

- There is no specific law. Gundersen requires only one parent with legal custody to sign.

7. HOW LONG DOES THE MINOR POA REMAIN IN EFFECT? (Page 1 - Duration section)

WISCONSIN:

- The standard length of time is one (1) year.
- You may designate a shorter time period by listing specific dates. (i.e. vacation, business trip)
- **If the Parent Substitute is a relative, you may choose to have the Minor POA in effect until the child turns 18 years of age.**
- A **“Relative”** means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of the preceding generation as denoted by the prefix grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. (WI Stats. 48.02(15))
- **If you want a relative to serve as a Parent Substitute for more than one (1) year AND you want to name a second Parent Substitute who is not a relative, you need to complete separate forms.**

MINNESOTA & IOWA:

- The duration must be one (1) year or less.

8. WHAT POWERS WILL THE PARENT SUBSTITUTE HAVE? (Page 1 - Delegation of power section)

The parents may choose to delegate authority to consent for either:

1) ORDINARY AND ROUTINE MEDICAL AND DENTAL CARE,

OR

2) FULL PARENTAL POWER, including the ability to consent to outpatient mental health care, outpatient alcohol and drug treatment, major elective surgical procedures, hospital discharge, and disclosures of protected health information to third parties.

Parents must decide the extent of the power delegated to the Parent Substitutes. This may depend on whether the delegation is for a short period of time, such as a vacation, or if it is for a longer period of time, such as a child moving in with grandparents for an extended time period.

9. PARENT SUBSTITUTE(S) INFORMATION & SIGNATURE: (Page 2)

- **In Wisconsin, you must list the Parent Substitute’s relationship to the minor patient if you want a relative to serve longer than one year.**
- Be sure to include the Parent Substitute’s contact information.
- Be sure the Parent Substitute **signs AND dates** the form.

10. PARENT'S INFORMATION & SIGNATURE: (Page 3)

- Be sure to include the parent's contact information.
- See #6 above regarding which parents must sign the form.
- **The witness must be ALL of the following:**
 - *at least 18 years old,
 - ***Not** related to the parents,
 - ***Not** be named as the Parent Substitute.
- **MINNESOTA: The witness must be a Notary. (The Notary can place the notary seal stamp near their signature in the witness area)**
- **THE PARENT AND WITNESS MUST SIGN THE FORM AT THE SAME TIME AND ADD THE DATE SIGNED.**

11. WHAT DO WE DO AFTER WE COMPLETE THE FORM?

- Keep at least one (1) copy of the completed form. We recommend you make copies for each parent and each Parent Substitute.
- If you were provided with a Gundersen Department return envelope, send the completed form and a copy of the required Court Order to the Gundersen Department assisting you.
- You may also bring the completed form and a copy of the required Court Order to the Gundersen Clinic Department where your child receives most of his/her medical care.

12. WHY DOES GUNDERSEN NEED A COPY OF THE COURT ORDER?

- Gundersen needs to be able to verify who has legal custody of the child.
- The Court Order will state whether there is shared legal custody, whether one parent has sole legal custody, or whether juvenile court or Indian Tribal Court has approved the Minor POA form.

13. WHAT IF I HAVE SOLE LEGAL CUSTODY, BUT THERE IS NO COURT ORDER?

For sole legal custody where there is no Court Order, the mother may provide a photocopy of child's birth certificate showing no father has been identified.

14. CAN MY CHILD RECEIVE EMERGENCY CARE WITHOUT A SIGNED MINOR POA FORM?

YES. A healthcare provider may legally treat a minor patient without parental consent in a medical emergency. The healthcare provider will use his or her judgment to determine if the child requires emergency care.

15. CAN MY CHILD'S STEPPARENT GIVE PERMISSION FOR MEDICAL CARE IF A MINOR POA FORM HAS NOT BEEN SIGNED?

NO. Even though stepparents are often actively involved in a child's life, stepparents are not legal guardians. Without a Minor POA form designating a Parent Substitute, we must contact a parent or legal guardian before providing non-emergency medical care.

16. MY CHILD LIVES WITH ME IN WISCONSIN AND I HAVE PRIMARY PHYSICAL PLACEMENT, WHY DOES THE OTHER PARENT STILL NEED TO SIGN THE MINOR POA FORM?

Primary placement is not the same as legal custody. The law in Wisconsin requires that if parents share legal custody, BOTH must sign the Minor POA for the form to be valid.

17. MY CHILD'S PRIMARY RESIDENCE IS IN WISCONSIN AND I HAVE SOLE LEGAL CUSTODY OF MY CHILD; WHAT DOCUMENTS DO I NEED TO PROVIDE?

Provide a copy of the court order granting you sole legal custody. For sole legal custody where there is no Court Order, the mother may provide a photocopy of child's birth certificate showing no father has been identified. (It does not need to be a certified copy.)

18. MY CHILD'S PRIMARY RESIDENCE IS IN WISCONSIN AND MY CHILD'S OTHER PARENT IS IN JAIL. CAN I STILL COMPLETE A MINOR POA FORM?

If you have shared legal custody with the other parent who is in jail, you need to send the document to the parent in jail and ask them to complete their section, have their signature witnessed and dated. Have them return the form to you.

19. MY CHILD'S PRIMARY RESIDENCE IS IN WISCONSIN AND MY CHILD'S OTHER PARENT CANNOT BE LOCATED. CAN I STILL COMPLETE A MINOR POA FORM?

If you have shared legal custody and cannot locate the other parent, you cannot complete a Minor POA form unless you get court approval. You will need to bring your child to his/her appointment or be available by phone to provide verbal consent for non-emergency medical care.

20. MY CHILD'S PRIMARY RESIDENCE IS IN WISCONSIN AND MY CHILD'S OTHER PARENT CHOOSES NOT TO SIGN THE MINOR POA FORM. CAN I COMPLETE A MINOR POA FORM?

If you have shared legal custody and the other parent chooses not to sign the form, you cannot complete a Minor POA form unless you get court approval. Parents need to communicate with each other and work together for the best interests of their child. If parents cannot reach an agreement, you may need to return to court to ask the court to assist you. You will need to bring your child to his/her appointments or be available by phone to provide verbal consent for non-emergency medical care.

21. DOES SIGNING THE MINOR POA FORM AFFECT MY ELIGIBILITY FOR BENEFITS?

NO. This form designates another adult who may consent to medical care for your child. It does not take away your rights as a parent. Eligibility for benefits is a separate matter.

22. I HAVE MORE THAN ONE CHILD. DO I HAVE TO FILL OUT MORE THAN ONE FORM?

YES. A separate Minor POA form must be completed and signed for each child.

23. WHAT HAPPENS IF MY CHILD IS IN FOSTER CARE?

- Wisconsin law DOES NOT allow the Minor POA form to be used for children in foster care unless the court approves it.
- In Wisconsin, the biological parent is still the decision maker for the minor patient, unless there has been a termination of parental rights or if a Court Order states otherwise.
- A foster parent is not considered the child's legal guardian.
- In Wisconsin, County Human Services will ask you to sign a **Medical Services Consent form** which usually authorizes ordinary and routine care while your child is in foster care. Sometimes other kinds of medical care are also listed on the Medical Services Consent form.
- A parent will need to consent to non-emergency, non-routine care not covered in the Medical Services Consent form. Please be sure your contact information with Gundersen is up-to-date so we can reach you if needed.

24. I AM THE FOSTER PARENT AND DO NOT HAVE A MEDICAL SERVICES CONSENT FORM. HOW DO I MAKE SURE THE MINOR PATIENT CAN RECEIVE THE MEDICAL CARE NEEDED?

Ask your County Human Services Social Worker to assist in getting a Medical Services Consent form completed by one of the parents and provide a copy of the form to the Gundersen Department where the minor patient is receiving medical care.

25. I AM IN THE MILITARY AND HAVE COMPLETED A MILITARY POA FORM CALLED A "SPECIAL POWER OF ATTORNEY". DO I NEED TO COMPLETE GUNDERSEN'S MINOR POA FORM?

Ask Gundersen staff to send your military "Special Power of Attorney" document to the Gundersen Legal Department for review. You will be advised whether we can honor the military form.

26. WHO DO I CONTACT IF I HAVE QUESTIONS?

Patient Information Coordinators, Health Information Management, Gundersen Health System.
(608) 775-5924 or (608) 775-0786 or (800) 362-9567, ext. 55924 or ext. 50786