

## Act 208 Relating to Caregiver Consent

One of the most important bills to pass the 2005 legislative session was SB 40, SD1, HD1, which was signed into law as Act 208.

Why is this bill so important? Because it ensures that health care will be available and accessible for children under the care of caregivers, who are, very often, grandparents.

As we all know, due to a lot of different reasons and complicated lives, it is often the grandparents who end up taking care of the keiki. In the past, it was sometimes very difficult for grandparents or other caregivers to get medical or dental care for these children because they were not the parents or the legal guardians.

As a result, children went without vital healthcare in their formative years, and this affected the quality of their health into adulthood. In addition, these children lacked the experience of preventative and regular checkups, so they often waited until an emergency to see a doctor.

Thanks to Act 208, caregivers can now authorize healthcare services for the children as long as they have what is called, "an affidavit of caregiver consent."

First, let's make sure we understand the notion of "caregiver". The definition of caregiver in Act 208 is that they must be:

- At least 18 years of age
- They must be related to the child by blood, marriage or adoption
- They must have resided with the minor for at least 6 months.

The affidavit must be notarized and include the following information:

- The caregiver's name and current home address
- The caregiver's birthdate
- The caregiver's driver's license number or state identification card number
- The relationship of the caregiver to the minor
- The minor's name
- The minor's birthdate
- The length of time the minor has resided with the caregiver
- The caregiver's signature under oath
- If possible, the signature of the minor's parent or legal guardian consenting to the caregiver's authority over the minor's healthcare
- A statement that this does not affect the rights of the parents or legal guardian on matters other than healthcare, that this does not give the caregiver legal custody of the minor, that the parent or legal guardian can rescind the affidavit by providing written notice to healthcare professionals.
- Finally, any person who relies in good faith on the affidavit of caregiver consent is under no obligation to make any further inquiries or investigation on the information provided, and will not be subject to any civil or criminal liability or any professional disciplinary action because of their reliance.

This bill passed unanimously in the House and Senate, signaling the Legislature's support for the important responsibilities that you shoulder as caregivers and grandparents. It is also a major accomplishment in making sure that Hawaii's children receive the healthcare they need and deserve.