

Section J:

Knox County Board of Education

Students

Descriptor Term:

**Power of Attorney for Care
of a Minor Child**

Descriptor Code:

J-391

Issued:

10/03

Reviewed:

11/21

Revised:

1/22

1
2 A parent or parents of a minor child may delegate to any adult person residing in this state temporary care
3 giving authority regarding the minor child when hardship prevents the parent or parents from caring for
4 the child. This authority may be delegated without the approval of a court by executing in writing a power
5 of attorney for care of a minor child on a form provided by the Department of Children's Services.
6 Hardships may include but are not limited to:

- 7
8 (1) The serious illness or incarceration of a parent or legal guardian;
9
10 (2) The physical or mental condition of the parent or legal guardian or the child is such that care and
11 supervision of the child cannot be provided;
12
13 (3) The loss or uninhabitability of the child's home as the result of a natural disaster;
14
15 (4) The need for medical or mental health treatment (including substance abuse treatment) by the
16 parent or legal guardian; or
17
18 (5) Other significant hardship recognized by Tennessee law.
19

20 The power of attorney for care of the minor child shall be signed and acknowledged before a notary public
21 by the parent. The term "parent" includes a legal guardian or legal custodian of the minor child.¹
22

23 The instrument providing for the power of attorney shall be executed by both parents, if both parents are
24 living and have legal custody of the minor child and shall state with specificity the details of the hardship
25 preventing the parent for caring for the child.²
26

27 Through the power of attorney for care of a minor child, the parent may authorize the caregiver to perform
28 the following functions without limitation: enroll the child in school and extracurricular activities; obtain
29 medical, dental, and mental health treatment for a child; and provide for the child's food, lodging, housing,
30 recreation, and travel.

- 31
32 (a) The caregiver shall have the right to enroll a minor child in the school system serving the area
33 where the caregiver resides. The school system shall allow a caregiver to enroll a minor child
34 but, prior to enrollment, may require documentation of the minor child's residence with a
35 caregiver or documentation or other verification of the validity of the stated hardship.
36
37 (b) Any adult accepting the power of attorney, as well as the parent, guardian, or other legal
38 custodian, who enrolls a student in a school system while fraudulently representing the child's
39 current residence or the parent's hardship or circumstances for issuing the power of attorney,
40 is liable for restitution to the school district for an amount equal to the per pupil expenditure
41 for the district in which the student fraudulently enrolled. Restitution shall be cumulative for
42 each year the child has been fraudulently enrolled in the system.³

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Except where limited by federal law, the caregiver shall be assigned the rights, duties, and responsibilities that would otherwise be assigned to the parent, guardian, or legal custodian pursuant to Tennessee Code Annotated Title 49.

Legal References:

- 1. T.C.A. § 34-6-302.
- 2. T.C.A. § 34-6-303.
- 3. T.C.A. § 34-6-304.

Approved as to Legal Form
By Knox County Law Director 11/17/2021
/Gary T. Dupler/Deputy Law Director