

<u>Section J:</u>  <b>Students</b>	<b>Knox County Board of Education</b>		
	Descriptor Term:	Descriptor Code:	Issued:
	<b>Power of Attorney for Care of a Minor Child</b>	<b>J-391</b>	<b>10/03</b>
		Reviewed:	Revised:
	<b>7/17</b>	<b>6/08</b>	

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

- (1) The serious illness or incarceration of a parent or legal guardian;
- (2) The physical or mental condition of the parent or legal guardian or the child is such that care and supervision of the child cannot be provided; or
- (3) The loss or uninhabitability of the child's home as the result of a natural disaster.

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

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

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

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

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 Title 49.

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Legal References:

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