

POWER OF ATTORNEY FOR TREATMENT OF MINOR PATIENT

(Parent Instructions)

Completing the Minor POA Form

Page One

- Minor's Full Name and Date of Birth. Medical Record Number (if known)
- Minor's State of Residence, check: WI, MN, IA, MI
 - If WI patients, check ONE: 1) shared legal; 2) sole legal; or 3) other parent deceased
- Duration chosen:
 - If less than six (6) months, list specific dates
 - For WI patients, if naming relative, include relationship on page 2
- Delegation of Power:
 - Check box if you wish to grant **FULL** parental power, includes outpatient mental health, outpatient substance use disorder treatment, elective surgery, and hospital discharge
 - For MI patients, if you wish to delegate **FULL** parental power, both parents with legal custody must sign the form. If you wish to only delegate for routine care, only one signature is needed from a parent with legal custody.

Page Two

- MyChart Proxy Access
 - Check box if you wish to grant MyChart access
- Parent Substitutes' Contact Information, including relationship to child
- Parent Substitute's signature(s)
- Date signed

Page Three

- In WI, parents with shared legal custody, **BOTH** parents must sign and date the form
- In MI, if the **FULL** parent power box is checked, **BOTH** parents or Court Appointed Legal Guardian must sign and date the form
- Parent Contact Information
- For MN patients, document **MUST** be witnessed by a Notary

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 Emplify Health to provide non-emergency medical care to your child when you are unable to bring your child to an appointment.

Where do I get a minor POA form?

- Any Emplify Health Clinic can provide a copy of the Minor POA form.
- You can also download the form from our website: <https://www.gundersenhealth.org/our-system/forms-notice>

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.

How do we determine the Minor Patient's primary state of residence?

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

What do we do if the Minor Patient's primary state of residence is somewhere other than Wisconsin, Minnesota, Iowa, or Michigan?

Provide Emplify Health a copy of the most recent Custody Order for review.

Do both parents need to sign this form?

WISCONSIN:

- Shared legal custody – BOTH parents with legal custody MUST sign this form.
- Sole legal custody – the parent with sole legal custody must sign this form.
- 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. Emplify Health requires only one parent with legal custody to sign.

MICHIGAN:

- Only one parent with legal custody or Court Appointed Legal Guardian needs to sign the form for delegating routine care only.
- Both parents with legal custody or Court Appointed Legal Guardian will need to sign the form if full parental powers is delegated.

How long does the Minor POA remain in effect?

WISCONSIN:

- By default, if a relative is named, it will be valid until the Minor Patient turns 18 or if a relative is NOT named, it will be valid for one (1) year.
- You may designate a shorter time period by listing specific dates. (i.e., vacation, business trip).
- 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, step uncle, step aunt, 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.

MICHIGAN:

- The duration must be six (6) months or less.
 - *Exception – If a parent is in the military and is being deployed, the duration is valid until the 31st day after deployment ends.*

What powers will the parent substitute have?

By default, the parent substitute will be granted the authority to **provide informed consent for ONLY ordinary or routine health care and treatment**, including dental care.

The parents may also choose to delegate additional powers. **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

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 return envelope, send the completed form to the Emplify Health department assisting you.
- You may also bring the completed form to any Emplify Health department where your child receives their medical care.

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 their professional judgment to determine if the child requires emergency care.

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.

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.

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.)

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 them return the form to you.

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 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 interest 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 their appointments or be available by phone to provide verbal consent for non-emergency medical care.

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.

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.

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 typically 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 Emplify Health is up to date so we can reach you if needed.

I am the foster parent and do not have a medical services consent form. How do I make sure the minor child 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 Emplify Health Department where the minor patient is receiving medical care.

I am in the military and have completed a military POA form called a “Special Power of Attorney.” Do I need to complete Emplify Health’s Minor POA form?

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

Who do I contact if I have questions?

Health Information Management, Emplify Health, HIMACP@emplifyhealth.org.