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Caregiver Consent Act affidavit form available on DHHR's website

West Virginia legislators passed the Caregiver Consent Act this year. The law, effective July 1st, allows a caregiver who is not a parent, legal custodian or guardian of a minor to consent to health care by signing an affidavit. The state Department of Health and Human Resources has developed an affidavit form and made it available to the public on their website.

The affidavit form for consent for health care for a minor is intended for use if there is a need for medical care for a minor child who is not the custodian's biological, adopted or foster child and for whom the custodian has been unable to get a signed medical consent form from the child's legal guardian and that guardian is not present to give consent to the medical provider.

The law makes it possible for caregivers to consent to a variety of health care treatments and screenings for a minor in their care. The law also provides guidelines and duties for health care practitioners and facilities to accept caregiver consent forms and protects them from criminal and civil liability for accepting the caregiver consent form in good faith.

The affidavit form is not intended for use when the parent or legal guardian of the child does not want the child to have a specific treatment and has informed the custodian of that decision.

Go online to download a caregiver consent affidavit at www.wvdhhr.org.