

Students

**MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT****SUBJECT: DESIGNATION OF PERSON IN PARENTAL RELATION****Power of a Parent to Designate a Person in Parental Relation**

In accordance with General Obligations Law Title 15-A, a parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person for certain health care and educational decisions for a period not exceeding six (6) months. However, such parental designation is conditioned upon there being no prior order of any court in any jurisdiction currently in effect that would prohibit the parent from himself/herself exercising the same or similar authority; and provided further that, in the case where a court has ordered that both parents must agree on education or health decisions regarding the child, a designation pursuant to this law shall not be valid unless both parents have given their consent.

**Form of Designation****Designations in General**

A designation of a person in parental relation pursuant to this law shall be in writing and shall include:

- 1) The name of the parent;
- 2) The name of the designee;
- 3) The name of each minor or incapacitated person with respect to whom such designation is made;
- 4) The parent's signature; and
- 5) The date of such signature.

The designation may specify a period of time less than six (6) months for which such designation shall be valid unless earlier revoked by the parent in accordance with Section 5-1554 of General Obligations Law. **However, any designation specifying a period of more than thirty (30) days shall also conform to the following provisions as enumerated in law.**

**Designations for More Than Thirty (30) Days**

A designation specifying a period of more than thirty (30) days shall also include:

- 1) An address and telephone number where the parent can be reached;
- 2) An address and telephone number where the designee can be reached;
- 3) The date of birth of each minor or incapacitated person with respect to whom such designation is made;

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- 4) The date or contingent event on which the designation commences;
- 5) The written consent of the designee to such designation; and
- 6) A statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting the parent from making the designation.

*A designation specifying a period of more than thirty (30) days shall be notarized.*

Designations Not Specifying a Time Period

If no time period is specified in the designation, it shall be valid until the earlier of revocation; or

- 1) The expiration of thirty (30) days from the date of signature if the designation does not meet the requirements for designations of more than thirty (30) days, or
- 2) Six (6) months from the date of commencement specified in the designation if the designation meets the requirements for designations of more than thirty (30) days.

**Scope of Designation**

A designation made pursuant to this law may specify:

- 1) The treatment, diagnosis or activities for which consent is authorized;
- 2) Any treatment, diagnosis or activity for which consent is not authorized; or
- 3) Any other limitation on the duties and responsibilities conveyed by the designation.

**Revocation of Designation**

A parent may revoke a designation by notifying, either orally or in writing, the designee or a school, health care provider, or health plan to which the designation has been presented, or by any other act evidencing a specific intent to revoke the designation. A designation shall also be revoked upon the execution by the parent of a subsequent designation. Revocation by one parent authorized to execute such a designation shall be deemed effective and complete revocation of a designation pursuant to this law.

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A designee who receives notification from a parent of any such revocation shall immediately notify any school, health care provider, or health plan to which a designation has been presented. A parent may directly notify any such school, health care provider, or health plan of the revocation, in which case the failure of the designee to notify such entities of the revocation shall not make revocation ineffective.

**Effect of Designation**

- 1) A designee shall possess all the powers and duties of a person in parental relation pursuant to Sections 2164 and 2504 of the Public Health Law and Sections 2 and 3212 of the Education Law, unless otherwise specified in the designation.
- 2) A designation shall not impose upon a designee a duty to support pursuant to the Family Court Act Section 413.
- 3) **A designation shall not cause a change in the school district of residence of the child for purposes of the Education Law, and during the period of validity of the designation, the child shall be presumed to be a resident of the school district in which the parent resided at the time the designation was made.**
- 4) A designation shall terminate and be deemed revoked upon the death or incapacity of the parent who signed the designation.
- 5) The decision of a designee shall be superseded by a contravening decision of a parent.

A person who acts based upon the consent of a designee reasonably and in the good faith belief that the parent has in fact authorized the designee to provide such consent pursuant to the provisions of this law may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent. However, any such person may be deemed to have acted negligently, unreasonably or improperly if he/she has knowledge of facts indicating that the designation was never given, or did not extend to an act or acts in question, or was revoked.

No provision of Title 15-A of the General Obligations Law shall be construed to require designation of a person in parental relation as provided in this law where such designation is not otherwise required by law, rule or regulation.