

CARETAKER RELATIVE'S EDUCATIONAL AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by [20-5-503](#), MCA.

1. **INSTRUCTIONS:** The completion and signing of the affidavit before a notary public are sufficient to authorize educational enrollment and services and school-related medical care for the named child. Please print clearly.

The child named below lives in my home, and I am 18 years of age or older

- a. Name of child: _____
- b. Child's date of birth: _____
- c. My name (caretaker relative): _____
- d. My home address: _____
- e. My relationship to the child (the caretaker relative must be an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the caretaker relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child): _____

2. I hereby certify that this affidavit is not being used for the purpose of circumventing school residency laws, to take advantage of a particular academic program or athletic activity, to circumvent a disciplinary action of a previous school, or for an otherwise unlawful purpose.

3. My date and year of birth: _____

4. Check the following if true (all must be checked for this affidavit to apply):

- A parent of the child identified in paragraph 1a of this affidavit has left the child with me and has expressed no definite time period when the parent will return for the child.
- The child is now residing with me on a full-time basis
- I am unable to locate or contact the parents of the child at this time to notify the parents of my intended authorization, or the parents refuse to regain custody of the child even though I have asked in writing that the parents do so.
- No adequate provision, such as appointment of a guardian ad litem or execution of a power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.

5. **WARNING: DO NOT SIGN THIS FORM IF ANY OF THE STATEMENTS ABOVE ARE INCORRECT OR YOU WILL BE COMMITTING A CRIME PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.**

6. I declare under penalty of false swearing under the laws of Montana that the foregoing is true and correct.

(Signature of caretaker relative) Signed this _____ day of _____ 20____.

_____ personally appeared before me and whose identity I proved on the basis of satisfactory evidence to be the
(Print Name from Identification) signer of the above instrument.

Subscribed and sworn to before me this _____ day of _____ 20____.

SEAL

Notary's Signature
Printed Name: _____
Notary Public in and for the State of _____
Residing at _____
My commission expires _____

7. **NOTICES:**

- a. Completion of this affidavit does not affect the rights of the child's parents or legal guardian regarding the care, custody, and control of the child and does not mean that the caretaker relative has legal custody of the child.
- b. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
- c. This affidavit is effective until the earlier of:
 - i. the end of the first school year after delivery of the affidavit to a school district;
 - ii. **revocation by the caretaker relative; or**
 - iii. **the child no longer resides with the caretaker relative**

8. **ADDITIONAL INFORMATION:**

- a. **TO CARETAKER RELATIVES:** If the child stops living with you, you shall notify anyone to whom you have given this affidavit, as well as anyone who received the affidavit from someone else.
- b. **TO PUBLIC AND PRIVATE SCHOOL OFFICIALS AND PUBLIC AND PRIVATE HEALTH CARE PROVIDERS:**
 - (1) A public or private school official or a public school district official may require additional reasonable evidence that the caretaker relative lives at the address provided in item 1d of the affidavit form.
 - (2) A public or private entity or individual who acts in good faith reliance upon a caretaker relative educational authorization affidavit to enroll a child in school or to provide educational services or educationally related medical care, or both, without actual knowledge of facts contrary to those indicated in the affidavit, is not subject to criminal prosecution or civil liability to any person, or subject to any professional disciplinary action, for reliance on an affidavit completed in compliance with [20-5-503](#), MCA.