

Power of Attorney Information

WHAT IS A POWER OF ATTORNEY?

A Power of Attorney is a legal document in which a parent authorizes another adult to act in the parent's place on behalf of the child. A Power of Attorney is a "permission slip" which tells others, such as doctors or teachers, that when a parent's signature is needed, the other adult has authority to sign in place of a parent. By signing a Power of Attorney the parent does not give up any parental rights.

The parent retains all legal rights. With a Power of Attorney the parent shares the authority to make decisions with a designated adult.

In any Power of Attorney, the parent decides:

- which duties he/she wishes to share with the other adult, and
- the length of time that the Power of Attorney will be in effect.

A Power of Attorney can be used for a limited purpose such as taking a child to a specific doctor's appointment or registering a child for school. A Power of Attorney can also be used for broad purposes such as all decisions affecting the child for a six month period.

A Power of Attorney is only valid for up to six months. A Power of Attorney can be revoked by the parent at any time.

WHEN TO USE A POWER OF ATTORNEY

Powers of Attorney should be used when:

- a parent has left his/her child in the custody of another person and is not able to be contacted should an emergency arise; or
- a child is living in a separate home from his/her parents; or
- an adult other than a parent is the child's main caregiver.

DIRECTION FOR SIGNING A POWER OF ATTORNEY

- A Power of Attorney must be signed by the parent in the presence of a Notary Public.
- The Caregiver keeps the original Power of Attorney with them as proof of their authority to make decisions on behalf of a child.

When a parent has given a Power of Attorney to a primary caregiver of a child, the caregiver should have the following documents for their records:

1. Original notarized copy of the Power of Attorney
2. Child's Birth Certificate
3. Child's Medicaid or other insurance card

POWER OF ATTORNEY for a minor child

I declare that I am the **PARENT** and/or **LEGAL GUARDIAN**,

PARENT NAME
BIRTH DATE
SOCIAL SECURITY #
CITY/STATE of RESIDENCE

of this minor **CHILD**,

CHILD NAME
BIRTH DATE
SOCIAL SECURITY #
CITY/STATE of RESIDENCE

and pursuant to 45-5-104 NMSA, do hereby appoint this **CAREGIVER**,

CAREGIVER NAME
BIRTH DATE
SOCIAL SECURITY #
CITY/STATE of RESIDENCE

my true and lawful attorney in fact, to act in my name, place and stead, in the event that I am unavailable and a decision must be made and/or authorization given for the above named child regarding medical treatment, education matters, participation in religious or recreational activities or in any other matters involving my child. I authorize the Caregiver in this event to take any and all steps, as fully and for all intents and purposes as I might do or could do if personally present. I understand that pursuant to the statute this power of attorney terminates six months from the date executed and I may renew it at that time.

I declare under penalty or perjury under the laws of the state of New Mexico that the foregoing is true and correct.

PARENT SIGNATURE

Print Parent Name

NOTARY PUBLIC ACKNOWLEDGMENT

(Photo Identification, Signature Witnessing & Notary Seal Required)

This affidavit was subscribed, sworn to and acknowledged before me this,

the _____ day of the month of _____, 201_____.

NOTARY PUBLIC

My Commission Expires

(Seal)