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Grandparents Caretaker Law

This fact sheet is designed to address the most frequently asked questions about the Grandparent Caretaker Law in Ohio. The information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.

What is the Grandparent Caretaker Law?

In many families, grandparents act as parents for their grandchildren. Often, no legal steps to obtain custody have been taken or no formal change in custody is desired. However, schools have legal options to properly enroll these students. This fact sheet is to inform you about the law regarding grandparent caretakers and enrollment of grandchildren.

Background

In 1997, House Bill (HB) 215 created a task force to study the issue of grandparents raising their grandchildren. A major recommendation of the task force was to create a law for a notarized affidavit that recognizes the grandparent as the child's full-time caregiver with the right to enroll the child in school and authorize medical care. In every General Assembly since that time, a bill has been introduced to implement the task force's recommendations. In April 2004, Gov. Bob Taft signed into law HB 130, the Grandparent Caretaker Bill, which implemented some of the recommendations of the task force. The law became effective on July 20, 2004.

General information

HB 130 made a number of changes to the law regarding child custody, school enrollment and school tuition with regard to a grandparent's rights.

The law creates two legal documents: a power of attorney and a caretaker authorization affidavit. Both documents allow a grandparent with a grandchild living with them to enroll the grandchild in school and make other educational decisions for the child. Both documents must be notarized and filed with the juvenile court or court of appropriate jurisdiction within five days of their execution. The legislation prescribes a form that must be used for both documents and delineates the specific circumstances under which each document can be created. Samples of these forms are appended to this fact sheet.

Under Ohio Revised Code Section (RC) 3109.52, the power of attorney is created by a parent, guardian or custodian and "grants to the grandparent of the child with whom the child is residing any of the parent's, guardian's or custodian's rights or responsibilities regarding the care, physical custody and control of the child, including the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological or dental treatment for the child." A power of attorney does not convey legal custody of the grandchild to the grandparent and does not affect the rights of a parent, guardian or custodian in any future proceedings.

Under RC 3109.65, a caretaker authorization affidavit may be executed by a grandparent who has made "reasonable attempts to locate and contact both of the child's parents or the child's guardian or custodian, but has been unable to do so." The caretaker authorization affidavit gives the grandparent the "authority to exercise care, physical custody and control of the child, including the authority to enroll the child in school, to discuss with the school district the child's

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educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological or dental treatment for the child.”

Neither document may be used to enroll a child in a school district so that the child may participate in academic or interscholastic athletic activities. If either document is executed for these purposes, the document is void from the date of execution. Persons who execute either document for such a purpose can be prosecuted for the criminal offense of falsification of a legal document.

When can a power of attorney be executed?

A power of attorney may be executed only if one of the following circumstances exists:

- the parent is seriously ill, incarcerated or about to be incarcerated, is temporarily unable to provide financial support or parental guidance, is temporarily unable due to a physical or mental condition to provide adequate care and supervision of the child, is homeless or without a residence because the current residence has been destroyed or is otherwise uninhabitable, or is in or about to enter into a residential program for substance abuse, or
- the child’s other parent is deceased and the parent has the authority to execute the power of attorney, or
- the parent has a well-founded belief that the power of attorney is in the best interest of the child.

The power of attorney is created by using a form provided in RC 3109.53 and must be signed by the parent(s), guardian(s) or custodian(s) and by the grandparent and signatures must be notarized. The parent(s), guardian(s) or custodian(s) must file the power of attorney within five days with the juvenile court in the county where the grandparent resides or in any other court having jurisdiction over the child.

When can a caretaker authorization affidavit be executed?

A caretaker authorization affidavit may be executed by a grandparent if the child is living with the grandparent and the grandparent has made “reasonable attempts” to locate and contact both of the child’s parents or the child’s guardian or custodian, but has been unable to do so. The grandparent is not obligated to attempt to locate a parent if the child’s paternity has not been established, where a parent is prohibited from receiving notice of relocation or where the parent’s parental rights have been terminated. The caretaker authorization is created by the grandparent by using a form provided in RC 3109.66 and must be signed by the grandparent, notarized, and filed by the grandparent within five days in the juvenile court in the county where the grandparent resides or in any other court having jurisdiction over the child.

Neither the power of attorney nor the caretaker authorization affidavit may be executed while certain legal proceedings concerning the child are pending. These include the appointment of guardian, adoption proceedings, custody proceedings, or a divorce, dissolution, separation, annulment or allocation of parental rights and responsibilities proceeding. (RC 3109.58)

What must a school district do to comply with this law?

First, a school district should ensure its admissions policies reflect the law. Second, school officials should ask if either of these documents applies when a child is being enrolled in the district. Under RC 3313.672, a copy of the power of attorney or caretaker authorization affidavit must be produced in order for a child to be enrolled under it in a school district.

Can our school district charge tuition for a child admitted under a grandparent power of attorney or caretaker authorization affidavit?

No. A school district must admit a child subject to one of these documents into the district free of tuition. The law does not require a school district to accept a student if he or she can be excluded for other reasons, such as being suspended or expelled from a previous school district.

May a district require proof that the grandparent lives in the school district?

Yes. The prescribed forms found in the law clearly state that a school district may require additional evidence that the grandparent resides at the claimed address.

How do the documents terminate?

Both the power of attorney and caretaker authorization affidavit terminate after any of the following events:

- the passage of one year,
- the child ceases to reside with the grandparent,
- the document is terminated by court order, or
- the grandchild or grandparent dies.

A power of attorney also terminates if the person who created it revokes it in writing. A caretaker authorization affidavit is terminated if the parent, custodian or guardian of the child acts to negate, reverse or otherwise disapprove an action or decision of the grandparent by delivering written notice of the negation, reversal, or disapproval to the grandparent and to the person acting on the grandparent’s action or decision in reliance on the affidavit.

Whenever one of these terminating events occurs (excluding the death of the grandparent), it is the responsibility of the grandparent to inform all relevant parties, in writing, including the school district, within

one week of the terminating event.

May these documents be renewed?

Yes. Although the documents expire after one year, they may be re-executed and refiled in order to enroll the student for subsequent years.

What happens if we rely on the validity of the documents?

Under RC 3109.61 and 3109.73, a person who relies on or takes action based on either document in good faith is “immune from criminal or civil liability for

injury, death, or loss to persons or property that might otherwise be incurred or imposed solely as a result of the person’s reliance or action.” The law also shields a person from disciplinary action from any entity that licenses or certifies an individual.

Can there be more than one document executed for a child at one time?

No. RC 3109.80 specifically states that only one power of attorney or caretaker authorization affidavit may be in effect at a time.

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

- (1) Name of child: _____
- (2) Child's date and year of birth: _____
- (3) Child's social security number (optional): _____
- (4) My name: _____
- (5) My home address: _____
- (6) My date and year of birth: _____
- (7) My Ohio driver's license number or identification card number: _____
- (8) Despite having made reasonable attempts, I am either:
 - (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or
 - (c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:
 - (i) The parent has been prohibited from receiving notice of a relocation; or
 - (ii) The parental rights of the parent have been terminated.
- (9) I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may

participate in the academic or interscholastic athletic programs provided by that school district.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.

I declare that the foregoing is true and correct:

Signed: _____ Date: _____
Grandparent

State of Ohio)

)ss:

County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____,

Notary Public

NOTICES REGARDING CARETAKER AUTHORIZATION

1. The grandparent's signature must be notarized by an Ohio notary public.
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.
3. A grandparent who executes a second or subsequent caretaker authorization affidavit regarding a child who is the subject of a prior caretaker authorization affidavit must file the affidavit with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the caretaker authorization affidavit is in the child's best interest.
4. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.
5. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.
6. This affidavit terminates on the occurrence of whichever of the following occurs first:
 - (1) one year elapses following the date the affidavit is notarized;
 - (2) the child ceases to live with the grandparent who signs this form;
 - (3) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit; or
 - (4) the affidavit is terminated by court order;
 - (5) the death of the child who is the subject of the affidavit; or
 - (6) the death of the grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following:

- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
- (b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination;

- (c) The court in which the affidavit was filed after its creation.

The grandparent shall make the notifications not later than one week after the date the affidavit terminates.

7. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child.

ADDITIONAL INFORMATION:

To caretakers:

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.
2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number.
3. You must include with the caretaker authorization affidavit the following information:
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or previously have been determined, in a case in

which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

To school officials:

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.
2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5.
3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation.
4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

To health care providers:

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized.
2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child.
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice

of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

POWER OF ATTORNEY

I, the undersigned, residing at _____, in the county of _____, state of _____, hereby appoint the child's grandparent, _____, residing at _____, in the county of _____, in the state of Ohio, with whom the child of whom I am the parent, guardian, or custodian is residing, my attorney in fact to exercise any and all of my rights and responsibilities regarding the care, physical custody, and control of the child, _____, born _____, having social security number (optional) _____, except my authority to consent to marriage or adoption of the child _____, and to perform all acts necessary in the execution of the rights and responsibilities hereby granted, as fully as I might do if personally present. The rights I am transferring under this power of attorney include the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. This transfer does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. This transfer does not terminate my right to have regular contact with the child.

I hereby certify that I am transferring the rights and responsibilities designated in this power of attorney because one of the following circumstances exists:

- (1) I am:
 - a. Seriously ill, incarcerated or about to be incarcerated,
 - b. Temporarily unable to provide financial support or parental guidance to the child,
 - c. Temporarily unable to provide adequate care and supervision of the child because of my physical or mental condition,
 - d. Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable, or
 - e. In or about to enter a residential treatment program for substance abuse;
- (2) I am a parent of the child, the child's other parent is deceased, and I have authority to execute the power of attorney; or
- (3) I have a well-founded belief that the power of attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments to the grandparent designated as attorney in fact. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

If there is a court order naming me the residential parent and legal custodian of the child who is the subject of this power of attorney and I am the sole parent signing this document, I hereby certify that one of the following is the case:

- (1) I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent;
- (2) The other parent is prohibited from receiving a notice of relocation; or
- (3) The parental rights of the other parent have been terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occurs first:

- (1) one year elapses following the date this POWER OF ATTORNEY is notarized;
- (2) I revoke this POWER OF ATTORNEY in writing;
- (3) the child ceases to reside with the grandparent designated as attorney in fact;
- (4) this POWER OF ATTORNEY is terminated by court order;
- (5) the death of the child who is the subject of the power of attorney; or
- (6) the death of the grandparent designated as the attorney in fact.

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.

Witness my hand this _____ day of _____, _____

Parent/Custodian/Guardian's signature

Parent's signature

Grandparent designated as attorney in fact

State of Ohio)
)ss:
County of _____)

Subscribed, sworn to, and acknowledged before me this _____ day of _____, _____

Notary Public

NOTICES REGARDING POWER OF ATTORNEY

1. A power of attorney may be executed only if one of the following circumstances exists:
 - (1) The parent, guardian, or custodian of the child is:
 - (a) Seriously ill, incarcerated or about to be incarcerated;
 - (b) Temporarily unable to provide financial support or parental guidance to the child;
 - (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition;
 - (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or
 - (e) In or about to enter a residential treatment program for substance abuse;
 - (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or
 - (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies:
 - (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney;
 - (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code;
 - (c) the parent cannot be located with reasonable efforts;
 - (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail.
5. A parent, guardian, or custodian who creates a second or subsequent power of attorney regarding a child who is the subject of a prior power of attorney must file the power of attorney with the juvenile court of the county in which the attorney in fact resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the power of attorney is in the child's best interest.
6. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation

of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child.

7. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation.
8. This power of attorney terminates on the occurrence of whichever of the following occurs first:
 - (1) one year elapses following the date the power of attorney is notarized;
 - (2) the power of attorney is revoked in writing by the person who created it;
 - (3) the child ceases to live with the grandparent who is the attorney in fact;
 - (4) the power of attorney is terminated by court order;
 - (5) the death of the child who is the subject of the power of attorney; or
 - (6) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following:

- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
 - (b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination;
 - (c) The court in which the power of attorney was filed after its creation; and
 - (d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.
9. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed.

ADDITIONAL INFORMATION:

To the grandparent designated as attorney in fact:

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.
2. You must include with the power of attorney the following information:
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the

- child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
- (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

To school officials:

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.
2. The school district may require additional reasonable evidence that the grandparent lives in the school district.
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.
2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.