

# McKinney's Consolidated Laws of New York

## General Obligations Law

### Title 15-A. Designation of Person in Parental Relation

#### § 5-1551. Power of parent to designate a person in parental relation

A parent of a minor or incapacitated person may designate another person as a person in parental relation to such minor or incapacitated person pursuant to sections twenty-one hundred sixty-four and twenty-five hundred four of the public health law and sections two and thirty-two hundred twelve of the education law for a period not exceeding six months provided that there is no prior order of any court in any jurisdiction currently in effect that would prohibit such parent from himself or 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 subdivision shall not be valid unless both parents have consented thereto. Such designation shall be in the form prescribed by section 5-1552 of this title, and may be presented to any school, health care provider or health plan that requires such designation by either the parent or the designee.

#### § 5-1552. Form of designation

1. Designations in general. A designation of a person in parental relation pursuant to this title shall be in writing and shall include: the name of the parent, the name of the designee, the name of each minor or incapacitated person with respect to whom such designation is made, the parent's signature, and the date of such signature. The designation may specify a period of time less than six months for which such designation shall be valid unless earlier revoked by such parent pursuant to section 5-1554 of this title, provided that any designation specifying a period of more than thirty days shall also conform to the provisions of subdivision two of this section.
2. Designations for more than thirty days. A designation specifying a period of more than thirty days shall also include: an address and telephone number where the parent can be reached, an address and telephone number where the designee can be reached, the date of birth of each minor or incapacitated person with respect to whom such designation is made, the date or contingent event on which the designation commences, the written consent of the designee to such designation, and a statement that there is no prior order of any court in any jurisdiction currently in effect prohibiting such parent from making the designation. A designation specifying a period of more than thirty days shall be notarized.
3. Designations not specifying a time period. If no time period is specified in a designation, it shall be valid until the earlier of revocation or the expiration of thirty days from the date of signature if the designation does not meet the requirements of

subdivision two of this section, or six months from the date of commencement specified therein if the designation meets the requirements of subdivision two of this section.

#### § 5-1553. Scope of designation

A designation pursuant to this title may specify: the treatment, diagnosis or activities for which consent is authorized; any treatment, diagnosis or activity for which consent is not authorized; or any other limitation on the duties and responsibilities conveyed by the designation.

#### § 5-1554. 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 title. A designee who receives notification from a parent of any such revocation shall forthwith notify any school, health care provider or health plan to which a designation pursuant to this title 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.

#### § 5-1555. Effect of designation

1. A designee shall possess all the powers and duties of a person in parental relation pursuant to sections twenty-one hundred sixty-four and twenty-five hundred four of the public health law and sections two and thirty-two hundred twelve 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 section four hundred thirteen of the family court act.
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.
6. 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 title, may not be deemed to have acted negligently, unreasonably or improperly in accepting the designation and acting upon such consent; provided, however, that any such person may be deemed to have acted negligently, unreasonably or improperly if he or 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.

7. No provision of this title shall be construed to require designation of a person in parental relation as provided in this title where such designation is not otherwise required by law, rule or regulation.