

HB 1377 - AS INTRODUCED

2026 SESSION

26-3037

05/09

HOUSE BILL **1377**

AN ACT allowing parents to make alternative caregiver arrangements for their children without transferring guardianship.

SPONSORS: Rep. Long, Hills. 26

COMMITTEE: Children and Family Law

ANALYSIS

This bill allows parents to make alternative caregiver arrangements for their children without transferring guardianship.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT allowing parents to make alternative caregiver arrangements for their children without transferring guardianship.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Caregiver Authorization Affidavits. Amend RSA by inserting after chapter 461-
2 B the following new chapter:

3 CHAPTER 461-C

4 CAREGIVER AUTHORIZATION AFFIDAVITS

5 461-C:1 Definitions. In this chapter:

6 I. "Authorizing party" means a parent, legal guardian, or legal custodian who authorizes a
7 caregiver to act under a caregiver authorization affidavit.

8 II. "Caregiver" means an adult with whom a minor resides.

9 III. "Caregiver authorization affidavit" means an affidavit prepared pursuant to this chapter
10 that authorizes a designated caregiver to act relative to a minor's education and health care.

11 IV. "Parental rights and responsibilities" mean rights and responsibilities of a parent, legal
12 guardian or legal custodian under state or federal law or court order.

13 461-C:2 Caregiver Authorization Affidavits.

14 I. A parent, legal guardian, or legal custodian of a minor, by a caregiver authorization
15 affidavit, may authorize a designated caregiver to exercise certain concurrent parental rights and
16 responsibilities relative to a designated minor's education and health care, as described in RSA 461-
17 C:3. If a conflicting decision is made under these concurrent rights and responsibilities, the decision
18 of the authorizing party shall supersede the decision of the caregiver.

19 II. The caregiver authorization affidavit shall only authorize those rights and
20 responsibilities that the authorizing party possesses and shall not divest the authorizing party of his
21 or her rights or responsibilities.

22 III. The authorizing party shall not use a caregiver authorization affidavit to circumvent any
23 state or federal law, solely for the purposes of attendance at a particular school, or to re-confer rights
24 to a caregiver from whom those rights have been removed by a court of law.

25 461-C:3 Parental Rights and Responsibilities Conferred. Under a caregiver authorization
26 affidavit, a caregiver may:

27 I. Consent to medical, surgical, dental, developmental, mental health, or other treatment for
28 the minor under the supervision or upon the advice of a health care professional licensed to practice
29 in the state.

1 II. Exercise parental rights to obtain records and other information with regard to health
2 care services and insurance provided to the minor.

3 III. Make educational decisions on behalf of the minor and in all other ways stand in for the
4 authorizing party with respect to federal, state, and district educational policy, including, but not
5 limited to, accessing the minor's educational records, representing the minor in enrollment,
6 disciplinary, curricular, special education or other educational matters, signing permission slips for
7 school activities, and any other decision that facilitates the minor's educational experience.

8 461-C:4 Effect of Affidavit. A person who relies on a caregiver authorization affidavit that is
9 consistent with the requirements of this chapter has no obligation to make any further inquiry or
10 investigation and shall not incur any criminal or civil liability or be subject to professional discipline
11 for doing so, unless he or she knows facts contrary to the affidavit or knows that an authorizing
12 party has made a decision to supersede the caregiver's decision. Nothing in this chapter shall relieve
13 a person from liability arising from other provisions of the law.

14 461-C:5 Form and Content of Caregiver Authorization Affidavit.

15 I. The caregiver authorization affidavit shall include the following information:

16 (a) The name, address, and telephone number of the parent, legal guardian, or legal
17 custodian.

18 (b) The name, address, and telephone number of the caregiver.

19 (c) The name and date of birth of the minor.

20 (d) The relationship of the caregiver to the minor.

21 (e) A statement by the authorizing party that there are no court orders in effect that
22 would prohibit him or her from exercising or conferring the rights and responsibilities that he or she
23 seeks to confer upon the caregiver.

24 (f) A statement of the authority being conferred and of any prohibitions.

25 (g) A statement that the affidavit is not for the purposes of circumventing any state or
26 federal law, for the purposes of attendance at a particular school, or to re-confer rights to a caregiver
27 from whom those rights have been removed by a court of law.

28 II. The affidavit shall be signed under the pains and penalties of perjury by the authorizing
29 party in the presence of 2 adult witnesses, neither of whom may be the caregiver, and the affidavit
30 shall be notarized. The affidavit also shall be signed by the caregiver, who shall attest to being an
31 adult with whom the minor resides.

32 III. The caregiver authorization affidavit may be valid for up to 2 years and may be
33 reauthorized. The authorizing party may reauthorize, amend, or revoke the caregiver authorization
34 affidavit by notifying the caregiver in writing. The authorizing party shall provide the amended
35 affidavit or revocation to all parties to whom he or she has provided the original affidavit. The
36 caregiver shall provide the amended affidavit or revocation to all parties to whom he or she has

1 provided the original affidavit prior to further exercising any rights or responsibilities under the
2 affidavit.

3 IV. The caregiver authorization affidavit shall be substantially in the following form, except
4 that the use of alternative language consistent with the statute shall not be precluded:

5 Caregiver Education and Health Care Authorization Affidavit

6 (a) What this form enables: A parent, legal guardian, or legal custodian of a minor, by
7 this affidavit, may authorize a designated caregiver, who is an adult with whom the minor child
8 resides, to exercise certain concurrent parental rights and responsibilities relative to a designated
9 minor's education and health care. If a conflicting decision is made under these concurrent rights
10 and responsibilities, the decision of the authorizing party shall supersede the decision of the
11 caregiver. The caregiver authorization affidavit shall only authorize those rights and responsibilities
12 that the authorizing party possesses and shall not divest the authorizing party of his or her rights or
13 responsibilities.

14 (b) Under a caregiver authorization affidavit, a caregiver may:

15 (1) Consent to medical, surgical, dental, developmental, mental health, or other
16 treatment for the minor under the supervision or upon the advice of a health care professional
17 licensed to practice in this state;

18 (2) Exercise parental rights to obtain records and other information with regard to
19 health care services and insurance provided to the minor; and

20 (3) Make educational decisions on behalf of the minor and in all other ways stand in
21 for the authorizing party with respect to federal, state, and district educational policy, including, but
22 not limited to, accessing the minor's educational records, representing the minor in enrollment,
23 disciplinary, curricular, special education or other educational matters, signing permission slips for
24 school activities, and any other decision that facilitates the minor's educational experience.

25 (c) Steps to authorize caregiver rights and responsibilities:

26 1. AUTHORIZING PARTY

27 I, [name of authorizing party], residing at [address of authorizing party] am the parent/legal
28 guardian/legal custodian of the minor child(ren) listed below.

29 I, [name of parent or legal guardian or legal custodian], do hereby authorize [name of caregiver],
30 residing at [address of caregiver], to exercise concurrently the rights and responsibilities, except
31 those prohibited below, that I possess relative to the education and health care of the minor
32 child(ren) listed:

33 Minor Child's Name Date of Birth

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The caregiver may NOT:
(Please list specifically any education or health care rights and responsibilities that you do NOT wish to confer upon the caregiver.)
There are no court orders in effect that would prohibit me from exercising or conferring the rights and responsibilities that I wish to confer upon the caregiver. (If you are the legal guardian or custodian, attach the court order.)
I am not using this affidavit to circumvent any state or federal law, for the purposes of attendance at a particular school, or to re-confer rights to a caregiver from whom those rights have been removed by a court of law.
I confer these rights and responsibilities freely and knowingly in order to provide for the child(ren) and not as a result of pressure, threats, or payments by any person or agency.
I understand that, if the affidavit is amended or revoked, I must provide the amended affidavit or revocation to all parties to whom I have provided this affidavit.
This document shall remain in effect until [enter date up to 2 years hence] or until I notify the caregiver in writing that I have amended or revoked it.
I hereby affirm that the above statements are true, under pains and penalties of perjury.

Signature:

Printed name:

Telephone number:

2. WITNESSES TO AUTHORIZING PARTY SIGNATURE

(To be signed by persons over the age of 18 who are not the designated caregiver.)

Witness No. 1 signature:

Witness No. 1 printed name and address:

Witness No. 2 signature:

Witness No. 2 printed name and address:

3. NOTARIZATION OF AUTHORIZING PARTY SIGNATURE

1 On this [date] before me, the undersigned notary public, personally appeared [name of authorizing
2 party], proved to me through satisfactory evidence of identification, which was [driver's license, etc.],
3 to be the person whose name is signed on the preceding document, and swore under the pains and
4 penalties of perjury that the foregoing statements are true.

5 Signature and seal of notary:

6

7 Printed name of notary:

8

9 My commission expires:

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11 4. CAREGIVER ACKNOWLEDGEMENT

12 I, [name of caregiver], am at least 18 years of age and the child(ren) currently reside with me at
13 [address of caregiver]. I am [relationship to the minor].

14 I understand that I may, without obtaining further consent from a parent, legal custodian, or legal
15 guardian of the child(ren), exercise concurrent rights and responsibilities relative to the education
16 and health care of the child(ren), except those rights and responsibilities prohibited above. However,
17 I may not knowingly make a decision that conflicts with the decision of the child(ren)'s parent, legal
18 guardian, or legal custodian.

19 I understand that, if the affidavit is amended or revoked, I must provide the amended affidavit or
20 revocation to all parties to whom I have provided this affidavit prior to further exercising any rights
21 or responsibilities under the affidavit.

22 I hereby affirm that the above statements are true, under pains and penalties of perjury.

23 Signature of caregiver:

24

25 Printed name:

26

27 Telephone Number:

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29 2 Effective Date. This act shall take effect January 1, 2027.