

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 65

Session of
2005

INTRODUCED BY YOUNGBLOOD, THOMAS, TIGUE, LEDERER, MANN, GEORGE,
DeWEESE, BELFANTI, WASHINGTON, BEBKO-JONES AND W. KELLER,
JANUARY 25, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2005

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, providing for educational
3 guardianship.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 20 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5148. Educational guardianship.

9 (a) Appointment of guardian.--A parent, legal guardian or
10 legal custodian may authorize an adult person in whose care a
11 minor has been entrusted to exercise all rights and
12 responsibilities regarding the enrollment in school and
13 education of the minor, including the rights provided under the
14 special education laws, provided that there is no prior order of
15 any court in any jurisdiction which would prohibit the parent,
16 legal guardian or legal custodian from exercising any of the
17 powers that may be conveyed to another person.

18 (b) Form.--Any written form that is signed by the parent,

legal guardian or legal custodian may be used to convey the
authority described in subsection (a). The following form may be
used and its inclusion in this section shall not be construed to
preclude the use of alternative language:

EDUCATIONAL GUARDIANSHIP FORM

(PUT A LINE THROUGH ALL PROVISIONS THAT ARE NOT APPLICABLE)

() I am the parent of the child(ren) named below and there
are no court orders now in effect which would
prevent me from giving the powers listed in this
document;

() I am the legal guardian or legal custodian of the
child(ren) listed below, pursuant to a court order (a
copy of which is attached if available), and there
are no other court orders now in effect which would
prohibit me from exercising the power I seek to
convey in this document.

I am temporarily giving to (Name), an adult
who resides at (Address), the right
to exercise all my rights in the education of the child(ren)
listed below, including, but not limited to, the right to sign
all documents necessary to enroll or maintain the child(ren) in
school, all rights necessary to secure and approve or disapprove
special education services for the child(ren) and the right to
review, copy and correct records for the child(ren). The
children these rights apply to are:

(Name and Date of Birth) (Name and Date of Birth)

(Name and Date of Birth) (Name and Date of Birth)

I am giving this authorization freely and knowingly in order
to provide for the child(ren) while they are in the care of the
adult named above and not due to pressure, threats or offers of

1 payment by any person or agency.

2 Notification of intent to end or change this authorization
3 must be in writing.

4 (If you wish to make an agreement about how to end or change
5 these rights, you may fill in or change this paragraph. If you
6 do not wish to make that kind of agreement, cross out this
7 paragraph).

8 Upon notification of my intention to revoke this
9 authorization, there shall be a period of 30 days before that
10 revocation takes effect.

11 I hereby swear or affirm that the above statements are true.

12 I understand that false statements are made subject to the
13 penalties of 18 Pa.C.S. § 4904 (relating to unsworn
14 falsification to authorities).

15 (Name _____) (Date _____)

16 (c) Use by educational entity.--

17 (1) A conveyance of authority described in subsection
18 (a) which is consistent with the requirements of subsection
19 (b) shall be honored by any school district, intermediate
20 unit or other public education entity.

21 (2) Notwithstanding subsection (e), the existence of a
22 conveyance of authority described in and consistent with the
23 requirements of subsection (b) creates a presumption that the
24 authority has been lawfully conveyed.

25 (d) Revocation of guardianship.--

26 (1) A conveyance of authority as described in subsection
27 (b) is revocable at will unless other terms are agreed upon
28 by the parent, legal guardian or legal custodian and the
29 adult to whom authority is being conveyed.

30 (2) The parties may provide for terms in writing which

1 may require the revocation of authority to be in writing,
2 make revocation effective only when a specified time period
3 has elapsed after notification of intent to revoke or any
4 other terms that the parties deem appropriate.

5 (e) Dependency proceedings.--

6 (1) This section shall not be construed as a substitute
7 for dependency proceedings conducted under 42 Pa.C.S. Ch. 63
8 (relating to juvenile matters).

9 (2) The execution of a conveyance of authority described
10 in subsection (b) shall not be binding in a custody or
11 dependency proceeding.

12 (3) Regardless of the execution of a document in
13 accordance with this section, a custody or dependency
14 determination shall be based upon the best interests of the
15 child or other applicable standard in accordance with law.

16 Section 2. This act shall take effect in 60 days.