

The importance of a "Parental Designation" and a "Letter of Intent"

By Adrienne J. Arkontaky

When I was child, my parents took a trip to Puerto Rico, and left my brother and me in the care of relatives. While they were vacationing, I developed appendicitis and needed emergency surgery. Thank goodness that my parents had left what is now known as a "Parental Designation." In those days, it was a handwritten note giving an adult (over 18) the authority to make health care decisions in the absence of a natural parent.



After having my own children, I make it a practice to use this legal document each and every time I leave my children in the care of others. It is even more of a concern when a family has a child with special needs. As you may know, I am the mother of three wonderful daughters, one

with severe disabilities. So in addition to a Parental Designation, my husband and I have completed what is known as a "Letter of Intent" to serve as a guide post for anyone caring for our daughter, who has severe disabilities including microcephaly, cerebral palsy and a seizure disorder.

A Parental Designation has its legal basis in the General Obligations Law of New York State. It is an informal way to give authority to another person to make decisions on a minor child's behalf in the absence of a parent or legal guardian. The parent is designating someone else to be "a person in parental relation" to that minor child, and such designation may be presented to any school, health plan or health care provider.

The requirements for such Parental Designation are: (1) it must be in writing; (2) it must include the name of the parent; (3) it must include the name of the child; (4) it must include the name of the designee (the adult whom the parent is naming to have this authority); (5) it must have the parent's signature; and (6) it must be dated. It may also state a period of time during which the designation is valid, provided that it does not exceed thirty (30) days. If a parent wishes to make a parental designation that exceeds thirty (30) days, there are other requirements that should be explored. If the parent wishes, the designation may contain authorization or prohibition against certain treatments or activities.

A Letter of Intent is a document that is not legally binding but used by families of children with special needs to give guidance to caregivers, so that caregivers are aware of the child's needs. It can be used to memorialize a parent or guardian's wishes for a child with special needs. The Letter of Intent may include the names and contact information of service providers, physicians and the details regarding medications etc. A parent may indicate the child's likes and dislikes, and information on how to make a child more comfortable. Does the child need medication crushed? Does the child like music or a specific TV show? For a child that cannot communicate his or her needs, this information can be extremely important. Some families choose to create a

Letter of Intent by video, audio and alternative means. A sample letter of intent may be found on our Web site: www.littmankrooks.com.

So, my advice to all families with children under eighteen is to have these two documents readily available to all caregivers. Taking these steps will allow you to have peace of mind while you are away so that you can return rejuvenated to the busy pace awaiting you!

Adrienne J. Arkontaky is an attorney with Littman Krooks LLP with offices in Fishkill, White Plains and New York City. Adrienne's practice focuses exclusively on special needs planning, special education advocacy and guardianship for families of children with disabilities. Adrienne serves as Trustee on the Board of the John A. Coleman School, a school serving children with multiple disabilities in Westchester and the five boroughs. Adrienne also serves on the Board of Directors of Family Ties, an organization dedicated to serving the needs of families with loved ones with mental illness. Adrienne lectures frequently to advocacy groups on special needs planning and the importance of understanding special education laws. Adrienne lives in Hawthorne with her husband, Peter and 3 children. She is the parent of a special needs child. Ms. Arkontaky may be reached at (845) 896-1106 or (914) 684-2100, or visit the firm's Web site at www.littmankrooks.com.

Jeanne E. Jonas Professional Development Symposium and Frank W. Masterson Memorial Banquet

The Masterson Steering Committee, which is a collaboration among Orange County Department of Mental Health, Orange Regional Medical Center-Arden Hill Campus and Mental Association in Orange County, Inc. (MHA), is pleased to announce that the Jeanne E. Jonas Professional Development Symposium and Frank W. Masterson Memorial Banquet will be held on November 18, 2008 at Kuhl's Highland House in Middletown, New York from 9AM - 2PM.

Gary O'Brien is immediate past Chairman of the NYS Commission on Quality of Care and the Orange County United Way, both of which are being recognized for their many years of dedicated, professional service in support of the county's mental health, developmental disabilities and chemical dependency services systems.

The Jeanne E. Jonas Professional Development symposium topic is "Avoiding the Incarceration of Persons with Serious Mental Illness" presented by Dan Abreu, M.S., C.R.C., L.M.H.C., Associate Director, National GAINS Center, Delmar, NY, with introductory remarks by John Allen, Director NYS Office of Mental Health - Bureau of Recipient Affairs.

The cost is \$30.00 per person all-inclusive. For additional information or reservations, call MHA at 845-294-7411 ext. 257.

Sudoku Puzzle

Complete the grid so every row, column and 3 x 3 box contains every digit from 1 to 9 inclusively. Solution on page 14.

		3		4				2
	2	4	1		8			
	1			9		4	7	
2	6							9
9		8				2		4
1							6	7
	5	2		1				3
			4		7	9	2	
6				3		5		

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