Creating a Family Plan

What parents need to know

Creando un Plan Familiar

Lo que los padres deben saber

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What we will cover

- **Know your long-term goal**
- Reduce your risk of DCFS – **make a plan!**
- **Short term plans**
  - ICE's rules for detaining parents
  - What to include in your plan
  - Caregiver's affidavits
- **Long term plans**
  - Reuniting in your country of origin
  - Guardianship with a caregiver in the US
  - What if my child's other parent does not agree

A second to pause…

Un segundo para pausar…

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Will my kids go into foster care if I am deported?

Probably not.

¿Irán mis hijos a un hogar de crianza si me deportan?

Probablemente no.

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Know your long term goal.

Reunite with your children outside of the US

Have your child remain in the US

Conozca cual es su objetivo a largo plazo.

Reunirse con sus hijos fuera de los Estados Unidos

Que su hijo permanezca en los Estados Unidos

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Decrease the risk of CPS involvement.
Reducir el riesgo de la intervención de DCFS.

MAKE PLANS

HAGA SUS PLANES

Short term

Long term

Corto plazo

Largo plazo

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Short Term Plan

Plan a corto plazo.

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ICE's rules for detaining parents



<u>ICE might **not**</u>:

- Allow time for parents to make arrangements for their children's care,
- Allow time to make travel arrangements for child(ren) in advance of removal, or
- Help facilitate leaving younger children with older citizen children.

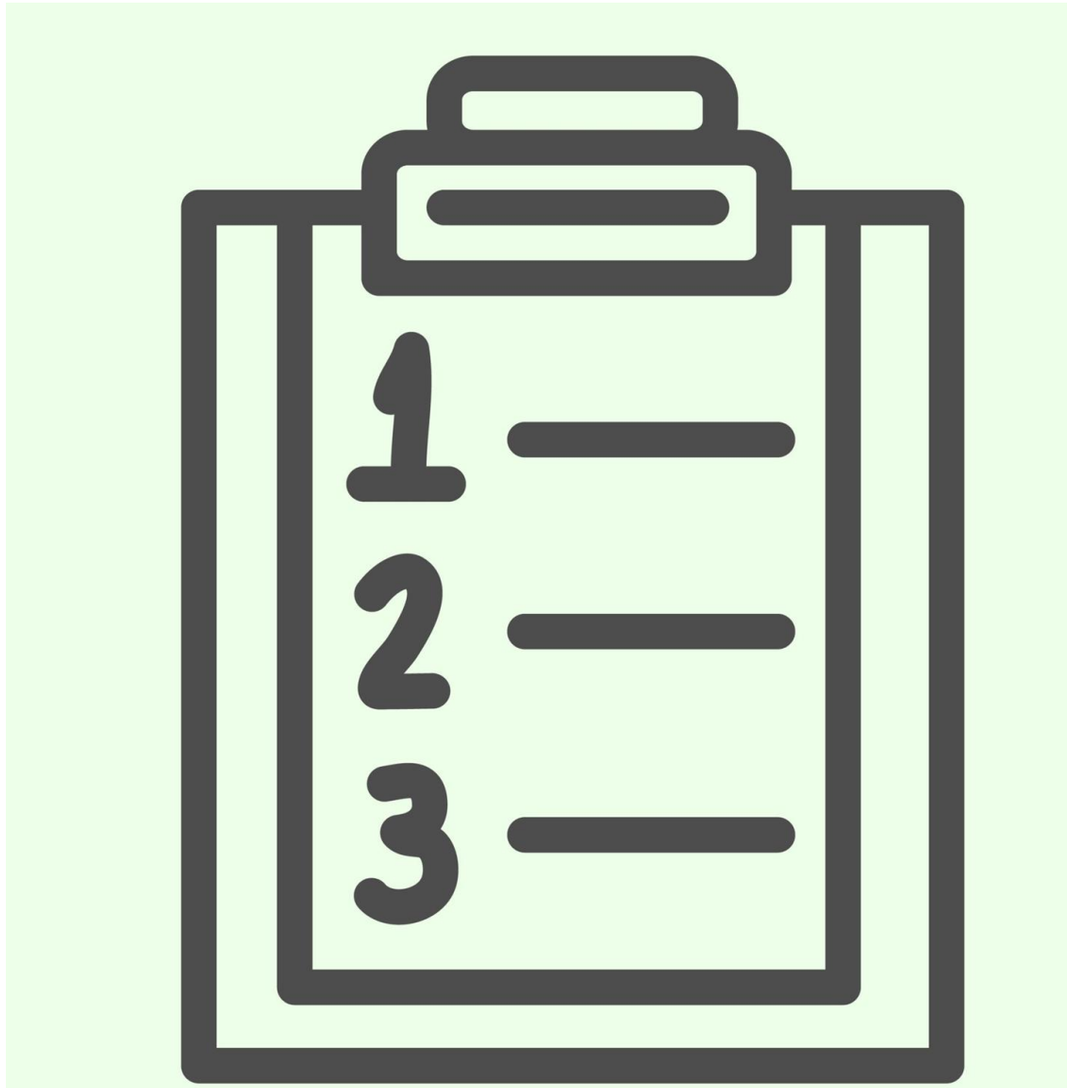
Getting your plan in place

1. Talk with potential caregivers about whether they are able to care for your children.

2. Talk with your children about your plan.

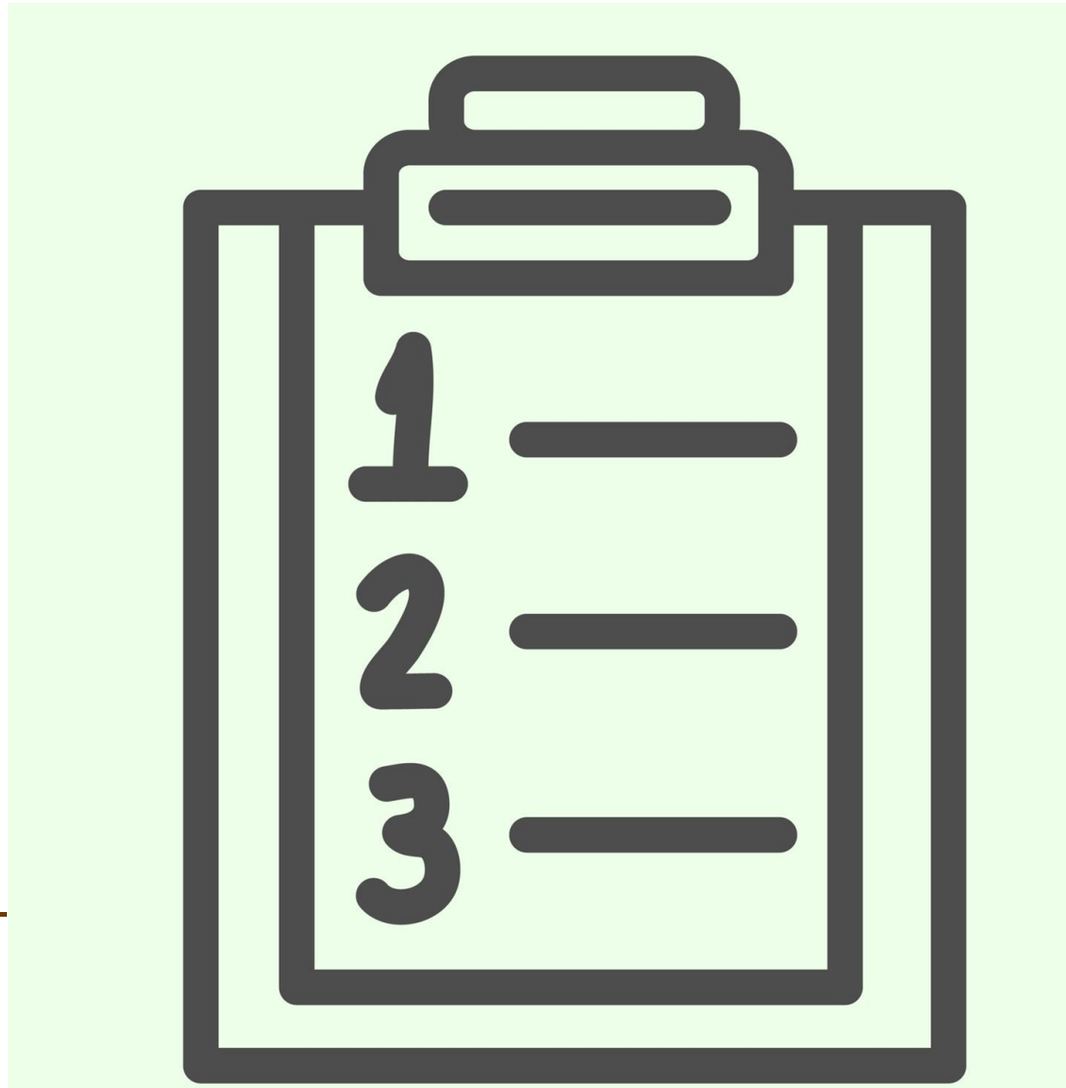
3. Gather vital documents:
   - School and medical records
   - Certified copies of birth certificates
   - **Passports – get them now**
   - Caregiver's Affidavit

4. Inform your community about the plan – schools, daycare provider, neighbors.



Preparando su plan

1. Hable con la personas que posiblemente puedan ser cuidadores de sus hijos para saber si pueden hacerse cargo de tus hijos.
2. Hable con sus hijos sobre su plan.
3. Reúna documentos importantes:
    - Registros escolares y médicos
    - Copias certificadas de las actas de nacimiento
    - **Pasaportes – consíguelos ahora**
    - Declaración del cuidador
4. Informe a su comunidad sobre el plan – escuelas, proveedores de guardería, vecinos.



Gathering documents

1. **School and medical records**, especially vaccination records and health insurance cards.

2. **Vital records**, like birth certificates, social security cards.

3. **Passports**:
    - **DS-5525**: Getting a passport when one parent is not available
    - **DS-3053**: Authorizing a third party to apply

4. **Caregiver's Affidavit** – more on this later.



Caregiver Authorization Affidavit

A Caregiver's Authorization Affidavit is a **legal form created by California law**. It allows most relative caregivers to:

- Make some educational decisions
- Make most medical decisions

A Caregiver's Authorization Affidavit **does not allow you to**:

- Enroll a child in daycare or preschool
- Obtain a passport or other vital documents
- Does not give a caregiver legal custody
- Does not necessarily allow for international travel

Una Declaración de Autorización del Cuidador es **un formulario legal creado bajo la ley de California** que permite a la mayoría de los cuidadores familiares tomar:

- Algunas decisiones educativas y
- La mayoría de las decisiones médicas para un niño que está bajo su cuidado.

Una Declaración de Autorización del Cuidador **no permite**:

- Inscribir a un niño en una guardería o preescolar
- Obtener un pasaporte u otros documentos importantes
- No otorga al cuidador la custodia legal del menor

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Fill Out a Caregiver Authorization Affidavit.
Llena una Declaración de Autorización del Cuidador.

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1 - 4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. **Print clearly.**

The minor named below lives in my home and I am 18 years of age or older.
1. Name of minor: _____.

2. Minor's birth date: _____.

3. My name (adult giving authorization): _____.

4. My home address (street, apartment number, city, state, zip code):
_____
_____

5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see page 2 of this form for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):
   ☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.
   ☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California's driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Does **not** need to be notarized, signed by a parent, or stamped by a court.

Power of Attorney documents **cannot** transfer custody in California.

La Declaración de Autorización del Cuidador **no necesita ser** notariada, firmada por un padre/madre, ni sellada por un tribunal.

Los documentos de poder notarial **no pueden transferir** la custodia en California.

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Long-term Plan

Plan a largo plazo

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Reuniting in Country of Origin

Several things to think through:

- Are there existing family law orders?
  - See a lawyer!
- Do not consent to a guardianship.
- Who will care for the children until they can meet you?
- Who will travel with the children?
- What documents do you need – **get them now**?
  - Notarized letter (Travel consent letter)
  - Passports



Reunificación en su país de origen

Reunirse en su país de origen puede ser más complicado de lo que muchas personas creen.

<u>Varias cosas que debe considerar:</u>

- ¿Existen órdenes judiciales de derecho familiar?
  - ¡Consulte con un abogado!
- ¿Quién viajará con los niños?
- ¿Qué documentos necesitara?
  - Carta notariada (carta de consentimiento de viaje)
  - Pasaportes



What if my child's other parent does not agree to my plan to move with my children?



You may need to ask for court permission to move with the children.

¿Qué pasa si el otro padre de mi hijo no está de acuerdo con mi plan de mudarme con mis hijos?



Es posible que necesite pedir permiso al tribunal para mudarse con los niños.

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Transfer custody with a Probate Guardianship

What is a Probate Guardianship?

A legal process that transfers legal custody from a parent to a non-parent so that the non-parent can make almost all of the same decisions that a parent can.



When does a Probate Guardianship make sense?

Probate Guardianship may be an option for you if you would like your child to stay in the United States with a caregiver long term.

Can I set up a Probate Guardianship in advance?

No, but you should prepare a **Nomination of Guardian**.

Transferir la custodia a través de una tutela legal en el tribunal testamentario.

¿Qué es una tutela legal?

Es un proceso legal que transfiere la custodia legal de un padre/madre a una persona que no es el padre/madre, para que esa persona pueda tomar casi todas las decisiones que un padre/madre puede tomar.



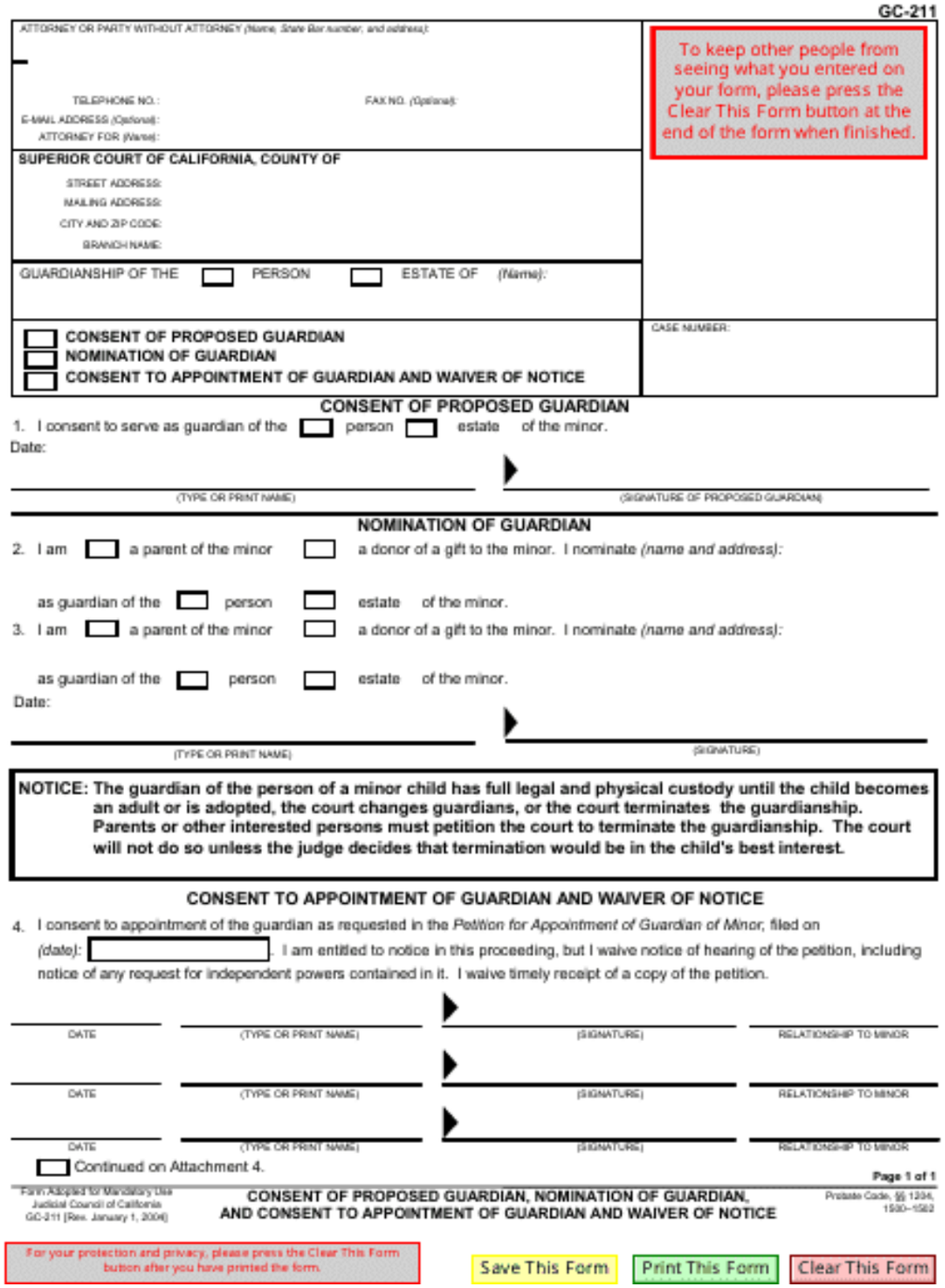
¿Cuáles son las limitaciones de una tutela legal?

Con una tutela legal, sus derechos de padre/madre quedan suspendidos. Puede ser muy difícil reunirse nuevamente con su hijo/a o incluso mantener el contacto con ellos si el tutor legal no está de acuerdo. Este riesgo aumenta entre más tiempo permanezca el niño/a bajo la tutela.

¿Cuáles son las limitaciones de una tutela legal?

Debe preparar una nominación de tutor y notarizarla.

Nomination of Guardianship



GC-211

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

TELEPHONE NO.: FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name):

To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF (Name):

CASE NUMBER:

☐ CONSENT OF PROPOSED GUARDIAN
☐ NOMINATION OF GUARDIAN
☐ CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the ☐ person ☐ estate of the minor.

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

3. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

Date:

(TYPE OR PRINT NAME) (SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (date): . I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE (TYPE OR PRINT NAME) (SIGNATURE) RELATIONSHIP TO MINOR

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DATE (TYPE OR PRINT NAME) (SIGNATURE) RELATIONSHIP TO MINOR

☐ Continued on Attachment 4.

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Form Adopted for Mandatory Use
Judicial Council of California
GC-211 [Rev. January 1, 2004]

CONSENT OF PROPOSED GUARDIAN, NOMINATION OF GUARDIAN, AND CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

Probate Code, §§ 1204, 1500–1502

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This Form | Print This Form | Clear This Form

A nomination of guardian allows a parent to suggest who they would like to serve as their child's guardian if they are absent.

To complete the form, the parent and the proposed guardian should sign.

Nominations of guardian can be done in advance.

Parents should know that:

- A court must consider a parent's nomination, but does not have to follow it.
- Once a guardian is established, a parent's rights are suspended.

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What if my child's other parent does not agree to my plan to nominate a guardian?



If you think your child's other parent might want custody, you should talk with a lawyer ASAP.

- Your child's other parent has a right to notice and to ask for the child to be placed with them.
- You cannot transfer custody to another person without notifying your child's other parent.

¿Qué pasa si el otro padre de mi hijo no está de acuerdo con mi plan de nombrar un tutor?



Si cree que el otro padre de su hijo/a podría querer la custodia, usted debe hablar con un abogado lo mas pronto posible.

- El otro padre de su hijo/a tiene derecho a ser notificado y a pedir que el niño/a sea colocado con él.
- No se puede transferir la custodia a otra persona sin notificar al otro padre de su hijo.

What if my child is also undocumented?

¿Qué pasa si mi hijo también es indocumentado?

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Questions?/¿Preguntas?

Get help – 213-385-2977, ext 311

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