Emergency Planning Fact Sheet for Parents or Guardians with Uncertain Immigration Status

Parents or guardians can **plan ahead** by preparing **helpful legal documents in advance** to ensure their children are **safe and cared for in emergency situations** such as an arrest or detention.

01 Caregiver Authorization Affidavit.

- It can be helpful to formally appoint another adult as a **caregiver** to take care of their child if a parent becomes unavailable due to an emergency.
- A caregiver may make **medical and educational decisions** for the child, but cannot make other legal decisions, and parents **do not lose any of their custodial or parental rights.**
- To appoint a caregiver, the parent must:
  a. Fill out a Caregiver Authorization Affidavit.
  b. Sign it in front of two witnesses and a notary (generally available at banks). The witnesses, caregiver, and notary must also sign the form.
  c. Deliver a copy of the completed Affidavit, along with the caregiver's contact information, to the child's school, doctors, dentists, and other service providers.
  d. Keep a copy of the Affidavit but give the original to the caregiver.
- A Caregiver Authorization Affidavit is **valid for two years**, or until the parent cancels or ends the caregiver's power to make decisions for their child.

Parents may want to provide copies of alternative caregiver documents and contact information to trusted family, friends, school personnel, or others who might become aware of an arrest or detention.

02 Temporary Agent.

- In other circumstances, parents may instead want to appoint a **Temporary Agent**.
- A temporary agent can act as the parent **in almost every way** (the agent cannot consent to adoption of the child).
- Parents can **specify restrictions on the authority of the agent**.
- Appointment **lasts for only 60 days**.
- To appoint a temporary agent, the process is nearly identical to caregiver authorization outlined above. However, if the second parent is willing to and able to provide care for the child, and their whereabouts are known, their consent will also be required for the appointment.

If your child was born in the United States, make sure they have a passport. Visit www.travel.state.gov for more information on on getting a U.S. Passport.

03 Guardian.

- Parents may instead want to appoint a **Guardian** for their child. A Guardian assumes the role of the parent and can only be approved or terminated by a judge.
- After appointment, parents can no longer make decisions for their child unless and until the guardianship ends.

You might consider appointing a Guardian, instead of a Temporary Agent or Caregiver, if you think you might be absent for an extended period or plan to move to another state or country. Guardianship can last until the child turns 18.

- To establish consent to a guardianship, parents must:
  a. Fill out a Notarized Waiver and Consent to Petition for Guardianship, ahead of time;
  b. Sign it in front of a notary; and
  c. Give it to the person intended to be the Guardian.
- If and when the guardianship is needed, the intended Guardian must file the Petition for Appointment of Guardian of a Minor form along with the completed Notarized Waiver and Consent to Petition for Guardianship with the Probate and Family Court of the county where the child lives.
- At any time, if a parent decides to end the guardianship, a Petition for Removal of a Guardian must be filed in the Probate and Family Court of the county where the child lives.
  - A parent has the right to a court-appointed lawyer when filing to end the guardianship of their child.
  - A guardianship case takes at least 8 months from start to finish. It can take longer if the guardian or child are not agreeing to end the guardianship.

Find More Support from the Office of the Attorney General.

Learn more about other resources available to immigrant communities at: https://www.mass.gov/info-details/resources-for-immigrants-in-massachusetts. Contact the Civil Rights Division at (617) 963-2917.

Dated: July 2025