

Frequently Asked Questions

Below are answers to questions commonly asked by parents completing the Parents' Intention for Care of Minor Child and/or Durable Power of Attorney for Parental Powers form(s).

Can I transfer custody to another person by filling out the Power of Attorney?

No. The only way to give legal custody to someone who is not a parent on the birth certificate of the child is through a court order. This would need to be done through the courts.

Will my child automatically be placed with the person who I list on the Agreement?

No. CPS may become involved if no one is available to care for the child. Once CPS becomes involved, it would need to see the agreement and then run a background check on the caregiver/agent designated. CPS should honor the agreement and try to place the child with the named person first. However, there is no guarantee that CPS will honor the agreement.

What if the person I designate has a criminal background?

Many convictions should not impact whether a child will be placed with someone. However, if the person has a record of child abuse, neglect, abandonment, or any crimes against a child, that may present a problem. In addition, if someone has crimes of a sexual nature or violent crimes, that person may be disqualified. You can find a list of disqualifying crimes under [WAC 388-113-0020](#).

Do the documents have to be notarized?

No. However, they are stronger if they are notarized. The Power of Attorney could also be witnessed by 2 people above the age of 18. If it is not notarized or witnessed, then there is no way to prove that the parent was the one who actually signed the document.

What if only one parent is available to sign the documents?

If both parents are on the birth certificate, both parents must sign the document. If one parent is not there to sign, the parents can take the documents to sign later at a location that has notaries, such as a bank. If the other parent is absolutely not available, the forms can still be filled out, but they may not be honored. If a parent is deceased, include a copy of the death certificate to the document, if possible and note that the parent is deceased on the documents.

What if the other parent is out of the country?

You can state that on the form, but, if the other parent is listed on the birth certificate and parental rights have not been terminated, the other parent still has the right to parent that child and the child will be placed with the other parent if that parent can be found. If there are court orders (i.e. protection order or parenting plans) that restrict a parent's access, then those documents should be added to the Intention of Parents and Durable Power of Attorney for Parental Powers.

Can I list a caregiver/agent who does not have status or is undocumented and/or has Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS)?

You can, but they may be at risk if the police become involved or if they themselves are detained. Because of these risks, it would be better to assign someone who has legal status and is at the least risk of having to leave the country.

What if my child qualifies for dual citizenship, should he/she get two passports?

If you have the resources to get both, it is always better to have more documentation than less. This may allow your child to receive services in each country. A U.S. passport is critical as it will allow the child to return more easily to the U.S.

Can I make the placement of my child with a third-party permanent?

For a more permanent solution, the designated caregiver/agent could adopt the child or file for guardianship of the child in family court. Consult a family law attorney. You may be able to prepare documents ahead of time.

Can I fill out the documents in a language other than English?

Documents must be filled out in English so that others can read them. Additionally, if there are any documents, such as a birth certificate, that are in a different language, they should be translated into English and that translation should be attached to the original documents.

What will happen if I have no one who can take care of my child?

If you have no one or no one local, then CPS will likely become involved and the child will likely be placed in foster care, at least temporarily.

If a stepparent is in the child's life, will my child automatically be placed with them?

It depends on what the legal status is between the child and the stepparent. The stepparent may or may not have legal rights to act as the parent. The stepparent could be named as the third party in the Intention of the Parents and the Durable Power of Attorney for Parental Powers so that your child is placed with the stepparent if the parents are not available.