



# Family Preparedness Plan

Every family should have a Family Preparedness Plan. While it is our hope that you never have to use your plan, it is a good practice to have one in place to help reduce the stress of the unexpected. This packet will help everyone create a Family Preparedness Plan, regardless of immigration status. However, because of the additional challenges immigrant and mixed status families face, we also have additional advice for immigrants.

## **Make a Child Care Plan**

Have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information and a file with important documents. This packet includes templates to put together these documents. Whether you want your child to accompany you to your home country in the event you face deportation, or wish for your child to stay in the United States in the care of another trusted adult, you should begin planning to make these arrangements. This packet includes information about the options available to create an informal or formal care arrangement for your child in California.

## **Find Out About Your Immigration Options**

Information and resources to find good immigration legal help is included in this packet.

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get a visa or work permit.
- If you have a criminal arrest or conviction, find out how it might affect your situation, or if there is a way to erase it from your record.
- If you are detained or put into deportation proceedings, ask for a hearing in front of a judge to get out of detention and to fight your deportation.

## **Know Your Rights**

Everyone – both documented and undocumented persons – have rights in this country. Make sure you, your family members (even children), housemates, neighbors, and co-workers, regardless of their immigration status, know of their right to remain silent and all of their other rights if ICE or the police come to your home, neighborhood or workplace. A list of these rights, and cards asserting these rights, are included in this packet

# Child Care Plan

## Talk to Your Children About Your Plan

Without worrying them, assure your children that they will be taken care of if for some reason you are unable to care for them, even for a short period of time. Let them know who will care for them until you can.

## Decide Who Can Care for Your Children if You Are Unable To

Ideally, the person you designate to care for your children is a U.S. citizen or someone with immigration status who does not also face the threat of detention or deportation. Make sure that person knows they will be listed as an emergency contact and knows how to access all of your important documents and information. Memorize that person's phone numbers and have your children memorize them too.

Make sure your children know who can pick them from school, who cannot pick them up from school, and who will care for them.

Your child's school may only release your child to adults you designate. Therefore, make sure to regularly update all school, afterschool, day care, summer camp, and other programs' emergency contact sheets and release forms to include the names of those who can and cannot pick up your children. If you have a restraining order against anyone, make sure to give a copy of it to the school.

Make sure the people who can pick up and care for your children are up to date on your child's location and school. Provide them with all of the **Important Children's Information** contained in the sample form in this packet.

## Write Down Instructions if Your Child Has Any Medical Conditions and/or Takes Any Medications

Make sure to write down any medical conditions or allergies your child has, any medications that your child takes, as well as doctor and health insurance information. Keep a copy of this information in your important documents file. Give a copy to your child's school and the adult you designate to care for your children. Let your child know where to find this information if you are not around.

## Decide What Kind of a Child Care Plan You Want to Put in Place

If you plan for your children to remain in the United States with another caretaker if you are detained or deported, decide whether to prepare a formal or informal child care plan. There are various ways to plan for another adult to care for your child if you are unable to do so.

**Verbal Agreement.** The most informal arrangement is to let another adult know of your wishes for your child and to verbally agree with that adult that they will carry out your wishes and care for your child if you cannot. The benefit of this is that it is informal and easy – you need not complete any forms or legal documents, and such an agreement will not affect your paren-

tal rights. The downside of this informal arrangement is that the other adult who you choose to care for your child will not have legal authority to make medical or school-related decisions on behalf of your child, which would be problematic if you were deported and unable to care for your child for an extended period of time.

**Caregiver's Authorization Affidavit ("CAA").** The next option in California is to not only get another adult's verbal agreement to care for your child in the event you are unable, but to have that adult complete a Caregiver's Authorization Affidavit ("CAA") that will allow them to make certain school and medical decisions on behalf of your child. The benefits of this approach include: the CAA can be given to your child's school or health care provider so that the person you choose as the caregiver can make certain decisions for the child, and it does not affect your parental rights (you still have custody and control of your child). More information about the CAA and a form you can use are included at the end of this packet. Please note: the Caregiver's Authorization Affidavit is for use in California only.

**Guardianship.** The most formal arrangement you can make for your child if you are not available to care for them is to have a court appoint a guardian for your child. The benefit of a guardianship is that once someone has been appointed as a guardian by a California Probate Court, that person has full legal and physical custody of your child, meaning they "step into the shoes" of the parent and can make decisions on behalf of your child. (When a guardian is appointed, this does not terminate parental rights, it just suspends them while the guardianship is in place.) However, the drawback of a guardianship is that because it is a formal arrangement put in place by the Probate Court, if you want to terminate the guardianship and get your parental rights back, you must file a petition in the Probate Court requesting the court to do so, and it will be up to the judge to decide whether to terminate the guardianship.

Keep in mind that you cannot grant another person guardianship of your child informally or through a power of attorney – only a state court can do that. However, you can prepare a Form GC-211 to nominate a specific person to be the guardian of your child. The court will then consider the Form GC-211 if/when a guardianship petition is filed. You can also make the nomination conditional upon your detention and/or deportation by completing an attachment to the form GC-211 that specifies when the nomination will be effective. For a sample GC-211 and attachment, and additional information about guardianships, see Bet Tzedek Legal Service's "How to Prepare for a Family Emergency Under the Trump Administration." ***Nominating someone else to have legal custody of your child is a serious decision; you should talk to an attorney before taking this step.***

**A Note on Power of Attorney.** A power of attorney is a written document that you can sign to grant another person the authority to act on your behalf in specified ways. For example, a power of attorney may be used to designate

another person to handle your finances, make business decisions, use your money to pay your rent or mortgage, use your money to provide for your child, and similar actions. In California, we do not recommend that a power of attorney be used as a way to designate another person to care for your child. While a power of attorney may be a good option in other states, in California, it cannot be used to transfer custody of your children to another person (only a state court can do that). It may be possible to use a power of attorney to grant someone else the authority to make medical and educational decisions on behalf of your child, but in California completing the Caregiver's Authorization Affidavit is a simpler and less costly way to do the same thing. If however you wish to give someone else the authority to access and use your finances in order to care for your child (a very serious decision that you should discuss with an attorney), you may wish to use a power of attorney.

### ***Want to Do Even More?***

You can also register your child's birth with your country's government (for example, with your country's consulate) if your child was born in the United States. This may grant your child benefits, including citizenship in your home country in some cases.

### **Make Sure Your Children All Have Passports**

If your child was born in the United States, visit [www.travel.state.gov](http://www.travel.state.gov) for more information on obtaining a U.S. passport.

If your child was born in your home country, check with your embassy or consulate for more information on obtaining a passport.

### **Inform Your Family and Emergency Contacts About How to Find You if You Are Detained by ICE**

Family members can use the ICE detainee locator:

<https://locator.ice.gov/odls/homePage.do>

Be sure your family and emergency contacts have a copy of your A-Number (your alien registration number found on your immigration documents from ICE) if you have one.

## **File of Important Documents**

*Keep a file of all of these documents or a copy of these documents in a safe place. Tell your children, family members and emergency caregiver where to find this file in an emergency.*

- Passports
- Birth Certificates
- Marriage License (if applicable)
- Caregiver's Authorization Affidavit
- Any Restraining Orders you may have against anyone (if applicable)
- A-Number and any immigration documents (work permit, green card, visa, etc.)
- Driver's License and/or Other Identification Cards
- Social Security Card or ITIN number
- Registry of birth (for U.S. born children registered in parent's home country) (if applicable)
- Important Children's Information
- Emergency Numbers and Important Contact Information
- Children(s)' Medical Information, including health insurance, medication list, and doctor's contact information
- Any other documents you would want to be able to quickly find

## **Find Out About Your Immigration Options**

Find a local, nonprofit legal services organization that can help you find out if there is an immigration option for you to get a green card, work permit or visa, or protect you from deportation. Also, keep a list of these local organizations in case you ever have a problem with ICE. These organizations have attorneys who may be able to help you.

Do what you can now to protect you and your family in the United States.

- **If you have a green card, find out if you can become a U.S. citizen.**
- **If you are here on a visa, find out if you can get a green card.**
- **If you do not have immigration status, find out if you may be eligible to get a visa or work permit.**
- **If you have a criminal arrest or conviction, find out how it might affect your situation, or if there is a way to erase it from your record.**
- **If you are detained or put into deportation proceedings, ask for a hearing in front of a judge to get out of detention and to fight your deportation.**

## **Warning! Protect Yourself from Fraud!**

Only a licensed attorney or accredited representative is authorized and qualified to assist you with your immigration case. **Do not hire anyone who:**

- Refuses to give you a written contract;
- Charges you for blank immigration forms;
- Promises you a good result because of their special contacts at Immigration;
- Pretends to be a qualified lawyer or bonded immigration consultant;
- Asks you to lie on a form or sign a blank document; or
- Charges you to "get on a waiting list" or "put your application in line." There is no list. There is no line.

If you suspect fraud, report it to your consulate or the police, or contact the Federal Trade Commission to file a complaint in English or Spanish at **877-FTC-HELP (877-382-4357)**. Visit Stop Notario Fraud for more information and resources: <http://www.stopnotariofraud.org/>

## **Do what you can now to protect you and your family in the United States.**

- If you have a green card, find out if you can become a U.S. citizen.
- If you are here on a visa, find out if you can get a green card.
- If you do not have immigration status, find out if you may be eligible to get a visa or work permit. Also, review what to do if approached and questioned by ICE.
- If you have a criminal arrest or conviction, find out how it might affect your situation, or if there is a way to erase it from your record.
- If you are detained or put into deportation proceedings, ask for a hearing in front of a judge to get out of detention and to fight your deportation.

### **Find a Legal Services Provider**

The Immigration Advocates Network National Immigration Legal Services Directory lists nonprofit organizations that provide free or low-cost immigration legal services. You can use it to find an immigration service provider near you for a consultation.

<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

### **Find an Info Session or Immigration Workshop Near You**

Ready California is a collaboration of California nonprofits organizations across the state. You can use the Ready California website to find local organizations as well as an events calendar that lists free immigration events throughout the state. These events may be DACA renewal workshops, Know Your Rights presentations, or Post-Election forums.

<http://ready-california.org/events-calendar/#1>

# Know Your Rights

***Remain calm and do not try to run away.  
If you do, ICE or the police may use that against you.***

**Everyone – both documented and undocumented persons – has rights in this country.** Talk to everyone in your family (including children) and household to make sure they all know what to do if approached by immigration officials (ICE) or if immigration officials (ICE) come to your house.

## ICE at Your Door

**Do not open the door for ICE or any police officer without a warrant signed by a judge.** You do not need to open the door unless an ICE agent can show you a warrant signed by a judge with your specific and correct name and address on it. If ICE knocks on your door, ask them to slide the search warrant under the door or through a window. Make sure the warrant is signed by a judge and has your address on it. If ICE or the police do not have this, then you do not have to open the door. Once you open the door, you lose certain rights.

**Keep a Know Your Rights red card on you and by your door at all times.** You can slide it under the door to ICE – it explains your rights and that you do not have to open the door. Have your children and other family members practice sliding it under the door. Copies of this card appear at the end of this document.

## Talking to ICE

You do not have to talk to ICE or answer their questions. **You have the right to remain silent. You can refuse to speak to an ICE agent.** Do not answer any questions, especially about your birth place, immigration status or how you entered the United States. Do not give them any personal information about yourself or anyone in your family. Say that you want to remain silent until you speak with a lawyer. Have your children and others in your family practice saying “No” to ICE.

You have the right to refuse to sign anything before you talk to a lawyer. Do not sign anything you do not understand and agree with. That could eliminate your right to speak with a lawyer or have a hearing in front of an immigration judge. This may result in you being deported immediately without a hearing.

Ask to speak with your lawyer and to go before the immigration judge. You have the right to speak to a lawyer and the right to make a phone call. Make sure to carry the phone number for an immigration lawyer with you at all times.

## Other Resources

### Your Country's Consulate

Have the contact information for your country's nearest consulate. Many consulates have an emergency number for cases where you need immediate assistance from the consulate. Have that number written down in case ICE detains you.

### Know Your Rights Materials and Other Resources

There are a lot of resources available to teach you about your rights. Below are just a few places to start looking if you want to learn more about immigration law.

InformedImmigrant:

<https://www.informedimmigrant.com/>

Immigrant Legal Resource Center (ILRC):

<https://www.ilrc.org/community-resources>

National Immigration Law Center (NILC):

<https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>

### Documents You Should and Should Not Carry With You

- At all times, carry a valid work permit or green card, if you have one. If you do not have one, generally it is advisable to carry a municipal ID, state ID or driver's license *if it was issued in the United States and contains no information at all about your immigration status or your country of origin*. Ask a local immigration advocate about what kind of documents are safe to carry in your area.
- At all times, carry a red card to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.
- At all times, carry the phone number of an immigration lawyer, advocate or nonprofit immigration legal services provider you will call in an emergency.
- **Do not** carry any documentation about your country of origin.
- **Do not** carry any false identity documents or false immigration documents.



## Important Children's Information

Keep this information so those you designate to care for your children in your absence have all of the information they need.

Child's Name	
Date of Birth	
Child's Cell Phone Number <i>(if applicable)</i>	
School	
School Address	
School Phone Number	
Teacher's Name	
Classroom Number	
Afterschool Program	
Afterschool Program Phone Number	
Other Camp/Sports/Program	
Other Camp/Sports/Program Phone #	
Allergies	
Medical conditions	
Medications	
Doctor's Phone Number	
Doctor's Address	
Health Insurance	

## Doctor & Dentist Information

Doctor	
Phone Number	
Health Insurance Company	
Policy Number	
Pediatrician Phone Number	
Health Insurance Company	
Policy Number	
Dentist	
Phone Number	
Dental Insurance Company	
Policy Number	

## Other Information

Car Make/Model	
License Plate Number	
Car Insurance Company	
Insurance Policy Number	
Phone Number	
Consulate Address	
Phone Number	
Attorney/Nonprofit Legal Svc Address	
Phone Number	

## Emergency Numbers and Important Contact Information

*Keep this information in one place so that you and your family can access it easily.*

### Emergency Numbers

Immediate Emergency	911
Police Department	
Fire Department	
Poison Control	

### Family Contacts

Mother/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	
Father/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	
Other Contact & Relationship	
Cell Phone	
Other Contact & Relationship	
Cell Phone	
Other Contact & Relationship	
Cell Phone	

# Caregiver's Authorization Affidavit Instructions

*Please note: the Caregiver's Authorization Affidavit is for use in California only.*

## **Who completes and signs the Caregiver's Authorization Affidavit (CAA)?**

The person who will be acting as your child's caretaker completes and signs the CAA. The parent does not need to sign the CAA. It is a good idea to have the person that you want to care for your child fill out the CAA in advance, but they should not sign or date it unless or until they need to use it (for example, only if you are actually detained or deported).

## **Using the CAA, who can serve as a caregiver?**

Any person, relative or non-relative, who is 18 years of age or older who completes the CAA may serve as a caregiver.

## **What can the CAA be used for?**

If the CAA is completed by a non-relative, it will allow that person to enroll your child in school and to consent to school-related medical treatment. School-related medical treatment includes immunizations, physical exams and medical exams conducted in school. If the CAA is completed by a relative (including a grandparent, aunt, uncle, or other qualified relative of the minor (see the back of the CAA template in this packet for the full definition of "qualified relative"), it will allow that person to enroll your child in school, consent to school-related medical treatment, and consent to most other forms of medical and dental care for your child.

## **Does my child have to live with caregiver for the CAA to be valid?**

Yes, in order for the CAA to be valid, your child needs to live with the caretaker. (Of course, the child does not need to live with the caregiver, and the caregiver does not need to use the CAA, unless and until you are no longer available to care for your child.) If your child stops living with the caregiver, the caregiver must notify any school, health care provider, or health care service plan that has been given the CAA. The CAA is invalid after the school, health care provider, or health care service plan receives notice that your child is no longer living with the caregiver.

## **Does the CAA need to be notarized?**

No, the CAA does not need to be notarized. There have been reports that some schools want a notarized copy of the CAA, but that is not required by law. Also, remember that the CAA is signed only by the caretaker, not by the parent(s).  
Immigrant Legal Resource Center [www.ilrc.org](http://www.ilrc.org) 12

## **Should I give the CAA to my child's school and medical providers now and ask them to keep it on file?**

No, the CAA should not be given to your child's school or medical providers unless and until your child is living with the caretaker, and you as the parent are not available to make school and medical decisions for your child.

## **Does the CAA expire?**

Yes, the CAA will expire one year after the date it is signed.

## **If I would like to have someone complete a CAA to be able to make certain decisions for my children in my absence, what steps should I take?**

First, you should identify the person who you would like to serve as your child's caretaker. Next, you should discuss with that person what the CAA does (it gives them power to make certain school and medical decisions on behalf of your child), and does not do (it does not give them legal custody of your child, guardianship over your child, or access to any of your financial resources to care for your child). Finally, you should have that person complete a CAA, but they should wait to sign and date it until it actually becomes necessary to use it. (It's not necessary to sign and date it now since it won't be needed unless or until you are actually unavailable to care for your child. Plus, it will expire one year after the date it is signed). The caregiver should keep the CAA in a safe place, and you should also keep a copy of it in your file of important documents in case the caregiver cannot locate theirs when it becomes necessary.

## **Can a caregiver use the CAA to coordinate my child's travel to my home country in the event I am deported and decide to have my children accompany me to my home country?**

No, the CAA only allows the caregiver to make decisions related to school and medical issues for your child. Consult your home country's embassy or consulate for information about facilitating your child's travel to your home country if you will not accompany the child.

## **Must my child's caregiver have immigration status in the United States?**

No, but ideally, the person you authorize to be your child's caregiver would not also be at risk for deportation or detention. The person should be someone with a California driver's license or identification card (ID). If they do not have a California driver's license or ID, they should be ready to provide another form of identification such as a social security number or Medi-Cal number.

Keep a copy of the affidavit available for the person you designate to care for your child to sign if needed. You do not need to sign it. Only the caregiver is required to sign it.

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code. According to California Law, schools and medical care providers must accept this form if it completed correctly.

**Instructions:** If the adult you designate to care for your child is not a family member, they should fill out items 1-4 to authorize your child's enrollment in school and school-related medical care. If the adult you designate to care for your child is a family member, they should complete items 1-8 to authorize your child's enrollment in school and any medical care.

## NOTICES

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

### **Additional Information:**

#### TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

#### TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

#### TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes

***The form to complete begins on the next page.***

## Caregiver's Authorization Affidavit Form

The minor named below lives in my (the caregiver's) home and I am 18 years of age or older.

1. Name of minor:

\_\_\_\_\_.

2. Minor's birth date:

\_\_\_\_\_.

3. Name of adult giving authorization:

\_\_\_\_\_.

4. My home address:

\_\_\_\_\_.

5.  I am the minor's grandparent, aunt, uncle, spouse, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, niece, nephew, first cousin, grandaunt, granduncle, great-grandparent, great-grandaunt, great-granduncle, or the spouse of one of these persons.

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 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 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: \_\_\_\_\_

## **Know Your Right Red Cards: cut out and keep with you**

You have constitutional rights:

- DO NOT OPEN THE DOOR if an immigration agent is knocking on the door.
- DO NOT ANSWER ANY QUESTIONS from an immigration agent if they try to talk to you. You have the right to remain silent.
- DO NOT SIGN ANYTHING without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- GIVE THIS CARD TO THE AGENT. If you are inside of your home, show the card through the window or slide it under the door.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights. I choose to exercise my constitutional rights.

*These cards are available to citizens and noncitizens alike.*

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*These cards are available to citizens and noncitizens alike.*

**This document is courtesy of**



Immigrant Legal  
Resource Center  
[www.ilrc.org](http://www.ilrc.org)



San Francisco Peninsula  
People Power  
a nonprofit, non-partisan civil  
rights organization  
[www.sfppp.org](http://www.sfppp.org)