



STEP-BY-STEP FAMILY PREPAREDNESS PLAN

How immigrant families can more proactively
prepare for immigration emergencies that arise

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Every family should have a Family Preparedness Plan in case of an emergency. It is critical for immigrant families to think ahead and set more concrete plans for immigration emergencies that can arise. For example, this Resource Toolkit goes into detail about different childcare options available in case of an absent parent, where to find trusted immigration services in your community, and how to prepare to assert your constitutional rights in the presence of an immigration officer.

This toolkit is divided into different sections that give guidance on family preparedness planning, regardless of immigration status. It gives additional advice to undocumented and/or mixed status families.

For more immigration community resources, visit ilrc.me/resources.

NOTE

THE ILRC HAS ALSO CREATED A SHORTER, MORE CONDENSED VERSION OF THIS FAMILY PREPAREDNESS PLAN. IT CAN BE FOUND BY HEADING TO [ILRC.ME/FAMPREP](https://ilrc.me/famprep)

PART I: MAKE A CHILD CARE PLAN

It's important to 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. Whether you want your child to accompany you to your home country in the event you face deportation or wish for

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your child to stay in the United States in the care of another trusted adult, you should make needed arrangements in advance. This toolkit includes information about the options, especially for California, available to create an informal or formal care arrangement for your child.

PART II: FIND OUT ABOUT YOUR IMMIGRATION OPTIONS

Discovering your legal options to obtain immigration status may be the strongest way you can protect yourself and your family. During a legal consultation with an immigration expert, they may determine your eligibility for certain immigration protections currently available. Included in this toolkit are information and resources to find good immigration legal help. The toolkit also covers who is allowed to give you legal advice and/or who can represent you in an immigration matter.

PART III: KNOW YOUR RIGHTS

Everyone—documented and undocumented—has rights in this country. Make sure you, your family members (even children), housemates, neighbors, and co-workers, know of their right to remain silent and all of their other rights. A list of these rights, and a card asserting these rights, are included in this toolkit.

PART IV: ADDENDUMS

At the end of this toolkit, we include additional documents, checklists, and other materials that will assist you in your family preparedness planning.

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PART I: MAKE A CHILDCARE PLAN

DECIDE WHAT KIND OF A CHILD CARE PLAN YOU WANT TO PUT IN PLACE

There are various ways to plan for another adult to care for your child if you are unable to do so. Some of the options, especially for California are:

1. **Verbal Agreement:** The most informal arrangement is to let another adult know of your wishes for your child and to **verbally agree with them that they will carry out your wishes to care for your child if you cannot.** The benefit of this is that it is informal and easy – you do not need to complete any forms or legal documents, and such an agreement will not affect your parental rights. The downside of this informal arrangement is that your chosen caregiver 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.
2. **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 to, but to have that adult complete a **Caregiver’s Authorization Affidavit (“CAA”)**, which allows them to make certain school and medical decisions on behalf of your child. The benefit of this approach is that the CAA can be given to your child’s school or health care provider so that your chosen 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 in Part IV of this toolkit. **Please note: the included Caregiver’s Authorization Affidavit can only be used in California.**
3. **Guardianship:** The most formal arrangement is to **have a court appoint a guardian for your child.** The benefit of guardianship is that once someone has been appointed as a guardian by a California Probate Court, that person has full legal

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and physical custody of your child, meaning they can make decisions on behalf of your child. **Please note: When a guardian is appointed, this does not terminate parental rights, but it does suspend them while the guardianship is in place.** The drawback of guardianship is that it must be terminated by the Probate Court in order to get your parental rights back. Please note you must file a petition in the Probate Court requesting the court to terminate the guardianship and it is up to the Judge to decide on what the best option for your child is.

Keep in mind that in California 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 Form GC-211 if and 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. Nominating someone else to have legal custody of your child is a serious decision; please connect with a trusted legal services provider to get more information.

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 other similar actions.

In California, we do not recommend that a power of attorney be used 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

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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.

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 child. Let your child know where to find this information if you are not around.

MAKE SURE YOUR CHILDREN ALL HAVE PASSPORTS

If your child was born in the United States, visit www.travel.state.gov for more information on obtaining a U.S. passport. If your child was born in a different country, check with the 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/#/search> to find someone in ICE custody. Be sure your family and emergency contacts have a copy of your A-Number (your registration number found on your immigration documents from ICE), if you have one.

TALK TO YOUR FAMILY 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 time. Let them know who will care for them until you can.

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PART II: FIND OUT ABOUT YOUR IMMIGRATION OPTIONS

WHERE TO FIND A TRUSTED LEGAL SERVICES PROVIDER IN YOUR AREA:

Getting a proper legal consultation from a trusted expert is crucial in family preparedness planning since they can better determine if you are currently eligible for any immigration benefit. The Immigration Advocates Network National Immigration Legal Services Directory lists nonprofit organizations that provide free or low-cost immigration legal services: ilrc.me/findhelp

UNDERSTAND WHO CAN GIVE IMMIGRATION ADVICE

The best way to avoid fraud in legal representation is to look for legal services providers that meet certain requirements. This can be hard if you are unsure of where to begin the search or what kinds of duties a legal representative traditionally provides for their clients. **There are two categories of people who can give legal advice in an immigration case:**

- **Attorneys:** To practice immigration law, which is federal law, an attorney can be licensed in any state but must have a valid license and be ‘in good standing’ with the bar association. Attorneys can give legal advice, help file immigration petitions and requests, and represent individuals in court proceedings before an immigration judge. You can verify an attorney’s credentials with the state bar in the state where they are licensed. The Department of Justice also keeps a list of attorneys who are no longer able to practice: <https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners>.
- **Department of Justice (DOJ) accredited representatives:** A DOJ accredited representative is a non-attorney who has been certified by the DOJ to work on immigration matters. The person must be affiliated with a non-profit that is recognized by the DOJ. An accredited representative can give legal advice, file immigration applications, and, if fully accredited, represent clients in immigration proceedings.

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WHAT TO EXPECT FROM A LEGAL REPRESENTATIVE

A legal services provider has the duty of representing each client to the best of their abilities. **These are some best practices you should expect from a legal services provider:**

- **Sign a contract:** You should be provided with a written contract which outlines the services to be provided and what fee (if any) will be charged.
- **Be informed about your case:** A legal services provider should keep you informed about the progress and status of your case. They should explain the immigration benefit you qualify for, the application process, and answer any questions you have.
- **Copies of all documents:** A legal services provider should give you a copy of all documents submitted on your behalf as well as copies of any receipt notices sent by the government. They should never refuse to give you a copy of these documents or your file. In most cases, an attorney should not charge you to get a copy of your file unless you agreed to pay for photocopies in your original agreement.

PART III: KNOW YOUR RIGHTS

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. WHAT DO YOU DO?

- **Do not open the door for ICE or any police officer without a signed warrant.** 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

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show it 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.**

The red card explains your rights and that you do not have to open the door. You can slide it under the door to ICE, show it to ICE, or read the English side of the card to ICE. Have your children and other family members practice showing it or sliding it under the door. You can find print-at-home red cards in 14 languages at ilrc.org/red-cards.



TALKING TO ICE. WHAT DO YOU DO?

► **You have the right to remain silent and can refuse to answer ICE's questions.**

Say that you want to remain silent until you speak with a lawyer. Do not answer any questions, especially about your birthplace, immigration status, or how you entered the United States. Do not give them any personal information about yourself or anyone in your family. Have your children and others in your family and household 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. If you wish to remain in the United States, ask 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 memorize or carry the phone numbers of the person you will call in an

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emergency. Ideally, this person would be someone who can put your plans and wishes into place, call your immigration attorney, and access your important documents.

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. Have that number written down in case ICE detains you.

Know Your Rights Materials and Other Resources: There are many 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:

- **Immigrant Legal Resource Center (ILRC):**
 - ilrc.me/resources for Community Explainers
 - ilrc.me/protect for our Know Your Rights Toolkit
- **Informed Immigrant:** informedimmigrant.com
- **National Immigration Law Center (NILC):** nilc.org
- **Immigrants Rising:** immigrantsrising.org

DOCUMENTS YOU SHOULD AND SHOULD NOT CARRY WITH YOU:

- 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.

NOTE

IF YOU ENCOUNTER ICE, REMAIN CALM AND DO NOT TRY TO RUN AWAY. IF YOU DO, ICE OR THE POLICE MAY USE THAT AGAINST YOU.

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- Carry a red card to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.
- Carry the telephone number of someone who can put your plans and wishes into place, call your immigration attorney, and access your important documents in an emergency.
- Do not carry any documentation about your country of origin.
- Do not carry any false identity documents or false immigration documents.

PART IV: ADDENDUMS

CAREGIVER'S AUTHORIZATION AFFIDAVIT (CAA) 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 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.

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.

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If the CAA is completed by a **relative** (including a grandparent, aunt, uncle, or other qualified relative of the minor) 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 THE CAREGIVER FOR THE CAA TO BE VALID?

Yes, your child needs to live with the caregiver. 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 only the caregiver, and not the parent(s), signs the CAA.**

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 the parent is unavailable to make school and medical decisions for your child.

DOES THE CAA EXPIRE?

No, it does not expire. However, if any of the information on the form changes, the caregiver will need to complete a new form.

IF I WOULD LIKE TO HAVE SOMEONE COMPLETE A CAA SO THEY CAN 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

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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 becomes necessary to use it. 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. Ideally though, the person you authorize to be your child's caregiver would also not 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.

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 through 8 is additionally required to authorize any other medical care. **Only complete items 5 through 8 if you are related to the child.** Type or print clearly.

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. My name (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: _____

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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:** _____

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.*

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, CERTIFIED, OR APPROVED FOSTER PARENT, TO OBTAIN RESOURCE FAMILY APPROVAL PURSUANT TO SECTION 1517 OF THE HEALTH AND SAFETY CODE OR SECTION 16519.5 OF THE WELFARE AND INSTITUTIONS CODE 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. THE AFFIDAVIT IS INVALID AFTER THE SCHOOL, HEALTH CARE PROVIDER, OR HEALTH CARE SERVICE PLAN RECEIVES NOTICE THAT THE MINOR NO LONGER LIVES WITH YOU.*
4. *IF YOU DO NOT HAVE THE INFORMATION REQUESTED IN ITEM 8 (CA DRIVER'S LICENSE OR I.D.), PROVIDE ANOTHER FORM OF IDENTIFICATION SUCH AS YOUR SOCIAL SECURITY NUMBER OR MEDI-CAL NUMBER.*

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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. A 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 NOT SUBJECT TO CRIMINAL LIABILITY OR TO CIVIL LIABILITY TO ANY PERSON, AND IS NOT SUBJECT TO PROFESSIONAL DISCIPLINARY ACTION, FOR THAT RELIANCE IF THE APPLICABLE PORTIONS OF THE FORM ARE COMPLETED.*
- 2. THIS AFFIDAVIT DOES NOT CONFER DEPENDENCY FOR HEALTH CARE COVERAGE PURPOSES.*

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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. Complete, save, and print a copy per child in your household.

Child's Name:	
Date of Birth:	
Child's Cell Phone Number (if applicable):	
School Name:	
School Address:	
School Phone Number:	
Teacher's Name:	
Teacher's Phone Number and/or Email (if applicable):	
Classroom Number:	
Afterschool Program (if applicable):	
Afterschool Program Phone Number (if applicable):	
Other Camp/Sports/Program:	
Other Camp/Sports/Program Phone Number (if applicable):	
Allergies:	
Medical Conditions:	
Medications:	
Doctor's Phone Number:	
Doctor's Address:	
Health Insurance Info:	

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