

# **Family Plan to Prepare for Potential Deportation of Parents**

## ***A Guide for Parents***

### **Confirm your child's status:**

- If your child is a US Citizen or a Legal Permanent Resident, register your child with the consulate of your nation of origin.
- Contact your consulate to schedule an appointment to register your child. The process is free. You will need to bring your child's birth certificate and your ID.
- Your child may be eligible for dual citizenship. You can apply for your child's dual citizenship at the consulate.
- If you are deported and want your child sent to you after you've left the US, the consulate may help in getting transportation for your child if the child is registered.

### **Ensure that your child has a valid passport:**

- US Citizen: forms are available at all US post offices or at <https://travel.state.gov>.
- Non-citizen: contact the consulate of your child's nation of origin to apply for a passport.

### **Plan for your child's care:**

The simplest way to plan for your child's care is by filling out a Parental Designation form. Contact MFY Legal Services for a sample parental designation form. This form gives another person temporary authority to help your child get medical care, enroll in school, and get public assistance.

- You choose the person. It can be any person you trust to care for your child. You and the person both have to sign the form.
- You are not required to go to Family Court. You do not give up any rights over your child by filling out a Parental Designation form, and you can revoke it at any time.
- The form is valid for six months if it is notarized. It is only valid for one month if it is not notarized. You can re-sign the form as many times as needed.
- If your child has special medical needs, or if the other person will be caring for your child indefinitely, the person designated may need to go to Family Court to get a legal order for Custody or Guardianship. Additional information on Custody and Guardianship may be found on the "Caregivers/Relatives" side of this guide. Please contact MFY Legal Services for more information about this.

**Update emergency contact information** at your child's school. Add contact information for adults who can pick up your child if you become unavailable. Also update the emergency contact information with your child's doctor, school bus, and after school programs.

**Make copies of your child's important documents.** Leave copies with an adult who will be able to care for your child if you are deported or unavailable to care for them.

# ***A Guide for Relatives/Caregivers***

## **Legal options for caring for another person's child:**

- **Parental Designation** is a temporary agreement between you and a child's parents. You and the child's parents both sign the form. The form is valid for six months if it is notarized. It is valid for only one month if it is not notarized. The form gives you authority to help a child get basic medical care, enroll in school, and receive public assistance. Parental Designation does not require you to go to Family Court.
- **Court Order of Custody or Guardianship:** If a child has special medical needs, or if you plan to care for the child for a long period of time, you should consider going to Family Court to file for Custody or Guardianship. Custody and Guardianship must be decided by a judge or referee in Family Court.
  - **Custody** gives you the right to care for and make decisions on behalf of the child. A Custody order lasts until the child turns 18.
  - **Guardianship** gives you more legal authority over a child than Custody, as it allows you to make medical decisions and obtain in-patient treatment for the child. Guardianship orders can last until a child is 21. Guardianship requires a more thorough background check than Custody. The Court will require all adults 18 or older in the household to undergo a background check, including any criminal history or child abuse history. If you have concerns about a background check, Custody may be a more appropriate option.
  - Custody and Guardianship do not terminate a parent's rights. If a parent can resume care of their child, he/she can go to Family Court to ask for Custody or Guardianship of their child back.

## **Benefits for Caregivers:**

- You may be eligible to receive public assistance for a child in your care if that child is not your biological child. The child must be under 18, or under 19 if the child is in high school or the equivalent. You do not need Custody or Guardianship to apply. Your income is not taken into consideration when applying on behalf of the child.
- To find out where to apply for cash assistance, food stamps, or Medicaid, call 311 and ask for the Job Center closest to your home.

## **If the child is taken or at risk of being taken into child protective custody by ACS:**

- Act fast. If you are contacted by ACS (short for "the Administration for Children's Services"), let them know you are willing to care for the child. If ACS contacts a parent or you directly, contact MFY Legal Services immediately.

**Support Groups:** For information about support groups for non-parent caregivers, contact the Grandparent Resource Center, at the NYC Department for the Aging, by calling 311.

*If you seek further assistance with kinship care issues, contact MFY Legal Services, Inc.'s Kinship Caregiver intake line at 212-417-3850 on Wednesdays and Fridays from 10 am – 5 pm.*

**DISCLAIMER: This fact sheet gives general information for NYC residents; it is NOT legal advice.**