

# FAMILY EMERGENCY PREPAREDNESS

Planning for Immigrant Families

## WHO SHOULD CREATE A PLAN?

It's always smart to think through planning for your family in the case of your absence. This tool focuses on immigrant families who have mixed status or are undocumented and nervous about being separated from their loved ones



## GET SCREENED FOR RELIEF

Meet with an immigration attorney to see if you have any available relief, even if you think you don't. If you are at risk of being detained or deported due to a prior removal order, you should definitely meet with an attorney.

## IDENTIFY AN EMERGENCY CONTACT

Identify an emergency contact who can help take care of your children temporarily, if you are detained and need support. Talk to that trusted person ahead of time, and make sure they agree.

Add them with the school's file ahead of time so they may pick up your kids if needed. Provide your emergency contact with all necessary information to care for your child.

## ORGANIZE & STORE DOCUMENTS



Passports  
Birth Certificates  
Marriage Licenses  
Parental Designation Form  
Orders of Protection  
A# & Immigration documents (work permits, green card, visa)  
Social Security Card and other ID cards  
If you are a survivor of a crime/domestic violence: photos, police reports and medical records

## PASSPORTS FOR YOUR CHILDREN

If your kids have passports, make sure they are not expiring soon! Speak with the other parent about providing each other with consent to obtain your child's passport in the case either of you are absent. If there is domestic violence between you and that parent or you are unable to reach the other parent, speak to an attorney.

- If your children are US Citizens, and they need a passport, check [www.travel.state.gov](http://www.travel.state.gov) for info on how to obtain their US passport
- If your children are NOT US Citizens, check with the embassy or consulate of their home country about how to get one.

# KNOW YOUR LEGAL OPTIONS



When family planning, there are a few options to consider: Filing for Custody or Guardianship, executing the New York Parental Designation Form or a Power of Attorney.

## CUSTODY

"Custody" is defined as the care, control and maintenance of a child that may be awarded by the court to a parent up until the age of 18. Non-parents cannot seek custody unless there are extraordinary circumstances. The court determines what's in the child's best interests when awarding custody. Keep in mind, the other parent must be involved in this legal process.

## GUARDIANSHIP

A "guardian" is not necessarily the parent but they have the same legal authority to make decisions. Often, it's a family member or trusted friend over the age of 18 who is willing and able to assist the parent in their absence. However, guardianship orders can run until the child is 21, therefore, parents sometimes seek guardianship orders for their adult children. Parents generally must be involved in this process and if an order of custody already exists, that will be considered.

## STANDBY GUARDIANSHIP

Standby Guardianship allows parents and caretakers to designate a guardian who will only assume guardianship if a "triggering event" occurs (i.e., death or incapacity of parent, or immigrants at risk of being separated from their children). This preserves the caretaker's rights and guardianship only goes into effect when the parent is actually unable to care for the children.

## PARENTAL DESIGNATION FORM

The New York Parental Designation form allows a parent to designate a trusted person over the age of 18 to make limited decisions for the child, related to health and education. Things to consider:

It's not always necessary and has limited powers; does not authorize the person to consent to surgery or other major medical treatment; the parent may revoke this form at any time; the form is not needed to enroll into school; and if there are any existing or pending orders in Court, this form is not for you.

## FINANCIAL PLANNING

Power of Attorney designates a trusted friend/family member to have authority to make decisions related to property, finances and other legal issues on your behalf. If you think you need this option, speak with an attorney first.

For help, call the Domestic Violence Project's  
Intake Line:  
1-833-321-4DVP  
dvp@urbanjustice.org



Domestic  
Violence  
Project