



Family Preparedness Plan

CREATING A FAMILY PLAN IN CASE OF DEPORTATION



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The Office of Immigrant Relations and the County of Santa Clara is committed to ensuring county residents stay informed on what is happening in the community. To that end Santa Clara County is sharing information with members of the community and organizations in regards to the recent reports of Immigration and Custom Enforcement (ICE) Raids in the County.

What is Santa Clara County Doing?

First and foremost, we want to reassure the immigrant community that the Office of Immigrant Relations is monitoring the situation in regards to any raids that may be taking place in the county. In addition, we are gathering all reports or information we are receiving from various resources and determining if any of these reports are true or just rumors.

In doing so, we are establishing communication with the local Immigration Customs Enforcement (ICE) Office as well as our South Bay Congressional Delegation to verify and confirm activity within our county. This will help our office and partners determine appropriate rapid responses and activate our communication platforms.

We will continue to communicate with nonprofit partners and trusted, reliable immigration attorneys in the community about any information or firsthand experience they may have about ongoing raids in an effort to streamline and provide accurate information to the community at large.

More importantly, we are designing and implementing a brief communication plan in the next couple of days with the Board of Supervisors regarding “Know Your Rights,” “What to do in the Event of a Raid,” and what information to prepare in case of a raid.

Overall, we encourage nonprofit partners and community members to:

- ➔ Contact our office directly via phone to communicate potential cases of immigration raids in the community at (408) 299-6414.
- ➔ Contact us via email with inquiries or to make a report at immigrant.relations@ceo.sccgov.org.
- ➔ Visit our websites for up to date information at www.sccgov.org or <http://immigrantinfo.org/>.

Information to Protect Yourself and Your Family

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 idea and good practice to have one in place to help reduce the stress of the unexpected, but most importantly in order to ensure your children and family members will be taken care of by who and how you decide. The information and forms available in this plan will help everyone create a Family Preparedness Plan, regardless of their immigration status.

We have received requests for information about what families can do to prepare in case a parent or other family member is detained or deported by immigration agents. This packet contains information prepared by non-profit organizations that provide assistance to attorneys and community-based advocates that work with immigrants around the country. It includes information such as what you may do if you are approached by immigration agents, what documents you should carry with you, and how to prepare a child-care and family-preparedness plan. This packet also includes information about legal service providers in Santa Clara County that can assist on immigration matters.

In addition to the materials described above, this packet contains specific information about how parents can arrange to care for their children in case the parents are detained or deported by immigration agents.

This packet also provides an overview of guardianships, powers of attorney, and caregiver's authorization affidavits. If you have questions about any of the forms or information about guardianships, powers of attorney or caregiver's authorization affidavits, we encourage you to consult with a lawyer or other legal services provider. The documents also include information about legal service providers who can answer questions and provide free or low-cost advice about guardianships, powers of attorney, and/or caregiver's authorization affidavits.

Find Out About Your Immigration Options

- ➔ 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 green card, 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.

If Police Come to Your House

1. Do Not Open Doors
 - a. ICE can only enter a home if they have a signed warrant or unless you let them in.
 - b. Make sure to tell them to pass the warrant under the door before you let them in.
2. Report the Raid
 - a. Call Your Rapid Response Team or call @_____.
 - b. Take pictures.
3. Remain Silent
 - a. **Stay silent until you have an attorney present.**
4. Do NOT Sign Anything
 - a. Do not sign papers ICE may give you without first speaking with your attorney.
5. Get a Lawyer & Fight for Your Case to Stay
 - a. Find a trusted lawyer to help you fight your case.
 - b. Seek shelter at *Sanctuary Churches*.

If the Police Stop You

You **don't have to answer** a police officer's questions. BUT you must show ID if a police officer has reason to believe you're involved in criminal activity and asks you for ID. If you are stopped on the street, you must show ID or identify yourself—you may be arrested if you refuse. You cannot be arrested just because you do not show immigration documents.

1. You **don't have to agree to any search** of yourself, your property or your papers. Police may "pat-down" your clothing if they think you are hiding a gun or other weapon. Don't resist even if you believe you did nothing wrong, but make clear that you don't consent to any further search. Keep your hands where police can see them. **Don't run. Don't touch** any police officer.
2. **Ask if you are under arrest.** If you are, you have a right to know why and you should ask to talk to a lawyer. Tell the officer that you wish to remain silent. If you are not under arrest, ask if you are free to leave.
3. **If you feel that a police officer is violating your rights**, do NOT argue with the officer. Ask to talk to a superior, and point out that you are not disrupting anyone else's activity and that your actions are protected by the First Amendment. If you do not obey an officer, you could still be arrested and taken away. However, you should not be convicted if a court concludes that your free speech rights have been violated.

NOTE: *If you see a police action that you believe is unfair, don't complain on the scene or tell the police officers they're wrong. Call 911 and document everything you witness. Write down officers' names, badge and patrol car numbers.*

Common Questions

1. *Can the police stop me and ask me questions?*

Yes. Police officers can approach you in any public space and ask questions if police think that you are involved in criminal activity. Even so, **you have the right to remain silent (it is not a crime to do so). Anything you say can be used against you.** Police may ask you to show ID, let them see your belongings, or go with them. **You do not have to cooperate,** although if you refuse they might get suspicious. **The police cannot stop you or make you answer questions without a good reason to believe that you are involved in criminal activity.**

2. *What should I do if I am stopped and questioned by someone in plain clothes?*

Politely ask the person for name, badge, and ID number. Do not answer any questions if they do not show you a badge or ID. Write down the person's name and ID number and the details of what happened, and call your regional director.

3. *What should I do if I am stopped by a police officer?*

If you are stopped by a police officer, **ask why you are being stopped and whether you are free to go.** If you are free to go, just walk away. If the police say you are not under arrest but are not free to go, then you are being detained. The police can pat down the outside of your clothes if they think you might be armed and dangerous. **If they search any more than this, say clearly, "I do not consent." You cannot be arrested for asserting your legal rights.** Always be polite, respectful, and calm. If you become abusive, physically fight back, or run away, you may be arrested.

4. *Do I have to answer questions about my immigration status asked by police?*

No. You do not have to answer any questions or give information about your immigration status. Immigration law is *federal*. Local police are responsible for enforcing local laws, not immigration laws.

5. *If I am detained and questioned by an immigration official, do I have to answer questions about my immigration status?*

If you are not a US citizen and federal officials ask about your status, you must show evidence of your status. Showing false or expired papers may get you deported or sent to prison. Once you have shown your documents, you do not have to say anything else. You may want to stay silent and talk to a lawyer. You do not have to answer any other questions.

6. *If I am detained, should I sign anything?*

NO! If you do not demand your rights, you could be deported without ever seeing a lawyer or immigration judge. **Never sign any document without reading it and understanding what it means.**

7. *If I am later arrested after the police stop me, do I have to answer questions?*

If you are arrested, you do not have to answer any questions. Do not give any questions, explanations, or excuses. Ask for a lawyer right away and each time an officer tries to talk to you. **Always talk to a lawyer before you decide to answer any question.** Do not say anything to the police except your name and address until you talk to a lawyer.

8. *What should I do after I am stopped and questioned about my immigration status?*

If you feel that you were stopped and asked about your immigration status without good reason, write down the name, badge number, and other information about the officer, the day and time you were detained, and where and how long you were stopped. Try to find witnesses and get their names and phone numbers.

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 up 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 those who will pick them up as well as the school your child attends, 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.

Decide What Kind of Child Care Plan you Want to Put in Place for your Children: If you plan for your children to remain in the United States with another caretaker if you are detained or deported, it is highly advised and recommended 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 parental 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. 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.

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 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.

Legal Guardianship (also known as a Probate Guardianship)

What Is a Legal Guardian?

- A legal guardian is an adult who the court allows to provide care for a child (including legal and physical custody of the child), or to manage the child's assets, or both. Any relative, family friend, or other interested person can file a petition with the court to be selected as the child's legal guardian.
- A legal guardianship can be for guardianship of the person, the estate, or both.
 - Guardianship of the person: The guardian can make all decisions about the child's care that a parent would make. The guardian is responsible for the child's care, including the child's:
 - Food, clothing and housing
 - Safety and protection
 - Physical and emotional growth
 - Medical and dental care
 - Education and any special needs

A guardian may be responsible for any intentional damage caused by the child and for negligent supervision of the child.

- Guardianship of the estate: The guardian of the estate must:
 - Manage the child's money;
 - Make smart investments; and
 - Manage the child's property carefully.

A guardianship of the estate is needed when the child owns or receives valuable property, like if a child inherited a house or a large amount of money. A guardianship of the estate is not needed when a child owns only inexpensive toys and clothing or the child receives social security benefits or TANF/CalWORKs (welfare).

- A legal guardian cannot move a child out of California without the court's permission. If the court agrees, the guardian must also establish guardianship in the state he/she moves to.
- A legal guardian is supervised by the court. At least once a year, the guardian must provide a status report to the court. The guardian must meet with any court investigators or social workers sent by the court and must go to court when required. The court can also order the guardian to take on other duties or can place special conditions on the guardian, if needed.
- Even after a legal guardian is appointed for a child, the child's parents have some parental rights. They can ask for reasonable contact with the child.

How Does a Legal Guardian Get Appointed?

- For information and forms to establish a legal guardianship, see:
<http://www.courts.ca.gov/1212.htm>.

How Does a Legal Guardianship Get Terminated?

- A legal guardianship ends when the court ends the guardianship or the child turns 18, is adopted, gets married, enters the military, is declared an adult by court order, or dies before turning 18. Termination of guardianship can be requested by the guardian, the child's parents, or the child if he or she is 12 or older. For more information and forms to terminate a legal guardianship, see: <http://www.courts.ca.gov/1213.htm>.

Where Can I Find More Information?

- The California courts have developed a guardianship pamphlet with basic information about legal guardianships for children: <http://www.courts.ca.gov/documents/gc205.pdf>. The pamphlet is also available in other languages:
 - Spanish: <http://www.courts.ca.gov/documents/gc205s.pdf>
 - Chinese: <http://www.courts.ca.gov/documents/gc205c.pdf>
 - Korean: <http://www.courts.ca.gov/documents/gc205k.pdf>
 - Vietnamese: <http://www.courts.ca.gov/documents/gc205v.pdf>

The guardianship pamphlet includes basic information about court procedures, the duties and responsibilities of legal guardians, and other helpful information about the obligations of a legal guardian. The California courts' website also has information about the duties of a legal guardian (<http://www.courts.ca.gov/1211.htm>) and other frequently asked questions (<http://www.courts.ca.gov/1215.htm>).

Power of Attorney for a Minor Child

What Is a Power of Attorney for a Minor Child?

- If parents do not want a legal guardian for their minor child but still want to identify someone to take care of their child, they can sign a power of attorney. A power of attorney is a document that allows a person to have someone represent them.
- A power of attorney for a minor child allows the person with the power of attorney to:
 - Have physical “custody” of the child
 - Make decisions about the child’s education and medical care.
- Without a court-ordered legal guardianship, most health insurance companies, however, will not cover a child who is not the child of the insured.

How Do You Give Somebody the Power of Attorney to Care for Your Child?

- The power of attorney must state the name of the person being given the power of attorney, describe what the person is allowed to do, be signed by the parents, and show the date that the parents signed the document. A sample form is available online (http://www.scsccourt.org/forms_and_filing/forms/Sample_Guardianship_Authorization.pdf); Even though the sample form is called a Guardianship Authorization, it has the same purpose as a power of attorney for a minor child.
- The document must be acknowledged in writing by a notary public or signed by at least two adults who witness the parents’ signature of the document. The person who is being granted the power of attorney cannot sign as a witness.

How Does a Power of Attorney Get Terminated?

- A parent may cancel a power of attorney at any time by providing written notice to anybody who has been given the power of attorney. The document cancelling the power of attorney should be acknowledged in writing by a notary public or signed by at least two adults who witness the parent’s signature of the document. A copy of the document cancelling the power of attorney should also be provided to any person or entity that received a copy of the power of attorney (for example, your child’s school or health care provider).

Where Can I Find More Information?

- For more information about powers of attorney, generally, see: <http://www.occourts.org/self-help/probate/medical-financial-eol/poa.html>.

Guardianship Authorization

MINOR

Name: _____

Birthdate: _____ Age: _____ Year in School _____

MOTHER

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Work phone: _____

FATHER

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Work phone: _____

PROPOSED GUARDIAN(S)

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Work phone: _____

Relationship to minor: _____

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone: _____ Work phone: _____

Relationship to minor: _____

In case of emergency, if proposed guardian cannot be reached, please contact: _____ Phone: _____

Authorization And Consent Of Parent(s)

1. I affirm that the minor indicated above is my child and that I have legal custody of her/him. I give my full authorization and consent for my child to live with the proposed guardian(s), or for the proposed guardian to set a place of residence for my child.
2. I give the proposed guardian permission to act in my place and to make decisions pertaining to my child's educational and religious activities, including, but not limited to enrollment, permission to participate in activities and consent for medical treatment at school.

3. I give the proposed guardian permission to authorize medical and dental care for my child, including, but not limited to, medical examinations, X-rays, tests, anesthetic, surgical operations, hospital care or other treatments that, in the proposed guardian's sole opinion, are needed or useful for my child. Such medical treatment shall only be provided upon the advice of, and supervision by, a physician, surgeon or dentist or other medical practitioner licensed to practice in the United States.
4. I give the proposed guardian permission to apply for benefits on my child's behalf, including, but not limited to, Social Security, public assistance, health insurance, and Veterans' Administration benefits.
5. I give the proposed guardian permission to apply and obtain for my child any or all of the following: Social Security number, Social Security card, and U.S. passport.
6. This authorization shall cover the period from _____ to _____.
7. During the period when the proposed guardian cares for my child, the costs of my child's upkeep, living expenses, medical and dental expenses shall be paid as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Mother's signature: _____ Date: _____

Father's signature: _____ Date: _____

Consent Of Proposed Guardian

I solemnly affirm that I will assume full responsibility for the minor who will live with me during the period designated above. I agree to make necessary decisions and to provide consent for the minor as set forth in the above Authorization & Consent by Parent(s). I also agree to the terms of the costs of the minor's upkeep, living expenses, medical and/or dental expenses set forth in the above Authorization and Consent of Parent(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Proposed Guardian's Signature: _____ Date: _____

Caregiver's Authorization Affidavit

What Is a Caregiver's Authorization Affidavit?

- If the child's parents are not available to execute a power of attorney, the child's caregiver (the adult who the child is living with instead of his/her parents) can complete the Caregiver's Authorization Affidavit.
- The Caregiver's Authorization Affidavit allows the caregiver to do the following for the child:
 - Enroll them in school
 - Get them school-related medical care
 - Seek other medical care for them (only if the caregiver is a qualified relative), including mental health treatment
 - "Qualified relative" means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person with the prefix "grand" or "great," or the spouse of any of the persons in this definition, even after the marriage has been terminated by death or dissolution.
- Schools and medical facilities are required by law to accept the Caregiver's Authorization Affidavit.
- Without a court-ordered legal guardianship, most health insurance companies will not cover a child who is not the child of the insured.
- The Caregiver's Authorization Affidavit does not affect the rights of the parents or legal guardian regarding the care, custody, and control of the child, and it does not mean that the caregiver has legal custody of the child.

Where Can You Find a Caregiver's Authorization Affidavit?

- The form is available online (<http://www.courts.ca.gov/documents/caregiver.pdf>) and should be notarized once completed. A Spanish translation is available at: <http://kids-alliance.org/wp-content/uploads/2013/01/Caregivers-Affidavit-Spanish2.pdf>.

How Does a Caregiver's Authorization Affidavit Get Terminated?

- A Caregiver's Authorization Affidavit expires one year after the date it is signed.
- A parent may cancel the Caregiver's Authorization Affidavit at any time. The parent should notify the caregiver in writing, along with any school, health care provider, or health care service plan that was given the Affidavit.
- If the child stops living with the caregiver, the Caregiver's Authorization Affidavit is not valid, and the caregiver is required to notify any school, health care provider, or health care service plan that was given the Affidavit.

How Do You Authorize a Non-Relative Caregiver to Consent to Non-School Related Medical Care?

If the caregiver is a non-relative, parents can sign an authorization for the caregiver to consent to medical treatment for the minor. This will allow the caregiver to make medical decisions beyond school-related health care needs. A sample authorization form is available in this packet.

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 5-8 is additionally required to authorize any other medical care. **Print clearly.**

The minor named below lives in my 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 (street, apartment number, city, state, zip code):

_____.
5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see page 2 of this form for a definition of "qualified relative").
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's 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 a 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.
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.

MEDICALLY RELEVANT INFORMATION

Minor's Name: _____

Minor's date of birth: _____

Allergies to drugs or food: _____

Conditions for which minor is currently being treated: _____

Current medications: _____

Restrictions on activity: _____

Primary care physician (name and telephone number): _____

Insurance Company: _____

Mother's name: _____

Mother's address: _____

Mother's telephone numbers: _____
(work) *(home)* *(other)*

Father's name: _____

Father's address: _____

Father's telephone numbers: _____
(work) *(home)* *(other)*

I AM IN IMMIGRATION DETENTION...

WHAT ARE MY RIGHTS?

I WAS ARRESTED BY THE POLICE AND I BELIEVE THEY WILL TURN ME OVER TO IMMIGRATION.

If you are arrested by local police, they must charge you with a crime in court within 48 hours (not counting weekends and holidays), or else release you. If police do file criminal charges, then you must still be released if the charges are dropped, you are granted and post bail, you win your criminal case, or you complete your sentence.

Even then, the police or jail can hold you for another 48 hours if Immigration has placed a "detainer" on you. If Immigration has not picked you up within this 48 hours, then they must release you.

If the police don't file criminal charges AND if immigration does not file a detainer, call an attorney or community organization to help you get released from police custody. They can write a demand letter to the jail or the sheriff.

DO NOT volunteer information about your immigration status to the police officer. Do not lie! Say only: "I want to speak with my lawyer" or show a "Know Your Rights" card. (Sample attached)

I WAS ARRESTED BY IMMIGRATION.

You have a right **NOT** to sign any statements or documents, especially ones giving up your right to a hearing in front of an immigration judge. If necessary, say you want to speak to a lawyer first.

Do **NOT** volunteer information about your immigration status. Anything you say will be used against you later on.

You have the right to contact your consulate. The list of consulates and their phone numbers should be posted in the jail. If not, get the number from your deportation officer. Contact your consulate immediately. If you leave a message, give them your name, A number, where you were arrested, and the name of your deportation officer. The consul may be able to assist you in finding a lawyer or provide other services.



DO NOT LIE to an immigration officer! Lying to an immigration officer and lying about your status carries serious punishment.

WHERE AM I NOW? (IMMIGRATION DEPORTATION OFFICE)

Immigration and Customs Enforcement (ICE) Detention and Removal Office is holding you. After you are arrested, you will be placed in a holding cell or temporary processing station where you will be fingerprinted and interviewed. (Sometimes, some processing occurs during the arrest.)

After being processed, you will be assigned a deportation officer. **Write down the name and phone number of the officer assigned to your case.**

Your immigration officer should give you a document, called a Notice to Appear (NTA), which contains the immigration, charges against you. This document will help you or a lawyer figure out your case. Make sure to ask for the document if it is not given to you within 72 hours of your arrest.

Make sure that you have your “A number” (alien registration number (A99 999 999), found on your green card or documentation provided by immigration). If you do not have the number with you, contact a family member and ask them for your number. If you never received an “A number,” you will be assigned one when you are processed at the detention center, and you should ask the deportation officer for this number immediately.

WHERE WILL I GO?

Shortly thereafter, you will be moved to either an immigration detention center, local jail, or a military base where you will stay while your immigration case is pending. While detained, you may be transferred to out-of-state facilities.

You could be transferred in the middle of the night, so keep a copy of all your legal documents with you at all times. If your papers are stored with detention/jail, ask the staff for your legal papers immediately after you hear that you are being moved.

If you think you may be transferred to a detention center far from your home, and you have an immigration lawyer here, your lawyer may file immigration form G-28 with the Department of Homeland Security. They can download it at <http://www.immigration.gov/graphics/formsfee/forms/g-28.htm>. Fax the form to the Deportation Officer immediately. **This form may convince the officer to stop your transfer.**

DO I GET A TELEPHONE CALL?

You have the right to make a telephone call after you are detained. Memorize the telephone number of your attorney, family member, friend or union spokesperson, and contact him/her immediately.

Your phone calls may be blocked. If you have trouble reaching your family or attorney, ask jail staff if they have blocked the number. Also, have your family contact their local telephone company to make sure that they can receive phone calls from the detention center or jail.



WHAT HAPPENS TO MY BELONGINGS?

When you are detained, immigration will register and mark all your personal belongings. **Ask for a receipt of your personal property.** This is the only evidence that you have personal property. The property may be held at the deportation office or it may travel with you from facility to facility. **DO NOT** count on immigration to help you with tracking your property or managing your personal property at home or at work. Your property should be returned when you are released from custody or deported.

Make sure your legal documents are not processed as “personal property.” Because you want quick access to your legal documents, always ask to keep your legal documents with you. If you are unable to keep the documents, you have the right to access your legal documents at any time. Ask the facility staff about accessing your legal material if they take it away from you. Also, make sure that your family has a copy of all immigration papers and legal documents (e.g., birth certificates, marriage certificates, passports).

Although you have the right to access your other personal belongings, these requests are regularly denied. However, feel free to make requests in writing to the facility staff.

HOW DOES MY FAMILY FIND OUT WHERE I AM DETAINED?

If your family does not know where you are detained, they should contact the local office of Immigration and Customs Enforcement’s Detention and Removal Branch in the area. They should have your full name and “A number” ready. Contact ICE headquarters at 202-305-2734 if they do not know the number for the deportation office. This information is also available online at: <http://www.ice.gov/about/dro/contact.htm>.

Tell your family to check the jail’s visitation rules. Some jails require that you provide a list of visitors’ names ahead of time. **Tell undocumented family members not to visit you.**

HOW DO I GET OUT OF DETENTION? ASK FOR BOND!

- **What is bond?** A bond is an amount of money paid to the government as a guarantee that you will attend all hearings and obey the judge’s final order. You have to pay the full amount. Bond must be paid by cashier’s check or a bank money order, payable to the Department of Homeland Security. The person paying the bond **MUST** have some kind of immigration status and identification. He/She can pay the bond at any ICE office.

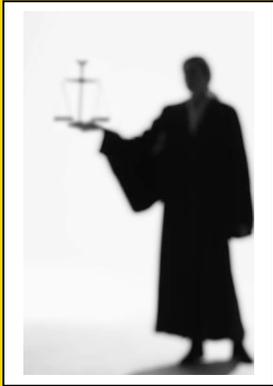
Sometimes individuals are released without having to pay bond. This is called “release on your own recognizance.” You must comply with the terms of release, otherwise you risk being redetained. This is usually granted to individuals with special conditions, like pregnancy.

Do I get a bond hearing? You should always request a bond hearing! You may not be eligible for bond if you: (1) have a previous deportation order, (2) have certain criminal convictions, (3) were arrested at the border/airport or (4) the government suspects you have terrorist ties.

What if I have a criminal record? You should get a copy of your criminal history and have an immigration attorney experienced in deportation review it to see if you are eligible for bond. You can get information from the County Clerk’s office in the county in which you were convicted or from your former criminal defense attorney.

What if I cannot afford to pay the bond? You can ask the immigration judge to lower your bond at the bond hearing. The judge has the power to decrease the bond to \$1,500.

What should I bring to the bond hearing? In this hearing, the judge considers whether you present a danger, a national security threat, or a flight risk. You should submit any documents that show you have a permanent address, stable employment, relatives with legal status in the United States, and any evidence of strong ties to the community. You should also ask family and friends to attend the hearing and to testify to these issues or send written letters of support.



WHERE DO I FIND AN ATTORNEY?

You do not have a right to a free attorney in immigration proceedings. However, you have the right to obtain a lawyer at no cost to the government. You also have the right to represent yourself.

Once detained, you will not have much time to find an attorney before your case is completed, so it is very important to contact an attorney as soon as possible.

Your deportation officer should give you a **list of free legal service providers** in the area. If not, ask for a copy right away. If these organizations are not able to help you, ask them for referrals for immigration attorneys who specialize in deportation.

Make sure to hire an attorney who specializes in deportation. Don't be tricked by people who are only after your money! Make sure your attorney has a copy of your NTA before they make any promises about what they can do for you. Request a written contract from your attorney before paying him/her. This contract is called a "retainer agreement." **Always keep the complete name and contact information of your attorney with you at all times.**

If you are not happy with your attorney, keep a record of your communications with your attorney in the event you need to make a complaint.

GET A COPY OF YOUR IMMIGRATION FILE:

Always ask for a copy of your file. You can send a formal "Freedom of Information Act" request to the Deportation Office. You can also ask the immigration judge to give you a copy of your file, or at least, unfavorable evidence against you.

IMMIGRATION HEARINGS

Will I have a hearing? If you do not get a hearing, find out why! You may not have a hearing if you have certain criminal convictions, were arrested at the border/airport, or received a prior deportation order. In some cases, you may be able to challenge the reasons why you don't have a hearing. If you believe the court is taking too long to schedule your case, ask for a bond hearing.

What if I am afraid to return to my country? If you are afraid to return to your country, notify your deportation officer and the Immigration Court immediately. You may be entitled to an interview with an asylum officer or to raise this issue in court.

Where will my hearing be held? It will be held at a local immigration court or a court inside the facility or conducted through the television. In that situation, you must file a “Motion” (request) for an in-person hearing. Regardless of whether you have an in-person hearing, your attorney can appear at the Immigration Court on your behalf.



When is my hearing? To find out when your next hearing is scheduled, call: **1-800-898-7180**. This is the automated hotline for the immigration courts. Have your “A number” available.

How many hearings will I have? You will have at least one hearing. A “**Master Calendar**” Hearing is a short hearing before the immigration judge. During this hearing, you may ask the judge to postpone or “continue” the hearing to another date to allow you to find an attorney. If you don’t want to fight your case, you can ask the judge for voluntary removal or deportation. If you want to fight your case or ask for more time to find an attorney, you will normally be rescheduled for another “Master” hearing. If you are forced to proceed without an attorney, deny the charges (this may force the government to prove the charges). If you are applying for a way to stay in the US legally, you will have a separate “**Individual**” Hearing to present your case to the immigration judge. You should bring any relevant documents and witnesses to testify at the hearing. You may not receive an individual hearing if the judge thinks that you are not eligible for any relief.



Do I have a right to an interpreter?

You have the right to an interpreter at your main hearing if you do not speak English. Make sure that you or your attorney asks the judge for an interpreter at the Master Calendar Hearing.

How do I obtain legal information? Your law library should have information on immigration law and procedure. If you do not have a lawyer, you can also write to your local service provider or Detention Watch Network www.detentionwatchnetwork.org.

- The Florence Immigrant and Refugee Rights package has excellent legal materials: Florence Project Main Office, 2601 N. Hwy 79, PO Box 654, Florence, AZ – 85232.
- For specific legal questions, contact the National Immigration Project of the National Lawyers Guild at 14 Beacon Street, Suite 602, Boston, MA 02114.
- Families for Freedom also has excellent information for detainees. Contact information: 2 Washington Street, 766 North New York NY 10004.

HOW DO I SEND THE GOVERNMENT A COMPLAINT ABOUT DETENTION CONDITIONS?

Document in detail any abuse or detention condition violations or serious medical or mental health concerns. Include: date and names of the immigration or jail officers who may be involved.

File a complaint with the jail and send copies to the local ICE office, the head (warden or sheriff) of the jail, a human rights or civil rights organization, like the National Immigration Justice Center. CONT'D ON NEXT PAGE

COMPLAINT ABOUT DETENTION CONDITIONS (cont'd.)

Make sure all the people are **listed on the same complaint**. Send copies to family and your lawyer. Then, try to resolve the issue with your deportation officer or local Immigration and Customs Enforcement (ICE) office.

If local authorities fail to respond, submit the complaint in writing to the following offices:

Mr. Timothy Perry, Acting Chief of the Detention Acquisition and Support Branch, ICE Office of Detention and Removal, U.S. Department of Homeland Security, 801 "I" Street, Suite 980, Washington, D.C. 20536.

Department of Homeland Security, Mail Stop #0800, Office for Civil Rights and Civil Liberties, Washington, DC 20528. Tel: 202.401.1474, 202.401.0470 (Local TTY); Toll Free: 1.866.644.8360; E-mail: civil.liberties@dhs.gov.

If the complaint concerns medical and mental health care, send a copy to:

Captain Philip Jarres, Branch Chief of Field Operations for the United States Public Health Service, 1220 L Street NW, Suite 500, Washington DC 20005. Tel: 202.732.0100;

After reporting the complaint to DHS, please send a hard copy to the National Immigrant Justice Center. This organization has a database of complaints about treatment or abuse in detention centers. Information from this database will be used to document trends in detention centers. Your personal information will be protected.

1. **National Immigrant Justice Center**, 208 S. LaSalle Street, Suite 1818, Chicago, IL 60604
2. **American Bar Association**, Commission on Immigration, 740 Fifteenth Street, NW, 9th Floor, Washington, DC 20005-1022

LOCAL CONTACT INFORMATION HERE:



Documents and Information Checklist

Important Information to Know

- A-Number (8 or 9 digit number that begins with an A, usually on your immigration documents)—**only include if you have one available.**
“Be prepared to share your A number with family members, confidants and, if needed, immigration attorneys.”
- When is your next court date/hearing date?
If you have a court date regarding immigration, criminal, or civil matters, it is important to remember the date.
- List of all entries and exists at any U.S. port of entry (including date, place, status, if apprehended by immigration and police)
- List of family members with status in the U.S. (spouse, children, parents, brothers/sisters)
- Have you applied for any type of immigration relief before? (Such as TPS, DACA, U Visa, T Visa, etc.) before? If so, do you have any application documentation handy?
- Have you had any prior deportation or removal orders?
- Do you have any type of criminal record? (arrests, where, for what, and documentation of what happened in court)
- Do you fear harm or mistreatment if you return to your home country?
- Have you ever been the victim of a crime in the U.S? (If, yes, get a copy of the police report filed)
- Do you have a serious medical issue or take medication for a serious illness?

Documents to Keep in a Safe Place

- Birth Certificate (yours and your family members)
- Any Form of Identification
- Passport (if you have one)
- Any immigration Documents
- Any Criminal Documents, if you were a Victim or a Suspect of a Crime
- Documents Relating to any Serious Medical Problems



FAMILY EMERGENCY PLAN

REMEMBER!

- 1) Make arrangements for child care ahead of time in case of an emergency.
- 2) Update everyone's contact information and put in a visual place.
- 3) Keep copies of all immigration documents and other important documents in a safe place.
- 4) DO NOT SHARE THIS CARD WITH IMMIGRATION AGENTS!

EMERGENCY CONTACT INFORMATION:

Name: _____
Address: _____
Phone: (Day) _____
(Night) _____
Relationship: _____

CONTACT INFORMATION FOR COMMUNITY ORGANIZATION OR LAWYER

Name: (Community Organization) _____
Address: _____
Phone: _____
Name: (Attorney) _____
Phone: _____

FAMILY MEMBERS INFORMATION

Family Member #1:

Full Name: (Legal or Nicknames) _____
A-Number: _____
Date of Birth: _____
Location of Arrest if Known: _____

Family Member #3:

Full Name: (Legal or Nicknames) _____
A-Number: _____
Date of Birth: _____
Location of Arrest if Known: _____

Family Member #2:

Full Name: (Legal or Nicknames) _____
A-Number: _____
Date of Birth: _____
Location of Arrest if Known: _____

Family Member #4:

Full Name: (Legal or Nicknames) _____
A-Number: _____
Date of Birth: _____
Location of Arrest if Known: _____

***Your A- Number (if you have one) is the 8-9 digit number that begins with an "A" on your**



FINDING A FAMILY MEMBER OR FRIEND THAT HAS BEEN DETAINED

JAILS AND DEPORTATION CENTERS

- San Francisco Detention and Removal Office (DRO)
(415) 844-5512
- Contra Costa West County Detention Facility
(415) 844-5512
- Yuba County Jail, Marysville, CA
(530) 749-7740
- Rio Cosumnes Correctional Center
(916) 329-4300

ONLINE DETAINEE LOCATOR SYSTEM

You can find information on a detained family member
By going to the following website:

U.S Immigration and Customs Enforcement

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

The online system cannot search for records or persons under the age of 18!

You will need to have the following information available to conduct the search:

Searching by A-Number

* A-Number: (e.g., 012345678)
* Country of Birth:

HOTLINES AND OTHER HELPFUL NUMBERS

- Immigration Court Hotline
1-800-898-7180
Call for hearing schedules with immigration court.
You will need the persons A number
- San Francisco Immigration Court
Non-Detained Cases
(415) 705-4415
100 Montgomery Street, Suite 800
Detained Cases
(415) 705-1033
630 Sansome Street

Searching by Biographical Information

* First Name:
* Last Name:
* Country of Birth:

Date of Birth:

The A-Number (if they have one) is the 8-9 digit number that begins with an "A" on your

*Required Field

