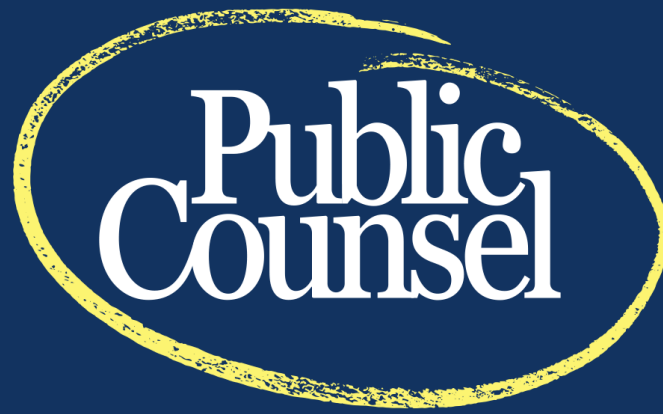




Creating a Family Plan

What immigrant parents, and their supporters,
need to know

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Child, Youth & Family Advocacy

January 9, 2026

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What we will cover

- **What do deportations look like now?**
 - ICE's rules for detaining parents
- Reduce your risk of DCFS – **make a plan!**
- **Short term plans**
 - What to include in your plan
 - Caregiver's affidavits
 - Third party consents
- **Long term plans**
 - Reuniting in your country of origin
 - Guardianship with a caregiver in the US – and tips for caregivers
 - What if my child's other parent does not agree



A second to
pause...

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What does
deportation
look like right
now?

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Deportations look different.

More people are **detained without notice.**

Fewer people are released and allowed to make arrangements to leave on their own.

Detentions can be long.

There is **no guarantee that families will be kept together.**



ICE's rules for detaining parents have changed.



The new rules reduce ICE's obligation to:

- Help parents' participate in custody cases;
- Allow parents to make care or travel arrangements for their children in advance of removal; and
- And change the definition of parent in a way that impacts LGBTQ+ families.

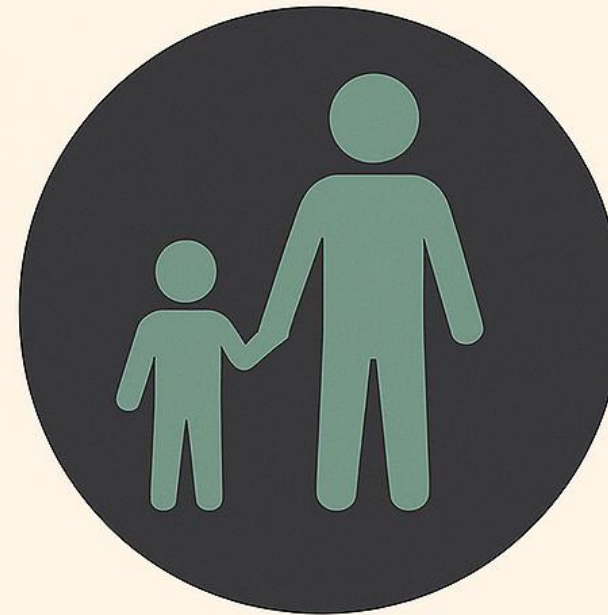
Will my kids
go into foster
care if I am
deported?

Probably not.

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To trigger a state foster care case, an allegation is made against a parent to the Child Abuse Hotline.



What if a family has an open dependency/foster care court case?

Make sure that there is actually an open dependency/Children's **COURT** case.

- Investigations do not impact a family's ability to make a plan.
- Court cases that have been closed do not impact a family's ability to make a plan.

If a family has an open dependency court case, **their ability to plan is different.**

- Talk with their dependency attorney.
- There are many factors that impact what they can and cannot do.

What can you do to decrease the risk of CPS involvement during an immigration action?

MAKE PLANS

Short term

During detention

Long term

Reunite in country of origin

Child stays in the US with a guardian

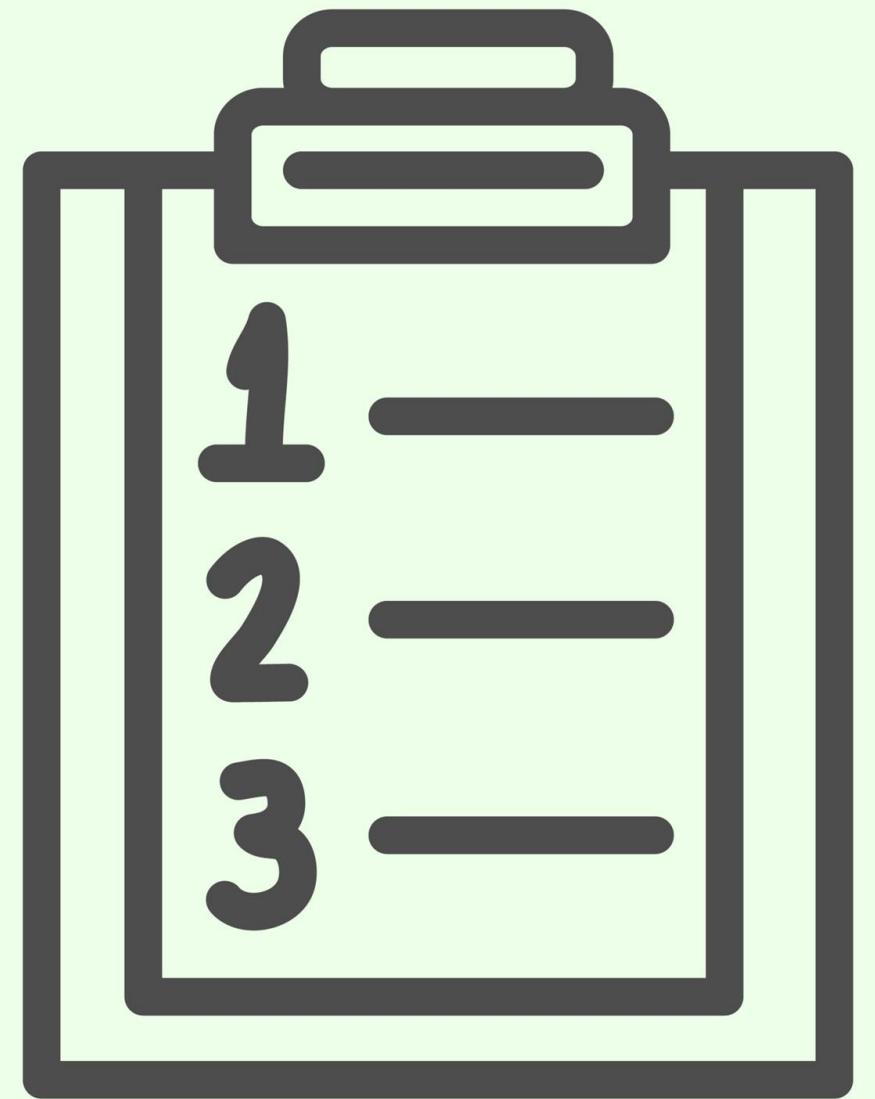
Short Term Plan

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Getting your plan in place

1. Talk with potential caregivers about whether they are able to care for your children.
2. Talk with your children about your plan.
 - Children need to be able to let others know who their caregiver is and how to reach them.
3. Inform your community about the plan – schools, daycare provider, neighbors.
4. Update all emergency contact information.



Gathering documents

1. **School and medical records**, especially vaccination records and health insurance cards.
2. **Vital records**, like birth certificates, social security cards.
3. **Passports**:
 - **DS-5525**: Getting a passport when one parent is not available
 - **DS-3053**: Authorizing a third party to apply
4. **Legal documents to prepare**

Affidavits and Authorizations

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What legal documents do I need?

- Power of Attorneys is not the best option in California.
- Relatives should use a **Caregiver's Authorization Affidavit.**
- Non-relatives need a **Caregiver's Authorization Affidavit** and separate **authorizations.**



“Short Term Guardianship” Power of Attorney

- **Frequently prepared by notarios**
 - Often costs \$200 to \$500
- **This is not a good option**
 - It is misleading – it is not a guardianship!
 - Often contains a nomination of guardianship, which parents may sign thinking that it will only allow for a "short term" guardian when it is a consent for a permanent guardianship.
 - Does not provide anything more than a CAA, or for a non-relative authorizations

**APPOINTMENT OF
SHORT-TERM GUARDIAN FOR MINOR CHILD(REN) AND
DURABLE HEALTHCARE POWER OF ATTORNEY**

I/We, _____ and

constituting the sole _____ ☐ parent(s) or ☐ guardian(s) of the
child(ren) named _____
_____ hereby appoint
(1) _____, residing at
_____, with
telephone number(s) _____ and
having the following relationship(s) to (1) me ☐ as ☐ the minor(s): _____; and
(optional) (2) _____, residing at
_____, with
telephone number(s) _____ and
having the following relationship(s) to (1) me ☐ as ☐ the minor(s): _____
to serve as the short-term guardian(s) over, and health care agents for, the following minor child(ren) (if
more space is needed here or elsewhere, attach additional sheets):
Full name: _____ DOB: _____
Full name: _____ DOB: _____
Full name: _____ DOB: _____
and will become effective (check one):
☐ immediately;
☐ on _____, 201____;
☐ upon the death, incapacity, or absence of all parents/guardians listed above; or
☐ the occurrence of the following triggering event(s): _____

Caregiver Authorization Affidavit

A Caregiver's Authorization Affidavit is a legal form created by California law allows most **relative** caregivers to:

- Make some educational, and
- Make the same medical decisions that a guardian can make.

Limitations of a Caregiver's Authorization Affidavit

- **Non-relatives** can only use a Caregiver's Authorization Affidavit to (1) enroll a child in school; and (2) consent to school-related medical care, like immunizations.
- A Caregiver's Authorization Affidavit does not allow you to:
 - Enroll a child in daycare or preschool
 - Obtain a passport or other vital documents
 - Does not give a caregiver legal custody
 - Does not allow for international travel

How Do You Fill Out a Caregiver Authorization Affidavit

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: _____

NOT need to
be notarized,

NOT signed
by a parent,

NOT stamped
by a court.

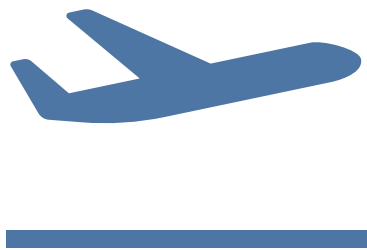
Third Party Authorizations



Third Party Medical Consent: Allows non-relatives to consent to more than school-related care.

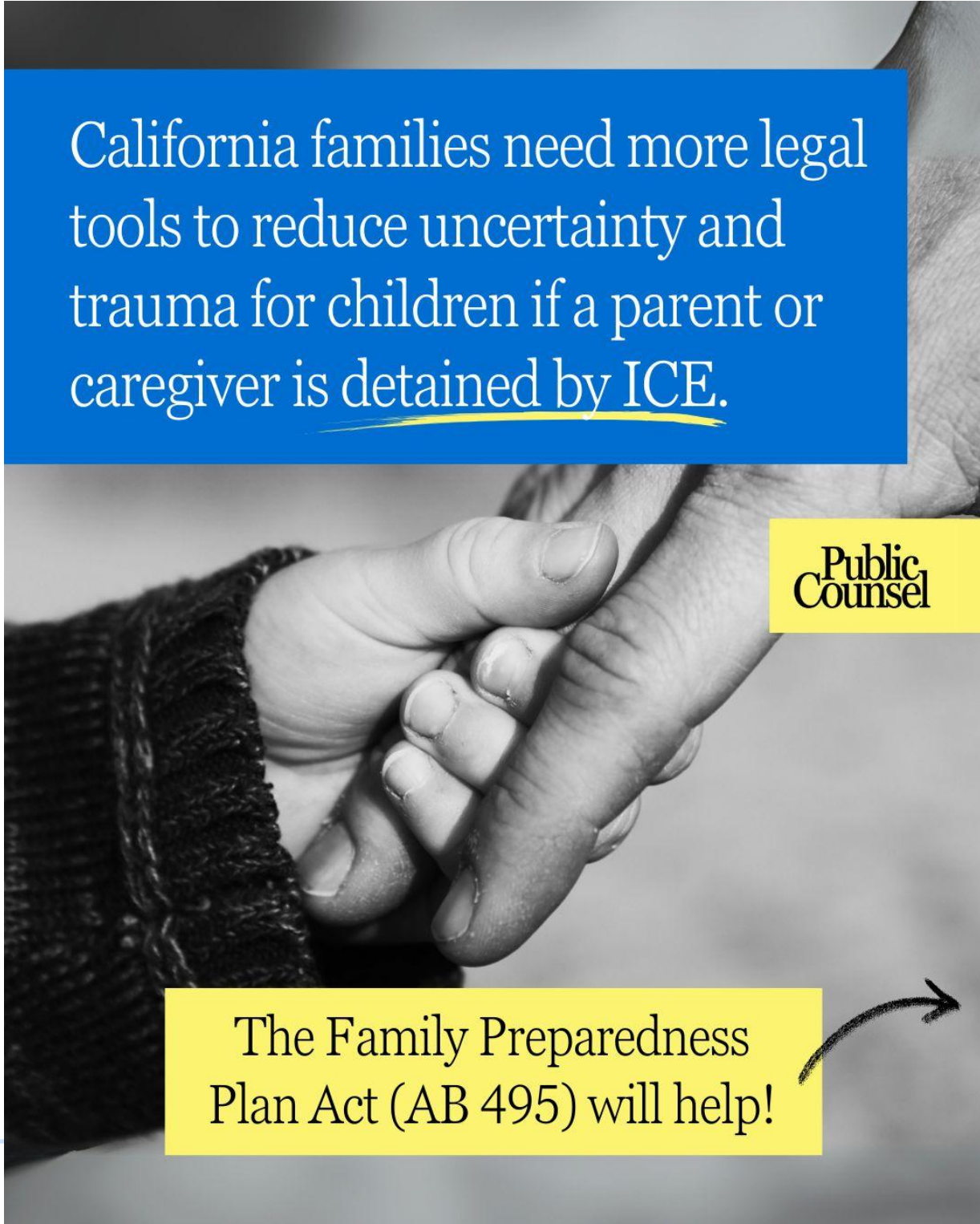


Designating Educational Decision-making Authority: Allows relatives and non-relatives to request special education assessments and participate in meetings without a guardianship.



Travel Consent Form: Allows a parent to give permission for a caregiver to travel internationally with children. Check specific airline to see what they need.

What about AB 495?



California families need more legal tools to reduce uncertainty and trauma for children if a parent or caregiver is detained by ICE.

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The Family Preparedness Plan Act (AB 495) will help!



Because it was amended, AB 495 made no significant changes to Caregiver's Authorization Affidavits.

It changed the definition of relative to match the definition in other parts of the Family Code – but it did expand the definition.

Long-term Plan

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Reuniting in Country of Origin

Several things to think through:

- Are there existing family law orders?
 - See a lawyer!
- Do not consent to a guardianship.
- Who will care for the children until they can meet you?
- Who will travel with the children if children leave separately?
- Considering **Joint Repatriation**
 - Process where parent alerts ICE while detained that they would like to be removed with their minor children who are still living in the community.
- What documents do you need – **get them now**
 - Notarized letter (Travel consent letter)
 - Passports
 - Apostille for CA Birth Certificate



What if my child's other parent does not agree to my plan to move with my children?



You may need to ask for court permission to move with the children.

This is called a request to “**move away.**”

Transfer custody with a traditional Probate Guardianship

What is a Probate Guardianship?

A legal process that transfers legal custody from a parent to a non-parent so that the non-parent can make almost all of the same decisions that a parent can.

What are the limitations of a traditional Probate Guardianship?

A traditional Probate Guardianship may be an option for you if you would like your child to stay in the United States with a caregiver long term.

With a probate guardianship, your parental rights are suspended. It can be very difficult to reunify with your child or even remain in contact with them if the guardian does not agree. This risk increases the longer a child is placed with guardian.



Joint Guardianship under AB 495

What is a Joint Guardianship?

Joint guardianship is a legal process where a parent and a non-parent share custody with either having the ability to make decisions for the child.

How did AB 495 change Joint Guardianship?

In the past, a joint guardianship was only available if a parent was terminally ill and had less than 6 months to live.

With AB 495, parents and guardians can share custody under a joint guardianship for a lot of different reasons – like a deportation, incarceration, military service, illness, or other short term absence.

Why would a parent choose Joint Guardianship?

With a joint guardianship, a parent's parental rights would not be suspended. They could still make decisions for their child and are a better place to regain custody if they are able to return to the US.



Nomination of Guardianship

GC-211

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.
TELEPHONE NO.: FAX NO. (Optional):		
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF (Name):		CASE NUMBER:
☐ CONSENT OF PROPOSED GUARDIAN		
☐ NOMINATION OF GUARDIAN		
☐ CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE		

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the ☐ person ☐ estate of the minor.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

3. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the Petition for Appointment of Guardian of Minor, filed on (date): _____. I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR

☐ Continued on Attachment 4.

Form Adopted for Mandatory Use
Judicial Council of California
GC-211 (Rev. January 1, 2006)

**CONSENT OF PROPOSED GUARDIAN, NOMINATION OF GUARDIAN,
AND CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE**

Probate Code, §§ 1334,
1590-1592

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Save This FormPrint This FormClear This Form

A nomination of guardian allows a parent to suggest who they would like to serve as their child's guardian if they are absent.

Nominations of guardian can be done in advance and signed by the parent.

Parents should know that:

- A court must consider a parent's nomination, but does not have to follow it.
- Once a guardian is established, a parent's rights are suspended.

What if my child's other parent does not agree to my plan to nominate a guardian?



If you think your child's other parent might want custody, you should talk with a lawyer ASAP.

- Your child's other parent has a right to notice and to ask for the child to be placed with them.
- You cannot transfer custody to another person without notifying your child's other parent.

Tips for Legal Guardians

- **It is okay to be an informal caregiver until you are ready to file for legal guardianship.**
- **Immigration status is not relevant to legal guardianship proceedings – and any caregiver 18 and over can apply for guardianship.**
- **DCFS cannot require you to file for legal guardianship** – this is against their policies and the law!
- **Most caregivers qualify for public benefits**
 - CalWORKS for relatives – no guardianship necessary!
 - State foster care for non-relatives – probate legal guardianship required, but no home approved needed
 - Social Security – probate legal guardianship required, but no home approved needed
- **You may want to file for legal guardianship if:**
 - You want to add the child to your health insurance.
 - You live in Section 8.
 - You need access to the child's vital records.

What if my child
is also
undocumented?

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Questions?

Get help

- Guardianships – Public Counsel Guardianship Clinic
- Family law and reunification-related - 213-385-2977, ext 311