



## Family Preparedness Plan

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 practice to have one in place to help reduce the stress of the unexpected. This packet will help everyone create a Family Preparedness Plan, regardless of immigration status.

### ➔ 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. You can find more information about these rights at <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>.

### ➔ Find Out About Your Immigration Options

Talk to a trusted legal services provider to see if there is a way for you to get immigration status or, if you already have some type of temporary immigration status, to get a green card or U.S. citizenship. If you have a criminal arrest or conviction, find out how it might affect your immigration situation, or if there is a way to erase it from your record. Visit <https://www.immigrationlawhelp.org> to find a reliable legal services provider in your area.

### ➔ Make a Child Care Plan

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. This packet includes templates to put together these documents.

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## **Step 1: Decide Who Can Care for Your Child if You Are Unable and Talk with That Person**

Identify a responsible adult that you trust and that your child knows and is comfortable around. Ideally, the person you designate to care for your child is someone with lawful immigration status. Talk to this person in detail about your desires for your child and expectations for the care they will provide. Make sure the person knows they will be listed as an emergency contact and knows how to access all of your important documents and information. Memorize this person's phone number and have your child memorize it too.

## **Step 2: Put a Child Care Plan in Place**

Once you have identified and come to an agreement with the person who will care for your child if you are unable to, you can begin to put a plan in place.

**The CAA:** The Caregiver's Authorization Affidavit ("CAA") is a very important document in California that will allow another person to care for and make basic decisions about your child in your absence without impacting your rights as a parent. In California, the CAA will allow your designated caregiver to make certain school and medical decisions on behalf of your child. The CAA can be given to your child's school or health care provider without affecting your 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 CAA is for use in California only.***

For most situations, the Caregiver's Authorization Affidavit is sufficient, and it is not necessary to fill out any additional legal documents. If your situation is more complicated, for example, if you are involved in a custody dispute with your child's other parent, you have a child with significant medical needs, or you are planning for your child to remain in the United States long-term with a non-parent caregiver, you should speak with an attorney, and may wish to consider nominating a guardian for your child.

**Guardianship:** Guardianship is a formal legal arrangement that can only be put in place by a court. If a court appoints a guardian for your child, the guardian has full legal and physical custody of the child. A guardianship does not terminate parental rights, but it does suspend them while the guardianship is in place and only a court can decide whether or not to terminate the guardianship in order to get your parental rights back. Again, for most families, the CAA is the best first step and will provide sufficient protections, and they can later choose to pursue a guardianship should it be necessary. For a sample form nominating a guardian and additional information about guardianships, see Bet Tzedek Legal Service's "[Family Preparedness Toolkit](#)." **Nominating someone else to be a guardian and have legal custody of your child is a serious decision; you should talk to an attorney before taking this step.**

**A Note About 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, or use your money to pay your rent or mortgage. **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.** If, however, you wish to give someone else the authority to access and use your finances in order to care for your child, you may wish to use a power of attorney. This is a *very serious decision that you should discuss with an attorney.*

### **Step 3: Create a File of Important Documents**

Gather into one file the important documents that your designated caregiver would need to care for your child in your absence. Include information about your child's school, medical history, and contact information. Suggested documents to include, as well as a useful template to gather your child's information, are listed at the end of this packet. Be sure your designated caregiver knows where this file is in case they need access to it.

### **Step 4: Talk to Your Child About Your Plan**

In an age-appropriate way and without worrying them, let your child know who will pick them up and care for them if you are unable to for some reason. Assure your child that they will be taken care of, even for a short period of time, until you are able to do so again.

### **Step 5: Update Emergency Contact Information at Your Child's School**

Once you have made a plan for your child's care, be sure to provide your designated caregiver's contact information at your child's school or daycare provider. This will ensure that if the school is ever unable to reach you, they will call this person. If your designated caregiver ever changes their phone number, be sure to update their contact information.

## File of Important Documents

*Keep a file of all of these documents or a copy of these documents in a safe place. Tell your children, family members and designated caregiver where to find this file in an emergency.*

- Passports (it's a good idea to obtain passports for children now if you haven't already)
- Birth certificates
- Marriage license (if applicable)
- Caregiver's Authorization Affidavit
- Any restraining orders you may have against anyone (if applicable)
- A-number and any immigration documents (work permit, green card, visa, etc.)
- Documents demonstrating your residence in the United States and amount of time you have been physically present in the United States
- Driver's license and/or other identification cards
- Social security card or ITIN number
- Registry of birth (for U.S. born children registered in parent's home country) (if applicable)
- Important children's information (see template on next page)
- Emergency numbers and important contact information (see template on next page)
- Child's medical information, including health insurance, medication list, and doctor's contact information
- Any other documents you would want to be able to quickly find

## Important Children's Information

*Keep this information so your designated caregiver will have all of the information they need.*

<b>Child's Name</b>	
Date of Birth	
Child's Cell Phone Number (if applicable)	
School	
School Address	
School Phone Number	
Teacher's Name	
Classroom Number	
Afterschool Program	
Afterschool Program Phone Number	
Other Camp/Sports/Program	
Other Camp/Sports/Program Phone Number	
Allergies	
Medical conditions	
Medications	
Doctor's Phone Number	
Doctor's Address	
Health Insurance	

## Emergency Numbers and Important Contact Information

*Keep this information in one place so that you and your family can access it easily.*

<b>Emergency Numbers</b>	
Immediate Emergency	911
Police Department	
Fire Department	
Poison Control	
<b>Family Contacts</b>	
Mother/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	
Father/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	

Other Emergency Contact and Relationship	
Cell Phone	
Other Emergency Contact and Relationship	
Cell Phone	
Other Emergency Contacts and Relationship	
Cell Phone	

<b>Miscellaneous Contacts</b>	
Doctor	
Phone Number	
Health Insurance Company	
Policy Number	
Pediatrician	
Phone Number	
Health Insurance Company	
Policy Number	
Dentist	
Phone Number	
Dental Insurance Company	
Policy Number	
Car Make/Model	
License Plate Number	
Car Insurance Company	
Insurance Policy Number	
Phone Number	
Consulate	
Address	
Phone Number	
Attorney/Nonprofit Legal Services Provider	
Address	
Phone Number	
Church/Temple/Mosque/Place of Worship	
Address	
Phone Number	

## Caregiver's Authorization Affidavit 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 caregiver completes and signs the CAA. **The parent does not need to sign the CAA.** It is a good idea to have the person that 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 (for example, only if you are actually detained or deported).

### ➔ 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.

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 caregiver for the CAA to be valid?

Yes, in order for the CAA to be valid, your child needs to live with the caregiver. (Of course, the child does not need to live with the caregiver, and the caregiver does not need to use the CAA, unless and until you are no longer available to care for your child.) 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 the CAA is signed only by the caregiver, not by the parent(s).**

**➡ 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 caregiver, and you as the parent are not available to make school and medical decisions for your child.

**➡ If I would like to have someone complete a CAA to be able to make certain decisions for my child in my absence, what steps should I take?**

First, you should identify the person who you would like to serve as your child’s caregiver.

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 actually becomes necessary to use it. (It’s not necessary to sign and date it now since it won’t be needed unless or until you are actually unavailable to care for your child.) 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 child 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, but ideally, the person you authorize to be your child’s caregiver would not also be at risk for deportation or detention. The person should be someone with a California driver’s license or identification card (ID). Alternatively, 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.** 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: \_\_\_\_\_.

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.
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.