



# Immigrant Family Preparedness Guide for Georgia Families





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## MAKE A PLAN FOR YOUR CHILDREN IN CASE YOU ARE DETAINED OR DEPORTED

If you are away from your children, it is a good idea to have a plan to make sure they are taken care of. If you want someone you trust to take care of your children, that person will need permission from you to take care of them and make decisions while you are gone.

This guide has a lot of information to help you with this. There are also different forms you can use. You can choose which form will work for you at what time.

If you want the person you trust to have legal custody of your children, you must go to court. To do that, you have to talk to a family lawyer.

These papers are ways to help in case you are away for a while. They are not advice from a lawyer about what to do.

### PROTECT YOURSELF FROM FAKE NOTARIOS!

Make sure the lawyer you work with has a license and has the education to help you with your case.

In many countries that speak Spanish, someone called a “notario” is a lawyer or a person who went to school to learn the law. Remember, in the U.S., a “notary” is a person who has the job of watching people sign important documents. A “notary” in the U.S. is not allowed to write legal papers or give any advice to you, unless they are also a lawyer.

You can check if your lawyer is licensed by calling the State Bar of Georgia at 404-527-8700 or 800-334-6865.

#### **Do not hire anyone who:**

- Won't give you papers in writing
- Charges you money for papers that are blank
- Promises you things because they “know people” at Immigration
- Pretends to be a lawyer or immigration specialist
- Asks you to lie on papers
- Asks you to sign a blank paper
- Charges you money to be on a “waiting list” or “in line”. Remember: **There is no list. There is no line.**

If you think the lawyer you are dealing with is fake, you may call the:

**American Bar Association Commission on Immigration** at (202) 662-1007. To access more resources on fighting Notario fraud, please visit: [https://www.americanbar.org/groups/public\\_services/immigration/projects\\_initiatives/fightnotariofraud/victimresources.html](https://www.americanbar.org/groups/public_services/immigration/projects_initiatives/fightnotariofraud/victimresources.html)

**State Bar of Georgia** at their consumer protection program at 404-527-8759. To learn more or to access a complaint form, please visit: <https://www.gabar.org/committeesprogramssections/programs/upl/>

**Federal Trade Commission** in English or Spanish (877-FTC-HELP). You can also go to [www.stopnotariofraud.org](http://www.stopnotariofraud.org)

**Immigration Court (Executive Office for Immigration Review)** You can also make a formal complaint if you are a victim of immigration fraud to the immigration court at <https://www.justice.gov/eoir/submit-complaint>

## IN CASE YOU ARE DETAINED

# 1 STEP 1

### COLLECT IMPORTANT INFORMATION

The first step in making your family plan is to get together important information, phone numbers and papers. Fill out the chart below to get started.

#### **Important Children's Information**

*Keep this information so that the people you trust to care for your child have it while you are gone.*

<b>Child's Name</b>	
Date of Birth	
Child's Cell Phone Number (if they have one)	
School	
School Address	
School Phone Number	
Teacher's Name	
Grade	
School Counselor	
Afterschool Program	
Afterschool Program Phone Number	
Other Camp/Sports/Program	
Other Camp/Sports/ Program Phone Number	
Allergies	
Medical conditions	
Medications	

**Emergency Phone Numbers and Important Information**

Keep these numbers in one place that everyone in your family knows.

<b>Emergency</b>	
Emergency Now	911
Police Department	
Fire Department	
Poison Control	
<b>Family</b>	
Mother/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	
Father/Parent/Guardian	
Home Phone	
Cell Phone	
Work Address	
Work Phone	
<b>Other Emergency Number and How You Know Them</b>	
Cell Phone	
<b>Caregiver (person you trust to watch your children)</b>	
Home Phone	
Cell Phone	
Email Address	
Address	
Work Address	
Work Phone	



<b>Other Contacts</b>	
Doctor	
Phone Number	
Health Insurance Company	
Policy Number	
Pediatrician	
Phone Number	
Health Insurance Company	
Policy Number	
Dentist	
Phone Number	
Health Insurance Company	
Policy Number	
Church or Religious Center	
Address	
Phone Number	
Embassy/Consulate (Office of your home country)	
Address	
Phone Number	
Lawyer/Nonprofit Legal Services Provider	
Address	
Phone Number	

<b>Contact Information for Family and/or Friends in Home Country</b>	
Name	
Phone	
Name	
Phone	
Name	
Phone	

If you are worried about being picked up by ICE with phone numbers on you, you can also set up a plan where you call one person who has safe immigration status and then they can call everyone else on your plan.

### Get Together Important Documents

Make sure you have all the information you may need for your children, like: birth certificates, passports, Social Security Cards, important papers from their doctor and school (examples of school documents: report cards, Individualized Education Plans/504 Plans, progress reports), "Power of Attorney" (a legal paper saying someone can make decisions for you) and emergency phone numbers. You should make a different file for each of your children and have all of them in a safe place in your home. Make sure you make copies of all the information.



## 2 STEP 2

### DECIDE WHO YOU TRUST TO TAKE CARE OF YOUR CHILDREN (THIS IS CALLED A “CAREGIVER”)

A **caregiver** is someone who you would ask to take care of your children if you could not. Most parents already know who that person is, but don't always have plans ready. Follow these steps to make a plan for your children's care in case you are picked up by ICE.

The person you decide to trust as caregiver can be **any responsible adult** you choose, **like your husband or wife, aunt or uncle, brother or sister, or other family member**. The caregiver can also be a godparent, **a friend**, or a neighbor. If you have more than one child, you may want to pick different caregivers for different children, or you may choose to keep them together with one person. If you can, choose a caregiver who has lawful immigration status.

You want to choose a **caregiver who can pick your children up right away after you are taken into custody. If after attempting to find a family member to take custody of the children and there is no one to pick up your children right away, the Department of Family and Children's Services may take your children and file a case against you. This is why it is important to make a plan in advance.**



## STEP 3

### MAKE SURE THE CAREGIVER YOU PICK AGREES TO TAKE CARE OF YOUR CHILDREN

After you decide who will be the caregiver for your children, talk with them. There are many important things to discuss with them and you want to make sure that everyone is comfortable with the plan. **Make sure the caregiver understands that your children may be living with them for a long time.** Talk with the caregiver to make sure they have the money to take care of your children as well as the space in their home.

Here are some questions you should think about when talking with the caregiver you choose:

- **How long will they be able to take care of your children?**

There is no way to know how long you may be away from your children. It may be months or even years. If you are deported, it might be an even longer period of time. Sadly, many children end up in foster care because the caregiver thought they would only have the children for a few weeks and couldn't keep them any longer. Make sure the caregiver you pick is ready and able to keep your children for a long time.

- **How much will it cost to take care of your children?**

The **caregiver you choose will need to take care of everything for your children.** Your children will need **food, a home, travel, doctor visits, and things like clothing and books.** The caregiver may be able to obtain public assistance (money or health insurance from the government). But if they can't, will the caregiver be able to pay for all of these things for your children? Can you set money aside to help in case you are picked up by ICE? Are there friends or family members who can give the caregiver money for what your children need?

- **Who else lives in the house?**

Do you know and trust everyone who lives in your caregiver's home? You need to make sure you are comfortable with everyone who will be close to your children. If there is someone in the house who has been to jail or prison, or who has been reported for hurting a child in the past, your children may not be allowed to stay in that house. And, if someone calls the Department for Family and Child Services about the safety of your children, a judge could place them in a foster home for the state to take care of.





- **Will there be adults around to watch the children?**

You need to make sure your children will be watched at all times so they are safe. Find out who will be watching your children at home and if they will go to daycare when they are not at home. Make sure the caregiver's home is safe for all of your children.

- **Does your caregiver know of any special needs your children have (like medicine or doctor visits)?**

Give the caregiver the phone number and address and name of your children's doctor and any health insurance cards or papers they will need. Provide the caregiver with a copy of your child's Individualized Education Plan/504 Plan from school, if you have one. If any of your children take medicine, tell the caregiver where you keep the medication and where they can get more.

- **Does your caregiver know where your children go to school?**

You should make sure your caregiver knows what school your children attend in case they have to pick them up in an emergency. You may also want to give your children's school a paper in writing that says your caregiver is allowed to pick your children up from school and that the school should call the caregiver about your children while you are away.



# IF YOU ARE DETAINED OR DEPORTED FROM THE U.S. AND YOU WANT YOUR CHILDREN TO RETURN TO YOUR HOME COUNTRY WITH YOU

## Get Passports for Your Children

If your child is under 16 and is a U.S. citizen, then usually both parents have to go with the child to apply for a passport.

If one parent cannot go, that parent must give the other parent permission by filling out a "Statement of Consent" (form DS-3053). That parent must show ID to a notary and have them stamp the paper with their notary seal. Then, turn in the passport application (Form DS-11) with Form DS-3053, and attach a copy of an ID for the other parent (the one that was stamped by the notary).

Parents can apply for a passport for their child without the other parent's consent if:

- One parent can prove they have sole custody (legal form saying only one parent has custody)

OR

- They can show there is an emergency or a special reason why the other parent is not able to sign papers (the other parent cannot be found or has been deported). If this is true, then one parent can fill out a "Statement of Exigent/Special Family Circumstances" (Form DS-5525). The Department of State will read your paper explaining why the other parent can't give permission, and decide.

**To determine where to apply for a U.S. passport, please visit:**

<https://travel.state.gov/content/passports/en/passports/information/where-to-apply.html>

**You should bring the following documents:**

### 1. Papers proving citizenship for your child with one of these:

- Fully-valid, undamaged U.S. passport (may be expired)
- U.S. birth certificate
- Consular Report of Birth Abroad or Certification of Birth
- Certificate of Citizenship

### 2. Papers that say you are the parent of the child that you want the passport for. You can use one of these:

- U.S. birth certificate (also evidence of U.S. citizenship)
- Consular Report of Birth Abroad (also evidence of U.S. citizenship)
- Foreign birth certificate
- Adoption decree
- Divorce/Custody decree
- For guardians or temporary guardians, a court order appointing the guardians.

### **3. If you have sole custody of your child, you need to show one of these papers:**

- Complete court order granting you sole legal custody of the child
- Complete court order specifically permitting you to apply for your child's passport
- Certified copy of the child's birth certificate listing you as the only parent
- Certified copy of an adoption decree listing you as the only parent
- Certified copy of a judicial declaration of incompetence of the non-applying parent
- Certified copy of the death certificate of the non-applying parent
- Copy of Georgia Statute, O.C.G.A. §19-7-25<sup>1</sup>

### **4. Parents must bring one of these to prove their identity- you must bring a copy also.**

- In-state, fully-valid driver's license
- Valid or expired, undamaged, U.S. passport
- Certificate of Naturalization or Citizenship
- Government employee ID (city, county, state or federal)
- U.S. military ID or military dependent ID
- Valid foreign passport
- Matricula Consular (Mexican Consular Identification, commonly used by a Mexican parent of a U.S. citizen child applicant)
- If the parent or guardian does not have the type of IDs listed above, visit the website below for more alternatives: <https://travel.state.gov/content/passports/en/passports/information/identification.html>

### **5. Parents must bring a 2x2 inch picture of their child. Make sure to pay attention to what it must look like:**

- Printed on photo quality paper
- Sized such that the head is between 1 inch and 1 3/8 inches (between 25 and 35 mm) from the bottom of the chin to the top of the head
- Taken within the last 6 months to reflect your current appearance
- Taken in front of a plain white or off-white background
- Taken in full-face view directly facing the camera
- With a neutral facial expression and both eyes open
- Taken in clothing that you normally wear on a daily basis
- Uniforms should not be worn in your photo, except religious clothing that is worn daily
- Do not wear a hat or head covering that obscures the hair or hairline, unless worn daily for a religious purpose. Your full face must be visible, and the head covering must not cast any shadows on your face
- Headphones, wireless hands-free devices or similar items are not acceptable in your photo
- If you normally wear prescription glasses, a hearing device or similar articles, they may be worn for your photo

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<sup>1</sup> Under Georgia law, only the mother of a child born out of marriage has custody of that child. O.C.G.A. §19-7-25. The father of the child has no legal rights with respect to the child unless he marries the mother or he obtains a court order "legitimizing" the child (declaring him the legal father of the child) and a specific order for custody and visitation. O.C.G.A. §19-7-22. Because not all states follow this law, you may still have to complete Form DS-5525 statement of exigent/special family circumstances to explain why you shouldn't need father's consent in this situation.



- Dark glasses or non-prescription glasses with tinted lenses are not acceptable unless you need them for medical reasons (a medical certificate may be required)
- Some passport acceptance facilities provide photo services for an additional fee. Most CVS store locations provide these photo services for a fee.

**DO NOT** attach your photo to the other papers.

## 6. Bring money to pay the passport fee.

It is \$105 for a Passport Book and \$40 for a Passport Card, or \$120 for a Passport Book and Card. Some offices do not take credit cards or checks, so make sure to bring cash too.

***If you are a parent who is applying without the other parent's consent and you don't have sole custody, you must bring and fill out all these papers:***

- Complete U.S. Passport Application (Form DS-11).
- Complete Sections 1 through 8 on the Statement of Exigent/Special Family Circumstances (Form DS-5525). If you don't know the answer to a question, write "I don't know."
- If the other parent is not in the child's life, then in Section 7 describe ALL of your efforts to try and find that other parent. You should contact at least 2 different people including friends, family members, former employers, or former landlords to ask for the non-applying parent's current address and write down exactly what each person tells you. You should look on the internet and in telephone directories and write down exactly what you find. If you need more space to describe your attempts to contact the non-applying parent, continue on a separate paper. We understand that it may be difficult to find the non-applying parent, and it is likely you will not be able to find that parent, but it is very important that you show genuine effort to try to find them. If the State Department is not convinced that you made a good faith effort to find the non-applying parent, they will likely reject your application.
- If you currently live in Georgia, you were never married to the child's parent, and the parent never filed an action to legitimate the child, then in Section 8 you should write the following: "I have sole custody of (your child's name) by operation of Georgia law because the child was born out of wedlock and the parent has never legitimated the child. Attached is a copy of O.C.G.A. § 19-7-25 and my child's birth certificate." If applicable also add: "Additionally, I have searched for my child's parent to try to obtain his consent but I have been unable to find him."
- Describe any additional special or emergency circumstances which require the travel in Section 8.
- Attach any additional relevant evidence such as a custody order, death certificate, incarceration order, deportation order, or temporary protective order.
- Make a copy of everything you plan to submit to the Department of State and keep all of those documents together for your records.
- Send the original Passport Application, Issuance of U.S. Passport to Minor, original Statement of Exigent/Family Circumstances, and any additional relevant evidence such as the copy of the Sole Custody Statute (O.C.G.A. § 19-7-25). Attach a copy of your child's birth certificate – do not send the original. Remember; keep a copy of these documents in a safe place.

***If both parents are not around*** (both have been deported or are out of the country), then a trusted person can apply for the child's passport. This person must have a letter from both parents. The letter needs to say that the parents give permission for this person to apply for a passport for the child, and it must be stamped by a notary. You also must include copies of both parents' ID's. When this letter is only from one parent, the trusted person also needs to have a copy of legal papers that say that parent has sole custody.

If the application for the child is denied, contact a lawyer right away. You can apply for an appeal and try again, but you must do it right away. The attorney could also advise you about applying for sole custody if necessary. Please remember to keep copies of all papers you turn into the State Department and keep all letters and papers you get from them.

## **If your child was born outside the United States:**

Please call the embassy or consulate of the country where your child was born and ask what you will need to get a passport for your child. The embassy can help you with your choices and also see if it's possible for your child to have citizenship in both their home country and the U.S.

## **Other Travel Considerations**

If you want the caregiver you choose to travel with your children or arrange their travel, keep your child's birth certificate, passport and copies of any legal papers in a safe place that the caregiver knows about. Even if your children have passports, it is hard to travel as a child without parents and other issues may come up. Any time your child will travel without their parents, an ICE office or airline worker may ask for a letter of consent (a letter saying it is ok for your child to travel with the caregiver). It is very important to talk to the airline and consulate/embassy of your home country, to understand what your child may need in order to travel outside the U.S. The U.S. Customs and Border Protection has a website with lots of helpful information:

<http://www.cbp.gov/travel/international-visitors/know-before-you-go>

and

[https://help.cbp.gov/app/answers/detail/a\\_id/449/kw/449](https://help.cbp.gov/app/answers/detail/a_id/449/kw/449).

*See Sample Letter of Consent for International Travel in the Appendix of Forms.*

# IF YOU ARE DETAINED OR DEPORTED AND YOU WANT YOUR CHILDREN TO **STAY IN THE U.S.**

## Education/Enrollment in School

Children have a right to remain in the same school when they have to change homes due to loss of housing, economic hardship, or a similar reason. This means that if you are picked up by ICE and your children have to go stay with a caregiver who does not live in your school district, your children can continue going to their original school. The school should also provide transportation. If the school tells the caregiver that your children can't keep going to their old school, you or the caregiver can dispute that decision.

On the other hand, if you and the children's caregiver decide it would be better for the children to attend a school in the caregiver's district, the caregiver should be allowed to enroll the children in that school, even if the caregiver does not have any formal custody or guardianship order.

### Non-Parental Affidavit.

The school district may require the caregiver to complete a Non-Parental Affidavit. In this guide you will find examples of the non-parental affidavits used in Atlanta Public Schools, Cobb County Schools and Gwinnett County Schools. If you live in another place, ask the school district for the form, but remember that the school district **cannot** require custody or guardianship papers.

### Kinship Caregiver Affidavit

Additionally, the school district may ask a caregiver to sign a Kinship Caregiver Affidavit. The Kinship Caregiver Affidavit requires a caregiver to list a drivers' license or ID number, and some caregivers may not have this information. However, the Kinship Caregiver Affidavit is not required to enroll a child in school, although it will allow a caregiver to consent to services which usually require parental consent. Those services are:

1. Educational Services;
2. Medical services needed to enroll in school (for example, vaccines/immunizations); and
3. Curricular or extracurricular activities

### Provisional Enrollment

If the school district has any questions about a child's eligibility to enroll, the school district is required to provisionally enroll the child for 30 days to allow the caregiver time to resolve the problem without having the child miss school.

Under Georgia law, a person who is caring for a child in their home is required to enroll that child in school. If you or the caregiver have any problems enrolling your children in school, it is important to contact an attorney immediately.

*See School Affidavits in the Appendix of Forms*

# POWER OF ATTORNEY

*(A paper that is an understanding between you and the caregiver in case you are detained or deported.  
Power of Attorney lets the caregiver make decisions for your children while you are away.)*

Power of Attorney gives the caregiver temporary authority to make decisions for your children without having to go to court. If you sign a power of attorney, it does not give the caregiver rights as a parent, it just lets them make decisions for the child in case you are unable to because you are detained or deported. You still have your rights as the parent of your child. You can decide if you want the caregiver to make decisions about your children's school, doctor's visits, housing or travel.

In Georgia, power of attorney for the care of a minor child can only be given to a grandparent, step-grandparent, great grandparent or step-great grandparent. If you give power of attorney to someone other than a grandparent, it will not be valid in Georgia. However, if you want someone else to be a caregiver for your children, and you don't want to go to court, you can still write a power of attorney because many places may honor it.

You must make sure that the caregiver you choose is ready to take care of your children even for a long period of time. Make sure they also know that if they decide they cannot be a caregiver any longer, they must tell you right away.

Both parents must sign a power of attorney. But, a parent who has sole custody can fill out a power of attorney without the other parent signing it. If you are a parent with sole custody, you should tell the other parent if you plan to sign a power of attorney before you sign it. Send a letter to them by certified mail, and ask for a return receipt. It is very important to remember that the other parent could say no to the power of attorney you choose and ask the court for a child custody change.

The Grandparent Power of Attorney form and a revocation form (for if you change your mind about the power of attorney) are included in this guide. We are also including a form you can use if you want to give someone other than a grandparent power of attorney. Remember though that this form is technically not valid in Georgia, so if it does not work for your needs you should consult with an attorney about your options.

You should fill out the Power of Attorney and give it to your child's caregiver, your child's school, and your child's doctor. Make sure to keep a copy for yourself.

When you want to change the power of attorney so that the caregiver will not make decisions for your child anymore, you must fill out the revocation form and give it to the caregiver. We recommend sending the revocation form to the caregiver by certified mail, and request a return receipt. Give copies of the revocation form to your child's school, doctor and anyone else who may have had a copy of the power of attorney.

*See Power of Attorney forms in the Appendix of Forms.*

## **If You are Detained or Deported and you want your children to remain in the U.S. with a caregiver**

### **Temporary Guardianship**

A temporary guardian is a person who you choose to take care of your child while you give up parental rights temporarily. A temporary guardian can be any adult person who is taking care of your child, so long as the adult is not themselves being taken care of by the state or another person. The temporary guardian will take care of your children just like you would. They will make decisions for their health care, where they go to school, and pay for anything the child may need. They will be “standing in your place” as a parent.

The guardian will be under a court order to do everything they can to take care of your child and provide for them in the best way they can. You have the right to choose the temporary guardian. The court can also think about what your child wishes. However, the court makes the final decision. Sometimes, the judge in the probate court will choose someone other than the person you choose, but this does not happen very often. The court might ask the person who is trying to be the temporary guardian to have a criminal or background check. Some courts may require that the guardian has to be a U.S. citizen, permanent resident, or have proof of permanent status in the U.S.

To get a temporary guardian for your children, an adult who is already taking care of your children must file a petition with the probate court. The caregiver must file the petition in the county where they live. If the caregiver does not live in Georgia, they must file the petition in the county where the child is, but the child must be with the caregiver. To be very clear: a person CANNOT have temporary guardianship of a child if that child is not already living with and being cared for by that person.

For a temporary guardianship to work, you will have to give up your parental rights. While the other person has temporary guardianship of your children, the other person will make all decisions for the children, like when you can visit them. A temporary guardianship does not permanently give up your parental rights, but your rights will be “suspended” (put on hold) until the guardianship ends.

You still have to pay to support your child, and the guardian will also pay for the child to keep them healthy and safe. If you or no one else can help support your child, the temporary guardian can take on all the support for the child, which they might want to do so they can add the child to their health insurance. But, it is still your responsibility to support your child with money.

IMPORTANT: If you do not provide support for your children, either financial support or emotional support, you can lose your rights to your children. Please keep in touch with your children and do all you can to provide for your child, even if you are apart.

When the court decides on a temporary guardian, it will remain in effect until:

- the child is 18
- the child is adopted
- the child is emancipated by the court (old enough to be on their own)
- the child dies
- a temporary guardian dies
- letters of guardianship are given to a permanent guardian
- or a court order is made that ends the temporary guardianship.

You can ask the court at any time to end the temporary guardianship. When you file to end it, the court will send a notice to the temporary guardian. If the temporary guardian is ok with it, the court may end the guardianship without a court hearing. But, if the temporary guardian says no within 10 days of the notice and wishes to stay as temporary guardian to the child, the court will hold a hearing to decide what is best for the child. The longer the children are with the guardian can make a difference in how the court decides.

If you do not want to get the court involved, fill out the forms for **Power of Attorney for the Care of a Minor Child**. Please be aware that in certain situations (like if the caregiver wants to add the child to his or her insurance), only a court-ordered guardianship will work.

The forms that must be filled out to file a Petition for Temporary Letters of Guardianship of a Minor can be found at <http://gaprobate.gov/content/standard-forms> or from your county probate office. Each court may have other forms for you to fill out so make sure to ask.

The form contains a number of papers that the children's parents must sign and have notarized (signed by a notary), and a form that has to be notarized and signed by any child who is over the age of 14. These papers show the court that the parents and child (if over the age of 14) know and approve of the temporary guardian chosen. *Please know that the form cannot be filed with the court until the person who you have chosen to become the temporary guardian takes custody of the child. This means that some of these papers can be filled out at any time, but you might want to make plans to sign the form and the rest of the papers after you are gone, even if you are detained or deported by ICE.*

### **The temporary guardian CAN NOT:**

The temporary guardian will care for the child day-to-day, but a guardian cannot do everything for the child. For example, a guardian cannot mix money intended for the child with their own or get rid of any of the child's money or assets without the court knowing and saying ok. If the child thinks the guardian is denying their rights or not taking care of them, the child can file a petition in the probate court.

Atlanta Legal Aid and Georgia Legal Services Program are great places to call with questions regarding guardianship. If you do not qualify for their services, you may talk to any family lawyer you choose.

### **How to choose a Guardian**

If you think that having a temporary guardian for your child is the best thing to do, the first step is to decide who it will be. The guardian you pick for your children must be someone you trust - they will be acting as a parent to your children. The guardian should be someone who can quickly take care of your children if you are detained or deported.

Think about the choices below:

#### **A Guardian CAN Be:**

- A family member
- A friend
- A godparent
- A neighbor

#### **A Guardian CAN NOT Be:**

- A minor (someone under 18)
- Incapacitated or Incompetent (a person who cannot take care of him or herself without the help of a guardian due to serious physical, intellectual, or mental disabilities, including severe mental illness.)
- Someone who says they will not serve as a guardian or has other responsibilities that would stop them from being a guardian

**A Guardian Will Have the Power to:**

- Be in charge of your children's possessions (clothes, toys, books)
- Decide where your children will live
- Bring lawsuits on behalf of your children
- Give the ok for your children's medical treatment

**A Guardian Must:**

- Respect the rights of your children
- Take care of the support, care, education, health, of your children
- Take care of the child's personal things (clothes, books, toys)
- Save for your children's future needs with any extra money they have
- Within 60 days after appointment and within 60 days after each anniversary date of appointment, file with the court a personal status report concerning the child, including:
  - A description of the child's general condition, changes since the last report, and the minor's needs;
  - All addresses of the child during the reporting period and the living arrangements of the minor for all addresses; and
  - Recommendations for any alteration in the guardianship order;
- Keep the court informed of the guardian's current address
- Act promptly to terminate the guardianship when the child dies, reaches age 18, is adopted, or is emancipated

**Important Questions to ask yourself to decide on a guardian:**

1. Who is the person you are thinking of?
2. Where do they live? Is it safe for your children there? Will they be able to attend school or go to the doctor from there?
3. Who else lives with them? Are you comfortable with these people? Do you feel comfortable if your children lives with or around them, too?
4. If you are detained, are they able to come and get your children right away?
5. Can they support and care for your children? Can they do so for a long period of time if they need to?



6. If you are detained for a long time, are they financially capable of supporting your children? Is there money that you can arrange to send to help take care of your children? Do you trust them with your money? Remember, unless the person you choose takes responsibility for paying for the care of your children, it will still be your responsibility to provide money for your children's support.

7. Can they provide enough supervision for your children (will there always be someone to watch your children)?

8. Do you trust them to make important decisions about your children's health and care? Will they tell these decisions to others?

9. Will they take care of your children's things (clothes, books, toys)?

10. Can they save and manage money for your children for their future needs?

**Make Sure Your Guardian Knows:**

- That you would like for them to care of your children if you are detained, and that they say yes to it.
- That they must pick up your children right away if you are detained. If your children are taken into custody of the DFCS, your potential guardian must contact DFCS immediately to demonstrate that they are or should be your children's proper guardian.
- Where your children go to school, and what their medical needs are.
- Where your children's important documentation is kept (copy of birth certificate, custodial power of attorney, identification information, school and medical records), as well as any other emergency contact and important information. You may want to consider giving your children's potential guardian his or her own copies of these documents.

If, after answering all the above questions, you have any doubts about the person you chose to be a potential guardian, you may want to re-think your choice. Remember, you must make sure that the guardian you choose says they are ready, willing, and able to take care of your children, and that they can do so even if you are detained or unable to return to your children for a long time.

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