

# **VIRTUAL PLAY LAB:**

## *Making a Plan to Protect Your Family in Case of Emergency*

*Informational Webinar*

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# CHILDREN'S COUNCIL SAN FRANCISCO

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# HOUSEKEEPING



- This webinar is being **recorded** for future educational purposes



- You are muted, so please use the **question and answer** (Q&A) feature and panelists will respond during or after the presentation



- This virtual event is meant to foster community, so remember that **we are in it together** as we explore these sensitive topics

# TODAY'S COMMUNITY OF ATTENDEES

Thanks for sharing a little bit of information about yourself!

*Today's attendees identify as:*

- 42%** Parents
- 38%** Licensed Providers
- 10%** Other adults (not listed)
- 9%** Caregivers (friend or neighbor)
- 1%** Relatives (e.g. grandparent, sibling)

What emergency child care scenario concerns you the most?

*When asked, you responded:*

- 63%** COVID-19 pandemic
- 17%** Health
- 11%** Natural Disaster
- 3%** Temporary guardianship
- 2%** Immigration
- 5%** Other

# WARM-UP DISCUSSION:

## *Please Respond Using the Zoom Poll*

- Only families who have experienced an emergency in the past should create a family child care plan. (*True/False*)
- Who can you call on for support in an emergency? (*Check all that apply: family, neighbor, friend, non-profits, community advocates*)

# PLEASE KEEP IN MIND

- Content provided will be for educational and informative purposes only and should not be interpreted as legal advice.
- Legal Services for Children (LSC) and other trusted nonprofit legal services providers will be listed as additional resources for more individualized support.
- We will launch a short survey at the end to collect your feedback and send a follow up email with links to more Children's Council resources.



# Family Preparedness

Making a Plan to Protect your Family in  
Case of Emergency





# Steps to Help Prevent an Immigration Emergency if Possible

- Immigration consultations
  - For every undocumented family member
  - Consider all options
  - Many free services available
- Know Your Rights
  - Review the ILRC guidance
  - Attend a workshop
  - Carry your red card

## Planning for an Emergency: Things to Keep in Mind

- Balance being prepared with minimizing disruption to your family
- Every situation is different
- Most important: Make a plan and talk about it

Planning for an Emergency:

## Who Will Care for Your Children?

- Legal possibilities when a parent is unable to care for a child:
  - Informal arrangement
  - **Caregiver Affidavit**
  - Legal Guardianship
  - Dependency
  - Emancipation

Planning for an Emergency:

## Who Will Care for Your Children?

- Choose a trusted adult who is able and willing to care for your child.
- Talk to the potential caregiver, and talk to your children
- Make sure all providers (school, daycare, after-school, etc.) have this information

# Caregiver Authorization Affidavit

- **What it does:**
  - Allows caretaker to enroll child in school
  - Allows caretaker to consent to school-related medical care
  - Allows relatives to consent to other medical and dental care
- **What it does NOT do:**
  - Change legal custody
  - Address pre-schools or daycare centers
  - Specifically authorize participation in school activities
  - Allow caretaker to consent to special education
  - Allow caretaker to transfer school records
  - Allow caretaker to make international travel plans for child

# Caregiver Authorization Affidavit (CAA)

PR C-LP-023

## 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. 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: \_\_\_\_\_
5.  I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of "qualified relative").
6. Check one of both the examples, 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 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.

# Caregiver Authorization Affidavit (CAA)

- Requires:
  - The potential caretaker's signature and information
  - To go into effect, child must be living with caretaker
- Does *not* require:
  - Parent's signature
  - Notarization
  - An attorney or court involvement

# Caregiver Authorization Affidavit (CAA)

- Things to keep in mind when choosing a caretaker
  - Must be 18 years of age or older
  - Must be able to provide for child
  - Does not need to be documented, but *ideally* would not be at risk of deportation or detention
  - Should have a form of ID (preferably, California driver's license or ID)
  
- Expiration
  - After one year
  - Or upon child no longer living with caretaker



## When the CAA may not be sufficient

- Uninvolved parent who still has joint custody (consider a custody proceeding)
- If likely dispute about who will care for child
- Child with medical needs without a relative who can be the caretaker (talk with provider and prepare appropriate forms)

# Legal Guardianships

- Formal arrangement; must be ordered by a state court
- Pros
  - Does not terminate parental rights, but suspends them
  - Grants legal custody
  - Grants rights and responsibility to make almost all decisions
- Potential Cons
  - Difficult for parents to regain custody
    - Court will look to best interest of the child and stability
  - After two years of guardianship, the guardian can petition to adopt

# Legal Guardianships

- Important
  - Cannot be done informally, by contract, or through a “power of attorney”
  - Cannot be done in advance of the need for guardianship
  - Talk to an attorney first
  - You may prepare a Form GC-211 to nominate a specific guardian (can make conditional by completing an attachment specifying when the nomination would be effective)

# Juvenile Dependency

- When the court intervenes on behalf of a minor who has been or is at risk of being abused, neglected or abandoned.
- Triggered when Child Protective Services (CPS), after investigating an allegation of abuse or neglect, files a petition with the court seeking to open a court case on behalf of a child and possibly seeking the removal of the child from a parents' custody.
- No grounds for petition if parents have made adequate arrangements for child.

# Juvenile Dependency

- Parents and child have a right to counsel
- Right to placement with relatives
- Comes with certain benefits, which can extend up to age 21
- If this happens:
  - Get caseworker info: name, phone number, address
  - Express clearly where you want child to go
  - Give social worker contact information for potential caregivers
  - Ask how to send/receive letters/call to children
  - If the initial hearing has taken place, ask for your attorney's contact information and contact them immediately.

# Special Protections for Immigrant Families

- SB 1064 – law passed in 2012 to help ensure that undocumented immigrant parents and relatives are treated fairly in child custody and dependency cases
  - Requires reasonable efforts to reunify a family even if parents are detained or deported
  - Provides for extended reunification for immigration-related reasons
  - Confirms that relatives should be given preferential placement even if undocumented
  - Requires CDSS to provide guidance to child welfare agencies on assisting children eligible to apply for Special Immigrant Juvenile Status (SIJS), T and U-Visas, and VAWA self-petitions.

# Emancipation

- Legal process that frees a child (ages 14-18) from custody and control of parents or guardian
- 3 ways in California
  - Minor gets declaration of emancipation from judge
  - Minor legally marries with consent of parents and permission of the court
  - Minor joins the U.S. military on active duty
- Rarely an option. Minor must seek this out.

# Other ways to prepare

- Tell children your plan, and all others who care for the children
- Get passport for all children
- Write down instructions regarding any medical conditions/medication (consider a specific medical authorization if necessary)
- Make list of important contact information
- Gather important documents



# Contacting Legal Services for Children

- LSC represents minors in immigration, guardianships, dependency, emancipation, infraction, and education matters.
- We have a “warm line” through which you can receive information and referrals:

## CONTACT LSC

By phone	General info (415) 863-3762 English intake (415) 323-5814 Spanish intake (415) 484-8173	Mon/Weds/Thurs: 1:30pm – 4:30pm
LSC Address	1254 Market Street, 3 <sup>rd</sup> Floor San Francisco, CA 94102	Available 9am-5pm



# Need Help?

- Access the Family Preparedness Plan online at <https://www.ilrc.org/step-step-family-preparedness-plan> (linked in the Zoom chat box)
- See SFILEN brochure for immigration legal service providers
- Report any ICE activity in San Francisco:
  - Rapid Response Network: (415) 200-1548
- For potential representation in a guardianship proceeding or with emergency planning:
  - Justice and Diversity Center
    - (415) 989-1616 (M-F, 8:30 a.m. – 5:30 p.m.)
- For help with guardianship or family law forms:
  - ACCESS Center of SF Superior Court: (415) 551-5880 (M-F, 8:30 a.m. – 4 p.m.)

# ADDITIONAL SUPPORTS

1. **Search** for open programs using Children's Council's newly updated **Child Care Finder** at [childrenscouncil.org/childcarefinder](https://childrenscouncil.org/childcarefinder)



Explore your child care and preschool options



2. **Visit** our multilingual **Online Help Center** for answers to frequently asked questions at [childrenscouncil.zendesk.com](https://childrenscouncil.zendesk.com)



3. **Sign-up** for more virtual events for **families & child care providers** at [ChildrensCouncil.org](https://ChildrensCouncil.org)



for families

We connect parents to child care that meets their needs.

Child Care Finder

Support finding child care

Help paying for child care

UPCOMING family workshops

7/09 New and Expecting Moms Group

7/09 Making a Plan to Protect Your Family

7/14 Tuesday Playgroup

for child care providers

We support child care professionals in our community.

Starting a business?

Want to reach more parents?

UPCOMING provider workshops

7/09 Making a Plan to Protect Your Family

7/10 COVID-19 疫情期間安全CC環境與學習資料 (粵語版)

All Provider Workshops >