

San Diego County Preparedness Plan

Under recent immigration policies, there is the possibility that families in San Diego County may be separated. We advise you to make a family preparedness plan. If you do not have legal status, or you are not a citizen and have minor children in the United States, it is important to read the following materials and form your own family preparedness plan.

➤ **Keep the following documents and information together in a folder:**

- Your children's birth certificates;
- Your children's Social Security cards;
- Your children's passports or Consulate I.D.;
- Your children's California or school identification cards;
- Your children's vaccination cards;
- Copies of your children's health insurance cards;
- Names and numbers of your children's doctors;
- List of medications your children are taking or treatment they are receiving;
- List of your children's allergies;
- Other important information about your children;
- Emergency numbers and important contact information;
- Restraining/Protective orders, custody orders, or adoption orders involving your children;
- Caregiver Affidavit
- Nomination of Guardian GC -211 form

➤ **Decide who will take care of your children:**

Talk to your family and friends about the best plan for your family if you are detained and deported. Identify an adult who is willing to take responsibility for your children and talk to that person about taking on that responsibility if you are detained.

Name this person as an emergency contact in your children's schools. You should memorize this person's phone number and help your children do so as well. Write the name, phone number, and address of this person and put it in the children's backpacks so it is always with them. If your children are citizens of another country, add the phone number of the nearest consulate, in case the caregiver is unavailable. The adult you designate to care for your children can act as a formal caregiver or an informal caregiver. Make sure your children and the caregiver know where to find the important documents you prepared from the list above.

Informal caregivers have physical custody of a minor, but have limited rights to make decisions about a child in their care because they do not have legal custody. We do not recommend that you use a power of attorney as a means of transferring custody of your children to the caregiver, because legal custody can only be transferred to a caregiver by a judge.

Legal Guardians (non-parents) are formal caregivers whose petitions to be appointed legal guardians have been approved by the Probate Court (Superior Court of San Diego). Appointed legal guardians have full legal and physical custody of the children in their care. The legal guardian has full rights to make decisions about a child in their care just like a parent. Establishing a guardianship does not terminate parental rights. Parental rights are suspended for the duration of the guardianship. If a parent wishes to regain their rights and custody of their child, they may file a petition to terminate the guardianship. Otherwise, the legal guardianship automatically ends upon the earliest of the following: when the minor turns 18, the minor marries, the minor emancipates, the minor enlists in the armed services, or death of the minor.

➤ **Guardianship Considerations:**

The person you choose to be your child's legal guardian needs to be at least 18 years old. They do not have to be a relative. If you have adult children, they can be the caretaker of your minor children. They do not need to have legal status, but must be willing to be investigated by Family Court Services (FCS) (if they are relative) or Health and Human Services Agency (HHSA) (if they are a nonrelative) so the court can ensure that they have no serious criminal history, drug or alcohol problems, or allegations of child abuse/neglect against them.

Parental Consent to Guardianship

A parent may nominate and/or consent to the appointment of a guardian. San Diego Volunteer Lawyer Program (SDVLP) may be able to help a parent who lives in San Diego County draft a nomination form and provide legal advice if the parent is low income and qualifies for our services. You can contact SDVLP at (619) 235-5656 ext. 104. SDVLP holds a walk-in Guardianship Clinic every Tuesday and Thursday from 12:00 p.m. to 5:00 p.m. at 707 Broadway, Suite 1400, San Diego, CA, except on court holidays. A person may also file a petition requesting legal guardianship even when a parent has not given consent or cannot be located. However, the law requires that the parents of the child, siblings, half-siblings, and grandparents be advised that this process is being conducted, to give them an opportunity to oppose the request if they so wish.

Obtaining Legal Guardianship

SDVLP may be able to help the caregiver who lives in San Diego County file the petition for legal guardianship if the caregiver is low income and qualifies for our services.

The caregiver may file a petition with the court asking for legal guardianship of the children in their care. The court requires that fees be paid to file the guardianship papers, but a Fee Waiver form may be requested.

The caregiver will be required to attend an investigation by FCS or HHSA. There will be a probate court hearing where a judge will determine whether to approve the petition for legal guardianship.

If Child Welfare Services (CWS) takes the children

Generally, CWS will call a relative after the children are taken out of their parents' home. CWS may tell this relative to petition for legal guardianship in Probate Court. Your children should know the number of the person you chose to care for them, so they can tell CWS to call that person. The person you appoint to care for your children can call Child Welfare Services at (858) 694-5191 to find out the name and number of the social worker assigned to the children's case. They should be ready to give the children's names, address, ages, and the parents' names.

➤ **Make sure your children have passports**

If your children were born in the United States, visit www.travel.state.gov for more information on obtaining U.S. passports. If your children were born in your home country, check with your embassy or consulate for more information on obtaining passports.

➤ **Documents you should prepare now:**

Caregiver Affidavit: This Affidavit does not affect the rights of the children's parents with regard to care, custody, and control of the children and does not mean that the caregiver has legal guardianship of the children. This form allows a non-related caregiver to register the children at school and consent to school-related medical care. A caregiver who is a relative and signs the Affidavit has rights to authorize most medical care, dental care, and mental health treatment. The children must be living with the caregiver. The powers and limitations of the affidavit are listed on the back of the form.

Conditional Nomination with Attachment MC-025 (GC-211): A parent can prepare a GC-211 form in which they nominate a specific person to be the guardian of their children. The nomination may be conditioned upon a potential future event, for example, if you are detained or deported.

➤ **Find out about your immigration options:**

There are many local, nonprofit legal services organizations that can help you with your immigration options. Keep the list of local organizations below in case you ever have a problem with Immigrations and Customs Enforcement (ICE).

Find out what you can do now, before a problem arises

- If you have a green card, find out if you can become a U.S. citizen.
- If you have 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 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.

Find a legal services provider

The following is a list of legal service providers in San Diego County that provide immigration help. Each organization has its own eligibility requirements.

- **Casa Cornelia Law Center:** (619) 231-7788
- **ABA Immigration Justice Project of San Diego:** (619) 255-8817 or (619) 255-8810
- **California Western Community Law Project:** Walk-in clinic Mondays from 5:30 p.m. to 8:00 p.m. at First Lutheran Church, 1420 Third Avenue, San Diego, CA 92101
- **Legal Aid Society:** (877) 534-2524
- **University of San Diego School of Law- Legal Clinic:** (619) 260-7470
- **San Diego County Bar Ass'n Lawyer Referral & Information Service:** (619) 231-8585
- **North County Bar Association Lawyer Referral Service:** (760) 758-4755

WARNING! Watch Out for Fraud! Only a licensed attorney or accredited representative is authorized and qualified to assist you with your immigration case. It is against the law for notaries public to provide immigration advice—even filling out forms or applications. Do not hire anyone who refuses to give you a written contract, charges you for blank immigration forms, asks you to lie on a form or sign a blank document, charges you to get on a waiting list or put you in a line, or is not actually licensed or accredited.

Know Your Rights

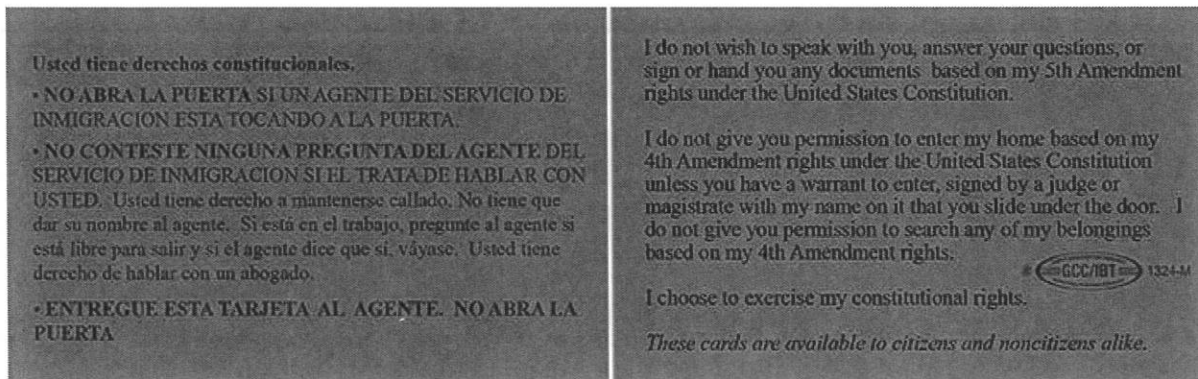
**Remain calm and do not try to run away.
If you do, ICE or the police may use that against you.**

Everyone – both documented and undocumented persons – has rights in this country. Talk to everyone in your family (including children) and household to make sure they all know what to do if approached by immigration officials (ICE) or if immigration officials (ICE) come to your house.

➡ ICE at Your Door

Do not open the door for ICE or any police officer without a signed warrant. You do not need to open the door unless an ICE agent can show you a warrant signed by a judge with your specific and correct name and address on it. If ICE knocks on your door, ask them to slide the search warrant under the door or through a window. Make sure the warrant is signed by a judge and has your address on it. If ICE or the police do not have this, then you do not have to open the door. Once you open the door, you lose certain rights.

Keep a Know Your Rights red card on you and by your door at all times. You can slide it under the door to ICE – it explains your rights and that you do not have to open the door. Have your children and other family members practice sliding it under the door.



➡ Talking to ICE

You do not have to talk to ICE or answer their questions. **You have the right to remain silent.** You can refuse to speak to an ICE agent. Do not answer any questions, especially about your birth place, immigration status or how you entered the United States. Do not give them any personal information about yourself or anyone in your family. Say that you want to remain

silent until you speak with a lawyer. Have your children and others in your family practice saying “No” to ICE.

You have the right to refuse to sign anything before you talk to a lawyer. Do not sign anything you do not understand and agree with. That could eliminate your right to speak with a lawyer or have a hearing in front of an immigration judge. This may result in you being deported immediately without a hearing.

Ask to speak with your lawyer and to go before the immigration judge. **You have the right to speak to a lawyer and the right to make a phone call.** Make sure to carry the phone number for an immigration lawyer with you at all times.

Other Resources

Your Country’s Consulate

Have the contact information for your country’s nearest consulate. Many consulates have an emergency number for cases where you need immediate assistance from the consulate. Have that number written down in case ICE detains you.

Know Your Rights Materials and Other Resources

There are a lot of resources available to teach you about your rights. Below are just a few places to start looking if you want to learn more about immigration law.

- **Informed Immigrant:** <https://www.informedimmigrant.com/>
- **Immigrant Legal Resource Center (ILRC):** <https://www.ilrc.org/community-resources>
- **National Immigration Law Center (NILC):** <https://www.nilc.org/get-involved/community-education-resources/know-your-rights/>

Documents You Should and Should Not Carry With You

- At all times, carry a valid work permit or green card, if you have one. If you do not have one, generally it is advisable to carry a municipal ID, state ID or driver’s license if it was issued in the United States and contains no information at all about your immigration status or your country of origin. Ask a local immigration advocate about what kind of documents are safe to carry in your area.
- At all times, carry a red card to exercise your right to remain silent in case you are stopped or interrogated by ICE or police officers.
- At all times, carry the telephone number of an immigration lawyer, advocate or nonprofit immigration legal services provider you will call in an emergency.
- Do not carry any documentation about your country of origin.
- Do not carry any false identity documents or false immigration documents.

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 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 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 dated 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.

California Family Code section 6550 (a) A caregiver's authorization affidavit that meets the requirements of this part authorizes a caregiver 18 years of age or older who completes items 1 to 4, inclusive, of the affidavit provided in Section 6552 and signs the affidavit to enroll a minor in school and consent to school-related medical care on behalf of the minor. A caregiver who is a relative and who completes items 1 to 8, inclusive, of the affidavit provided in Section 6552 and signs the affidavit shall have the same rights to authorize medical care and dental care for the minor that are given to guardians under Section 2353 of the Probate Code. The medical care authorized by this caregiver who is a relative may include mental health treatment subject to the limitations of Section 2356 of the Probate Code.

(b) The decision of a caregiver to consent to or to refuse medical or dental care for a minor shall be superseded by any contravening decision of the parent or other person having legal custody of the minor, provided the decision of the parent or other person having legal custody of the minor does not jeopardize the life, health, or safety of the minor.

(c) A person who acts in good faith reliance on a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the affidavit are completed. This subdivision applies even if medical or dental care is provided to a minor in contravention of the wishes of the parent or other person having legal custody of the minor as long as the person providing the medical or dental care has no actual knowledge of the wishes of the parent or other person having legal custody of the minor.

(d) A person who relies on the affidavit has no obligation to make any further inquiry or investigation.

(e) Nothing in this section relieves any individual from liability for violations of other provisions of law.

(f) If the minor stops living with the caregiver, the caregiver shall notify any school, health care provider, or health care service plan that has been given the affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver.

(g) A caregiver's authorization affidavit shall be invalid, unless it substantially contains, in not less than 10-point boldface type or a reasonable equivalent thereof, the warning statement beginning with the word "warning" specified in Section 6552. The warning statement shall be enclosed in a box with 3-point rule lines.

(h) For purposes of this part, the following terms have the following meanings:

(1) "Person" includes an individual, corporation, partnership, association, the state, or any city, county, city and county, or other public entity or governmental subdivision or agency, or any other legal entity.

(2) "Relative" 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.

(3) "School-related medical care" means medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for pupils.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Your Name Your Address TELEPHONE NO.: Your telephone # FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 1409 Fourth Ave. MAILING ADDRESS: 1409 Fourth Ave. CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Probate	
GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): Your Child's Full Legal Name	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input checked="" type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER:

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):

List Name and Address of Proposed Guardian. Then write, "This nomination is effective upon my removal as guardian of the ☒ person ☐ estate of the minor. from the U.S., pursuant to Probate Code § 1502(b).

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: Date of Signature

Your Name

(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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> <div style="display: flex; justify-content: space-between;"> <div> TELEPHONE NO.: E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): </div> <div> FAX NO. (<i>Optional</i>): </div> </div>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>):	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER:

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.