

Family Preparedness Plan Training Packet

Introduction:

This is a packet of information to aid you as you help families develop a “Family Preparedness Plan” in case of an emergency. The packet includes a sample script, materials, and a PowerPoint to help guide you. This packet is geared towards families residing in California.

Objectives:

- To understand the rights of undocumented/documentated individuals in the United States
- To learn about resources available for staff, parents, and community members
- To gain tools to help parents prepare a family plan in case of emergency in order to minimize disruption to families and lessen anxiety in parents and students
- To increase awareness among school staff, community members, and parents

Materials:

Please review the materials listed below to prepare for the presentation. These resources are listed under the presentation topic with corresponding page numbers.

I. Why is a family preparedness plan needed?

- Slides 3-29 of PPT (Page 30)
- Family Preparedness Plan Packet (Page 20)
- Caregiver’s Authorization Affidavit (Page 18)

II. How can schools support immigrant families?

- Slides 30-34 of PPT (Page 30)

III. What rights do immigrants have under the constitution?

- Slides 35-43 (30)
- KYR Skit (Page 16)
- Red Card (Page 13)

Table of Contents:

- 1. Presentation Script 3-12
- 2. Materials 12-29
 - a. Red Cards (multiple languages)13
 - b. KYR Skits.....14
 - c. Rapid Response Numbers.....17
 - d. Caregiver’s Authorization Affidavit.....18
 - e. Consulate Contact Information.....19
 - f. Family Preparedness Plan Packet.....20
- 3. Sample PowerPoint30-34

Presentation Detailed Agenda/Script:

I. Introductions

a. Quick introduction of self, agenda, and purpose of meeting:

-Protect families

-Inform parents about their rights and those of their children

-Ensure families have tools to exercise their rights

Presenter: *Hi everyone, we will use this time to discuss what you can do to protect your family. Remember that everyone has rights in this country regardless of status. This means that your child has a right to go to school regardless of your or their immigration status, and you have a right to protect their well-being and your family unity by creating a childcare plan.*

II. Why is a family preparedness plan needed?

Slides 3-6—Importance of family preparedness plan

Presenter: *It is important to plan and prepare our families for an emergency. There is a lot of fear around what will happen to children if a parent, guardian, or other caregiver is detained, deported, injured, or ill. Because of this, we want to share the following steps a family can take to create a plan for your children in case of an emergency, including detention, deportation, or serious illness/accident.*

Presenter: *Even though every family plan will look differently, every family should remember a few basics things:*

1. Plans should include the access to important information that will allow for clear communication between schools, parents, children, and caregivers.
2. Creating a plan should include your family's wishes and should be designed to assure your family's needs are met. Remember that all parents have rights, regardless of status, and that all children have a right to an education.
3. Lastly, your family plan should include a childcare plan, file of important documents, contact information for school, medical providers, family members, and any pertinent legal documents.

Slide 7-20: Child Care Plan

Presenter: *We will begin by going over some steps you can take as a family when you prepare your family plan. These steps will help you create a plan unique to your family's needs and give you some examples on what to gather.*

Step one: Who will care for your child if you are not able to?

Presenter: *The first thing you should do is decide who will care for your child if you are not able to.*

-The adult should be someone you trust and that your child knows

-Ideally the person you choose to be the caregiver of your children will be documented so there is no fear of deportation for that person. The more secure the immigration status (like U.S. citizen or green card holder), the better. If this is not possible, you should select a couple of back-up caregivers to ensure that someone will be available.

Presenter: *Once you have identified the person, and they agree to care for your child, make sure you:*

-Talk to them about your desires and expectations for your child.

Presenter: For example: Do you want your child to remain at their current school? Move closer to the caregiver? Do you want your child to visit you or not? Will the caregiver provide financial support for the child while you are unavailable, or will you set aside money for this purpose?

-Inform your selected caregiver that they will be the emergency contact for your child.

-Discuss responsibilities with them: inform the caregiver where to find important documents and information they will need to care for your child. Discuss medical, educational, or other needs your child may have.

-Memorize the caregiver's phone number and, if possible, have your child memorize the caregiver's phone number.

Step two: Decide what kind of childcare plan you want to put in place:

Presenter: *As the parent, you can decide what type of agreement you want to put in place. The agreement can be as formal or informal as you would like it to be. Here in California, we strongly suggest that parents use the Caregiver's Authorization Affidavit.*

Caregiver's Authorization Affidavit: *The Caregiver's Authorization Affidavit is specific to California, it does not impact your parental rights, and it allows the caregiver to make school-related decisions and some medical decisions for your child. We will speak more about this later, when we discuss how to fill out the form.*

The CAA can be given to schools or health care providers so that the adult you select can make certain decisions for your child. The CAA does not have to be signed by you (just the person you selected), and it does not have to be notarized.

Presenter: *There are other options you can select for your family. We know that many of you have heard of guardianship and power of attorney, but we do not recommend you do either of these without speaking with an attorney. Both guardianship and power of attorney are a lot more formal and you should speak with an attorney before creating either of these legal arrangements. We will not spend a lot of time discussing them and want to emphasize that if you want to explore these avenues that you speak to an attorney before doing that.*

CAA	Guardianship	Power of Attorney
<p>-Sufficient in most cases</p> <p>-Any caregiver can use this form to enroll a child in school and consent to school-related medical treatments, such as vaccinations</p> <p>-Family members—allowed to also make medical decisions for children</p>	<p>-May be needed in more complex situations</p> <p>-Court order, can only be done in court</p> <p>-Examples of situations when guardianship might be need: custody disputes, severe medical conditions</p>	<p>-Not recommended in California for child care</p> <p>-Speak to an attorney before drafting/using one</p> <p>-Example when you might use one: to give control of finances to caregiver</p>

Step three: Create a file of important documents

Presenter: *It is important that you collect all the documents the caregiver will need to care for your child. These documents should include school, medical, and the contact information of people, providers, and family that are part of your child’s life. Once you have the documents in one place, make sure you review them with your caregiver.*

Sample Documents to include:

- Caregiver’s Authorization Affidavit (or other document you select, such as the appointment of guardian form)
- Birth Certificate of child
- Medical records
- Passport (make sure they are valid)
- Immigration Documents—for yourself and family

Step four: Talk to your children about your plan:

Presenter: *It is important that you have a conversation with your family about your plan. Tell your child who will pick them up from school if you are not able to do so. Practice reciting the*

back-up caregiver's phone number with your child, if age-appropriate, and inform your child where the file of important documents is located. If your child is very young, you can give them information like, "Auntie will pick you up from school when I cannot."

Make sure you review the documents with the trusted adult, so they understand what is included. For example, if your child needs medication, explain to them where they can refill prescriptions, how often they need to take it, or how often they need to go to the doctor. If you have a child with serious medical or educational needs, please consult with an attorney to figure out the best plan for care for your child if you are unavailable.

Step Five: Update emergency contact information at the school or childcare provider.

Presenter: *Once you have selected and talked to your caregiver, make sure to visit your child's school or childcare provider to update the emergency contact. This will ensure that if the school is ever unable to reach you, they will call this person. Tell your caregiver that if they change their number, they should tell you so you can update that information with the school.*

Slides: 21-29

Example of Childcare Plan:

Presenter: *Since we are in California, we will walk you through a plan that includes a Caregiver's Authorization Affidavit.*

The affidavit is divided into two sections. Completing questions 1-4 will allow the caregiver to make school decisions, completing questions 5-8 authorizes the caregiver to make medical decisions. Remember that only the caregiver has to sign the form.

1. Questions 1-4—**Presenter:** *We will first go through questions 1-4 of the affidavit. Please feel free to stop me if you have any questions:*

Question 1: *Your Child's Name*

Question 2: *Your Child's DOB*

Question 3 & 4: *These are a bit tricky, many would think it is your name and address, as the parent, that goes here, but in fact it is the name and address of the person who will care for your child. If I am caring for your child, I would list my name and my home address here.*

For Example: I have an 8-year-old daughter named Beatriz and I now want my sister, Maritza, to take care of her—I would fill out the form as follow:

Name of Minor: Beatriz Hernandez

Minor's birth date: 1/1/2010

My Name: Maritza Hernandez

My home address: 555 Senegal Road, Berkeley CA (where Maritza lives)

2. Questions 5-8—**Presenter:** *These questions only have to be filled out if your back-up caregiver is a family relative (i.e. brother, sister, parent, grandparent)*

Question 5—*Using the example above, since Maritza is my sister, she can be designated to authorize other medical care. Therefore, I can check this box. If Maritza was my friend, I would not be able to check this, but Maritza can still serve as the person to care for my child and make school decisions.*

Question 6—*If you select a relative then they can also check the first part of the question “I have advised the parents or other persons having legal custody...” to show you agree to them having medical authorization over the minor.*

Question 7—*Selected adult’s birthday- For example, this would be Maritza’s birthday.*

Question 8—*Selected adult’s Identification or Driver’s License number- For example, this would be Maritza’s driver’s license number.*

If you do not have this information, provide another form of identification such as a social security number or Medi-Cal number.

DO NOT SIGN OR DATE WHEN YOU PREPARE THE FORM. Please tell your trusted adult that in case of emergency, they should sign and date the form and then take it to the school, and medical provider as needed.

Presenter: *some last things before we move on—*

Parents can use this list of important documents as a starting point. Some of the documents parents will want to collect are:

- Passports
- Birth Certificates
- Marriage Licenses
- Family Court documents (if appropriate)
- Medical Information- including medication and insurance information

Presenter: *You can use these tables to collect contact information*

Table One: Child’s Information

You will want to leave your caregiver with all of your child’s information, like birthdate, school, teacher names and contact, allergies, medical conditions, medication, health insurance, etc.

Table Two: Emergency Numbers

This table can be used to gather general emergency contact information. If one parent is unavailable, someone can use this to know how they can reach the other parent if possible.

Table three: Other Important Contacts

You can use this table to collect the information of doctors, hospitals, consulates, etc.

Presenter: Please remember that these are just samples and you should not feel that all boxes must be filled out or that all information is relevant to you.

III. How can schools support immigrant families?

Slides: 30-34

Presenter: *We know there is a lot of fear in the community over the safety of your children, especially if your child was not born in the United States. It is important that you know there are specific laws in place to protect your child and ensure they have access to an educational environment with minimal interruptions. A school can use these laws to ensure your child is safe and create their own school policy. As parents you can ask them to do that.*

Generally:

- All students have a right to a free public education, regardless of status. This was decided by the 1982 supreme court case *Plyer v. Doe*.
- The Federal Educational Rights and Privacy Act protects the confidentiality of student information.
- AB 699 is a California law that requires all local educational agencies to implement additional protections for your children.
 - **Educational Equity: Immigration and Citizenship Status (AB 699)–Went into effect January 1, 2018**
 - The law makes clear that:
 - Equal rights and opportunities in California’s educational institutions should be provided to all persons in public schools, regardless of “immigration status.”
 - Discrimination based on “immigration status” is prohibited in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.
 - As a general rule, school officials/local educational agency employees **are prohibited from collecting information/documents regarding citizenship or immigration status of pupils or their family members.**
 - A School District/County Office of Education Superintendent or Charter School Principal must report to the respective governing board in a timely manner **any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws.**
 - If a school employee is aware that a pupil’s parent/guardian is not available to care for the pupil, the school **shall first exhaust any**

parental instruction relating to the pupil's care in the emergency contact information.

- A school is encouraged to work with parents or guardians to update the emergency contact information and **not** to contact Child Protective Services to arrange for the pupil's care **unless** the school is unable to arrange for care through:

Protecting Student Information:

Presenter: *Schools can protect student information limiting what information they put in school directories. The Federal Educational Rights and Privacy Act states that education records are private and cannot be easily accessed. The only public information is the information listed in school directories. ICE is only able to access other private information with a warrant, which is uncommon for them to have.*

The Federal Educational Rights and Privacy Act (federal law) states that school records are private and cannot be accessed without a warrant, and the only information that is public is that listed in the School Directories. The Federal Educational Rights and Privacy Act also allows schools to determine what information they will collect and include in their school directory, and families can opt out of being included.

Presenter: *Here in California, AB 699 requires all local educational agencies to implement additional protections to ensure that all students, regardless of status, can pursue their education without undue fear or risk. This means that:*

- You are not required to provide information or documents about immigration status to schools. However, there may be some instances in which it could help you to provide this information, such as if your child is seeking financial aid information, or if your family qualifies for special services as refugees or asylees.
- Schools must adopt a policy limiting assistance with immigration enforcement at public schools and report requests from immigration officials to the local educational agency's governing body.
- You can request information from schools about your rights when interacting with immigration officials and your child's right to a free public education.
- Schools must use emergency contact information to arrange for students' care if the parent or guardian is unavailable.
- A School District/County Office of Education Superintendent or Charter School Principal must report to the respective governing board in a timely manner **any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws.**
- If a school employee is aware that a pupil's parent/guardian is not available to care for the pupil, the school **shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information.**

Presenter: *You, as parents/guardians, can ask your school for their local policies and plans for protecting your children. Each school, here in California, should have a different plan for implementing the requirements of AB699.*

Presenter: *We know that even though these policies exist, there is still a lot of fear around ICE enforcement, especially with all the changes coming from the Trump administration. To date, the administration has stated that they will not take enforcement actions inside of schools. However, there have been reported cases where parents were detained near schools when they dropped off their children. Even though this has happened, and there is uncertainty about whether ICE will be present around schools or if these areas are off limits, to date there have not been large actions around or near schools.*

- ICE has stated that enforcement actions WILL NOT take place at schools, unless there is an emergency.
- A school does not have to allow ICE into non-public areas of a school if they do not have a warrant. This includes hallways and classrooms. Schools are also able to design a response policy (i.e. who ICE must talk to when they come on campus).

IV. Know Your Rights

Slides 35-43

Presenter: *One of the most important protections against deportation is an immigrant's knowledge of their rights in the United States. Understanding and exercising your rights if ICE agents come to your house or stop you on the street is key. Remember that ICE agents don't always identify themselves as ICE, but instead may present themselves as police. We are going to go over some of the things you can do to protect your rights:*

1. *Remember that all people have rights. If you come in contact with ICE, you have a right to:*

a. Remain Silent—

This means that you never have to answer any questions. This includes any questions about your legal status, your place of birth, and to see your ID.

Remember that this right is yours whether you are standing in your home, on the street, are being detained or have been detained by an immigration officer or the police.

b. Do Not Open the Door—

If an ICE agent comes to your home, they only have the right to enter if they have a warrant signed by a judge.

Because many of us have not seen a warrant signed by a judge, and ICE rarely has such a warrant, it is better to NOT open the door. Even if they say they have a warrant, ask them to slip it under the door or through a window so you can review it before letting them in. Then call a rapid response hotline for assistance in determining if it is truly a warrant signed by a judge (which is uncommon).

c. Don't sign anything—

NEVER sign anything that immigration officials ask you to sign without consulting with an attorney. Ask to speak to an attorney. It is your right to speak to an attorney so you can understand your options before you make any decisions.

2. *In case you haven't seen one, this is a red card. You should carry it with you and you can use it if you come in contact with an ICE agent. A red card is:*

- a. One of the most important cards an undocumented immigrant can have in their possession because it lists an immigrant's rights to remain silent and not open the door to ICE.
- b. Because a red card lists the constitutional rights of anyone in the U.S., everyone can use it if they meet ICE. You can hand the red card to the agent and it informs the agent that you are exercising your right to remain silent and your right to not let anyone in your home.

Presenter: *What does this mean practically?*

- If an ICE agent approaches you on the street, you have the legal right to remain silent. Tell them you prefer to not answer their questions and ask them if you are free to leave.
- You do not have to show them an ID. If you are a U.S. citizen or have valid immigration status, you may want to show your ID to avoid trouble with immigration agents. If you are undocumented, then you should NOT show any fake documents. You have the right to remain silent and you do not have to show them an ID.
- If ICE agents come to your home, do not open the door or let them know you are home. Alternatively, you can slip the red card under the door or show it through the window.

- If you are detained remember that your silence will help your lawyer! And that you have a right to ask for an attorney and, in most cases, for a hearing before a judge in immigration court!
- 3. *Get an immigration consultation if you have not done so, or it's been over a year since you did. An undocumented immigrant may be eligible for an immigration benefit and not know it.*
 - a. Situations change for people, so it is important that people get an updated screening.
- 4. *Be careful about Fraud!*
 - a. Never get legal advice from a notario. A notario is not a lawyer
 - b. Only a lawyer or an accredited representative can give legal advice
 - c. Visit www.immigrationlawhelp.org to find good legal services. You can also check if the person you are working with is a lawyer and if they've been subject to any disciplinary action at <http://members.calbar.ca.gov/fal/LicenseeSearch/QuickSearch?ResultType=0&SearchType=0&SoundsLike=False>.

Presenter: *Because it is important to practice the rights we have learned about today, I would like two volunteers to help with the next part of our presentation. We are going to practice two scenarios of ICE approaching an individual, so we can see the results of them exercising their constitutional rights:*

- 5. ***Refer to skits in packet.***

V. Conclusion

- a. Q&A

Red Cards:

1. Spanish:

Usted tiene derechos constitucionales:

- **NO ABRA LA PUERTA** si un agente de inmigración está tocando la puerta.
- **NO CONTESTE NINGUNA PREGUNTA** de un agente de inmigración si el trata de hablar con usted. Usted tiene el derecho de mantenerse callado.
- **NO FIRME NADA** sin antes hablar con un abogado. Usted tiene el derecho de hablar con un abogado.
- Si usted está afuera de su casa, pregunte al agente si es libre para irse y si dice que sí, váyase con tranquilidad.
- **ENTREGUE ESTA TARJETA AL AGENTE.** Si usted está dentro de su casa, muestre la tarjeta por la ventana o pásela debajo de la puerta.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

2. Arabic:

لديك حقوق دستورية:

- لا تفتح الباب إذا كان شرطي الهجرة يطرق الباب.
- لا تجيب على أي أسئلة يسئلها شرطة الهجرة إذا حاولوا التحدث إليك. لديك الحق في التزام الصمت.
- لا توقع أي شيء دون التحدث أولاً إلى محامي. لك الحق في التحدث إلى محامي.
- إذا كنت خارج بيتك، اسأل الشرطي إذا كان لديك حرية المغادرة، وإذا قال نعم، غادر بهدوء.
- أعطي هذه البطاقة للشرطي. إذا كنت داخل منزلك، اعرض البطاقة من خلال النافذة أو مررها من تحت الباب.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

3. Chinese:

你有以下憲法賦與的權利:

- 如移民局人員敲門，不要開門。
- 如移民局人員想和你交談，不要回答任何問題。你有權保持緘默。
- 未和律師諮詢之前，不要簽署任何文件。你有權和一名律師交談。
- 如你在家外面，問移民局人員你是否可以離開，如他們答可以，請鎮靜地離開。
- 出示此卡給移民局人員看。如你在家裡。可在窗口或門下面遞出去給他們看。

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

4. Vietnamese

- Tôi không muốn nói chuyện với quý vị, trả lời các câu hỏi của quý vị, hoặc ký tên hay đưa cho quý vị bất cứ tài liệu nào dựa trên các quyền trong Tu Chính Án thứ 5 của tôi theo Hiến Pháp Hoa Kỳ.
- Tôi không cho phép quý vị vào nhà tôi dựa trên các quyền trong Tu Chính Án thứ 4 của tôi theo Hiến Pháp Hoa Kỳ trừ khi quý vị có trát lệnh xét nhà, được ký bởi một thẩm phán hoặc quan tòa với tên của tôi trên đó mà quý vị luôn vào bên dưới cánh cửa.
- Tôi không cho phép quý vị khám xét bất cứ đồ dùng nào của tôi dựa trên các quyền trong Tu Chính Án thứ 4 của tôi.
- Tôi lựa chọn thực thi các quyền hiến định của mình.
- Các thẻ này được cung cấp cho công dân và người không phải là công dân.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

KYR Skit:

Know Your Rights

These Know Your Rights skits and curriculum enable trainers to teach community members what their rights are and how to respond if they ever encounter Immigration and Customs Enforcement (ICE) agents. As an interactive exercise, these skits are great supplements to a Know Your Rights community presentation. Recruit audience members to play a role in each skit, which allows community members to practice exercising their rights, building the necessary muscle memory needed for interacting with ICE, while interacting with trainers in a fun way.

Since many KYR presentations are conducted in Spanish, this resource is in English but a Spanish version is also available.

Introduction: Exercising Your Rights

Before you begin the skits, pass out Red Cards to all in attendance. To find out more about ordering Red Cards, visit: <https://www.ilrc.org/red-cards>.

Narrator: For most undocumented immigrants, the risk of deportation is minor if they exercise their rights. The big lesson for today is: **It's better to prevent than cry later!**

EVERYONE is protected under the United States Constitution. It does not matter if you are a citizen, legal permanent resident, or undocumented.

Under the Fourth Amendment, you have the right to not open your door.

The Fifth Amendment protects your right to not answer questions. This amendment gives you the right to not answering questions, regardless of whether its "la migra" or ICE, if you don't want to.

Exercise One

Narrator: Today is the day before this workshop and you are at home. You don't yet know your rights.

ICE: *Knock Knock! Open Up! Open the door! Knock Knock!*

Naomi: Who is it?

ICE: It's ICE police. Open the door!

Naomi: Oh no! It's the police! What do I do?

ICE: *Knock Knock! Open Up! Open the door! We only want to ask you a couple questions.*

Naomi: *Opens the door.*

ICE: Do you have papers?

Naomi: Well, no I don't.

ICE: You are under arrest for being in this country illegally.

The woman is detained and taken to a detention center.

Exercise Two

Narrator: Today is the day after this workshop and once again, you are at home. Now, you know your rights.

ICE: *Knock Knock! Open Up! Open the door!*

Silvia: Who is it?

ICE: It's ICE police. Open the door.

Silvia: Oh no! It's the police! What do I do?

ICE: *Knock Knock. Open Up! Knock Knock! Open the door. We only want to ask you a couple questions.*

Silvia: Questions about what?

ICE: This is ICE. Open the door.

Silvia: No, I have the right to not let ICE into my house. I will pass you a red card that explains the rights I am currently exercising. Please return the card to me after you have read it.

ICE: (After reading the card) Yes, we have a judicial warrant. Open the door so I can show it to you.

Silvia: Please, pass the the warrant under the door or through the window so I can read it.

ICE: We don't have the warrant and this is ICE. Open the door now or you will have problems!

Narrator: ICE almost never has a warrant and that is why you don't have to open the door.

Silvia: I have the right to not open the door to ICE if you don't have a court issued warrant or arrest warrant with my name on it and signed by a federal judge.

ICE: If you don't open the door, we will come back with a court issued warrant

Silvia: That's fine. When you bring the warrant, I will open the door, and prepare coffee and snacks.

ICE: Well, as you wish, we WILL come back in a couple of hours or tomorrow. *Speaking sarcastically.*

Silvia: That is fine, have a nice day.

Narrator: How did Silvia protect herself?

Silvia exercised her rights and did not open the door. The ICE agent could not arrest her even though she was undocumented or had a removal order.

Sometimes ICE shows documents that look like warrants but they aren't warrants. Be alert! Look at the paper and see if it has your name or address on it, if it has the word "warrant" on it, AND is signed by a judge or federal magistrate. A warrant must have all three of these things.

One of the tactics that ICE uses is to pretend to be local police. Be careful with this and don't get confused. The Fourth Amendment applies to the local police but if you want to allow the local police inside, you should ask for some form of identification (for example, have them hold up their badge through the window) to make sure that the officer is not an ICE agent. If you have a criminal case, talk to your criminal defense attorney to get advice for your situation and what you should do if it is local police.

The Fifth Amendment protects the right to not answer questions. This amendment gives you the right to not answer questions no matter who asks, including ICE, and you don't have to speak with them.

Remain silent! It's your right. ICE must present evidence that you are here illegally or that you are a foreigner.

Northern California Local Rapid Response Hotlines

Please ONLY use these numbers to report ICE activity and Enforcement Actions.
Please use websites to find out how to make informational inquiries.

Alameda County Immigration Legal and Education Partnership (ACILEP) Region covered: Alameda County	510-241-4011 http://centrolegal.org/acilep/
San Francisco Rapid Response Network Region covered: San Francisco City	415-200-1548 http://sfilen.org/
Santa Clara County Rapid Response Network Region Covered: Santa Clara County	408-290-1144 https://www.pactsj.org/santa-clara-county-rapid-response-network/
Monterey County Rapid Response Network Region covered: Monterey County	831-643-5225 https://montereycountyrn.com/
Santa Cruz County Rapid Response (YARR) Region covered: San Cruz County	831-239-4289 https://www.facebook.com/YARRsantacruz/
Marin Rapid Response Network Region covered: Marin County	415-991-4545 http://www.marinrrn.org/
North Bay Rapid Response Network Region covered: Sonoma & Napa Counties	707- 800-4544 http://northbayop.org/rapidresponse/
San Mateo Rapid Response Network Region covered: San Mateo County	203-666-4472
Fresno Rapid Response Region covered: Fresno County San Joaquin, Merced, and Kern Counties	559-206-0151
Sacramento Rapid Response Region covered: Sacramento County	916-245-6773
Services, Immigration Rights and Education Network (SIREN) Rapid Response Text Platform Region covered: Northern & Central CA	Community Members: 201-468-6088 Allies: 918-609-4480 www.siren-bayarea.org/

For updates to this flyer or to contact the NCRRIDN please email hpanah@sfbay.org

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: _____

Resources:

San Francisco Consulate Contact Information	<p>Mexico: 532 Folsom St #4-M, San Francisco, CA 94105 1-877-639-4835</p> <p>El Salvador: 507 Polk St., Suite 280 San Francisco California 94102 +1 (415) 771-8524 / +1 (415) 771-8530 / +1 (415) 771-8531</p> <p>Guatemala: 544 Golden Gate Avenue, Suite 100 San Francisco, CA 94103 (415) 563-8319</p> <p>Honduras: Call to find out dates for “Consulado Movil” (213) 995-6406</p> <p>Nicaragua: 870 Market St #518, San Francisco, CA 94102 (415) 765-6821</p> <p>Yemen: 1204 Sutter St, San Francisco, CA 94109 (415) 567-3036</p> <p>China: 1450 Laguna St, San Francisco, CA 94115 (415) 852-5900</p> <p>Vietnam 1700 California St #580, San Francisco, CA 94109 (415) 922-1577</p>
California Birth Certificates	<p>https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Obtaining-Certified-Copies-of-Birth--Death-Records.aspx</p>
Legal services directory	<p>https://ready-california.org/legal-service-directory/</p>



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.

Table of Contents

- A. Building a Plan...2
- B. List of Important Documents.....4
- C. Emergency Contact Information Tables.....5
- D. Caregiver’s Authorization Affidavit.....7
 - a. Information of CAA
 - b. Template of CAA
 - c. CAA guidelines

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 to 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.

Child's Name	
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.

Emergency Numbers	
Immediate Emergency	911
Police Department	
Fire Department	
Poison Control	
Family Contacts	
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	

Miscellaneous Contacts	
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:

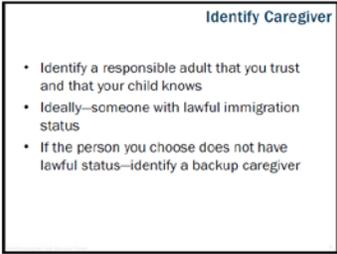
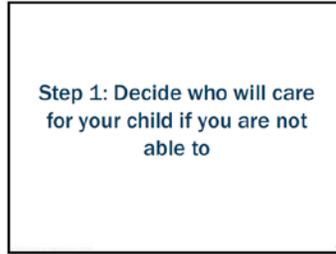
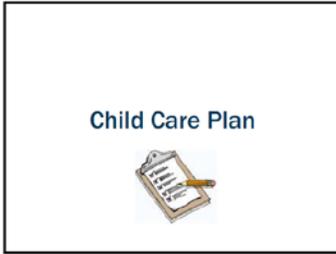
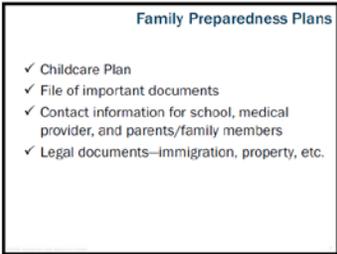
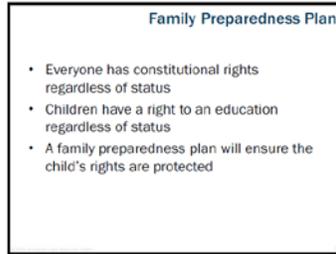
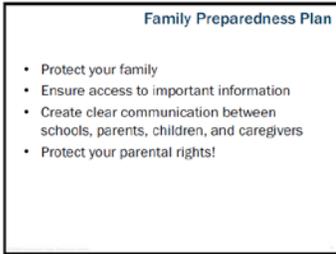
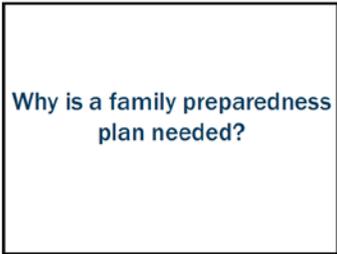
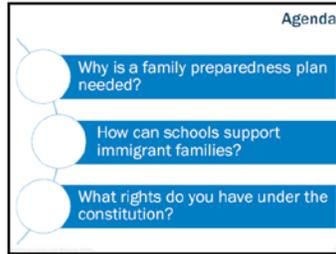
1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in 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.



Identify Caregiver

- Talk to the caregiver about your desires and expectations for your child
- Inform the caregiver they will be the emergency contact for your child
- Inform the caregiver where to find important documents and information

Identify Caregiver

- Memorize the caregiver's phone number
- Have your child memorize the caregiver's phone number, if possible

Step 2: Put a child care plan in place

Caregiver's Authorization Affidavit

- California Specific
- Gives caregiver permission to make education and some medical decisions
- Does not impact your parental rights

Caregiver's Authorization Affidavit

- Caregiver's Authorization Affidavit— is sufficient in most cases—no need for additional legal documents
- Guardianship—may be needed in more complex situations—for example, custody disputes
- Power of Attorney—not recommended for child care in California. Speak to an attorney for other uses, e.g. financial

Step 3: Create a file of important documents

Important Documents

- File with important documents to share with caregiver
- Include school, medical, and contact information
- Review with caregiver and let them know how to access

Step 4: Talk to your child about your plan

Review with Child

- Tell your child who will pick them up if you are absent
- Practice remembering caregiver's phone number with your child
- If age-appropriate, inform your child where the file of documents is located

Step 5: Update emergency contact information with school

- ### Emergency Contact
- Provide your designated caregiver's contact information to the school/daycare provider
 - Ensure that the caregiver informs you, or the school, if their contact information changes

Examples of Child Care Plan

- ### Caregiver Authorization Affidavit
- The CAA is divided into two sections:
 - Questions 1-4—allows caregiver to make school decisions
 - Question 5-8—authorizes other medical care
 - Only the caregiver is required to sign the CAA

Caregiver Authorization Affidavit

The minor named below lives in my (the caregiver's) home and is at least 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: _____

CHIC's Information

Caregiver's information

Caregiver's Authorization Affidavit

5. I live with the minor's grandparent, aunt, uncle, spouse, stepparent, brother, sister, stepbrother, stepmother, half brother, half sister, niece, nephew, first cousin, grandchild, grandniece, great-grandparent, great-grandchild, or the spouse of one of these persons.
6. Check one or both (for example, if one parent was absent 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: _____

Only if relative will care for child

Caregiver's Information

Caregiver's Authorization Affidavit

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Caregiver's signature

- ### Document List
- List of Important Documents**
- Keep a list of all of the following in a safe place. These documents are important. Put your name and date when you give your caregiver copies when you go to an emergency.
- Passport
 - Birth certificate
 - Foreign copies of passport
 - Caregiver's authorization affidavit
 - Any forwarding letters you have been given (school or otherwise)
 - A number and any forwarding documents (bank, post, mail, etc.)
 - Insurance (describe policy you hold in the United States and amount of third party limit for each policy)
 - Driver's license and/or other identification cards
 - Social Security card for the child
 - Copies of birth (or U.S. birth) dates (parent's home country) available
 - Important children's information
 - Emergency medical and insurance contact information
 - Emergency medical information, including health insurance, Medicare/Medicaid, and doctors' contact information
 - Any other documents you could want to have with you in an emergency

Important Children's Information

Child's Name	
DOB	
DOB (DD/MM/YYYY) if applicable	
SSN	
Driver's License	
Insurance Policy Number	
Insurance Name	
Insurance Number	
Insurance Provider	
Emergency Hospital Name	
Emergency Hospital Address	
Emergency Hospital Phone Number	
Emergency Hospital Fax Number	
Emergency Hospital Email Address	
Emergency Hospital Website	
Emergency Hospital ICD-9 Code	
Emergency Hospital CPT Code	
Emergency Hospital NPI Number	
Emergency Hospital Tax ID Number	
Emergency Hospital EIN Number	

