

PLANNING FOR THE CARE OF YOUR CHILD IN PENNSYLVANIA

Parents worry about what will happen to their child if they die or are seriously injured. Undocumented parents and caregivers are worried they will be deported and their child will be taken by the government and placed in foster care or adopted. In Pennsylvania there is no law which allows parents to designate a future custodian or guardian. (The only exception is terminal illness.)

Many people believe that a Will or a "power of attorney" will give a caregiver or family member all the legal authority needed to care for a child if something happens. Sometimes a school, doctor or other agency will accept such a document, but that is not the law in Pennsylvania! **Do not pay a notary to prepare documents nor download them off the Internet to designate a guardian for your child. You should speak with a Family Law attorney to determine which documents are necessary based on your situation. An attorney should prepare the documents properly.**

Here are some steps you can take if you are worried about deportation. Many of these also apply to any parent who wants to plan for their child.

- * **PASSPORTS & IDENTIFICATION** - Check your child's birth certificate. If it has any errors, apply for a correction. Obtain your child's current passport - U.S. and/or your home country. Obtain a new school identification card for your child if it has been lost.
- * **LEGAL CUSTODY** - Talk to the other parent of your child to see if the two of you agree upon a caregiver. Both parents will need to sign the documents mentioned below. If you cannot find the other parent you may need to get sole custody from Family Court before you can prepare any forms. If you are an aunt/uncle or older sibling caring for a child and do not have a Court Order of Custody you will also need to obtain one in Family Court before the forms to name a caregiver can be done. You may need an attorney to help you obtain custody.
- * **SCHOOL** - List your chosen caregiver as an emergency contact at school. Ask for a "School Delegation Form" like the one used in Philadelphia. Suburban schools may not have this form.
- * **MEDICAL TREATMENT** - Have an attorney prepare a form in compliance with the Pennsylvania Medical Consent Act.
- * **TRAVEL** - Have an attorney prepare a modified Consent for Travel of a Minor Child form if you want someone to return your child to you after a deportation. A second travel consent will be needed if one parent plans to return voluntarily after the other parent is deported.
- * **GUARDIANSHIP INTENTION** - Have an attorney prepare a document to express your preference for choice of custodian/guardian for your child. A caregiver may be able to use this document for a period of time. Your proposed caregiver will need to know how to seek emergency custody or possibly guardianship if something happens to you.

Keep a folder with the child's birth certificate, passport, school identification, an extra photo, medical and educational records plus these documents. The packet and all the documents should be kept by the parent or legal custodian until he/she is detained. Do not give them to the school, doctor or caregiver before you are deported. Keep the packet in a place where the caregiver can find it quickly.

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