

PREPARING YOUR FAMILY FOR ENCOUNTERS WITH ICE- MINNESOTA



THE LAWS ARE ALWAYS CHANGING. THIS BOOKLET IS ACCURATE AS OF APRIL 2017.

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PURPOSE OF THIS GUIDE

If you are an immigrant parent living in Minnesota, this guide was written for you. Its purpose is to give you an understanding of the immigration, child custody options and Child Protection Social Services systems, and to help you plan so you do not lose rights over your children if you are apprehended by Immigration and Customs Enforcement (ICE). **The best thing you can do to make sure your family stays together is to have information and be prepared.**

Generally speaking, you do NOT need to hire an attorney to follow the planning described in this guide. This guide does not provide legal advice but will provide you with information to help you understand the system and make a plan for your family. If after reading this guide you have additional questions, or think that your case has issues that make it more complicated, you should consult an attorney.

The information in this guide regarding the deportation process is for immigrants who have never been ordered deported before. ICE processes people who have been ordered deported in the past in a different way. If you think you have a deportation order, you should consult with an immigration expert about your options.

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PART 1

STEPS TO TAKE NOW TO PROTECT YOUR CHILDREN IF YOU ARE DETAINED BY ICE IN THE FUTURE

If you are at any risk of being detained by ICE, it is important that you make plans for the care of your children now. If you do not make any plans, it is more likely that your children will end up in the foster care system if you are picked up by ICE, or if you are arrested or detained for other reasons, such as a criminal charge.

This section focuses on what you should be doing TODAY to make emergency plans for your children.

Figure Out Your Goals

You first have to decide what your goals are for your children if you are detained or deported. You have to decide both short and long term goals:

If you are detained only for a fairly short time and will be released here you still want to make sure your children are safe until you can be with them again.

If you are detained for a long time, or deported, you will need to decide what you want for your children for the long term:

You may want them to stay in the United States with another caretaker if they can. This could be temporarily or permanently. The options may also depend on whether or not the children are US citizens.

You may want to take them with you if you are deported but want to make sure they are safe and cared for during any period of detention.

ONLY YOU, THE PARENT, CAN DECIDE WHAT'S BEST FOR YOUR CHILDREN.

Choosing A Caretaker

A caretaker is the word used to describe a person who you ask to take care of your children if something were to happen to you. Most parents already have a person like this in mind, but they don't always make formal plans to name this person as the official, legally enforceable, designated caretaker of their children.

The law generally gives the other parent of your children the automatic right to be the caretaker of your children if something happens to you. But there are many exceptions.

Ever Married To The Other Parent? If you and the parent of your children are married and living together, the other parent will automatically be given the right to care for your children if something happens to you. If you and the other parent are still married to each other but are living apart, or you are divorced, the other parent is likely to be the caretaker unless you have a court order for protection against that other parent OR there is already a divorce or custody order that prevents the other parent from visiting the children.

Never Married To The Other Parent? If you were never married to the other parent, there is no custody order (custody might exist in a paternity order), and you are the mother of the child, the father does not automatically have a right to the children. You may select a caretaker of your choice, and may or may not have to tell the father.

If your child's other parent will not automatically be the child's caretaker, you can choose another person to serve as that role. The caretaker you choose can be a stepparent, a grandparent, an aunt or uncle, brother or sister, or other relative. They could also be a godparent, close family friend, or neighbor. You may have several possible caretakers in mind. If you have more than one child, you may want different caretakers for different children.

The caretaker you choose must be at least 18 years of age. Also, it is ideal to choose a caretaker who your children know and trust. If you are detained, your children will be scared and upset. Picking the caretaker who knows the children best will help comfort the children. Finally, your designated caretaker should be someone who can come and pick up your children right away if you are taken into custody, to avoid having Child Protection take your children.

Does My Caretaker Have to Have Immigration Papers?

It is preferable, but not required, in Minnesota that the caretaker you choose for your children have immigration status. However, it is possible that this may change under the new federal government administration so the person might have to have status. You want your children to have as much stability as possible and not risking having to move AGAIN if your chosen caretaker can no longer take care of the children because of her own status.

Have a Conversation with the Person Who You Have Identified.

Once you have identified a possible caretaker it is important to have a conversation with that person to make sure she is an appropriate caretaker and that she understands what kind of commitment she is making. Here are some questions you should discuss with the possible caretaker to decide if she is able and willing to take care of your children if you are picked up by ICE.

How long will she be able to take care of your children? Immigration and proceedings can often last months, or in some cases, more than a year. If you are deported, your children may need to stay in the care of the caretaker for even longer. *It is best to make a plan that assumes your designated caretaker will take care of your children for a long time.* Is the caretaker able to make this type of commitment?

Who will financially support the children? Every day, your children will need food, shelter, transportation, medical care, and personal items like books and clothing. If your children do not qualify for public assistance, will the designated caretaker be financially able to provide for your children? If not, do you have a plan to provide support or are there other relatives or family friends who can contribute money for the children's needs?

Who else is in the household? Do you know everyone who lives in your caretaker's home? Are you comfortable with everyone who will have day-to-day contact with your children? If an adult member of the household has a criminal record or has had a case involving the abuse or neglect of a child in the past, your children might not be safe. If Child Protection gets involved in your case, your children may not be allowed to stay in that household.

Will there be adequate supervision? You need to make sure your children will be supervised. Find out who will be watching your child at home and

whether the children will be in daycare or school outside the home. Make sure the caretaker's home is safe for children the ages of your children.

Does your caretaker know of any special needs that any of your children have? Provide the caretaker with the contact information for your children's doctors and a copy of their MA or insurance cards. If any of your children are on medication, the caretaker should know why, where you keep the medication, and have information about where medications are purchased.

Will your caretaker be able to keep your children in that same school?

Legal Process for Formally Naming a Caretaker

There are several ways that a "caretaker" can have legally approved custody if you might not be able to care for the children if you are detained by ICE. Some work better in certain circumstances than others. Below are two options that are available in Minnesota. Both allow for a caretaker to step in if you are detained, care for your child, and make parenting decisions on your behalf. If you are deported, and want your child to stay in the U.S. permanently under the custody of a caretaker, there are additional options such as the court custody case discussed below. If you think the options are not helpful for your situation and you would like to learn more about more permanent custody options for your children you should consult a family law attorney.

A **Delegation of Powers by Parent (DOPA)** is a document that gives another person temporary power to make decisions for your children. It is safe and convenient because it does not need to be filed in court to take effect. The form you use to delegate your parental powers is very easy to fill out and is included in Part 3 of this booklet. You can do it by yourself. You do NOT need to hire anyone to complete the form. Do not get ripped off by people taking advantage of you because you are scared.

A DOPA is a private, but legally enforceable, agreement between you and another person, and is NOT a court order. The DOPA must be signed in front of a notary, but does not have to be filed in court. You and the person to whom you are delegating parental authority must both sign the DOPA, but do not need to sign at the same time. If the parents of the child are married and living together, both parents must sign the DOPA. If divorced or unmarried, only the parent with custody needs to sign.

The DOPA goes into effect as soon as it is signed, which means that once it is signed the caretaker you chose can make decision for your child if needed. The DOPA is only valid for **one year** from date of signing, so it needs to be kept current and renewed yearly. One way to remember to renew the DOPA is to make a new one at the same time you make a new emergency contact form- at the beginning of each new school year.

As the parent, you may cancel or revoke the Delegation at any time. To revoke the delegation just write a note that says "I revoke this delegation", sign it and date it. Give a copy to the person and keep one for yourself.

You should complete two (2) original DOPAs, give one (1) to your designated caregiver and keep one (1) for yourself in a safe place.

When a DOPA is created the other parent has to be given notice unless that other parent has no visitation rights (or only supervised visitation rights) or there is a protective order against that parent. That other parent does not have to be given notice if that person is the father who was never legally established as the legal father ---there is NO order for paternity OR his name is not on the birth certificate at all. If the parents only signed the Recognition of Parentage, the father has no visitation rights, even if he is visiting.

A notary in the United States is not the same as a notario publico in other countries where such people have great power almost like a lawyer. Here a notary has only very limited authority to do things like witness a signature. A notary can be found in many banks, at the UPS store, legal aid offices or check cashing places; they are only witnesses to your signing the documents. The fees for a notary is set by law and can be no more than \$5 for witnessing the signature. Many places may not charge at all for a notary to witness your signature.

A **Standby or Temporary Custodian Designation** is another way to give a caretaker temporary power to make decisions for your children. It is frequently used for parents concerned about their health or death. Unlike the DOPA, it does not become effective immediately when it is completed. It only becomes effective if a "triggering event." A triggering event might be an accident or illness, but a triggering event could also be an arrest, detention, incarceration. A standby custodian, with the triggering events, can take care of your children only for 60 days from when the event happens. This gives

that person time to start a court case in family court to ask for custody. A temporary custodian under this law is good for up to two years, longer than the delegation of powers by a parent. Notice has to be given to the other parent unless that parent's whereabouts is unknown, that parent is dead, that parent has had his/her parental rights formally terminated or that parent consents.

One downside of this designation form is that the person making the designation is supposed to have a court approve the appointment. That might be complicated, costly and risky. The Delegation is probably a better idea unless you already have another court case, such as a divorce case.

Family Court Custody By Someone Other Than A Parent is a complicated court case that happens when someone other than a parent asks the family court to give that person custody. It is not something you can do yourself. It is not simple or quick. You need to know it is an option for your caretaker if you do end up permanently unavailable to care for your children and want your children to remain in the United States with that caretaker. In planning ahead of any possible detention, or deportation, you would give your chosen caretaker the delegation and written instructions that you would want the person to go to family court to get custody. The advantage of this planning is that you have chosen the caretaker and the action does not have Child Protection making a decision about custody or care. It will not help for the emergency caretaker situation.

Other Steps You Can Take to Prepare

Once you have chosen a caretaker, and prepared the proper legal documents so they can care for your child in your absence, you will want to take a few additional steps to make sure you are prepared as possible in case you are detained by ICE. We suggest you make an emergency contact form, gather important documents in one place, and gather money for a bond fund.

MAKE AN EMERGENCY CONTACT FORM

Because most parents are apprehended by ICE unexpectedly, it is a good idea to create an emergency contact form so all of the important information about your plans and the care for your children is in one place. A sample emergency contact form is included in Part 3 of this guide. This form is not a

legal document; it is just a way to write down the useful information for your caretaker.

This sample forms include both parents' names, the caretaker's name, addresses, contact information. Everyone listed on the form should know about your caretaker's plans for your children if you are picked up by ICE.

If you are worried about being picked up by ICE with the contact information in your possession about people who do not themselves have immigration status, you could also set up a plan to make a telephone call to another emergency contact person who has this information in a safe place. That emergency contact person could then get in touch with the caretaker.

The caretaker, and emergency contact, should generally be available to take your call at any time in the event you are picked up, and should be familiar with your plans for the care of your children in your absence.

GATHER IMPORTANT DOCUMENTS IN ONE PLACE

You should make a separate envelope or folder for each child, and have all of your important documents in this file in a safe place in your home. You should have a separate copy of each document for each child. These documents are listed on the forms in section three. Making extra photocopies of these records. Take care not to lose the originals. Your caretaker or others in your household, such as an older child, should know exactly where this folder is kept so the caretaker can get the documents quickly if you are picked up by ICE. The caretaker should also have a key to the home so she can get the important documents when needed.

Make Sure That You and Your Children Have Unexpired Passports. If the children do not have a passport apply for those now. If the children are born in the US, the form to apply for a passport for a child is in Part 3.

SAVE MONEY FOR IMMIGRATION BONDS

If you are picked up by ICE and detained, you may be eligible to pay a money bond to be released to the community. The lowest possible bond ICE or the Immigration Court can give you is \$1,500 and most people without a criminal record receive bonds between \$3,000 - \$7,500. As part of making a plan in case you're picked up by ICE, you should think about how you or your family members may be able to pay a bond if you are detained. You might consider saving up money so you can pay for your bond. It is also possible to finance your bond through a bail bond company.

PART 2

WHAT TO DO TO PROTECT YOUR PARENTAL RIGHTS IF YOU ARE PICKED UP BY ICE

Part 1 talked about steps to take NOW to prevent your children from being taken into the custody of Child Protection if you are picked up by ICE. Part 2 is about what to do if you ACTUALLY are picked up by ICE, separated from your children, and facing time in detention with the possibility of deportation. In Part 2, we talk about protecting your parental rights. Even though the government may be trying to deport you, YOU still have the right to make these decisions for your children, whether your children are US citizens or not. YOU must always advocate strongly for yourself as their parent. Start now by gathering information and being prepared for the worst circumstances.

In this Part, you will learn about the three main parts of the detention and deportation process: 1) apprehension by ICE; 2) detention and the Immigration Court process; and 3) deportation.

APPREHENSION

I've Been Picked Up by ICE, Now What Should I Do?

Most people are picked up by ICE very unexpectedly. You may be pulled over for a traffic violation or may have an ICE officer show up at your workplace or home. If you are apprehended by ICE tell the officer that you have children, about any special needs they may have, that they do not need to detain you, and you will comply with their requirements if they release you. If they do detain you, continue to tell this to every ICE officer you meet.

ICE should let you make a telephone call to your caretaker or emergency contact shortly after you are arrested so you can tell her that you are in custody, and that she should follow the emergency plans you have in place for your children. If you are told that you can't make a telephone call because of security reasons, be sure to say again and again that you need to make a call to make plans for your children so that they are not taken into custody by Child Protection.

If your children are with you when ICE shows up, you are in the best position to convince the officers that you must make a phone call immediately so a caretaker can come take care of your children and avoid having them taken

into custody by Child Protection. If your children are not with you at the time you are picked up by ICE, tell the ICE officer immediately that you have children, and that you need to make a phone call to ensure they are safe and taken care of.

What Can I Do to Get Released?

If you are apprehended by ICE, and have certain issues in your case such as serious criminal history, you may have to stay in detention while you go through the legal process. However, if those issues are not present in your case, the officer can decide to release you to the community on your own recognizance (which means that you promise to come to court on the date you are given) or release you after you pay a money bond. The officer may decide to release you or only require a low bond if there is evidence that you have strong ties to the United States, that you are not a danger to the community, and that you are not a flight risk. It is a good idea to gather documents that could support your case for release or a low bond. Some examples of helpful documents to gather are below:

- Birth certificates for your children born in the US;
- Evidence that your children have been granted status in the U.S. (for example: proof of DACA or copies of LPR cards);
- School records for your children;
- Your children's medical records;
- Any and all evidence that you have been in the US for a long time, like tax records, bills, bank account records, medical records, car payments, rental agreements, utility bill, etc.;
- Letters from family and friends to confirm where you would live once released, who would pay your bond, and that can vouch for your good character and how long you have been in the US.

• *You should be sure to keep at least two (2) sets of copies of ALL of these documents in a safe place in case you are detained. Do NOT provide ICE with original documents. You may need to give the immigration judge copies as well.* Make sure a trusted person knows where they are so she can bring one set to the ICE office where you held.

Any documents you have that are not in English should be translated into English. Include a Certificate of Translation issued by the translator for each translated document. A sample Certificate of Translation is in Part 3.

If you are released, you will probably be given paperwork with the date you must show up for a hearing in Immigration Court. If you miss a hearing, you will be ordered deported and there will be an order for your arrest.

If you are not released by ICE at this point you will be sent to a county jail where you will be held for further processing. If you go to jail, it is still possible ICE may release you. Unfortunately, this is less likely at this point, and you are probably facing at least a few weeks in detention. Once in jail, you will need money in an account in order to make telephone calls.

In Part 3 of this guide, you will find the addresses and telephone numbers of the ICE detention centers where you may be taken. These are helpful to give to your caretaker and relatives so they can try to locate you if you are not able to call them right away. They can also use the ICE detainee locator online at: <https://locator.ice.gov/odls/homePage.do>.

To help your caretaker locate you if you are detained it is a good idea to provide them with your Alien Registration Number, your "A Number". If you do not already have an A Number, ICE will assign you one when you are apprehended. Generally, the only way your caretaker and others will be able to get information about where you are detained and about your case is if they have your A Number.

If you are detained, you will also be assigned a Deportation Officer. You should tell your Deportation Officer right away about your children and your concerns about who will take care of them if you are not released. Your Deportation Officer works for ICE and is in charge of you while you are in detention. This Officer should meet with you regularly while you are in detention. The officer's role is to process your deportation. Because she works for ICE, you should not rely on your Deportation Officer to give you advice about your immigration case.

What If I Am Told to Sign For My Deportation?

From the time you are arrested, through the first few days you are in ICE custody, you may be presented with paperwork to sign. This paperwork may be presented to you many times, and by different officers. Many parents report pressure to sign paperwork without understanding what it is. Some papers might be to accept deportation from the United States.

If you accept deportation, it will be almost impossible for you to be able to come back to the US and then fight to get your children back

if they are in foster care. Returning without documents after a deportation is a crime and people are sentenced to jail. It is very important to stay strong and be clear that you will NOT sign any document unless you understand it completely and have read it in a language you understand. You have this absolute right.

However, if you are presented with a document that says that you will be released on your own recognizance, and it is explained in your native language, you should sign it so you can be released.

How Do I Find an Immigration Attorney?

Because you are being apprehended by ICE under civil law and not criminal law, you will not be provided with a free immigration attorney. If you cannot afford an immigration attorney, you may be able to get an immigration attorney from a nonprofit legal aid organization for free. A list of nonprofit legal aid organizations can be found in Part 3 of this guide. Unfortunately, there are many more people who need immigration attorneys than there are legal aid attorneys to help them. If you are unable to get a free attorney, you will have to hire and pay for a private attorney, or have your family help pay for one for you. However, if you are unable to get an attorney, you will not be alone. Most people in immigration detention end up fighting their cases without immigration attorneys.

NOTE – Be aware of fraud or misrepresentations by immigration attorneys. There are many good immigration attorneys. Unfortunately, some take advantage of people in detention. Some immigration attorneys will take your money where there is little they can do to help you under the law. If you or a member of your family is going to hire a private immigration attorney to represent you, do your homework and ask the immigration attorney for a few references you can call to find out about the quality of their services.

What Happens to My Children When I Am Apprehended by ICE?

If, at the time you are picked up by ICE, you are unable to notify either your designated caretaker or some other trusted relative or friend who is willing and able to take your children right away, Child Protection in your area will take *emergency control* of your children. This might happen if no one picks up your children after school on the day you are detained and the school calls Child Protection because there is no identifiable responsible person. This might happen because your children were with you when ICE picked you up or you were arrested.

If this happens, there must be an Emergency Protective Care Court hearing within 72 hours. That 72 hour period does not include Saturdays, Sundays, or legal holidays. During this time, the children will be placed in a safe emergency foster care setting, generally an emergency foster care home.

- *If your designated caretaker contacts Child Protection that first day, or within a day or two, and presents a Delegation of Powers by Parent (DOPA), it is unlikely that Child Protection will require anything more from the caretaker,* and probably will not get involved in the arrangements for the care of your children. Child Protection should release your child to the caretaker, and care of the child should remain a private matter between you and your designated caretaker.
- *IF you can get someone to bring you the Delegation of Powers by Parent (DOPA) form and the jail has a notary, you still can fill out this form. You can fill out the form at any time, before or after you are detained.*
- *If you don't have a designated caretaker with a DOPA, but you do have a relative or friend willing to care for your children, that person should contact Child Protection immediately.* Child Protection may release your children to that person but only after completing a background check of all adults in the person's home. They will look to see if anyone has a criminal record or if they have ever been investigated for child abuse or neglect. If the caretaker passes the background check she should get placement of the children. Child Protection does not care about immigration status of that person.

If no one contacts Child Protection, it will start trying to identify a relative willing to take care of your children. But if Child Protection has taken your children into emergency care and there is no one with formal authority to care of them, your children will be placed in foster care with strangers at least temporarily. Child Protection will then be seeing if a relative can be licensed to become a foster parent for your children. If you are not able to be released and are deported, Child Protection will also be seeing if you have a relative who would qualify to have permanent custody of the children.

Child Protection is required to file a document, called a **Child in Need of Protection or Services (CHIPS)** Petition, in Juvenile Court; this is the formal request to the court concerning your children. Sometimes that Petition is done before that Emergency Protective Care hearing but mostly it is done

after, before the next hearing. Within 3 - 13 days, there will be a court hearing again, for you to "admit" or "deny" whether what is in the Petition is true. You must be handed a copy of the Petition before that hearing. The Petition says why Child Protections believes your children are "neglected".

Once this happens, you and your children will become part of a Juvenile Court case , the **CHIPS** proceeding, court hearings to determine if your children are Children in Need of Protection or Services. The Juvenile Court will then have authority over your children, including who they live with.

At each step in the court process, there are required timelines for action. At each hearing the Juvenile Court judge will determine who should have custody, where the children will live and what must happen next.

During this entire process, the Court is likely to grant the Child Protection Social Services Agency "custody" with the power to "place" the children. Your children may be sent by the Child Protection/ Social Services Agency to live with a foster parent who is a stranger to the children – someone trained and licensed to care for children if parents are unable to care for them. Your children may be "placed" with a relative in "relative foster care". Older children may be placed in a group home -- a residence where several older children, whose parents are unable to care for them, live together with an adult who supervises and cares for them. The biggest concern is that you as the parent no longer have control over what happens.

Although one goal of a CHIPS case is to reunify children with their parents, it is a complicated process that could last for a long time. At the end of the series of hearings the court makes a final determination of whether or not the children are neglected or abandoned, and what should happen to them. They might end up in continued custody of the Child Protection/Social Services Agency placed in long term foster care. Their custody might be transferred to a relative. Ultimately you may lose all your rights to parent your children. This is why it is critical to plan ahead. Avoiding Child Protection and Juvenile Court is always better for parents so that parents remain in decision making control over their children.

If you think your children might be in Child Protection placement with strangers, you should talk to your Deportation Officer and ask to contact Child Protection right away. Each county has its own Child Protection Social Services Agency; the children are likely to be under the care in the county

where they were found without a parent. There is a list of the phone numbers for Child Protection in each county in Part 3.

When you call:

Give your full name and say you are the parent. Even if the person answering the phone doesn't speak your language, the person can get a translator on the line.

Give your children's full names and dates of birth.

Explain that you are in immigration detention and believe that your children are in Child Protection custody.

Be VERY clear that you cannot receive calls in detention, that this is an emergency situation, and that you need to know if Child Protection has your children.

Give the name and contact information for your designated caretaker, or, if you do not have one, then the name and contact information for a relative who you think might take care of your children.

Give your A Number and the name/address of the detention center where you are being held.

The county Child Protection intake worker will communicate this information to the actual assigned Child Protection caseworker.

If you cannot call Child Protection, your caretaker, a relative or friend should call on your behalf and provide all the same information that you would give yourself if you were able to call. Child Protection will not provide information about your children to anyone who is not the child's parent, but the intake worker will communicate the information provided by the caller to actual staff at Child Protection who knows about your children.

Neither the person who calls the Child Protection agency nor your designated caretaker of your children will be reported to ICE. However, it is possible that this may change under the new federal government administration.

Will I Have a Lawyer to Help Me Keep My Children?

If a CHIPS Petition is filed, and you are a low income person, you will be appointed an attorney to represent you in the neglect proceeding, regardless

of whether or not you have lawful immigration status. This attorney will be paid for by state of Minnesota – you do not have to pay this lawyer. Your attorney should speak your language or have a professional translator. It is the job of this lawyer to explain the neglect process to you, keep you up to date about your case. and protect your rights as a parent. The lawyer is on your side; the lawyer is not part of the Child Protection agency. Everything you tell your lawyer is confidential; the lawyer cannot tell anyone else what you tell that lawyer. Your lawyer should be able to call you. The jail should NOT be recording calls between you and your lawyer and you should be able to meet with the lawyer in private.

Your biggest problem will be the logistics of getting the appointment of the lawyer when you cannot be present at court to ask the judge to appoint a lawyer for you. You are supposed to fill out an application form; you can ask the Child Protection worker to get you the form. If filling out the form is not possible, ask the Child Protection worker to tell the judge you want court appointed lawyer and you are not able to fill out the form.

Who Else Is Involved in the CHIPS/Neglect Proceeding?

Guardian ad Litem. In addition to your court appointed attorney, the Juvenile Court Judge will appoint someone, with no cost to you, to represent the best interest of the children. This person does not represent the children themselves or what the children want but represents what is best for them. This person is not necessarily a lawyer but has had extensive training. This person is not part of the Child Protection agency. The GAL will make recommendations to the Juvenile Court Judge about what is best for your children, who should care for your children and about visitation with you or other members of your family. What you tell the GAL is not confidential.

Child Protection Case Worker. The Child Protection Agency will have a caseworker assigned to your case. Remember that Child Protection and its caseworkers are the “other side” in the case against you. They are investigating to decide if they think your children are neglected, abused or abandoned. That caseworker will report to the Court everything they learn from what you and your children tell her, and what they learn from any other agency such as ICE. That caseworker then makes recommendations to the Judge whether you should be found to have abandoned your children and who should care for your children, and about visitation. What you tell the Child Protection case worker is not confidential and will be used against you.

Only the Judge, not the GAL or the Child Protection case worker, makes the decisions about what happens but Judges listen very carefully to what the GAL or the Child Protection case worker recommends.

It is important to communicate often with the caseworker and the GAL. You need to convince them that you want to stay involved in your children's lives and to be reunified with them, and that you are willing to do anything you can to make that happen. These people have different roles and do not always share the same information. Do not assume what you told one of them is known by the other of them.

If the caseworker or GAL doesn't answer when you call, ALWAYS leave a message so he or she knows you are staying involved with your children's case as best as you can. Always write down the date and time that you make phone calls to the caseworker and anyone involved in your children's case, and if you left a message. Make sure the case worker and GAL know that it costs money for you to call and that they cannot call you.

DETENTION

I am Detained. How Can I Get Released to Continue Parenting and Participate in the Juvenile Court Case Against Me?

If you are picked up by ICE and a CHIPS case in Juvenile Court has been started, the best way to protect your parental rights is for you to be released from detention. This will allow you to participate in the Juvenile Court case in person and regain custody of your children. If you are not released from ICE custody, and you are detained, you may be able to request your release to the community through either Humanitarian Parole or Prosecutorial Discretion, or be released by paying a money bond if you are eligible for bond.

Humanitarian Parole and Prosecutorial Discretion are requests to be released from detention based on your case not being a high priority for ICE and because you are not the kind of person they should detain – that you don't have a criminal record and you do have children you need to take care of in the US. You should ask for Humanitarian Parole and Prosecutorial Discretion to be released from detention, but be aware that the new head of ICE has said that he may end or limit these opportunities for release.

Not everyone is eligible for bond, so you should ask your Deportation Officer or Immigration Attorney if a bond has already been set for you. If you aren't

sure if a bond has already been set for you, you should ask the Immigration Court Judge for a bond hearing. Be sure to tell the Immigration Court Judge about your children and your need to be released to take care of them and keep custody of them.

At the immigration hearing, you should present **two** copies of documents (never give the government original documents!) talked about previously (starting at page 10) to show you are not a danger to the community or a flight risk.

Some, but not all, of the adult detention centers in Minnesota have a library with access to immigration forms and information about humanitarian parole and prosecutorial discretion. There are websites with information as well, if the jail allows internet access.

I Am Detained And Won't Be Released, Even For Court. What Can I Do From Detention To Try To Keep My Kids?

While it is challenging to be part of neglect case from detention, it IS possible; it can be successful especially if you are fighting your deportation in Immigration Court and have a strong possibility of winning your immigration case. Even if you might not win your immigration case, you want to know what will happen with your children and be able to make decisions for them.

You should stay as involved with your children as much as possible. This means writing to the children, calling them, asking the adults caring for the children to have the children write to you or send you pictures. Try to keep track of what you have done so that the Child Protection worker can be told this so that worker will decide you are trying to stay involved. Even if your children are placed in foster care with strangers, your Child Protection worker should assist you staying involved with the children. Ask the worker or the GAL about calling your children from detention. Your Deportation Officer should help you make arrangements for these calls.

You should try to participate in all juvenile court neglect case hearings, even though it may not be possible to arrange to be there personally. ICE will probably not allow you to go to the hearings, but while you are detained, you can ask to participate in neglect hearings by telephone. Make sure your court appointed juvenile court attorney, Child Protection case worker and the GAL all know you want to participate. This might be set up by coordinating with your Deportation Officer and your court appointed juvenile court attorney,

but even this request might be denied by ICE. It is very important to update everyone, especially your attorney, about your immigration case and when your next immigration hearings are. They will be eager to know when your immigration case will end and when you may be released from detention.

If you are not able to participate by telephone, you should call or write, to your court appointed juvenile court attorney, the GAL, caseworker, and to the Judge to explain why you cannot appear even by phone, and the efforts you made with ICE to put these arrangements in place.

The Family Court Judge may issue an Order directing you to do certain things. You should do everything in your power to comply with this Order, and if you are unable to, make sure that you tell that to your court appointed juvenile court attorney, the GAL, and the caseworker.

Will My Children Be Able to Visit Me in Detention?

Whether or not your children visit you in the detention facility will be up to the Juvenile Court Judge, based on what that Judge believes is in your children's best interests. It will also depend on the policies of the jail where you are being held. Some jails in Minnesota do not allow children into the building. Many now only allow video visits. For some children, seeing a parent in jail can be traumatic. If you want your children to visit you, you should tell your juvenile court attorney, the GAL, and the caseworker. Your juvenile court attorney can file a request asking the Juvenile Court Judge to order visitation.

If the Juvenile Court Judge orders visitation, then the caseworker, or other approved adult, such as a foster parent or one of your relatives, can bring your children to the detention facility. But remember, although ICE will permit minor children to visit, some Minnesota county jails do not and it is up to them who enters. Visitor information is available on the websites for all of the county detention centers in Minnesota. Because background checks must be done prior to a visit, and ICE may have access to visitor lists, people in the US without status should not go to jail for a visit.

How Does Immigration Court Process Work; How Do I Fight My Case?

You may be detained as long as a few weeks before you have your first appearance before an Immigration Court Judge, which is called a Master Calendar Hearing. If you have asked for a bond hearing, that will happen at

the same time. You will be brought into the court, and will sit at a table to speak with the Immigrant Court Judge individually. You will be asked what language you prefer. An interpreter will be available at this hearing for you if you speak Spanish. If you speak another language, the Immigration Court Judge will use an interpreter by telephone.

If you don't have an immigration attorney, the Immigration Court Judge will ask you at this first hearing if you want more time to find one. It is a good idea to ask for more time to find an immigration attorney, especially if you haven't been able to speak to your family, or if you think you may be able to pay the bond, or if you are trying to get a bond hearing, or if you may get an immigration attorney. If you don't have an immigration attorney at the first hearing, a volunteer attorney from the Minnesota Detention Project should meet with you prior to your first hearing to see if any of the nonprofits law firms can take your case. This volunteer attorney will only represent you in your first hearing. After that, it will be up to you to find your own attorney. You can also hire a private attorney to represent you.

After this first hearing, you will be scheduled for at least one more Master Calendar Hearing, where the Immigration Court Judge will ask you if you are applying for any form of legal relief or filing an application with the Immigration Court seeking to stay in the US. These phrases refer to whether you are going to fight your deportation in the Immigration Court. If you have hired a private immigration attorney or have a legal aid immigration attorney, you will get more information about whether you have a basis under the law to fight your deportation in Immigration Court. If you fight your deportation in Immigration Court, you will probably have a Final Merits Hearing, also called an individual hearing, where you will present your case to the Immigration Judge through evidence, witnesses, and your own testimony.

Every case is different, but generally most people not eligible or able to pay bond are detained for 90 days while they go through this Immigration Court process. This may seem overwhelming for you to do, especially since you are separated from your children. But it is very important to think this over and understand that this will be your ONLY chance to fight your deportation. If you accept deportation at your First Master Calendar hearing, it will be virtually impossible for you to be able to come back to the US and then fight to get your children back.

DEPORTATION

Can I Take My Children with Me If I am Deported?

If you are ordered deported, you may be allowed to take your children with you at the time of your deportation, but you must make those arrangements with ICE as soon as possible. It is so important to plan and think through your options before you make a decision about whether to sign for your deportation. If you are from Mexico you will be sent back within a few days after you are ordered deported, whether you voluntarily sign for your deportation or an Immigration Court Judge orders you to be deported.

Deportation to other countries can take several weeks and you may be required to speak with the consulate for your country. Failure to cooperate with this process could result in fines and jail time.

You should tell the ICE agent as soon as possible if you want your children to go back to your country with you. US citizen children must have a valid passport in order to be included. There is no exception. A child who was born in the US will always be a citizen, even if they grow up in another country.

Non-US citizen children who will travel with you can get an emergency travel document from their consulate. You have the right to talk with your Consulate, and you should inform them about your children, and ask for assistance in making travel arrangements for your children if you want them to relocate with you. If your children will travel at a later date, the Consulate can assist with travel arrangements if your children are with your designated caretaker, or with relatives or friends, but not if your children are in foster care. Contact information for the Consulate offices in Minnesota is included in part 3 of this guide. Most countries do not have consulates here and you will have to contact them in Chicago or Washington DC. If your children do not have a passport, your designated caretaker can apply for one. Instructions for applying for a US passport can be found in Part 3.

What Happens If My Kids are in Foster Care and I'm Deported?

Once a CHIPS case starts, the case will continue until the Court decides the children can either be returned to you or placed in permanent custody somewhere else. The case will continue if you are deported unless the judge decides that traveling with you is the final decision for your children. If your

immigration case is almost over and you think you may lose, or your case is on appeal, start planning for the possibility of deportation. Explain to your juvenile court attorney, the Child Protection caseworker, the GAL, and the Family Court Judge that you would like to regain custody of your children even if you are deported. Provide them with the approximate date you may be deported and a forwarding address if you have one, or the contact information of a trusted relative or friend in the US so they can remain in contact once you have left the country.

If your child is in foster care, the caseworker must obtain permission for the children to visit you in your home country and then contact the Consulate.

Can I Voluntarily Leave My Children With A Caretaker Here In The US If I Am Deported?

Yes, if your children are US citizens they cannot be forced to leave with you if you do not want them and have made other voluntary arrangements for their custody in the US.

If your children are not US citizens and they were not ordered removed by the judge, they can remain in the US. However, if they are here without a visa, ICE can start removal proceedings against them.

CONCLUSION

It is very hard to be in a situation where you might not be able to parent your children.

No matter what happens, you are still the parent of your children even if you might not be able to be with them for a while. If you can't be with them in person, the children still need to hear from you, to hear you love them very much no matter what has happened. Write them. Send pictures. Call them if you can. Send emails or texts. Use Facetime/Skype or other ways.

Keep on fighting for your children and stay in touch with them. Don't give up! Your children and your family will be proud that you did not give up hope.

PART 3

SAMPLE FORMS, INFORMATION SHEETS, AND OTHE RESOURCES

1. Emergency Contact Envelope, Summary and sample letters
2. Important Information and Documents About Each of Your Children
3. **Delegation of Powers by Parent and Revocation, with Instructions**
4. Detention Centers You May Be Taken To
5. Telephone Numbers for Child Protection in each County in Minnesota
6. Local Immigration Legal Aid Organizations
7. Consulate Information
8. Certificate of Translation
9. Information about applying for a US passport for US born children

3.-1 Emergency Contact Envelope for Each Child

Documents About Each of Your Children

Two copies of each of these documents for each of your children, kept in a separate envelope for each of your children, even if the information is the same for each child. Keep one set of envelopes in a safe place in your home and give the second envelope to your designated caretaker for each of your children. Keep the originals separate.

- Form with names of child parents and caretaker
- each child's birth certificate
- child's medical information sheet
- information about the name of each child's school, activity, and church
- names, phone numbers, email addresses of family and friends who your designated caretaker may wish to communicate with and CP Hotline Number
- Delegation of Powers by Parent with an original notarized signature
- if the child has a passport, a copy of each child's passport
- if the child was born in the US, and does not have a passport, a copy of the Application for Passport for Children Under 16

3.2 Emergency Contact Sheets

Emergency Contact Form for

child's name

- Mother's Name _____

- Father's Name _____

- Child's Date of Birth _____

- Designated Caretaker for Child

Name _____

Address _____

Phone Number _____

Text Message Number _____

Email Address _____

- Alternate Person to Contact if Parents are Detained by ICE

Name _____

Address _____

Phone Number _____

Text Message Number _____

Email Address _____

3.2 MEDICAL INFORMATION SHEET FOR

name of child _____

use back of page for additional space for answers

Name of Doctor or Medical Practice _____

Address and Telephone Number _____

Any Frequent Illness or Medical Conditions of Child, such as ear infections, allergies, etc. and treatment _____

Name of Medication taken by child _____

Reason for the Medication _____

Dose & Frequency _____

Any Allergies _____

Name of Dentist or Dental Practice _____

Address and Phone Number _____

Ongoing Dental Treatment _____

Name of Eye Doctor or Practice, if any _____

**3.2 EMERGENCY INSTRUCTION LETTER FOR
DESIGNATED CARETAKER:**

Dear _____,

Please keep this sheet with you or somewhere you can find it immediately.

If you learn that I have been taken into custody, please get my children right away.

If you cannot locate my children, contact the Child Protection Social Services Agency in the county in which the children picked up or live. Tell them the names of my children, your name and phone number, that you have a Delegation of Powers by Parent.

You can also use that Delegation of Powers by a Parent to the school, doctors, or any other agency to show you have the same powers the parent would have to make decisions and take actions a parent would.

3.2 optional Emergency Contact Letter to someone else if your Designated Caretaker might not have immigration status.

Dear _____,

Please keep this sheet with you or somewhere you can find it immediately.

If you learn that I have been detained, please call _____, whose phone number is _____, as soon as possible to let her know.

If my children have been taken into custody, tell her to contact the County Social Services office, and that she should tell them the names of my children, her name and phone number, that she has a Delegation of Powers by parent.

DELEGATION OF POWERS BY PARENT MINN. STAT. § 524.5-211

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

I. I, _____, of the City of _____ County
of _____, State of Minnesota, am the parent of the following children:

_____, born _____.

A. _____, born _____.

II. I hereby appoint _____, of the City of _____, State of Minnesota, to
be my designated caretaker/child custodian for the exercise of parental authority over my
children named above, for a period of _____ (up to one year) following the
date of my signature.

III. This is my delegation to _____, of my parental powers and authority
regarding the care, custody, and property of the children listed above, including, but not
limited to the authority to:

- A. authorize medical treatment;
- B. enroll my child in school; and
- C. provide a home, care, and supervision of my child at the home of the designated
custodian.

IV. This Delegation does not authorize the designated caretaker to consent to marriage or
adoption of my children.

V. I, _____, understand that I am legally obligated, according to State
law, to mail or give a copy of this document to any other parent within 30 days of its
execution unless either the other parent does not have visitation rights or has supervised
visitation rights; or there is an existing order for protection under chapter 518B or similar
law of another state in effect against the other parent to protect me.

Dated _____.

Signature of Parent

Subscribed and sworn to before me
this _____ day of _____, 20__.

Notary Public

I hereby accept the foregoing Delegation of Parental Authority over the children listed above.

Signature of Designated Caretaker

Instructions for filling out the delegation form (3.3)

STATE OF MINNESOTA)

) ss.
COUNTY OF ___1___)

VI. I, _____2_____, of the City of _____3_____ County
of _____4_____, State of Minnesota, am the parent of the following children:

_____5_____, born _____6_____.

_____5_____, born _____6_____.

VII. I hereby appoint _____7_____, of the City of _____8_____, State of Minnesota,
to be my designated caretaker/child custodian for the exercise of parental authority over
my children named above, for a period of _____9_____ (up to one year) following
the date of my signature.

VIII. This is my delegation to _____10_____, of my parental powers and
authority regarding the care, custody, and property of the children listed above, including,
but not limited to the authority to:

- A. authorize medical treatment;
- B. enroll my child in school; and
- C. provide a home, care, and supervision of my child at the home of the designated
custodian.

IX. This Delegation does not authorize the designated caretaker to consent to marriage or
adoption of my children.

X. I, _____11_____, understand that I am legally obligated, according to
State law, to mail or give a copy of this document to any other parent within 30 days of its
execution unless either the other parent does not have visitation rights or has supervised
visitation rights; or there is an existing order for protection under chapter 518B or similar
law of another state in effect against the other parent to protect me.

Dated _____12_____.

Signature of Parent

Subscribed and sworn to before me
this _____ day of _____, 20__.

Notary Public

I hereby accept the foregoing Delegation of Parental Authority over the children listed above.

Signature of Designated Caretaker

Instructions for each number in the form

1. Print in the name of the county where you are signing this. If you don't know, the notary can write in the name of the county. This is NOT necessarily the county you live in.
2. PRINT CLEARLY YOUR FULL LEGAL NAME.
3. Print the name of the city you live in.
4. Print the name of the county where you live. If you don't know it, ask the notary if the notary knows or leave it blank
5. Print the full legal name of each of your children. Put the name of each child on a separate line OR use a separate delegation if you are naming different caretakers for each child
6. Put in the date of birth. Use the name of the month such as January rather than a number since different countries use different orders of month or day first.
7. Print the full legal name of the person you are naming as caretaker
8. Print the city the caretaker lives in.
9. Print the number of months you want the caretaker to act or print "for one year."
10. This is the same person as in 7- the name of your caretaker
11. Print your name here
12. When you sign the document, you will print the date. Use the name of the month not the number because date or month going first depends on which county you live in.
13. Your signature will go here. YOU MUST SIGN THIS ONLY WHEN THE NOTARY IS WATCHING YOU SIGN. DO NOT SIGN THIS AHEAD OF TIME.
14. Don't fill this out at all, the notary will fill this out.
15. The person who is the caretaker must sign. She does not need to sign in front of a notary and does not need to sign at the same time you do. But you want her to sign soon since you will need to make copies of the signed document.

3.4 DETENTION CENTERS YOU MAY BE TAKEN TO

ICE Detainee locator website:

<https://locator.ice.gov/odls/homePage.do>

Current county jails in Minnesota used by ICE:

Carver County Jail

606 East Fourth Street,
Chaska, MN 55318
952-361-1231

Freeborn County Jail

Adult Detention Center

411 Broadway S
PO Box 170
Albert Lea MN 56007
507-377-4683

Ramsey County Adult Detention Center

425 Grove St.
Saint Paul, MN 55101
651-266-9350

Sherburne County Jail

13880 Business Center Dr NW
Elk River, MN 55330-1692

Phone: 763-765-3800
800-433-5245

Please note that new facilities may be added, and detainees can be moved without notice.

ICE Bonds must be paid at the ICE office at the Bishop Whipple Federal Building located at: 1 Federal Drive, Fort Snelling MN 55111. Hours are limited but generally are from 9:00 a.m.-3:00 p.m..

3.5 MINNESOTA'S CHILD PROTECTION AGENCIES BY COUNTY

A

Aitkin County Human Services -218-927-720
Anoka County Human Services -763-422-7125

B

Becker County Human Services -218-847-5628
Beltrami County Human Services -218-333-4223
Benton County Human Services 320-968-5087
Big Stone County Family Services 320-839-2555
Blue Earth County Human Services 507-304-4444
Brown County Family Services 507-359-6500

C

Carlton County Human Services 218-879-4583
Carver County Social Services 952-361-1600
Cass County Human Services 218-547-1340
Chippewa County Family Services 320-269-6401
Chisago County Human Services 651-213-5600 or 651-213-5672
Clay County Social Services 218-299-5200
Clearwater County Human Services 218-694-6164
Cook County Social Services 218-387-3620
Cottonwood County Family Services 507-831-1891
Crow Wing County Social Services 218-824-1140

D

Dakota County Social Services 952-891-7459
Dodge County Human Services (MN Prairie) 507-635-6170
Douglas County Human Services 320-762-2302

F

Faribault County Human Services 507-526-3265
Fillmore County Social Services 507-765-2175
Freeborn County Human Services 507-377-5400

G

Goodhue County Social Services 651-385-3232
Grant County Social Services (contract with Traverse) 218-685-8200

H

Hennepin County Family Services 612-348-3552
Houston County Human Services 507-725-5811
Hubbard County Social Services 218-732-1451

I

Isanti County Family Services 763-689-1711
Itasca County Family Services 218-327-2941

J

Jackson County Human Services (Des Moines Valley HHS) 507-847-4000

K

Kanabec County Family Services 320-679-6350
Kandiyohi County Family Services 320-231-7800
Kittson County Welfare Department 218-843-2689
Koochiching Community Services 218-283-7000

L

Lac qui Parle Family Services 320-598-7594
Lake County Human Services 218-834-8400
Lake of the Woods Social Services 218-634-2642
Leech Lake Child Welfare Department 218-335-8270
LeSueur County Human Services 507-357-2251
Lincoln County Human Services (Southwest HHS) 507-694-1452
Lyon County Human Services (Southwest HHS) 507-537-6747

M

McLeod County Social Services 320-864-3144
Mahnommen County Human Services 218-935-2568
Marshall County Social Services 218-745-5124
Martin County Human Services 507-238-4757
Meeker County Social Services 320-693-5300
Mille Lacs County Family Services 320-983-8208
Morrison County Social Services 320-632-2951
Mower County Social Services 507-437-9700
Murray County Social Services (Southwest HHS) 507-836-6144

N

Nicollet County Social Services 507-934-8559
Nobles County Family Services 507-295-5213
Norman County Social Services 218-784-5400

O

Olmsted Community Services 507-328-6400
Otter Tail County Human Services 218-998-8150

P

Pennington Human Services 218-681-2880
Pine County Human Services 800-450-7463 or 320-629-5728 (Intake worker)
Pipestone County Family Services (Southwest HHS) 507-825-6720
Polk County Social Services 218-281-3127
Pope County Family Services 320-634-7774

R

Ramsey County Human Services 651-266-4500
Red Lake County Social Services 218-253-4131
Redwood County Human Services (Southwest HHS) 507-637-4050
Renville County Human Services 320-523-2202
Rice County Social Services 507-332-6115
Rock County Family Services (Southwest HHS) 507-283-5070
Roseau County Social Services 218-463-2411

S

St. Louis County Social Services 218-726-2012 or VA 218-471-7128
Scott County Human Services 952-445-7751
Sherburne County Social Services 763-765-4000
Sibley County Human Services 507-444-7500
Stearns County Social Services 320-656-6000
Stevens County Human Services 320-208-6600
Steele County Human Services (MN Prairie) 507-431-5600
Swift County Human Services 320-843-3160

T

Todd County Social Services 320-732-4500
Traverse County Social Services 218-685-8200

W

Wabasha County Social Services 651-565-3351
Wadena County Social Services 218-631-7605
Waseca County Human Services (MN Prairie) 507-835-0560
Washington Community Services 651-430-6457 or 651-291-6795 (after hours and on weekends)
Watonwan County Human Services 507-375-3294
White Earth Indian Child Welfare 218-983-4647
Wilken County Family Services 218-643-8013
Winona County Community Services 507-457-6500
Wright County Human Services 763-682-7400

Y

Yellow Medicine County Human Services 320-564-2211

3.6. IMMIGRATION LEGAL AID ORGANIZATIONS THAT MAY BE ABLE TO HELP

Advocates for Human Rights

330 Second Avenue south, Suite 800
Mpls, MN 55401
612-341-9845

Immigrant Law Center of Minnesota

450 North Syndicate St., Suite 200
St Paul, MN 55104
651-641-1011

Mid-Minnesota Legal Services

430 First Ave. No. Suite 300
Mpls., MN 55401
612-334-5970

Volunteer Lawyers Network/La Red de Abogados Voluntarios

600 Nicollet Avenue South, Suite 390^a
Minneapolis, MN 55402

Call for information/intake (in multiple languages): (612) 752-6677 on
Monday, Wednesday, Thursday between 9:00 a.m. and 1:00 p.m.

For walk-in, on the spot brief advice and service (first-come, first-
served):

Park Avenue Legal Clinic
3400 Park Avenue South, Minneapolis, MN 55407
Thursdays, 3:00-5:00 p.m.

Brooklyn Legal Clinic
7200 Brooklyn Boulevard
Brooklyn Center, MN
First Fridays of the month, 2:00-4:00 p.m.

3.7 CONSULATE INFORMATION

Mexican Consulate

797 East 7th Street

St. Paul, MN 55106

651 771 5494 extensions 307, 326 y 301

For emergencies: 651 334 8562.

Ecuadorian Consulate

43 Main Street S.E. Suite 135

Minneapolis, MN 55414

612721-6484

Other consulates are located in Chicago, IL.

3.8 CERTIFICATE OF TRANSLATION

I, _____, am competent to translate from Spanish into English, and I certify that my translation of the "Delegation of Powers by parent," on _____(*date*), is true and accurate to the best of my abilities.

(signature of translator)

(typed/printed name of translator)

(address of translator)

(telephone number of translator)

3.9 UNITED STATES PASSPORT INFORMATION FOR MINORS

All passport applicants under 16 must apply in person using **Form DS-11**.

Information and the form can be found at

<https://travel.state.gov/content/passports/en/passports/under-16.html>

You have to be able to

Prove evidence of the child's US citizenship- the original or certified copy of the birth certificate, and have copies of that form.

Prove both parents' identity and have copies of that proof of identity. The instruction list what type of proof of ID is acceptable including a valid foreign passport or a Matricula Consular (Mexican Consular ID).

Both parents generally must appear- see the instructions for exceptions and the additional forms that may be required instead.

Photos -One 2"x2" passport photo.

Pay a fee- The basic fee for the passport "booklet" is \$80, but there can be additional fees if you need faster service and different fees if you want a passport card, which only allows travel to certain countries.



**U.S. Department of State
STATEMENT OF CONSENT:
ISSUANCE OF A U.S. PASSPORT TO A MINOR UNDER AGE 16**

USE OF THIS FORM

The information collected on this form is used in conjunction with the DS-11, "Application for a U.S. Passport." When a minor under the age of 16 applies for a passport and one of the minor's parents or legal guardians is unavailable at the time the passport is executed, a completed and notarized DS-3053 can be used as the statement of consent. If the required statement is not submitted, the minor may not be eligible to receive a U.S. passport. The required statement may be submitted in other formats provided they meet statutory and regulatory requirements.

FORM INSTRUCTIONS

1. Complete fields 1, 2, and 3. If field 3 is not completed, authorization will be valid for both products.
2. Complete field 4, Statement of Consent, only if you are a non-applying parent or guardian consenting to the issuance of a passport for your minor child. NOTE: Your signature must be witnessed and notarized in field 5.
3. The written consent from the non-applying parent that accompanies an application for a new U.S. passport must not be more than 90 days old. A clear photocopy of the front and back of the non-applying parent's government-issued photo identification presented to the notary is required with the written consent.
4. Please submit this form with your minor child's new DS-11 passport application to any designated acceptance facility, U.S. Passport Agency, U.S. Embassy, or U.S. Consulate abroad.

SPECIAL REQUIREMENTS FOR INSTITUTIONS/ENTITIES GRANTED GUARDIANSHIP

Below is a list of documents **you must** submit with your DS-3053:

1. A **certified** order of a court of competent jurisdiction granting guardianship to the institution/entity. (Photocopies are not acceptable.)
2. A signed statement from the institution/entity **on letterhead** authorizing a specific person to apply for a passport for the child on its behalf. The statement must include the minor's name and the name of the individual(s) authorized to apply for the passport.
3. A photocopy of employee identification documents proving the person applying for the minor's passport works at the institution/entity.

Please ensure that all of the above **do NOT have any conditions** placed on the period of validity of the passport or where the minor may travel. If there are conditions in the statement, a new statement of unequivocal consent is required.

WARNING: False statements made knowingly and willfully on passport applications, including affidavits or other supporting documents submitted therewith, may be punishable by fine and/or imprisonment under U.S. law, including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621.

FOR INFORMATION AND QUESTIONS

For passport and travel information, please visit our website at travel.state.gov. In addition, contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD 1-888-874-7793) or by e-mail at NPIC@state.gov. Customer Service Representatives are available Monday-Friday, 8:00 a.m. - 10:00 p.m. Eastern Standard Time (excluding federal holidays). Automated information is available 24/7.

For information on International Parental Child Abduction, please visit www.travel.state.gov/childabduction or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by e-mail at PreventAbduction1@state.gov.

PRIVACY ACT STATEMENT

AUTHORITIES: We are authorized to collect this information by 22 U.S.C. 211a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

PURPOSE: The primary purpose for soliciting the information is to establish two parent consent for a minor's passport application, as required by Public Law 106-113, Section 236.

ROUTINE USES: This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. More information on the Routine Uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and State-26, Passport Records.

DISCLOSURE: Failure to provide the information requested on this form may result in the refusal or denial of a U.S. passport application.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison, Attn: Forms Officer 44132 Mercure Cir, P.O. Box 1227, Sterling, Virginia 20166-1227.



U.S. Department of State

STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES FOR ISSUANCE OF A U.S. PASSPORT TO A MINOR UNDER AGE 16

USE OF THIS FORM

Passport applications for minors under the age of 16 require both custodial parents/legal guardians' signatures unless a notarized, written statement of consent from the non-applying custodial parent/legal guardian is provided.

If you have a current court order reflecting full/sole custody or granting permission to obtain a passport, it is likely you will not need to fill out this form. Court orders must be submitted with the minor's passport application.

Use this form only if the notarized, written consent of a parent or legal guardian with custody of the minor applicant under 16 cannot be obtained. Your statement in the form must explain the reason why you cannot obtain the notarized statement of consent. You must justify that there are exigent or special family circumstances that make two parent/guardian consent unobtainable. Please note completion of this form does not guarantee passport issuance.

Your request may qualify as a exigent circumstance if there is a time-sensitive emergency and the inability of the minor to obtain a passport would jeopardize the minor's health or welfare and safety or welfare of the minor or would result in the minor being separated from the rest of his or her traveling party.

Your request may qualify as a special family circumstance if the minor's family situation makes it exceptionally difficult or impossible for one or both of the minor's custodial parents/legal guardians to provide the notarized, written consent.

FORM INSTRUCTIONS

1. Please complete the questions on this form to the best of your knowledge. Generally, the more information you are able to provide, the faster we may be able to process your minor child's U.S. passport application. For example, if you are unsure of an exact address, please provide the city, state, or street name if you can recall them. Passport Services will consider all the information derived from the form in its entirety.

2. If you need more space to respond to a question, please write the rest of your response on a separate sheet of paper.

FOR MORE INFORMATION AND/OR QUESTIONS

For passport and travel information, please visit our website at travel.state.gov. In addition, contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD 1-888-874-7793) or by e-mail at NPIC@state.gov. Customer Service Representatives are available Monday-Friday, 8:00a.m.-10:00p.m. Eastern Standard Time (excluding federal holidays). Automated information is available 24/7.

For information on International Parental Child Abduction, please visit www.travel.state.gov/childabduction or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by e-mail at PreventAbduction1@state.gov.

WARNING

False statements made knowingly and willfully on passport applications, including affidavits or other supporting documents submitted therewith, may be punishable by fine and/or imprisonment under U.S. law, including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621.

PRIVACY ACT STATEMENT

AUTHORITIES: We are authorized to collect this information by 22 U.S.C. 211a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

PURPOSE: The primary purpose for soliciting this information is to establish a possible exigent/special family circumstance exception to Public Law 106-113, Section 236, requiring two parent consent for a minor's passport application.

ROUTINE USES: This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad.

More information on the Routine Uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and State-26, Passport Records.

DISCLOSURE: Failure to provide the information requested on this form may result in the refusal or denial of a U.S. passport application.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. Responding to this collection of information is required to obtain a benefit. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison, Attn: Forms Officer, 44132 Mercure Cir, P.O. Box 1227, Sterling, Virginia 20166-1227.



U.S. Department of State
STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES
FOR ISSUANCE OF A U.S. PASSPORT TO A MINOR UNDER AGE 16

OMB CONTROL NO. 1405-0216
 OMB EXPIRATION DATE: 08-31-2019
 ESTIMATED BURDEN: 30 Minutes

1. Minor's Name <i>(Last, First, Middle)</i>	2. Minor's Date of Birth <i>(mm/dd/yyyy)</i>

3. Applying Parent/Guardian's Name <i>(Last, First, Middle)</i>

4. Non-Applying Parent/Guardian's Information

Last Name	First & Middle Name	
Date of Birth <i>(mm/dd/yyyy)</i>	Other Names They May Have Used	
Street	Apartment No.	
City	State	ZIP Code
Country		
Telephone Number: (_____) _____ E-mail Address: _____		

5. Has any court, either in the United States or abroad, ever issued an order/decreed that references the custody or travel of the minor child in question? <i>(Examples include a divorce decree, custody order, protection order, stay away order, restraining order, etc.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If yes, you must submit a complete, signed, and dated copy of the most recent order(s)/decree(s) with this form.</i>

6. Is the non-applying parent/guardian currently incarcerated? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the on-line inmate locator page.</i>

7. Describe your attempts to contact the Non-Applying Parent. *(If you need more space, continue on a separate paper.)*

By Mail Number of times: _____ Approximate Dates: _____ Result: _____
Phone Number of times: _____ Approximate Dates: _____ Result: _____
E-mail Number of times: _____ Approximate Dates: _____ Result: _____
Social Media Number of times: _____ Approximate Dates: _____ Result: _____

Other Have you attempted to contact through a friend or relative? If so, please fill out the information below.

Name: _____ How they know the non-applying parent: _____ <small><i>Ex: John Smith</i> <i>Ex: Works with Non-Applying Parent</i></small>
Address: _____ <small><i>Street</i> <i>City</i> <i>State or Country</i></small>
Phone: _____ Approximate Dates: _____ Result: _____
Name: _____ How they know the non-applying parent: _____ <small><i>Ex: John Smith</i> <i>Ex: Works with Non-Applying Parent</i></small>
Address: _____ <small><i>Street</i> <i>City</i> <i>State or Country</i></small>
Phone: _____ Approximate Dates: _____ Result: _____

8. Please explain in detail the reason for your request to issue a U.S. passport book and/or card without the non-applying parent/guardian's consent. *(If you need more space, please continue on a separate paper.)*

OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.	
Signature of Parent or Legal Guardian: _____	Date <i>(mm/dd/yyyy)</i> : _____