AMERICAN IMMIGRATION LAWYERS ASSOCIATION

BilbaoLaw
DEFENDING IMMIGRANT & HUMAN RIGHTS

Protect Your Family: A Guide for Undocumented Parents with Children

If you are an undocumented parent in the United States, there are steps you can take to protect your family in case you are detained or deported. Preparing now can help your children understand what to do and prevent them from being placed in foster care, detention, or deported.

1. Make a Family Safety Plan

Why it matters: It ensures your children know exactly where to go and whom to contact if you cannot care for them.

- Pick two trusted adults (preferably with legal status) who agree to care for your kids in an emergency.
- Write their names, numbers, and addresses so your children can find them easily.
- Talk to your kids about what to do if you don't come home and practice the plan.

2. Gather Key Documents

Why it matters: Having these papers ready speeds up help with school, medical care, or proving your child's identity. Also, if your child has legal status, carrying proof can prevent wrongful detention or deportation of your child by immigration officers.

For each child, collect:

- *Birth certificates, passports, Social Security cards* (if they have them)
- *Proof of legal status* (e.g., green card, U.S. Passport, or Certificate of Citizenship), if applicable
- School and medical records (report cards, vaccines, prescriptions, doctor's names and notes)
- Keep originals in a *safe spot*, share copies with your chosen caregivers, and store a *digital backup* (USB or secure online folder).
- If children have *special medical needs*, include instructions (e.g., medications, allergies) so caregivers can handle them properly.

3. Legal Preparations

Why it matters: These documents give your chosen caregiver the legal power to make decisions for your children if you cannot. Different states have their own rules, so consult an attorney to see which option fits your situation:

Florida parents: see the Bilbao Law Florida update at the end of this flyer.

- **Limited Power of Attorney**
  It lets someone handle your children's daily activities (like school drop-offs and doctor appointments). It is usually notarized (signed by a notary), which makes it official. It often remains valid for a specified duration (e.g., 6 months) and can be renewed.
- **Guardianship**
  It is a formal court-approved arrangement that enables the guardian to make important decisions for your child, including medical procedures and long-term educational plans. Although it may take more time and involve extra court fees, it provides stronger legal protection for circumstances when you will be absent for an extended period.
- **Caregiver's Authorization Affidavit**
  A simple form used in some states (may not need court approval). It lets a caregiver enroll their child in school or consent to basic medical care. State laws vary, so be sure to check local requirements.
- **Health Care Directive**
  If your child has special medical needs or you have specific treatment preferences, this directive lets your caregiver authorize necessary procedures if you're not available.

4. Communication & Emergency Contacts

Why it matters: Quick contact information helps everyone respond calmly and effectively.

- Teach your children *important phone numbers* (the two caregivers, a relative, a close friend).
- Let trusted people know *where documents are stored* and how to reach your kids' school or doctor.
- Notify the school and healthcare providers if someone else will be handling your child's needs.
- Have older kids memorize your *A-number* (if you have one) and your *attorney's number*, if possible.
- If relevant, keep the phone number for your *country's consulate* handy.

5. Financial Preparations

Why it matters: Ensures your children have financial support if you are suddenly absent.

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- Give a trusted person limited access to your bank account (joint account or power of attorney).
- Keep cash at home for emergencies (food, medicine, urgent needs).
- Plan for potential legal fees or bond/bail if you are detained.

6. Child Protective Services (CPS) Warning

Why it matters: Without a documented plan, your children may be placed in foster care.

- CPS may step in if no reliable caregiver is found or if there are safety concerns.
- Having a clear plan and official papers shows you've taken steps to protect your children.

Final Reminder

A simple plan can make a big difference for your family. Following these steps helps your children stay safe, cared for, and prepared if you face detention or deportation.

It is essential that individuals who may be affected consult with a competent immigration lawyer, if at all possible, to receive the most appropriate advice for their circumstances. If you have questions about protecting your family, we encourage you to contact our office, Bilbao Law, at (904) 300-0825, info@bilbaolaw.com, or bilbaolaw.com.

For Florida Parents *Updated by Bilbao Law, October 2026*

- **Caregiver and custody options in Florida:** Florida law gives parents ways to let another adult care for their children, such as a notarized power of attorney for your children (including consent to medical care) or a court order giving a relative, or someone close to your family, temporary or concurrent custody, usually with your notarized consent (Florida Statutes, Chapter 751). The right document depends on your situation, so **talk to Bilbao Law before you sign anything.**
- **Free help in Florida:** Call the RAISE Florida Hotline at 1-888-600-5762 (www.RAISE.is) for free, confidential immigration help, and contact Bilbao Law at (904) 300-0825 or info@bilbaolaw.com.

This flyer is intended for general information purposes only and does not constitute legal advice. You should not act or rely on any information in this flyer without seeking the advice of a competent, licensed immigration attorney.