

Caregiver Planning for Immigrant Families in New Hampshire

How you can keep your children safe in uncertain times

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Introduction

We are living in a time where you may feel unsafe as an immigrant in New Hampshire. You may worry what will happen to children or other family members you care for if you are detained or deported. You may feel unwelcome, scared, or lonely in your community. You may feel like your future is out of your control.

The best thing you can do is **plan ahead**. You will not be able to control everything that happens, but you can control some important parts of your life. One of the most important things you can plan for is who will care for your children if you become unavailable to care for them. In this guide, we refer to this as a “Caregiver Plan.”

This guide does not address every immigrant family’s needs. It is a starting point. Lawyers and legal professionals worked together to make this guide. However, those lawyers do not represent you and your family specifically, and this guide is not a substitute for legal advice.

In this guide, we use the term “caregiver” to refer to the person you want to take care of your children in your absence. We use the term “guardian” to refer to the person who the court has determined has the legal rights and responsibilities over your children in your absence. These two people can be the same person, but a caregiver does not become a guardian until they petition the court for guardianship and get a court guardianship order.

Make a Caregiver Plan

You and your spouse or coparent (if applicable) should work together to create a Caregiver Plan for your children in the case that you become unavailable to care for them. If you decide that your US citizen children will go with you in case you are deported, they must have a US Passport to travel with you. If they do not have a US passport, you should obtain one for them promptly. If your child or children are dual citizens, check with the Embassy of your country to see if they need a passport from your country to travel there.

1. Identify a caregiver

Think about who you know would be able to care for your children if you became suddenly unavailable. You should choose a reliable person who you know and trust to care for your children. Ideally, you should also choose someone who your children know and trust.

The person you choose should be a citizen of the United States or a Lawful Permanent Resident (LPR). While you can choose a person with another immigration status to serve as a guardian, the safest option for your family is to choose someone who is authorized to be in the United States permanently. The person you choose should feel comfortable going to court and other places for your children without fear of arrest, detention, or deportation.

If you want the person you choose as caregiver to also be the guardian of your child or children, that person will need to complete a criminal history check and a Department of Health and Human Services (DHHS) records check. While negative records will not necessarily disqualify this person from serving as a guardian, you may want to consider this as you decide who should serve as your children’s caregiver.

2. Talk with the caregiver

Ask the caregiver if they are willing and able to care for your children if you are detained or deported by Immigration and Customs Enforcement (ICE). Ask the caregiver if they are willing to go to court to apply to be the guardian of your children.

Tell the caregiver about any needs or circumstances facing your children. If your child has a disability, ensure that the caregiver understands the disability and the kind of care that your child needs. Provide them with copies of important documents, such as your child’s health insurance information and any school plans related to their disability. If your child is LGBTQ+, make sure that the caregiver will support your child’s identity and advocate for their rights.

The caregiver may also have questions for you. Prepare in advance to answer questions that you think may come up so that you can answer them to the best of your ability.

If the caregiver agrees, you should provide them with copies of your child’s important documents and information for safekeeping. These items include:

- Children’s health insurance cards
- Medical information for each child, including name of primary care doctor and any specialists, any medications taken, any medical conditions, and any allergies
- Name of child’s school, grade level, and teacher
- Copy of child’s IEP or 504 plan for their school (if applicable)
- Copy of child’s passport (if they have one)
- Copy of child’s birth certificate
- Information about children’s extracurricular activities and schedules

3. Write a Letter of Intent

If the caregiver you have identified agrees to apply for guardianship of your children if you are unable to take care of them, then you will want a document to show your intention. You can do this by writing a Letter of Intent. In that letter, you should write that you designate the caregiver to serve as the guardian of your children if you become unable to care for them. Even if the caregiver you select does not intend to apply for a formal guardianship, this Letter of Intent could be useful to show an authority who you would select to look after your children.

A Letter of Intent should also include:

- Your name and address
- Your spouse/co-parent's name and address (if applicable)
- Your children's names, addresses, and dates of birth
- The caregiver's name and address
- Your signature and your spouse/co-parent's signature
- The caregiver's signature
- Notarization by a Public Notary

A sample Letter of Intent is included at the end of this guide on page ____.

4. Prepare the caregiver to apply for temporary guardianship

In New Hampshire, any adult can petition the court to become the temporary guardian of a minor child. If you become unavailable, your caretaker should petition the court right away to become the temporary guardian of your children. This action can prevent your children from ending up in the custody of the Department of Children, Youth, and Families (DCYF). You can help prepare the caregiver by providing them with a copy of your letter of intent, and by helping them to locate and fill out other necessary paperwork.

Preparation

These are the documents you will want to make sure your caregiver has prepared for court in advance of your unavailability:

- [Petition for Guardian of a Minor](#)
- [UCCJEA Affidavit](#)
- [Motion to Waive Filing Fee](#)
- [DHHS Records Release Authorization](#)
- [Criminal History Record Information Release Authorization](#)
- [Appointment of Resident Agent form](#) (if the caregiver lives outside of New Hampshire)

All of these documents can be found on the website for the New Hampshire courts:

<https://www.courts.nh.gov/our-courts/circuit-court/forms/guardianship-e-filing-forms>

Once You Become Unavailable

If you become unavailable because you are detained, the caregiver should file for temporary guardianship of your children in your local family court, called the NH Circuit Court – Family Division. They can do this online through the TurboCourt platform. The caregiver should follow these instructions:

1. Go to the court's website: www.courts.state.nh.us.
2. Select the Electronic Services icon.
3. Select the option for a self-represented party.

4. Click “E-File Here” to enter the e-filing application.
5. Click Sign up and follow the prompts.
6. Save their password in a safe place.
7. After they sign up and login, click start now, next to Guardianship – Start a New Case.
8. At Where to File, select the county name and location where you want to file.
9. Click next.
10. Follow the instructions and prompts on the screen to complete the filing.

The caregiver can use the forms that you prepared with them to help them complete the online application.

(These instructions are adapted from the instructions the court provides in this [document](#).)

5. Talk with your children

It is important to speak with your children about what will happen to them if you are detained or deported. Your child is likely to hear about risks to immigrant families at school or on social media. In crisis situations, rumors and misinformation can spread quickly, causing children distress and anxiety. Speak to your children often about your caregiver plan. Tell them who will take care of them if you become unavailable. Make sure they know where their important documents are located. If you have a lawyer, provide them with your lawyer’s contact information.

Knowing that a parent is at risk of detention can be scary, but your child will feel more in control if they know that there is a plan in place. It will also prepare them to take the appropriate actions if you are detained and you become unable to communicate with them.

Other Ways to Prepare Your Family

Everyone in your family, including children, can help to prepare. Empower your family with information.

Locate your important documents and make copies

Find all the important documents listed below for each member of your family and take a picture or scan of each of the documents. Save the documents in a hidden but easily accessible place on your phone. Save the hard copies of the documents in an accessible place in your home. You can also make print copies for a reduced fee at most local libraries. Make sure that everyone in your family knows where to find the documents if they are needed.

Vital Documents Checklist:

- Passport

- Birth Certificate
- Marriage Certificate
- Any family court orders (for divorce, parenting, domestic violence, or guardianship cases)
- Immigration documents (including employment authorization, receipts from USCIS)
- Social security number or ITIN card
- Driver's license
- Medical documents
- Student ID or other identification cards
- COVID-19 Vaccine card

Make an emergency contact sheet

Make an emergency contact sheet that includes important names, phone numbers, and addresses. Keep a copy of this sheet in an easily accessible place in your home and give a copy to your chosen caregiver. You can also take a picture of your emergency contact sheet to save on your phone.

Memorize important phone numbers

Everyone in your family should memorize these important phone numbers:

- phone number of your immigration attorney (if you have one)
- phone number of your chosen caregiver
- phone numbers of other family members

Save money for an immigration bond

An “immigration bond” is money that you can pay to be released from ICE detention, so long as you promise to attend your immigration proceedings in the future. Immigration bonds can be expensive, with a minimum cost of \$1,500, and no upper limit. Beginning to save for an immigration bond now may help you to be released if you are detained by ICE.

Connect with your community

This is a great time to connect with other people in your community who may be experiencing similar worries and concerns. Building trusting relationships with the people who live near you is an important way to stay safe.

There are also many community organizations in New Hampshire who work to protect, support, and build community for immigrant families. Stay connected to these organizations in person and on social media to ensure that you have the best information. Some of these organizations include:

- Welcoming New Hampshire/NH Alliance for Immigrants and Refugees: <https://welcomingnh.org/>
- Organization for Refugee and Immigrant Success: <https://www.refugeesuccess.org/>
- ACLU-NH: <https://www.aclu-nh.org/en/issues/immigrants-rights>
- International Institute of New England: <https://iine.org/>
- Building Community in New Hampshire: <https://www.bcinnh.org/>
- Catholic Charities New Hampshire: <https://www.cc-nh.org/our-causes/immigration/>
- India Association of New Hampshire: <https://www.ianh.org/>
- New Hampshire Brazilian Council: <https://www.nhbraziliancouncil.org>
- Granite State Organizing Project: <https://granitestateorganizing.org/>
- Turkish Cultural Center of New Hampshire: <https://www.tccnh.org/>
- New Hampshire Conference, United Church of Christ Immigrant and Refugee Support Group: <https://www.nhcucc.org/mission-groups/immigrant-refugee-support>

Seek legal assistance if your family needs extra support

Not every family needs legal help to prepare for an immigration emergency. But it is very likely that you will need help if your family has ever been involved with DCYF or the criminal system before. If this sounds like you, please call for legal assistance *soon*.

If you need legal help, you can call 603 Legal Aid at (603) 224-3333. The call center at 603 Legal Aid is open from Monday through Thursday from 9:00AM to 2:00PM. You can also apply for services on their website at <https://www.603legalaids.org/apply>.

Be vigilant about misinformation

Not all information is good information, so you must check your source! You should always verify facts before you share them with other people in your community. Do not share immigration information unless you are sure that information is true. Before you message or share immigration information, ask yourself, “Am I sure that this is correct?”

Unfortunately, some people try to take advantage of people who are in fear for their family’s safety. It is important to make sure that the person you are seeking assistance from has the appropriate credentials. If someone is offering legal services, ensure that they are a lawyer or that they work with a lawyer. Note, a “notario” or notary public is not a lawyer.

Lastly, remember that while immigration law is national, family law is different for every state. What is true in New Hampshire might be different in another state. Remember this

when you read information online or pass information to friends who live in different places than you.

Watch a “Know Your Rights” training together

There are many organizations with “Know Your Rights” videos (some of which are listed below). Watch one of these videos as adults, and if you think it is appropriate, watch it with your children. Talk to your children after you watch the video. Let them ask questions and work together to practice asserting your rights.

Other Guides and Resources

Do you have other questions about your rights as an immigrant in the United States? There are many great resources from reputable organizations. Check out these materials:

- Immigrant Defense Project, Know Your Rights with ICE: <https://www.immigrantdefenseproject.org/know-your-rights-with-ice/>
- ACLU, Know Your Rights – Immigrants’ Rights: <https://www.aclu.org/know-your-rights/immigrants-rights>
- Immigrant Legal Resource Center: <https://www.ilrc.org/community-resources>
- Informed Immigrant, Know Your Rights and Family Preparedness Video: <https://youtu.be/VL310jPqWUs>
- United We Dream, Know Your Rights: <https://unitedwedream.org/resources/know-your-rights/>
- American Bar Association, Know Your Rights: https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/know-your-rights/
- National Immigrant Justice Center, Know Your Rights: <https://immigrantjustice.org/know-your-rights>
- National Immigration Law Center, Know Your Rights Under the U.S. Constitution, No Matter Who is President: <https://www.nilc.org/resources/everyone-has-certain-basic-rights/>

DATE

New Hampshire Circuit Court
Family Division

RE: Letter of Intent

Dear New Hampshire Circuit Court – Family Division,

I, _____ [PARENT(S) NAME], residing at
_____ [PARENT ADDRESS], authorize
_____ [CAREGIVER NAME], residing at
_____ [CAREGIVE ADDRESS] as the caregiver
and guardian to have the rights and responsibilities that I possess relative to the minor
children whose full names and dates of birth are:

I believe that _____ [CAREGIVER NAME] will be the
best guardian for my children in my absence because:

Upon my unavailability, the named minor children will be deemed to be residing with the
named caregiver. This document shall remain in effect until
_____ [DATE OF DESIRED EXPIRATION] or until I notify the caregiver in
writing that I have amended or revoked it.

I swear or affirm that the foregoing information is true and correct to the best of my
knowledge.

Sincerely,

_____X
PARENT 1 NAME

DATE

_____X
PARENT 2 NAME

DATE

PUBLIC NOTARY CERTIFICATION

(If you have this document notarized, this is the section the Notary will complete.)

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing letter of intent was acknowledged before me on _____,
by _____, known to me or satisfactorily proven to be the person
named herein

Signature of Notarial Officer:

Title (and Rank):

My commission expires: