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Making Alternative Arrangements for Your Child

As a parent, you are responsible for making sure your child is safe and cared for if you are unable to do so. If you are incarcerated, participating in an inpatient program, or are otherwise unable to care for your child for any reason, you must designate a safe place and caregiver for your child. Here are some options:

Power of Attorney for a Minor Child:

- You can sign and notarize a Power of Attorney form to give another adult permission to take care of your child. You can specify that this arrangement will become effective upon the occurrence of a particular event, such as an arrest, incarceration, or entering residential treatment. This form will allow the caretaker to make decisions about your child's education and medical care. This form is signed by the parent and the proposed caretaker and should be notarized. It is revocable at any time and it is not a legally binding custody arrangement.
- Once you and the proposed caregiver have signed and notarized this form, keep it with you at all times. If you are ever arrested, provide this paperwork to the police and request that the proposed alternative caregiver be contacted to take custody of your child. Make sure you keep the proposed caregiver's contact information up to date.

Caregiver Affidavit

- The Caregiver's Authorization Affidavit is a form that allow a caretaker for your child to attend to certain medical and school needs of your child. A relative who has signed a Caregiver's Authorization Affidavit may enroll a child in public school, make school-related medical decisions, and make other important decisions on the child's behalf. Non-relatives may also use this form to enroll a child in school and to obtain school-related medical treatment for the child. According to California law, schools and medical care providers **must** accept this form if it is completed correctly. It is important to note that **only** the caregiver is required to sign the form, the signature of a parent or parents is not required in order for this document to be effective.
- This form can be used together with the Power of Attorney form. This form can also be used alone by the caretaker if you were unable to execute a Power of Attorney form.
- Please note that the Caregiver's Authorization Affidavit is valid for one year from the date it was completed and signed. If care is required for more than one year, the caregiver should fill out another affidavit.

Legal Guardianship

- A relative or another adult can file a petition in Probate Court to establish a legal guardianship over your child. The court will investigate whether the proposed legal guardian is appropriate, including looking at their criminal and child welfare history. A legal guardianship is a formal court order giving the legal guardian custody of your child. You can ask for a visitation plan for you and your child. Your parental rights remain intact and you can later petition the court to dissolve the legal guardianship.

Child Custody

- If you have sole custody of your child, but your child's other parent can care for your child when you are unavailable, your child's other parent can file a petition in Family Court to modify the order that gave you sole custody. You can consent to a change in custody and request a visitation plan.