

DETAINEES WITH MINOR CHILDREN

This section is for people with minor children who may have questions about what might happen to their children while they are detained or when they are deported.

What can you do to protect your child if you are detained?

- If you are detained and are the only person taking care of your child, you should tell your ICE deportation officer so that they can consider whether to release you. You may want to consider appointing a [guardian](#) to temporarily care for your child. You can appoint a close friend or relative with legal status in the United States to be the legal guardian of your child.

What is a guardian?

- A guardian is a person to whom you give official permission under the law to care for your child in your absence. This permission includes helping your child get medical care, registering your child in school, and obtaining a passport for your child, if needed. Appointing someone guardian of your child is a very powerful tool and an important responsibility. You should only choose someone you completely trust as a guardian for your child.

How do you appoint a guardian for your child?

- To appoint a legal guardian, you should complete a Statement of Guardianship. You should also inform the guardian of the following information about your child:
 - Medical information;
 - School information;
 - Information about your child's normal routine and activities;
 - The location of your child's birth certificate, travel document, medical records, school records, and any other important documents;
 - Any special needs your child may have.

What if your child was placed in foster care when you were detained?

- If your child was placed in foster care when you were detained, a juvenile court judge or possibly a probate court is likely to hear your child's case. There are

steps you can take while you are in detention to protect your parental rights, such as:

- Talk to your lawyer. The court should have appointed a lawyer to you if you cannot afford one.
- Talk to your child's caseworker.
- Inform your deportation officer and the immigration judge.
- Inform your consulate. Your consulate may be able to help you.
- Inform your immigration attorney or an immigrant advocacy center like Americans for Immigrant Justice (formerly known as FIAC) at 305-573-1106.

Can you bring your child to your home country?

- Yes. If you are going to be removed (deported/excluded) to your home country, you can request that your child be returned at the same time that you are. You should talk to your deportation officer. You should also take steps on your own to arrange for your child's travel. Usually, anyone who takes your child on an airplane will need signed permission from both parents (or the person who has legal custody).