GUARDIANSHIP PLANNING FOR UNDOCUMENTED IMMIGRANTS

START:
Is the minor living with one or both parents?

If NO, is this a long-term situation? (Both parents deceased, incarcerated for an extended period of time, missing, etc.)

If YES, the caretaker may need plenary guardianship. Does the caretaker have legal status?

If NO, refer caretaker to Guardianship Assistance Desk for minors at 69 W. Washington (312) 603-0135 for Plenary Guardianship and CVLS at (312) 332-1624.

If YES (citizens, LPRs, refugees, asylees, or others with permanent legal status) no guardianship is needed. Briefly refer clients for other legal assistance if applicable.

If YES, does/do the custodial parent(s) have legal status?

If NO, does the minor have legal status?

If NO, has the minor possibly been abused, abandoned or neglected by one parent?

If YES or MAYBE:
• Help the custodial parent complete a Short-Term Guardianship form.
• Advise parent to seek out an immigration attorney for potential Special Immigrant Juvenile Status (SIJS) eligibility. Call National Immigrant Justice Center (NIJC) at (773) 672-6550 Thursdays 2:00PM-4:30PM.

If NO, parents should execute a Short-Term Guardianship naming caretaker as guardian for the necessary period of time. If parents are present, assist family with short-term guardianship form. If not present, give caretaker a short-term guardianship form and refer to legal aid organizations.

If YES (citizens, LPRs, refugees, asylees, or others with permanent legal status) no guardianship is needed. Briefly refer clients for other legal assistance if applicable.

If YES, refer caretaker to Catholic Charities Legal Assistance (CCLA) at (312) 948-6821 for a possible custody case. Caregiver should mention the CCLA clinic for expedited service. Caretakers with questions can call CVLS at (312) 332-1624.

If NO, refer caretaker to Catholic Charities Legal Assistance (CCLA) at (312) 948-6821 for a possible custody case. Caregiver should mention the CCLA clinic for expedited service. Caretakers with questions can call CVLS at (312) 332-1624.

IMPORTANT NOTES - Short-Term Guardianships:
• Should be accepted by doctors, schools, etc. 755 ILCS 5/11-13.3
• If signed by only one parent, can be revoked by the other parent. Will not prevail over a custody challenge by a parent who did not know about/consent to it.
• May or may not be effective for international travel with the minors.
• If families are not ready to complete the forms now, refer to CVLS or CCLA.
• Please complete an intake form for each family, copy all IDs and documents prepared and give all paperwork to CVLS staff at the end of this clinic. Thanks!

If a minor is undocumented and may have been abused, abandoned, or neglected by one or both parents, the minor may be eligible for Special Immigrant Juvenile Status (SIJS). Families can call the NIJC at (773) 672-6550 on Thursdays from 2:00-4:30 PM.

If YES:
• Help parent(s) complete a Short-Term Guardianship form to appoint a trusted guardian in the event of detention or deportation of the parent(s). They should appoint someone with legal immigration status, if possible.
• Inform family about Standby Guardianships through the court (CVLS, Catholic Charities). This may be a good option for parents who are not hesitant about appearing in court and may be at high risk of deportation. They should appoint someone with legal status if possible.
• Advise family to obtain US passports for the children if they might want or need the children to travel or move to the country of nationality of the parents.