GUARDIANSHIP PLANNING FOR UNDOCUMENTED IMMIGRANTS

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

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

If **YES** (citizens, LPRs, etc.) no guardianship is needed for immigration reasons, but parents could complete a STG for other emergencies if desired. Offer STG help with selections desired by the client.

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. Refer the family to CVLS, the NIJC, and/or TRP. SIJS must be obtained before age 21!

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, but it's not required.
- Advise family to obtain US and/or other **passports** for the children if they might want or need the children to travel or move to the country of nationality of the parents.
- Advise parents to speak to family members and their school about their emergency plans. Advise parents to obtain an immigration screen by an attorney if they have not already had one.

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

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**, the caretaker may need plenary (full) guardianship from a court. Does the caretaker live in Cook County?

If **YES**, 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 **NO**, refer to the National Immigrant Justice Center. Caretakers with questions on SIJS can call CVLS at (312) 332-1624.

IMPORTANT NOTES - Short-Term Guardianships:

- Should be accepted by doctors, schools, etc. under 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.
- Will not be effective for federal processes like passports or social security.
- If families are not ready to complete the forms now, refer to CVLS.
- Please complete an intake and disclaimer for each family, copy all IDs and documents 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, CVLS or TRP for an intake.

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