Save Immigrant Families USA
Information and Forms
Child Custody
Power of Attorney

These 5 packets have been prepared to help keep your child and property safe if ICE detains you.

I: Introduction, Instructions, and Timeline
II: Powers of Attorney for child care, your other business, your car, your real property, and for child's travel
III: Forms to file in Juvenile Court for custody
IV: Forms to file in Probate Court for guardianship
V: Forms to file in Domestic Relations Court for custody

If you are detained by ICE, use these Powers of Attorney for your child, your car, and any other property you own. Forms for the Courts allow you to choose a Custodian or Guardian for your children.

This information and these forms have been prepared by volunteer attorneys licensed in the State of Ohio. This is general legal information. No attorney – client relationship is formed between you and the attorneys who made these forms. This is not specific legal advice for your individual situation. If it is possible, consult with an attorney. You may be able to find volunteer legal assistance through your local Bar Association, your community centers, immigration support service agencies, or through your religious institutions. Please use only a Licensed Attorney or a reputed member of your community. DO NOT use a "Notario" who does not know the law.

Many local Bar Associations can give you the name of an attorney who will assist you for a small fee. If your CHILD has property in his own name, like bank accounts, houses, or cars, you should see an attorney to protect that property. Having such property may affect which court you choose.

It is our opinion that if you use these forms, no attorney should charge you very much to help fill them out because our committee has already done the work of preparing the forms and instructions.

You will need to use a Notary Public (NOT a "Notario") licensed by the State of Ohio and commissioned in your County to attest your signature on some of the forms. Most attorneys licensed in Ohio are also Notaries Public in Ohio.

These forms and instructions are drafted specifically for use in the 88 counties within the State of Ohio. There may be slight variations between the way the law is applied within Ohio. These forms are not valid outside Ohio, since other states will have other forms and documents; however, the process will remain mostly the same. Consult a lawyer (attorney) and NOT a Notario in your specific state for the correct direction and instructions.

Please email corrections or other comments on these forms to
report@SaveImmigrantFamiliesUSA.com

I. Information and directions (This packet)
- A: Introduction – Terms & Instructions
- B: Fathers
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- **D: List of Documents and information you will need**
- E: Determining which court to use and how to file
- F: Filing in Juvenile or Domestic Relations Court
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II. Powers of Attorney
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III. Juvenile Court
- **A: Forms for filing in Juvenile Court**
- B: SAMPLE of this form for Juvenile Court

IV. Probate Court
- **A: Forms for filing in Probate Court**
- B: SAMPLE of this form for Probate Court

V. Domestic Relations Court
- **A: Forms for filing in Domestic Relations Court**
- B: SAMPLE of this form for Domestic Relations Court

A: INTRODUCTION: Terms & Instructions

These forms let you choose (1) a Guardian or Custodian for your children and (2) a person to handle your property if you get arrested and detained. They are based upon statutes and forms provided by some courts. They must be filled out NOW, before ICE acts.
Parent = The parent with the child or both parents if both parents have been caring for the child.
Child = Anyone under 18.
***In loco parentis* =** A person acting *In loco parentis* is like the parent for your child.
Applicant = Adult asking the Probate Court to be appointed Guardian of a child.
Guardian = Applicant once Guardianship is established.
Petitioner = Adult asking the Juvenile or Domestic Relations Court for custody of a child.
Legal Custodian = Petitioner once custody is granted by the Court.
Power of Attorney = A document which lets someone else act for you and sign your name.
Principal = The person giving power to another person by signing the Power of Attorney.
Agent = Attorney-in-fact = The person who receives the powers under a Power of Attorney.
These forms all have their name on the bottom of each page. That is what the directions refer to.
These forms are prepared assuming that the mother is the parent with the child. If the child is with the Father or with both parents, see sections II: Fathers.
Please sit down immediately with this packet, **"Information and Directions I"** and your chosen Applicant or Petitioner and fill out the required pages. **Sections that have forms that the parent needs to fill out now are in bold.**

B: FATHERS

If the Father is the single parent who has the child fill out these forms as the only parent. If the parents are together, both parents should fill out all of the forms. If the parents were divorced or separated in court, the petitioner files in Domestic Relations Court. If the parents are unmarried AND live in Summit County, the petitioner files in Domestic Relations Court. If the parents are unmarried and live in any other county in Ohio, the petitioner files in Juvenile Court.

C: TIMELINE

For the PARENT

1. **Immediately get a passport for you child from each county where your child has citizenship.**
2. **Immediately** determine an appropriate custodian for your child. This person is the Petitioner or Guardian.
3. **Immediately** determine who will arrange for your child to travel to you if you plan on having your child returned to you in your home country. This does not have to be the same person as the Petitioner or Guardian.
4. **Immediately** determine who should look after your other property interests: home, car, and bank.
5. **Immediately sit down with the Petitioner and any other helper you need and get the information required** on pages 4, 5, & 6 of this packet, " Information and Directions I ".
6. **Immediately** fill out, but **DO NOT SIGN,** the **"PoA Child Care II-A"** and, if your child will travel, **"PoA Child Travel II-E ".**
7. Fill out, **but DO NOT SIGN, pages 4, 5, & 6 of the "Complaint in Juvenile Court III-A".**
8. All of these forms must be **notarized as soon as possible**. ***Sign the forms in front of the Notary Public.*** Banks have Notaries Public. Take ID with you if you don't know the Notary. **Don't use a "Notario".**
9. Give the signed, notarized form "**PoA Child Care II-A"** to the petitioner **immediately** to keep with her at all times she has the child.
10. Give the signed, notarized form **"PoA Child Travel II-E"** to the person who will make travel arrangements for you child **immediately** to keep with her at all times she has the child.
11. Give the rest of the uncompleted Complaint plus the pages you have filled out, signed, and notarized to the Petitioner or leave them with a lawyer or minister and make sure they and the Petitioner know each other and how to contact each other.
12. Arrange for a way to keep the petitioner informed if you get arrested for any reason. The Police have to let you make a call. **ICE does NOT.**
13. Arrange for daily contact with the Petitioner if you are afraid that you may be arrested and detained by ICE.
14. **Tell the Petitioner that if you do not check in at the arranged time the petitioner should take your child into her or his home immediately and prepare to file in court.**

For the PETITIONER FOR CUSTODY or the APPLICANT FOR GUARDIAN

1. **Immediately sit down with the Parent and any other helper you need and get the information required on pages pages 4, 5, 6, & 7 of this packet, " Information and Directions I ".**
2. If the child has a birth certificate, get a copy of it. Get a certified copy if you can.
3. Determine which court you will use. See page 8, part E: Determining which court to use and how to file, below.
4. Have the parent fill out **"PoA Child Care II-A"** and
   a. **pages 4, 5, & 6 of the "Complaint in Juvenile Court III-A" or**
   b. **pages 4, 5, & 6 of the Complaint in Domestic Relations Court V-A, or**
   c. **Form 15.1 of the Application for Appointment of a Guardian**
   d. **=>**DO NOT SIGN THEM YET**<=**
5. Take the parent with identification to a Notary Public and have her sign the forms.
6. If you do not hear from the parent at the regular time, pick the child up and take the child to the your home.

7. The POWER OF ATTORNEY FOR CHILD CARE PURPOSES, **"PoA Child Care II-A"**, will allow you to have authority over the child for now. IT IS NOT CUSTODY. CUSTODY ONLY COMES FROM A COURT. It allows you to be in charge of the child immediately until the court can rule.
8. If the parent is arrested or detained, or if you hear that this might be true, pick the child up and take the child to the your home and plan on that being permanent.
9. If you do not hear from the parent at the ordinary time, pick the child up and move the child into your home and plan on that being permanent.. If the parent comes back, that parent can contact you.
10. If you do not hear from the parent for 48 hours OR if you hear that the parent is in custody, OR when you believe that you must take custody, even if only a few hours have passed, the next business day morning complete the remaining pages of the forms for whichever court you are using but DO NOT SIGN THEM YET.
11. Complete those pages with the information you have at the time you are filing the complaint.
12. Use the following checklist to make sure that you have all of the information you need to file the complaint.
13. Sign the documents in front of a Notary Public. Take ID with you. They *may* have one at the court but they may not. Ask the court or use another Notary Public.

D: DOCUMENTS and INFORMATION

❒ Child's Name _____

❒ Child's Date of Birth _____

❒ Child's Sex ❒ Male ❒ Female

❒ Child's birth certificate, certified copy if possible

❒ All of the child's documentation: Insurance card, medical records that the parent has, school records that the parent has.

❒ Petitioner's or Applicant's Name – This is the person who will take custody or guardianship of the child

❒ Petitioner's or Applicant's Address at the time of filing this in Court

❒ Mother's Name _____

❒ Mother's Address at the time of filing this in Court

_____

❒ Birth Father's Name _____

❒ Birth Father's Address at the time of filing this in Court

OR _____

❒ Birth Father's last known address

_____

❒ Are the parents married?

❒ Yes

❒ If yes, when and where?

❒ No

If No, Do you know of any court case in the U.S. which gave father any custody of the child?

❒ No

❒ Yes

❒ If Yes, get whatever information you can about that case:

❒ Name of the Court (Examples: Family Court, Juvenile Court, Domestic Relations Court, Probate Court, Guardianship Court)

❒ Location of the Court as best you can know it (Examples Summit County, OH; Maricopa County, AZ; Indianapolis, IN; Texas)

❒ Time the court made the order (Examples: actual date; year; best guess – 3 years ago)

❒ A copy of the order if you have one

❒ Petitioner's relationship with child (Example. Adult sibling, Aunt, Grandparent, Family Friend)

❒ Has Petitioner or Applicant spent a significant amount of time with the child ❒ Yes ❒ No

❒ Does Petitioner or Applicant share a cultural background with the child ❒ Yes ❒ No

❒ Does Petitioner or Applicant share a non-English language with the child ❒ Yes ❒ No

❒ Does the parent trust Petitioner's relationship with the child ❒ Yes ❒ No

❒ Does the parent appoint the Petitioner or Applicant ***in loco parentis*** for the child ❒ Yes ❒ No

❒ Addresses where the child has lived for the past 5 years. If you do not know the street address, provide the City and State. If it was outside of the US, state the country.

Period of Residence	**Check if Confidential**	Person(s) With Whom Child Lived (name & address)	Relationship
__/__/__ to present	**[ ]**	PETITIONER	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____
__/__/__ **to** __/__/__	**[ ]**	_____	_____

INFORMATION NEEDED AT TIME OF FILING

❒ Date when the child moved into Petitioner's home

❒ Mother's physical, not legal, condition at the time of filing in Court

- ❒ Taken into custody
- ❒ About to be taken into custody
- ❒ Location of mother unknown

❒ Father's physical, not legal, condition at the time of filing in Court

- ❒ Taken into custody
- ❒ About to be taken into custody
- ❒ Location of father unknown

❒ Has the Petitioner has been involved in ANY court case involving THE CHILD.

- ❒ No
- ❒ Yes
  - ❒ If Yes, get whatever information you can about that case:
  - ❒ Name of the Court (Examples: Family Court, Juvenile Court, Domestic Relations Court, Probate Court, Guardianship Court) _____
  - ❒ Location of the Court as best you can know it (Examples Summit County, OH; Maricopa County, AZ; Indianapolis, IN; Texas) _____
  - ❒ Time the court made the order (Examples: actual date; year; best guess – 3 years ago) _____
  - ❒ A copy of the order if you have one

❒ Has the Petitioner has been involved in ANY court case involving any child.
This means a case involving Child Protective Services, Criminal court where a child was the victim of the offense, or Domestic Violence against anyone.

- ❒ No
- ❒ Yes
  - ❒ If Yes, get whatever information you can about that case:
  - ❒ Name of the Court (Examples: Family Court, Juvenile Court, Domestic Relations Court, Probate Court, Guardianship Court) _____
  - ❒ Location of the Court as best you can know it (Examples Summit County, OH; Maricopa County, AZ; Indianapolis, IN; Texas) _____
  - ❒ Time the court made the order (Examples: actual date; year; best guess – 3 years ago) _____
  - ❒ A copy of the order if you have one

❒ Has anyone in the Petitioner's home been involved in ANY court case involving any child.
This means a case involving Child Protective Services, Criminal court where a child was the victim of the offense, or Domestic Violence against anyone.

- ❒ No
- ❒ Yes
  - ❒ If Yes, get whatever information you can about that case:
  - ❒ Name of the Court (Examples: Family Court, Juvenile Court, Domestic Relations Court, Probate Court, Guardianship Court) _____
  - ❒ Location of the Court as best you can know it (Examples Summit County, OH; Maricopa County, AZ; Indianapolis, IN; Texas) _____
  - ❒ Time the court made the order (Examples: actual date; year; best guess – 3 years ago) _____

❒ A copy of the order if you have one

This form, Information and Directions I pages 4, 5, 6, & 7 was made by the Parent and Agent, Petitioner, Applicant, or the person ***in loco parentis*** this day: **___/___/20___**

_____
Parent's Signature

_____
Guardian / Petitioner Signature
Person *in loco parentis*

_____
Parent's Signature

E: DETERMINING WHICH COURT TO USE

There are three courts which can transfer parent duties to another person. They are the Probate Court, the Domestic Relations Court, and the Juvenile Court. Each court has its own rules for who can file.

Juvenile and Domestic Relations courts place the child into the **legal custody** of the **Petitioner**. To change custody back there must be a change in the home where the child is living. This can happen when the child returns to the parent's home while the child is still in the custody of the Legal Custodian. After that return home ask the court to return custody.

Probate Court will grant a Guardianship of a Minor. This will let the Guardian do all things a parent could do. The Court can terminate is when the child returns to the parent. It also ends when the child is age 18. **If the child has his own money, accounts, a house in his name, or other property worth at least $5,000, you must file as Guardian of the Person and Estate. If filing for the Estate, you must get your own legal advice.**

To be allowed to file In Probate Court:

__1. Must have a signed waiver and the consent of **one** parent. (Form 15.1)
__2. Marital Status doesn't matter.
__3. The other parent also signing Form 15.1 **or** or that parent's address if known.
__4. Must be filed in the county where the child is presently residing **with the Applicant.**
__5. Applicant MUST be citizen or green card holder.
__6. Applicant MUST NOT have criminal convictions for Crimes of Violence (Murder, Manslaughter, Assault, Permitting Child Abuse, Domestic Violence, or Child Endangering)
__7. Applicant MUST NOT have criminal convictions for Sex Crimes (Rape, Sexual Imposition, Indecency, Sexual Battery, Soliciting, Pandering)
__8. Applicant MUST NOT have criminal convictions for Drugs or Theft
__9. Applicant must have a BCI background Check.
__10. Each child must have his own set of forms and birth certificate.

If you cannot pass all of these requirements, file in Juvenile Court

To be allowed to file In Juvenile Court:

__1. Marital Status doesn't matter, but a **father** must file in **Domestic Relations Court.**
__2. You must have an address for the father OR be able to prove that you tried but can't find him.
__3. If there was a prior Juvenile case you **MUST** file here.
__4. The Petitioner's Immigration status doesn't matter for filing, but might affect the outcome.
__5. The Petitioner's Criminal background doesn't matter for filing, but might affect the outcome.
__6. Each child must have his own set of forms.

To be allowed to file In Domestic Relations Court:

__1. If the parents are still married to each other, you **MUST** file in Juvenile or Probate Court.
__2. If there was a prior divorce, paternity, visitation, or child support action, you **MUST** file in the Domestic Relations Court that order came from.
__3. You must have an address for the father OR be able to prove that you tried but can't find him.
__4. Each case will have a single set of forms for all children from one couple. If there are two fathers or two mothers, there will be two cases to file.

F: FILING AT DOMESTIC RELATIONS OR JUVENILE COURT

1. Take the original signed documents and 2 complete copies of the documents to court with you for filing.
2. You will need a filing fee. Call your local Court to find out how much that is. If you cannot afford the filing fee, ***or if you do not know the father's address*** fill out the Document called Motion to File *In Forma Pauperis*. It is page 10 of the **"Complaint in Juvenile Court III-A"** or page 10 of the **"Complaint in Domestic Relations Court V-A"**.
3. You will need to arrange for the father to be served with a copy of what you file in Juvenile or Domestic Relations Court.
4. If you know where the father is, use his address and ask the clerk to serve him by certified mail using page 11 of the **"Complaint in Juvenile Court III-A"** or the **"Complaint in Domestic Relations Court V-A"**.
   (a) If the father or someone at his house signs for the mail, you are done.
   (b) If it is returned as unclaimed or refused, the Clerk of Court should notify you of that in the mail. Fill out and file page 12 of the **"Complaint in Juvenile Court III-A"** or the **"Complaint in Domestic Relations Court V-A"**. THIS MUST BE THE SAME ADDRESS AS THE ONE USED ON PAGE 10 (FILING AT THE COURT Instruction #2)
5. If you do not know the present address but know of a prior address, fill out and file page 13.
6. If you do not know the present address but know of a prior address, fill out and file page 13 but put "General Delivery" and the last known city or town of residence as the last known address.
7. Make 2 copies of everything you are going to file with the court. This applies for EACH CHILD YOU ARE FILING ON.
8. Go to the clerk in the morning and file the matter. Be prepared to wait all day. **Do NOT take the child with you.**
9. It is possible that the court will do an emergency hearing that day or within the next several days.
10. At that hearing the court will probably ask you what you know about both parents and where they are.
11. The court is able to place the child into your temporary custody and set a hearing in order to allow the father to be served.
12. They will set another hearing probably 30 to 45 days in the future.
13. At that hearing you will be allowed to testify. Fill out and take with you the form on page 110, following. Also take a copy of **pages 4, 5, & 6 of the "Complaint in Juvenile Court III-A"** or the **"Complaint in Domestic Relations Court V-A"**.
14. Take copies of the child's birth certificate and the Power of Attorney the parent gave you to all court hearings with you.

WHILE YOU ARE WAITING FOR COURT TO RULE:
Give a copy of the Power of Attorney to the child's doctors, school, and health insurance company.

WHEN YOU RECEIVE TEMPORARY ORDER OF CUSTODY:
Give a copy of Order of Temporary Custody to the child's doctors, school, and health insurance company.

WHEN YOU GET CUSTODY:
Provide copies of the court';s order granting you custody to the child's school, doctors, any care providers, and any other person who needs a parent's permission to do anything with the child.

G: FILING AT THE PROBATE COURT

1. Take the original signed documents to court with you for filing.
2. You will need a filing fee. Call your local Court to find out how much that is.
3. If you do not have father's consent on form 15.1 you need to provide an address for father if known.
4. Go to the clerk in the morning and file the matter. Be prepared to wait all day. **Do NOT take the child with you.**
5. It is likely that the court will issue a Temporary Order of Guardianship to you that day..
6. At that hearing the court will probably ask you what you know about both parents and where they are.
7. The court is able to place the child into your temporary custody and set a hearing in order to allow the father to be served.
8. They will set another hearing probably 30 to 45 days in the future.
9. At that hearing you will be allowed to testify. Fill out and take with you the form on page 10, following.
10. Take copies of the child's birth certificate and the Power of Attorney the parent gave you to all court hearings with you.

WHILE YOU ARE WAITING FOR COURT TO RULE:
Give a copy of the Power of Attorney to the child's doctors, school, and health insurance company.

WHEN YOU RECEIVE TEMPORARY ORDER OF GUARDIANSHIP:
Give a copy of Order of Temporary Custody to the child's doctors, school, and health insurance company.

WHEN YOU GET AN ORDER CREATING THE GUARDIANSHIP:
Provide copies of the court's order granting you custody to the child's school, doctors, any care providers, and any other person who needs a parent's permission to do anything with the child.

H: IF SOCIAL WORKERS OR POLICE TAKE THE CHILD

1. There should be a court hearing IMMEDIATELY in the Juvenile Court of the county where the child was taken.
2. Contact that court to find out when the hearing is. It will probably be the next day.
3. Go to court with all of the paperwork you have filled out and collected.
4. Take proof of income if you have any, ID, and the birth certificate of the child.
5. If you are the parent you have a right to an attorney. Ask for that.
6. If you are the care taker of the child, you are ***in loco parentis*** and have the same right to an attorney. Show them the Power of Attorney for Child care and ask to have an attorney appointed for you.

I: TESTIMONY BEFORE THE COURT

Bring this entire set of paperwork to court with you. It has the information the court needs. You will be asked to talk in court. They may let you read this or they may ask you to testify from your memory. If you need help to remember all of this, tell the court that you wrote dates down and ask if you can use this paper to
REFRESH YOUR MEMORY.

My name is _____.

The child's name is _____ and the child's birth date is _____/_____/_____.

I have known the child since _____/_____/_____.

The child's mother's name is _____.

I have known the mother since _____/_____/_____.

The child's father's name is _____.

I have known the father since _____/_____/_____ **or** I have never met the father.

The last contact I know that the father had with the child was _____/_____/_____ **or** I have never known the father to have contact with or support the child.

The child is presently living with me at : State Your Address

The mother gave me a Power of Attorney for Child Care so I can handle school and medical issues for the child.

The child has been with me since _____/_____/_____.

If you or someone in your house have any criminal convictions and the court asks you if the parent knew that, show them the information pages with yours and the parent's signatures at the bottom of page 6.

TELL THE COURT WHY IT IS BEST FOR THE CHILD TO BE WITH YOU: These are some ideas.

_____ You share a culture with the child.

_____ You share a language with the child.

_____ You know the child's extended family.

_____ You know the child's church family.

_____ You have other children from the family in your care.

_____ You can afford to care for the child.

_____ You will be willing to keep the child until the child is an adult.

_____ You will keep the child in school.

_____ You will keep the child in church, if the parents want that.

_____ You will make sure that the child continues to learn English **or** The child is already fluent in English.

_____ The child is a U.S. Citizen, if that is true.

_____ You will keep the parents informed about where the child lives, goes to school and church, and allow what ever contacts the parents can legally have with the child.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISON
SUMMIT COUNTY, OHIO
Linda Tucci Teodosio, Judge

INSTRUCTIONS AND INFORMATION FOR CARETAKER AUTHORIZATIOIN AFFIDAVIT AND GRANDPARENT POWER OF ATTORNEY

The law permits grandparents to obtain "physical custody, care, and control" over a grandchild who **lives with the grandparent** in two ways. 1) a Caretaker Authorization Affidavit (CAA) is completed by a grandparent who is unable to locate one or both parents; 2) a Grandparent Power of Attorney (POA) is completed by a parent, guardian or custodian when he or she is temporarily unable to care for the child or believe it to be in the child's best interest. Both methods allow the grandparent to:

1. Enroll the child in school;
2. Obtain educational and behavioral information about the child from the school district;
3. Consent to all school-related matters regarding the child; and
4. Consent to medical, psychological or dental treatment for the child.

An executed CAA or POA does **NOT** grant the grandparent legal custody of the child.

Read through this entire packet to determine whether a CAA or POA is appropriate for you.

Please answer **all** questions completely and accurately and complete all necessary forms.

A **CAA** is executed by the child's grandparent when the child **lives with the grandparent** AND despite reasonable efforts, the parents **cannot** be located. A CAA:

1. Must be signed by the grandparent and this signature must be notarized by an Ohio Notary Public; and
2. The executed CAA must be filed within five days of being executed with the Juvenile Court where the grandparent and child reside.

A **POA** is executed by the child's parent, guardian or legal custodian. A POA:

1. Must be signed by the both parents and the grandparent authorized to act on behalf of the child; these signatures must be notarized by an Ohio Notary Public; and
2. The executed POA must be filed within five days of being executed with the Juvenile Court where the grandparent resides.
3. If the POA is executed by only one parent, the residential parent, and the parents are not married, the residential parent must notify the non-residential parent of the creation of the POA and file with the POA a receipt showing that the notice of the creation of the POA was sent to the non-residential parent by certified mail.

-over-

Each CAA and POA filed with the Court must be accompanied by the following forms:

1. Child Parenting Information Affidavit (UCCJEA); and

2. Party Information Form

Once the CAA or POA is presented to the Court for filing, the CAA or POA will be reviewed to make sure that all requirements for filing the document have been met. If all requirements have not been met, the CAA or POA will be returned to you and you will have to start the process over by filing a new CAA or POA.

There is **no** filing fee to file these documents. If you have legal questions regarding these documents please contact an attorney. The Court staff is prohibited from providing you with legal advice or assisting you in the preparation of these documents.

I: Overview

A. /RANT ON

1) *This not at you. It is to give you language when you hear mean, and inaccurate, things.*
2) Most people who are not presently living here under some type of valid visa **CAME** here legally with a visa. They have merely overstayed.
3) Most people have not run afoul of any criminal statute.
4) Most people work and pay 7 ½ % of their earnings in payroll taxes.
5) Most people cannot file a tax return and so do not have any avenue to receive a refund. You might say they enjoy taxation without representation…
6) People are here either as refugees or to get a better life. Those who are refugees, regardless of legal status do not have a home to return to. Imagine that you were put on a plane and dropped off where you have no money, no ID, no cell phone, no internet access, no home, no water, no food, and no family or friends. This is the reality for many deported people.
7) In putting my own family tree together I learned that my father's family came to the Colonies as political and religious refugees. My mother's family came here as political and economic refugees, Displaced Persons, just before and after WWI. How about yours? If you don't know, see if you can find out. Your story can help others see what the reality for these would-be Americans is.
8) Do not call these people "illegal". They are perhaps without a visa, but they are scared people who, frankly, probably have a lot more guts than most of us do. They didn't come here because everything was just fine at home.
9) ***/RANT OFF***

B. Needs Assessment

1) What is the family makeup and legal status of each?
   a) Is the father the husband?
      (i) If unmarried or hasn't established paternity mother is sole legal custodian.
      (ii) If married, co-custodians.
      (iii) If paternity is established, absent a court order mother is the still the sole legal custodian.
   b) Mother
      (i) Legal custodian unless a court has remover her custody.
   c) Children
      (i) Citizens or not?
   d) Proposed Custodian or Guardian
      (i) Properly documented? Renewable visa or permanent resident?
      (ii) Citizen?
2) Communication
   a) Translation Resources – Google this for your locale
      (i) Churches
      (ii) Restaurants
      (iii) Grocery Stores
      (iv) International Institutes
      (v) Refugee Services through ODJFS, Department of Health and Human Services
      (vi) Translation Services
      (vii) Google Translate
3) Plan
   a) What is the parent's plan for child care?
   b) For realty?
   c) For property?

d) For cars?
e) If the proposed Custodian lives out of state, Juvenile and Domestic filings can happen here.
f) The out of State Applicant for Guardianship needs to file in their local probate court.

C. Tactics
1) Pre-arrest planning
a) Gather all information needed.
b) Gather all documentation needed.
c) Prepare Powers of Attorney for
(i) child care,
(ii) child travel,
(iii) real estate,
(iv) property
(v) cars.
d) Make a plan for the disappearance of the custodian
(i) Check in times.
(ii) Daily contacts through phone, text, social media.
(iii) Safe place to take children immediately if the parent goes missing.
e) Arrange for a safe location to move the children to immediately, even if temporarily. Temporary housing, Powers of Attorney, and proposed guardian or custodian do NOT have the be the same people.

2) Execution
a) Get the Powers of Attorney filled out ASAP.
b) The parent can keep those documents until necessary BUT if they trust someone enough to have the power, best to get the documents to them soon. If not, arrange for a place to put them where the designated attorney-in-fact can find them. This will provide security to the children until a court can act. You may, perhaps, use an attorney or clergy for safe storage.
c) If the parent expects to return to the home, they are sufficient for the duration of the detention.
d) Execute the documents for a change of custody and give them to the proposed Custodian for safekeeping.
e) If the detention is likely to be long term or result in deportation, move children in with Petitioner or Applicant for Guardianship.
f) File the documents in court.
g) Try to find legal representation for the detainee.

II: Selection of Court with Jurisdiction

A. Paternity
1) If the father is seeking custody he MUST go to Domestic Relations Court and file to establish the child and parent relationship if he has not done so.
2) If there are reasons why he should not be custodian, another proposed custodian can file in Juvenile Court. The courts will sort out jurisdiction.

B. Previous Court Actions
1) If the child has been adjudicated Neglected, Dependent, Abused, jurisdiction lies with Juvenile Court only.
2) If a Juvenile Court has transferred Custody of a child on a permanent basis, the case goes to Juve-

nile Court only.

3) If there has ever been an action concerning the custody, visitation, or support of the child, the Domestic Relations Court is the place relatives have to file for CUSTODY. The Probate court can consider Guardianship. The Juvenile court can hear actions by non-relatives or if there are allegations that the child is abused, neglected, or dependent.

C. Status of Petitioner or Applicant

1) Probate Court is by the book and without much discretion. Anyone applying to be a guardian for a child will have to be without blemish and in these cases that means a citizen or permanent resident (green card holder).
2) Both Juvenile and Domestic Relations have more flexibility around these issues however the most responsive court is Juvenile simply because it is emergency based. They are used to setting immediate hearings and have the resources to schedule more flexibly. They have a more sweeping jurisdiction than Domestic Relations and can also aid with getting social services to the family.

D. Child Protective Services

1) They have no interest in interfering with these cases. If the children are loved and well cared for they are good with it. As a result, they are a resource to the family, not a risk. Families should generally not fear contact from Child Protective Social Workers. The last thing Children's Services wants to do is take a 5 year old Nepalese speaker and place her in foster care.

III: Selection of Court for success

A. Domestic Relations

1) This is for people related by blood or marriage or for custody that has already been determined by that court.

B. Probate

1) It is easier to get proper service on an absent father but the Applicant must be permanent. No criminal history or financial problems. There must be a BCI background check and fingerprinting.

C. Juvenile

1) This is for an unfit father, regardless of whether there has been a prior case in Domestic Relations if he is asking for custody and shouldn't have it.
2) For a non-relative regardless of a prior Domestic Relations case.
3) If custody has ever been transferred from one person to another and the case then closed, they retain jurisdiction. Examples: Dependency, Abuse, and Neglect cases or where a Delinquent was removed from one parent's custody and placed into the custody of a different person when the case closed.

IV: Aiding Immigrants

A. Privacy and Secrecy

1) These folks are scared, as well they should be. Many have lived and worked here for 20 years without incident. If you learn about any services being provided to them, please keep it to yourself. NOTHING posted online and I don't CARE how private you believe your social settings are.

B. Language Difficulties
   1) Not only is there difficulty with language, there is difficulty with words that seem alike and aren't. Be very clear about who can and can't help them. Example: A Notario is not a Notary Public and cannot help.

C. Documentary Difficulty
   1) They should have IDs from their various consulates. If not, get it.
   2) The children should all get US Passports ASAP and the custodial PARENT needs to do that application. It can be done online.
   3) If the children are going to remain here but return to where their parents go for the summers, they absolutely need a Passport and if they are with a person acting as Power of Attorney, that person needs the specific authority to authorize international travel.

V: Unauthorized Practice of Law

A. Assistance by Lawyers
   1) We can assist the parents, the proposed custodians, or the Applicants for Guardianship.
   2) We cannot assist the parents to help the proposed custodians or Applicants. In other words, direct assistance is proper. Indirect assistance is improper.

B. Assistance by non-lawyers
   1) Non-lawyers cannot assist by advising. They can translate, write, fill out forms, but they cannot, under any circumstances, help people figure out which court to do for, what to file for, or anything else that calls for a legal conclusion.
   2) The purpose of the written instruction is to allow parents to make the conclusion.

VI: Gathering Information

A. Documents for Parents
   1) Birth certificates for them and their children
   2) Passports
   3) Consular Ids
   4) List of places resided for the past 5 years
   5) Case Numbers of any prior court involvement whether for custody or criminal.

B. Documents for Petitioner
   1) Ohio ID
   2) Consular ID if applicable
   3) Proof of Income if asking for a waiver of filing fees

C. Documents for Children
   1) Birth certificates
   2) Passports
   3) List of places resided for the past 5 years

VII: Preparation for Arrest and Detention

A. Planning for Lack of Communication
   1) Parents need to ensure access to translators of some type in order to facilitate communication between them, ICE, police, or social workers These include bilingual children, support services, clergy, or others in the community.
   2) Google Translate apps for phones can be helpful.
   3) Google Translate online can be helpful.

B. Back Up Plans
   1) In the event that anything unfortunate befalls the proposed custodian, having another person who will take the children is important.
   2) Have several trusted individuals know where the various documents are stored.
   3) Place all of them in an envelope or folder and keep them together.

C. Immediate Needs
   1) Getting the children to a safe place.
   2) Getting the paperwork to the proposed custodian.
   3) Getting into court while the parents may still be available.

D. Long Term Needs
   1) Permanent residence for the children.
   2) Arrangements to return the child to the parents, perhaps, either for a visit or for good.

VIII: Filing

A. Limits on Help by Clerks
   1) Clerks cannot even provide assistance to the people filing. They can assist with what court forms may be needed to request service, for instance, but they are well trained not to offer assistance which would constitute the Unauthorized Practice of Law.
   2) Clerks will assist in the determination of whether they may accept a complaint for filing but they cannot suggest where else to go.
   3) In Probate and Juvenile Courts, the Judge is the clerk of court and so has the authority as well as the responsibility to see to it that the proceedings placed before them are proper.
   4) County Clerks of Court have no such discretion. If you put a case number on a ham sandwich they will file it.

B. Help Desks
   1) Many courts have established attorney-staffed help desks. These people can offer legal advice and assistance.

C. International and Refugee Support Organizations
   1) Some have legal staffs. They can coordinate the provision of legal advice to the families.
   2) They are well versed both in the law of immigration and the services and support systems used by their clients.

IX: Aftermath

A. Stability
   1) Keeping the children stable is a priority. Keep them in the same schools and churches and community outreaches.
   2) Of next importance is stable housing. If a move must be made, try for open enrollment in schools and move only over winter or summer break if possible.
   3) Make sure that the family which is outside of the U.S. Knows where the kids are and how to contact them and the Custodian or Guardian.

B. Changes in status of Custodian or Guardian
   1) The new custodian does not have the same authority as a parent to provide for a successor custodian. In the event the chosen custodian can no longer serve, the parents will have to be served. This is expensive and time consuming. Stress that the chosen custodian has to be stable and documented if at all possible.

X: Form Packets

A. Introduction, Instructions, and Timeline
B. Powers of Attorney for child care, your other business, your car, your real property, and for child's travel
C. Forms to file in Juvenile Court for custody
D. Forms to file in Probate Court for guardianship
E. Forms to file in Domestic Relations Court for custody

POWER OF ATTORNEY FOR CHILD CARE PURPOSES

I, the undersigned parent of _____, child's date of birth ___/___/_____
residing at _____,
in the county of _____, State of Ohio, hereby appoint _____,
residing at _____,
in the county of _____, State of Ohio, to be my attorney in fact to exercise any and all of my rights and responsibilities regarding the care, physical custody, and control of my above named child, except my authority to consent to marriage or adoption of the child , and to perform all acts necessary in the execution of the rights and responsibilities hereby granted, as fully as I might do if personally present. **I appoint this person to be *in loco parentis* of my child.**

The rights I am transferring under this power of attorney include the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, to consent to the child's travel, and to consent to medical, psychological, or dental treatment for the child as well as determining the child's residence.

This transfer does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. This transfer does not terminate my right to have regular contact with the child. I hereby certify that I am transferring the rights and responsibilities designated in this power of attorney because of the following circumstances: I am in detention, about to be detained, incarcerated, or about to be incarcerated, and therefore am temporarily unable to provide financial support or parental guidance to the child. I have a well-founded belief that the power of attorney is in the child's best interest. In the event that a court of competent jurisdiction does review my child's custody and I unable to attend those hearings, I ask the court to consider this my approval of the designated attorney in fact as the proper, future legal custodian of my child. Both I and my attorney in fact understand that this document cannot be used for the purposes of transferring schools.

I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent.

This POWER OF ATTORNEY is valid until the (1) I revoke this POWER OF ATTORNEY in writing and give notice of the revocation to the person designated as attorney in fact or (2) the child ceases to reside with the person designated as attorney in fact or (3) this POWER OF ATTORNEY is terminated by court order or (4) the death of the child who is subject of the power of attorney or (5) the death of the person designated as the attorney in fact.

Signature of parent _____
Printed Name of Parent _____
Address of Parent _____
Phone of Parent _____

County of _____)
) ss:
State of Ohio)

Before me, a notary in and for the State of Ohio and County of _____ , personally appeared the named _____ whose identity was proven to me by competent, credible, identification, who deposed, knowingly executed this document to authorize this attorney in fact change her child's custody, and stated that the same was her free act and deed this day, _____/_____/ 20_____ .

_____
Notary Public

OHIO STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code).

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

ACTIONS REQUIRING EXPRESS AUTHORITY

Unless expressly authorized and initialed by me in the Special Instructions, this power of attorney does not grant authority to my agent to do any of the following:

1. Create a trust;
2. Amend, revoke, or terminate an inter vivos trust, even if specific authority to do so is granted to the agent in the trust agreement;
3. Make a gift;
4. Create or change rights of survivorship;
5. Create or change a beneficiary designation;
6. Delegate authority granted under the power of attorney;
7. Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
8. Exercise fiduciary powers that the principal has authority to delegate.

CAUTION: Granting any of the above eight powers will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I, _____ (Name of Principal) name the following person as my agent:

Name of Agent: _____

Agent's Telephone Number: _____

Agent's Address: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Telephone Number: _____

Successor Agent's Address:

_____

Name of 2nd Successor Agent: _____

2nd Successor Agent's Telephone Number: _____

2nd Successor Agent's Address:

_____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code):

(**INITIAL** each subject you want to include in the agent's general authority. (If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject. Document MUST be initialed.)

(_____) Real Property
(_____) Tangible Personal Property
(_____) Stocks and Bonds
(_____) Commodities and Options
(_____) Banks and Other Financial Institutions
(_____) Operation of Entity or Business
(_____) Insurance and Annuities
(_____) Estates, Trusts, and Other Beneficial Interests
(_____) Claims and Litigation
(_____) Personal and Family Maintenance
(_____) Benefits from Governmental Programs or Civil or Military Service
(_____) Retirement Plans
(_____) Taxes
(_____) Digital Assets

(_____) All Preceding Subjects

(_____) My agent shall have access to the content of electronic communications sent or received by me.

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

_____

_____

_____

_____

_____

_____

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or my person, I nominate the following person(s) for appointment:

Name of Nominee for guardian of my estate: Nominee's Telephone Number:

_____ _____

Nominee's Address: _____

Name of Nominee for guardian of my person: Nominee's Telephone Number:

_____ _____

Nominee's Address: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

_____ _____/_____/_____
Your Signature Date

_____ **(** _____ **)** _____ **-** _____
Your Name Printed Your Telephone Number

_____
Your Address
State of Ohio

County of _____

This document was acknowledged before me on _____/_____/_____ (Date),

by _____
(Name of Principal).

_____ _____
My commission expires: Signature of Notary

This document prepared by:

_____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

(1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

(2) Act in good faith;

(3) Do nothing beyond the authority granted in this power of attorney;

(4) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consis-

tent with the principal's best interest;

(5) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

(1) Act loyally for the principal's benefit;

(2) Avoid conflicts that would impair your ability to act in the principal's best interest;

(3) Act with care, competence, and diligence;

(4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(5) Cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

(1) The death of the principal;

(2) The principal's revocation of the power of attorney or your authority;

(3) The occurrence of a termination event stated in the power of attorney;

(4) The purpose of the power of attorney is fully accomplished;

(5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code). If you violate the Uniform Power of Attorney Act or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

APPLICABLE OHIO LAW

Ohio Revised Code § 1337.27 Meaning and effect of power of attorney.
UNIFORM POWER OF ATTORNEY ACT
Article 1. GENERAL PROVISIONS
The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.
Added by 129th General Assembly File No.65, SB 117, §1, eff. 3/22/2012.

Ohio Revised Code § 1337.26 Validity of power of attorney.
UNIFORM POWER OF ATTORNEY ACT
Article 1. GENERAL PROVISIONS
(A) A power of attorney executed in this state on or after the effective date of this section is valid if its execution complies with section 1337.25 of the Revised Code.
(B) A power of attorney executed in this state before the effective date of this section is valid if its execution complied with the law of this state as it existed at the time of execution.
(C) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with the law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to section 1337.27 of the Revised Code or with the requirements for a military power of attorney pursuant to 10 U.S.C. 1044b.
(D) Except as otherwise provided by statute other than sections 1337.21 to 1337.64 of the Revised Code, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.
Added by 129th General Assembly File No.65, SB 117, §1, eff. 3/22/2012.

Ohio Revised Code § 1337.25 Execution of power of attorney.
UNIFORM POWER OF ATTORNEY ACT
Article 1. GENERAL PROVISIONS
A power of attorney must be signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.
Added by 129th General Assembly File No.65, SB 117, §1, eff. 3/22/2012.

Durable Power of Attorney

Know all Men by these Presents that I, _____, of

_____ ,

County of _____, and State of Ohio have made, constituted, and appointed, and by these presents do make, constitute and appoint

_____, residing at

_____

_____ , County of _____, and State of _____, as my true and lawful attorney in fact for me in name and place and stead:

To make, carry out and execute any and all contracts; to sell, convey, barter, exchange, encumber, lease, or otherwise dispose of any property belonging to me, whether real, personal or mixed, and to execute the necessary or required bills of sale, assignments, transfers, leases, notes, mortgages, or conveyances, whether under seal or otherwise; as I might do myself and will full power of substitution and revocation and I hereby ratify all acts which my attorney in fact does pursuant to the power conferred by this instrument for the following real property:

_____

_____

_____

In Witness Hereof, I have hereunto set my hand this day, _____, at

_____, _____ County, Ohio.

_____

Signed

STATE OF OHIO }
} **SS:**
COUNTY OF _____}

Before me, a Notary Public in and for said County and State, personally appeared the above named _____ who acknowledged that ___he did sign the foregoing instrument and that the same is h___ own free act and deed.

In Testimony Hereof I have hereunto subscribed my name and affixed my Notarial Seal at _____, Ohio this day, _____, 20___.

_____
Notary Public

Ohio Revised Code § 1337.04 Recording of power of attorney.
A power of attorney for the conveyance, mortgage, or lease of an interest in real property must be recorded in the office of the county recorder of the county in which such property is situated, previous to the recording of a deed, mortgage, or lease by virtue of such power of attorney.
Effective Date: 10-01-1953 .

Ohio Revised Code § 1337.05 Revocation of power of attorney must be recorded.
No instrument containing a power of attorney for the conveyance, mortgage, or lease of an interest in real property, which has been recorded, will be revoked by any act of the person by whom it was executed, unless the instrument containing such revocation is also recorded in the same office in which the instrument containing the power of attorney was recorded.
Effective Date: 10-01-1953 .