



Unit 3: Protecting Families in Cases of Separation

Teachers' Guide

LESSON 3: Creating a Caretaking Plan

FOR MORE INFORMATION TO HELP YOU ANSWER QUESTIONS THAT MAY COME UP DURING THIS LESSON, REFER TO THE FREQUENTLY ASKED QUESTIONS SHEET "LEGAL INFORMATION ABOUT PARENTAL RIGHTS" AT THE END OF THIS LESSON.

Time: 2 hours

Content Objectives

- Students describe situations in which parents may become separated from their children.
- Students discuss their opinions about the qualities of good caretakers and caretaking arrangements for families in cases of separation.

Rights Objectives

- Students begin to think about the rights to which parents are entitled in cases of separation.
- Students begin to think about the benefits and drawbacks of different caretaking arrangements in cases of separation.

Language Objectives

- Students continue to build their language skills around rights
- Students practice reading, writing, and speaking in English.

Materials Needed:

- Student lesson plan

KEY VOCABULARY:

Nouns	Verbs	Adjectives & Adverbs
Emergency	To take care of	Legal / illegal
Plan	To separate	Expected / unexpected
Attorney	To injure	Familiar / unfamiliar
Agreement	To detain	Safe / unsafe
Custody	To be documented	Formal / informal
	To sign	Nearby / far away

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LESSON ACTIVITIES:

PART A) Describing Caretaking Arrangements and Caretakers

The instructor should lead whole-class discussions throughout this next activity. Encourage students to use new vocabulary to answer each question.

Read the following stories as a class. Use vocabulary from the lesson and words you know to answer the questions for each story. Discuss your answers and then write them in the spaces provided.

1. Chika told his sister Nefemi that he would take care of Nefemi’s son if Nefemi were detained by immigration police. Nefemi lives in New Hampshire and Chika lives in Rhode Island.



What type of caretaking agreement does Nefemi have with Chika?

What qualities do you think may make Chika a good caretaker for Nefemi’s son?

What may make it difficult for Chika to offer care to Nefemi’s son? How might he and Nefemi address these challenges?



2. In 2004, Tina asked her brother Brian to sign a power of attorney agreement for her daughter. Brian lost his business in 2007 and became unemployed. Tina transferred power of attorney to her mother for her daughter’s wellbeing.

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What type of caretaking agreement did Tina have with Brian?

What qualities do you think would make Brian a good caretaker for Tina's daughter?

Why do you think Tina decided to end her caretaking agreement with Brian? What might you have done in her situation?

3. Luis has cancer. Last year, he signed a custody agreement giving his friend Ana custody of his daughters if he becomes too sick to care for them. Ana is his younger daughter's godmother.



What type of caretaking agreement does Luis have with Ana?

What qualities do you think would make Ana a good caretaker for Luis' daughters?

What could make it difficult for Ana to offer care to Luis' daughters? How might Ana and Luis address these challenges?

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PART B) Talking About Family Separation and Caretaking Arrangements

The instructor should have students complete the next activity in pairs or groups of three and should circulate, encouraging students to utilize vocabulary from the lesson. When groups begin to finish, they should be encouraged to perform their conversation in front of the class.

With one or two partners, act out a conversation a parent, or parent and child, might have with someone whom they would like to have as a caretaker for the child. (If your conversation will include a parent and child as participants, decide the age of the child before you begin.) Afterward, all groups should write a script for their conversation. Write at least ten lines in English or your native language, five for the parent, or parent and child pair, and five for the potential caretaker. Each group needs to write only one script.

PART C) Reflections

In a small group, first, the instructor asks the students to reflect on the lessons and challenges of the above activities. Then the class as a whole or students individually reflect on preparing for family separations. Part of the discussion can take place in the students' native languages if necessary and possible.

Take a moment to reflect on the lesson, what you have learned, and the challenges you experienced with the activities, as well as what you enjoyed about them. Then, as a class or individually, reflect on what you have done or could do to prepare for an unexpected separation from your children or other members of your family. Does your status as an immigrant affect what options you have or how you talk with others about separation?

END OF LESSON REFLECTIONS: The teacher asks students at the end of each lesson what they learned and how they felt doing these activities. The teacher may want to take notes based on what students share to help in preparing the lesson for the following week.

Guiding questions for instructors to pose to students include the following:

- What new ideas/content did you learn?
- What new vocabulary did you learn?
- What new rights did you learn?
- What was difficult? What was easy?
- How did you feel?
- What would you change?
- How would you use this information?
- What situations can you think of when you may want to assert your rights?

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FAQ: INFORMATION ABOUT DIFFERENCES IN FAMILY LAW

- ❖ Each state has its own laws and procedures related to family and caretaking arrangements. These laws and procedures differ depending on where you live. It is important to find out what the rules are in the state where you live. A local attorney can help you do that.
- ❖ Also, different states may use different terminology in their family law procedures. For example, some states may have guardianship hearings while other states may call a very similar proceeding a dependency hearing. Therefore, it is important to learn what the different procedures in your state are called and make sure you understand them. A local attorney can help you do that.
- ❖ The information provided here is general in nature and provides examples of caretaking arrangements. However, it is important to find out whether these arrangements or similar arrangements can be used in your state.

FAQ: FINDING RESOURCES IN YOUR COMMUNITY

- ❖ Because family law differs so much from state to state, it is important to know how to find resources in your community that can help you create caretaking arrangements that comply with the law where you live.
- ❖ In many states, the family court may provide assistance to people who do not have lawyers and need help creating legal documents or filing papers with the court. You can usually find information about any court programs intended to help people who do not have lawyers by checking the court's website or calling the courthouse.
- ❖ Many communities have non-profit organizations that provide free or low-cost legal assistance to people who need it. To find these organizations, you may want to check with your local library, community center, school, or place of worship to find out if the people there know what organizations are helping people in your local area. You can also ask other people in your community who may have had similar issues.

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FAQ: GENERAL INFORMATION ABOUT CARETAKING ARRANGEMENTS

❖ What is a Power of Attorney?

A Power of Attorney is a legal arrangement that authorizes one person to act on behalf of another. A Power of Attorney can only be created in writing and usually must be notarized. The scope of the authority granted by a Power of Attorney is determined by the writing that created it. A Power of Attorney arrangement can be used to give another person (besides the parent) authority to make some choices about the wellbeing of a child. For instance, a parent could give a person who is a temporary caretaker of their children a Power of Attorney to make decisions (e.g. about child's healthcare) in the parent's absence.

❖ What are some helpful tips regarding creating a Power of Attorney?

DO:

- Be specific about what authority you want the Power of Attorney holder to have.
- Consider what important decisions you would want the Power of Attorney holder to be able to make in your absence.
- Only give a Power of Attorney to someone with whom you have a relationship of trust and confidence.
- Consider consulting with a lawyer before creating a Power of Attorney.
- You may need to have the writing creating the Power of Attorney notarized.
- Keep a copy of the writing creating the Power of Attorney and have the holder do the same.
- Protect your rights by not granting the Power of Attorney holder any more authority than you want them to have.
- Tell the holder of the Power of Attorney that he or she will need to keep detailed records of the actions he or she takes on your behalf.

You should consult a lawyer before creating a Power of Attorney, formal custody arrangement, temporary guardianship, or other legal document creating a caretaking arrangement.

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FAQ: GENERAL INFORMATION ABOUT CARETAKING ARRANGEMENTS

❖ What is a custody agreement?

A custody agreement is a legal document that creates guidelines for child custody. It is often an agreement between the parents of a child or children, but it may apply to other adults as well. A custody agreement will discuss both legal and physical custody of a child. Legal custody is the ability to make decisions about a child's upbringing and welfare, including medical decisions and decisions about schooling. Physical custody refers to who the child will live with.

Granting custody to another person can seriously limit your parental rights. It often requires court involvement. You should speak to an attorney before creating a custody agreement.

❖ What other caretaking arrangements are available?

Many states have other mechanisms that parents can use to make sure that their children are cared for in the event of an emergency. For example, some states allow parents to appoint a temporary guardian. A temporary guardian is an individual appointed to care for a child for a limited time in the event of an emergency. Appointing a temporary guardian can ensure that a child is looked after by a trusted person during the parent's absence. In some states, a temporary guardian can be appointed by completing a special form, which may need to be notarized. In other states, a hearing in court may be required.

Each state has different procedures and different terminology. These different procedures may also have different impacts on your parental rights. Therefore, it is important to consult with an attorney in your state to learn more about these other options.

You should consult a lawyer before creating a Power of Attorney, formal custody arrangement, temporary guardianship, or other legal document creating a caretaking arrangement.

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FAQ: GENERAL INFORMATION ABOUT CARETAKING ARRANGEMENTS

- ❖ **What steps can I take TODAY to prepare a plan for my children’s welfare in case of an emergency resulting in my absence?**

DO:

- Make a plan for what you would like to happen to your children in the event of an emergency absence and discuss the plan with your children.
- Memorize contact information for the person you would like to take care of your children in the event of an emergency and have your children do the same.
- Collect important documents (hospital records, school records, etc.) and make copies for your children’s emergency caretaker.
- Consider establishing a Power of Attorney or other legal document for your children’s caretaker.
- Consider registering the birth of your children in your home country if your children were born elsewhere.

You should consult a lawyer before creating a Power of Attorney, formal custody arrangement, temporary guardianship, or other legal document creating a caretaking arrangement.

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