

# EMERGENCY PLANNING GUIDE FOR PARENTS WITH UNCERTAIN IMMIGRATION FUTURES

English Version  
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## INTRODUCTION

This guide is meant as a resource for parents who may be uncertain about whether they will be detained by ICE or deported from the United States by the US government. If you have uncertainty in your immigration status and think that there is a possibility of being detained, it is important to read through this document and make sure you are taking any necessary steps to ensure that your child or children will be taken care of properly if you are unexpectedly unavailable. This guide is not intended to provide legal or other advice nor to create an attorney-client relationship. This Guide was authored by the Center for Immigrant and Refugee Advancement (CIRA) with reference to resources provided by Legal Aid of Nebraska and the Nebraska Supreme Court.

## TEMPORARY DELEGATION OF PARENTAL POWERS

### What is a Temporary Delegation of Parental Powers?

When a parent is expected to be absent from their child or wants to prepare for a possible absence in the future, they can sign a legal document that allows for another trusted adult to make decisions on behalf of the absent parent's minor child. This legal document can be used to consent to medical treatment, enroll in school, or other academic programs and other powers as needed.

NEBRASKA REVISED STATUTE § 30-2064 allows a parent or legal guardian to sign a Temporary Delegation of Parental Rights, which is a form allowing another person to temporarily make decisions regarding the care, custody, or property of their minor child. These powers are specifically delegated in a power of attorney form, signed by the parent or legal guardian. This form can broadly or narrowly grant powers to the delegated person, but they cannot grant the power to consent to marriage or adoption of the minor child. The

period of delegation cannot exceed 6 months, so it is important to consistently update these forms, in the case where you do not know whether you will be absent or not. The Temporary Delegation of Powers form can be found on the Nebraska Supreme Court's website. There is an [English](#) and [Spanish](#) form provided at that site, as well as an instruction document for how to fill out.

#### What is the Process of Delegating?

- 1) Download Form from the Nebraska Supreme Court website at <https://supremecourt.nebraska.gov/forms> on a computer that allows for Adobe Acrobat.
- 2) Fill the required sections, as shown in the example below.
- 3) Print the Form, but do not sign until you find a Notary Public.
- 4) Take the Form to a local USPS post office or bank and ask for a Notary Public, provide your identification document and sign in the presence of the Notary Public
- 5) Make a copy of the form
- 6) Provide the originally signed document to the adult delegated in the document
- 7) Keep a copy in a safe, accessible place

#### How do I authorize the delegation?

This Form must be signed in front of a Notary Public. This Notary Public will require a valid identification document to ensure your identity before watching you sign the document. A valid identification document includes a government issued identification card with a picture; signature; and physical description (such as a driver's license), a passport from any country; an oath of a witness, who is unaffected by the document, who is personally known to the notary and who personally knows the principal; the oaths or affirmations of two credible witnessed unaffected by the document or transaction, who each personally knows the individual and shows to the notary public documentary identification, as listed previously; or the principal signer is personally known to the notary.

#### What should the Form look like?

A properly filled Temporary Delegation of Powers can be found, below.

Legal Reference: NEB. REV. STAT. § 30-2064:

<https://nebraskalegislature.gov/laws/statutes.php?statute=30-2604>

Temporary Delegation of Powers Form:

<https://supremecourt.nebraska.gov/self-help/families-children/temporary-delegation-parental-powers>

What happens if the Temporary Delegation of Powers Form expires and I have been deported?

You can discuss with the responsible adult who has the parental powers of your child whether it makes sense to continue to renew the TDPP or if they would like to pursue a guardianship. See information about guardianships below.



### TEMPORARY DELEGATION OF PARENTAL POWERS

I, NAME OF PARENT LEGAL of OMAHA,  
(your full name) (city where you reside)  
Nebraska, do make and appoint NAME OF DELEGATED DECISION MAKER of  
(full name of person being appointed)  
ADDRESS OF DELEGATED DECISION MAKER, to act for me and in  
(address, city and state where person being appointed resides)

my name to exercise all my powers regarding the care, custody and property of  
CHILD'S NAME, born January 1, 2007,  
(child's full name) (child's date of birth)

except my power to consent to marriage and adoption of the child. I hereby give  
NAME OF DELEGATED DECISION MAKER full authority and power to do everything  
(full name of person being appointed)

necessary to be done, as fully as I could or might do if personally present, for a period  
not exceeding six months beyond this date. I confirm and ratify all lawful acts done, or  
caused to be done by NAME OF DELEGATED DECISION MAKER acting under this  
(full name of person being appointed)

Delegation of Powers regarding the care, custody and property of my child. This  
Delegation of Parental Powers may be revoked by me at any time before the expiration of  
this six-month period by written notice to NAME OF DELEGATED DECISION MAKER at the  
address above.  
(full name of person being appointed)

Signature: John Hancock Date: January 1, 2025  
Printed Name: PARENT NAME  
Street Address/P.O. Box: PARENT ADDRESS  
City/State/ZIP Code: PARENT ADDRESS  
Telephone Number: PARENT TELEPHONE  
Email address: PARENT EMAIL OR N/A

If completed by an attorney:  
Bar Number: #00000, IF APPLICABLE

State of NEBRASKA )  
) ss.  
County of DOUGLAS )

The foregoing instrument was acknowledged before me by \_\_\_\_\_, this  
(Name of person certifying above)

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Day Month Year Notary Public (signature of person taking acknowledgment)

\_\_\_\_ My commission expires: \_\_\_\_\_  
(title or rank) (serial number, if any)

## **GUARDIANSHIP OF A MINOR**

### What is a guardianship?

A guardianship is a legal relationship between a competent adult (the guardian) and a minor child (the ward). Guardianship allows the guardian to make decisions and communicate needs that the ward would not otherwise be able to make or communicate on his or her own and gives all the rights that a parent holds to the guardian. However, this does not stop a parent from exercising these rights and does not interfere with the parent/child relationship.

### Who is a guardian?

A guardian is anyone who the court deems appropriate to be guardian. Immigration status has no impact on the ability to be a guardian and it is not appropriate for a court to ask about your immigration status when asking to be a guardian. If your child(ren) are over the age of 14, they can and should nominate the person as their guardian.

### What is the Process for Appointing a Guardian?

- 1) A guardian must file a petition with a county court, in addition to other pleadings, and submit to a criminal background check, sex offender registry check, a child abuse/neglect registry check, and a credit check.
- 2) The Court will serve you as the parent, the other parent, and any other interested persons as defined by Nebraska law.
- 3) The Court will set a date to come into court and explain why the guardianship is necessary. If there is evidence of abuse, abandonment, or neglect of your child by the other parent, you should consider talking to an immigration attorney about Special Immigrant Juvenile Status and how your child could access this relief
- 4) The Court will either grant the guardianship, set it for an additional hearing, or deny the guardianship
- 5) If the Court grants the guardianship, the appointed guardian will have to attend a training course, and file reports every year on the date the Court signed the Guardianship Order.

### Can you Consent to Guardianship Ahead of Time:

It is possible for you to draft and sign a document in the form of an affidavit stating that you would consent to a guardianship with a certain adult, if you are detained and/or deported. This is not required for the guardianship but may be helpful if the potential guardian is not able to serve you the required documents in the event that you do not have a permanent address while detained or after deportation.

### What if a parent is already unavailable?

If you have already been detained and/or deported, a potential guardian can go through the process without your consent. They will have to serve you according to the law of Nebraska, so it is helpful to hire a legal representative to get through this process.

### Temporary Guardianship

A temporary guardianship is available in the event of an emergency. The potential guardian will follow the normal process outlined on the Nebraska Supreme Court Website, while including information about the need/the emergency that requires the temporary guardianship. A temporary guardianship will last a maximum of 90 days, so it is in the child's interest to pursue a permanent guardianship during that time, because there is no expiration date for a permanent guardianship. The guardianship will end when the Court ends it, the guardian ends it, or the child reaches the age of majority, which is 19 years old, in Nebraska.

### If a child is 14 or older:

A child that is 14 or older must consent to the guardianship. They can do this during the hearing or by filing an affidavit of their consent before the hearing. The Court will also put weight on the child's preference for a guardian if they are over the age of 14.

### Forms:

[https://supremecourt.nebraska.gov/forms?title=&field\\_form\\_number\\_value=&field\\_form\\_type\\_target\\_id=All&field\\_language\\_target\\_id=155&field\\_form\\_category\\_target\\_id%5B%5D=103](https://supremecourt.nebraska.gov/forms?title=&field_form_number_value=&field_form_type_target_id=All&field_language_target_id=155&field_form_category_target_id%5B%5D=103)

Legal Reference: NEB. REV. STAT. § 30-2605 et seq

## **JUVENILE COURT IN NEBRASKA**

### What is Juvenile Court?

Juvenile Court is a separate court established by the State of Nebraska to address child welfare issues. This court presides over children and families to address safety issues that may endanger the child, whether that be a lack of supervision, or larger issues concerning child abuse and neglect. It is possible, but not guaranteed, that if you are unexpectedly detained or deported and no arrangements have been made for an adult to take care of your child(ren), your child will be involved in juvenile court.

### Why would they be involved?

Juvenile court is allowed to take jurisdiction over children who are without proper parental support through no fault of his or her parent. Children who come under jurisdiction of these courts will be placed in the care and custody of the Nebraska Department of Health and Human Services (NDHHS). You may have heard of this department referred to as Child

Protective Services (CPS), but we do not use that name in Nebraska. They would be involved if you are detained and deported so they can find a proper placement for your child(ren) and make sure they are able to access state-provided resources while you are not able to provide care. Your children would be placed in foster care under this court's jurisdiction, but it is possible that they can be placed with a family member, also known as kinship care.

#### How can you participate?

Even if you are detained or outside of the United States, you have a legal right to participate in these proceedings as the legal parent of your child(ren). You have the right to court-appointed representation in these proceedings and a right to meet with counsel to have your opinion heard on the matters the judge decides upon. The court is required to allow you to appear, either telephonically or via video conference, and provide an interpreter if you do not speak and/or understand English.

#### How does a case work in juvenile court?

- 1) A report is made to a Law Enforcement Agency or NDHHS. The agency will determine whether to pursue the report or not
- 2) If they pursue a report, investigation takes place and could lead to informal safety planning or abandonment of the report
- 3) If they do not pursue safety planning or abandon the report, they may refer the case to the juvenile court through the relevant county attorney's office
- 4) The juvenile court will set a first hearing, where they will appoint attorneys and place the child(ren) in a proper, safe home
- 5) The juvenile court and the appointed attorney will attempt to find your location and serve you information about the case including the first document establishing the necessity of the case
- 6) The juvenile court will meet again to determine whether they should pursue the case based on the information they have
- 7) The court will either dismiss the case or continue with review hearings, at least every 6 months, and continue foster care and state-provided aid services for the child
- 8) If the case continues, the court will pursue a permanent plan (either guardianship, adoption, or plans for transitioning to adulthood), as they see fit, and as agreed upon by all the parties, until the end of the case

#### Is it guaranteed that your child will be in a juvenile court case if you are detained/deported?

No, as indicated above, it is not guaranteed that any person will report your absence, and it is unlikely that anyone will do so if your child is not in danger or unsafe. If for some reason, you are unable to plan for the safety of your child, you can input your opinions on the custody of your child. If there is a report, you should give all information you can as to



why and how your child was placed in the position that led to the report and always consult with your attorney during the proceedings.

Legal Reference: NEB. REV. STAT. § 43-247(3)(a)

## CARE AND CUSTODY OPTIONS COMPARISON

	Temporary Delegation of Powers	Juvenile Court	Guardianship of a Minor
Authority of Caregiver	Limited: only medical decisions, educational decisions, and other powers specifically listed in document	Broader: The state takes physical and legal custody of the child for a short period of time	Broadest: Authority to make any and all decisions regarding the care and custody of the minor
Authority of Parent	Retain parental rights and legal custody	Retain parental rights and legal custody unless the Court affirmatively terminates parental rights	Retain parental rights but may not retain legal custody
Duration	6 months from date of signing	Until the Court ends jurisdiction	Permanent: Period of court appointment, usually until child reaches age of majority (19 in Nebraska)  Temporary: 90 days and is renewable if need persists, with court hearing
Court Involvement	None	Court is the decision maker	Court is the decision maker
Both Parent Involvement	Does not require consent of both parents	Does not require consent of either parent, but will attempt to involve both parents in process	Both parents must be notified but does not require consent of either parent
Process	<ol style="list-style-type: none"> <li>1) Complete the Notarized Temporary Delegation of Powers Form</li> <li>2) Give the Form to the Delegated Caregiver so they can use when they need it</li> <li>3) Update every six months, while able</li> </ol>	<ol style="list-style-type: none"> <li>1) The Court decides whether to be involved</li> <li>2) Court serves you and tries to contact you</li> <li>3) Court appoints lawyer</li> <li>4) You give your thoughts and desires as parent</li> </ol>	<ol style="list-style-type: none"> <li>1) File case with Court</li> <li>2) Lawyer or Guardian will send you notice</li> <li>3) You can consent or disagree by mail with the Court</li> <li>4) Case stays open until termination or child reaches age of majority</li> </ol>

## CHECKLIST OF IMPORTANT DOCUMENTS TO MAKE AVAILABLE

It is important, regardless of your status or situation, to maintain copies of important documents (or originals of some documents) for your children. These should be placed in a safe, accessible place that your child, or their custodian, knows about and can access if you are unexpectedly unavailable to do so.

Documents you should include:

- Custody and Care Documents, as explained above; EITHER:
  - Temporary Delegation of Parental PowersOR
- Consent to Guardianship of a Minor
  
- Child's Passport
- Child's Birth Certificate
- Child's Identification Documents
  - Driver's License
  - Social Security Card and/or Individual Taxpayer Identification Number
  - Government-issued Identification
- Child's Immigration Documents
- A Number
- I-94 or other Entry/Exit Documents
- Visa
- Work Permit
- Legal Permanent Resident (LPR) Card (greencard)
- Child's Proof of Residency
- School records
- Emergency Contact Form
- Financial Account Information for accessing funds for the child
- Records of real or personal property (houses, cars, other items)
- Records related to any state or federal benefits (Social Security, SNAP, WIC, or other)
- Any insurance policies (health and life insurance, particularly)
- Medical records (including records of vaccinations)
- Contact information for important people (school, doctor, and family members)

## RESOURCES

The following resources could be helpful to parents as they are thinking about arrangements for their child(ren) in the face of detention and/or deportation.

### General Information

- Guardianship Handbook from Legal Aid of Nebraska:  
[https://www.legalaidofnebraska.org/wp-content/uploads/2021/09/Guardianship-Handbook\\_2021.pdf](https://www.legalaidofnebraska.org/wp-content/uploads/2021/09/Guardianship-Handbook_2021.pdf)
- Nebraska Supreme Court Guardianship Information:  
<https://supremecourt.nebraska.gov/administration/public/guardianship-and-conservatorship-information>
- Navigating Nebraska's Child and Family Service System: Nebraska Juvenile Court Process: <https://dhhs.ne.gov/Documents/Nebraska-Family-Guidebook.pdf>

### Legal Assistance

- Nebraska Supreme Court Resources to find Legal Assistance:  
<https://supremecourt.nebraska.gov/self-help/legal-resources-information>
- Nebraska State Bar Referral Service: <http://omahalawyerreferral.com/>
- Nebraska Find-A-Lawyer: <https://www.nefindalawyer.com/>