

BE SURE YOUR CHILD IS CARED FOR AND SAFE

IF YOU ARE ARRESTED, CALL SOMEONE IMMEDIATELY!

**IF YOU ARE SENT TO JAIL OR PRISON,
MAKE PLANS AND ARRANGEMENTS FOR YOUR CHILD!**

TAKE IMMEDIATE STEPS — CALL SOMEONE!

Make arrangements for today and for as long as you will be unable to care for your child. You may need to ask one person to care for your child immediately and another person to provide longer-term care.

Appoint a Caregiver Immediately

If you are your child's only caregiver, ask your child's other parent, a relative or friend to care for your child and put it in writing. This gives that person the legal ability to make education and medical decisions for your child. There are two forms that you can use to appoint a temporary caregiver. The two forms are for different time periods and have different requirements. Always do a separate form for each of your children. The caregiver can show the completed form to your child's education and healthcare providers and they can make copies of the form. Both forms are available on the NYS Permanent Judicial Commission on Justice for Children's website at www.nycourts.gov/ip/justiceforchildren/incarceratedparents.shtml.

Form 1. Parental Appointment of Your Child's Caregiver for 30 Days or Less

- Complete this form immediately.
- It is easy for you to fill in and give to the caregiver.

Form 2. Parental Appointment of Your Child's Caregiver for 12 Months or Less

- Complete this form as soon as possible and before the 30 day arrangement ends.
- This form must be signed in front of a notary public by you and the caregiver. You can have it notarized together or separately. If done separately, you, the parent, must have it notarized first.
- You can renew this arrangement. Complete and notarize new forms for each of your children before the 12 month period is over.

TALK TO A LAWYER ABOUT YOUR PLANS FOR YOUR CHILD

HERE ARE SOME OPTIONS

File a Custody or Guardianship Petition

If your child's other parent or another suitable person can care for your child, he or she can file a petition in Family Court and you consent to a change in custody or to the appointment of the guardian at hearing, and you may be eligible for a lawyer free of charge. This gives that person the responsibility for the care and decision-making for your child. You can ask for a visiting plan for you and your child.

Modify a Custody and Visitation Order

If your child's other parent can care for your child and you have sole custody of your child, your child's other parent can file a petition in Family Court to modify the order that gave you custody. You consent to a change in custody at a hearing that gives your child's other parent the responsibility for the care and decision-making for your child, and you may be eligible for a lawyer free of charge. You can ask for a visiting plan for you and your child.

Voluntary Placement in Foster Care

If your child's other parent is not able to care for your child and you do not have another suitable person who can care for your child, you can call 211 (available in most counties) or contact your local county department of social services (Administration for Children Services in New York City) preventive services department directly and ask to place your child in foster care. If the department agrees, you must sign a voluntary placement agreement that allows your child to be placed in temporary foster care. You can ask for a visiting plan for you and your child.

This information should not take the place of speaking with a lawyer about any of these issues. All individuals involved with the Family Court or Criminal Court are encouraged to speak with a lawyer.

This information sheet was prepared as part of a flyer to help parents who have been arrested plan for their children. While the flyer does not provide legal advice, it does explain various short- and long-term options that help parents plan appropriately for their children's care and provides information about resources that can be helpful to parents, their children and their children's caregivers. The flyer is available on the NYS Permanent Judicial Commission on Justice for Children's website at www.nycourts.gov/ip/justiceforchildren/incarceratedparents.shtml.

This flyer should not take the place of speaking with a lawyer about your plans for your child.