



Greater Hartford Legal Aid

Planning for your child's security if you are detained or deported

How can I protect my child if I am detained or deported?

You may want to talk ahead of time with a friend or relative who is willing and able to take care of your children in case you are suddenly detained. A few simple forms are needed to document this person's agreement to care for your child automatically upon your being detained. This person should be trustworthy, caring, and able to take care of your child in all ways, including financially. The process is generally simple. In Hartford County, call Greater Hartford Legal Aid at 860-541-5000 to learn if you are eligible for our help. Ask for Janet or Luz. In New Haven County, call New Haven Legal Assistance at 203-946-4811. In other towns in Connecticut, call Connecticut Legal Services at 800-798-0671.

There are two ways for parents in Connecticut to plan for a child's care. The first, standby guardianship, is very easy to do, but lasts only one year. The second, co-guardianship, requires Probate Court approval but can last till your child turns 18 years old. You can do one, or both.

Standby guardianship:

- gives the standby guardian the power and duty to care for your child, to get medical care, to provide food, clothing, and shelter, and to make sure your child is educated.
- takes effect as soon as you are detained.
- requires the agreement of the other parent OR the other parent's removal by death or court order.
- lasts for one year or until you take charge of your child again, whichever is shorter.
- can be reversed by you at any time.
- lasts for 90 days if you die, unless the standby guardian asks Probate Court for guardianship.
- does not cost any money to set up.

Co-Guardianship:

- gives the co-guardian the power and duty to care for your child, to get medical care, to provide food, clothing, and shelter, and to make sure your child is educated.
- can take effect while you are still caring for your child OR can take effect automatically when you are detained.
- requires that you be the sole guardian when you start the process. The other parent must have been removed as a guardian, or have died.
- lasts until your child turns 18, or a court removes you.
- becomes your child's sole guardian if you die.
- must be done in Probate Court. You must pay a filing fee or get a fee waiver. You must appear at a court hearing. The Department of Children and Families may do a social study. Probate Court hearings are generally informal and friendly.

Greater Hartford Legal Aid, Inc.

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Everyone's circumstances are different. You may need to talk to an attorney to learn what your child's rights are when a new guardian steps in.

MEDICAL

The new guardian will have the duty and authority to make sure your child gets medical care. Generally, if your child is a U.S. citizen and gets Husky medical insurance, that coverage will continue when the new guardianship starts.

EDUCATION

The guardian can make all education decisions for your child. Generally, your child must go to school in the district she resides in. If the guardian lives in a different district, your child must enroll in a school in the guardian's district. Exceptions may apply in the case of magnet, regional school choice, and special education placements.

CASH ASSISTANCE (TFA)

Your child may be eligible for cash assistance even if the guardian is not. The guardian can apply for your child.

SOCIAL SECURITY

If your child receives social security disability payments, those will continue. The guardian must apply to become the representative payee.

FOOD STAMPS

Your child's eligibility for food stamps will depend upon the income of the guardian's household. The guardian can apply to add your child to the food stamp household.

GHLA Attorney Giovanna Shay is responsible for the content of this brochure.