



# Maine Immigrant Safety Plan for Youth and Children

See Appleseed's **Deportation Preparation Manual for Immigrant Families: Make a Plan to Protect Your Kids and Finances in the Face of Deportation** for more, available at [www.deportationpreparation.org](http://www.deportationpreparation.org).

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To see the most current version of Appleseed's deportation preparation resources, as well as translations, visit [deportationpreparation.org](http://deportationpreparation.org).

## Custodial Options for Family Planning in Maine<sup>1</sup>

If you live in Maine and need someone else to have the authority to care for your child when you cannot be there, you have two choices: delegation through a power of attorney or legal guardianship. Each choice gives the person caring for your child different rights and responsibilities. Here's a guide to help you understand your options, though generally the former is for a short period of time whereas the latter is for longer:

### **Option 1: Delegation/Power of Attorney<sup>2</sup>**

#### ***When should this option be considered?***

Use this option when you need another adult to assist in handling everyday matters for your child. This option cannot be longer than a year, but it is relatively quick and does not involve the courts. Additionally, the parent does not lose any rights during the delegation.

#### ***What is it and what powers will it give the caregiver?***

This option allows the parent to delegate to another person any power regarding care, custody, or property of the of the children. It does not delegate the power to consent to marriage, adoption, or termination of parental rights to the child.

#### ***How does this option affect my parental rights and authority?***

This option does not deprive the parent of any parental or legal authority regarding the care and custody of the child. Further, it may be revoked or amended by the parent at any time, so long as it is in writing and delivered to the person to whom the powers were delegated and to other interested persons.

#### ***Who needs to sign the form? Does it need to be notarized?***

You will need to sign and have it notarized. While it is not required that the person receiving the power of attorney needs to sign, it is recommended.

#### ***How can parents and caregivers use the form?***

Give copies to the caregiver, your child's school, pediatrician, dentist, therapist, insurer, and any program the child attends.

#### ***For how long is the form valid?***

For the agreed-upon time—no more than twelve months.

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<sup>1</sup> [Guardianship of a Minor | Pine Tree Legal Assistance](#)

<sup>2</sup> [18-C M.R.S. § 5-127](#)

***Can this option be canceled or changed by the parent?***

Yes, all the parent needs to do is revoke or amend in writing and deliver to the person whom received the power of attorney.

***Are there any costs associated with this option?***

No.

***Any other considerations?***

No.

## **Option 2: Guardianship**

***When should this option be considered?***

Use this option if you need someone to care for your child for potentially longer than a year. This is a court-ordered option that transfers guardianship from yourself to another person until they turn 18, or it is amended/terminated. While this can be a tedious process, the parent is able to addend an emergency motion (ninety days) and an interim motion (six months), while the guardianship petition is considered.

***What is it and what powers will it give the caregiver?***

This is a court ordered remedy which gives the legal guardian decision-making authority over the child's upbringing. This includes medical treatment, schooling, and overall welfare.

***How does this option affect my parental rights and authority?***

This option takes the parental rights from the parent and transfers them to a legal guardian. This can be undone or amended with the below forms.

***Who needs to sign the form? Does it need to be notarized?***

A petition for guardianship of a minor must be filed in the Probate Court.<sup>3</sup>

***For how long is the form valid?***

Guardianship generally lasts until the child turns 18. Emergency guardianship of a minor terminates after ninety days. This can be extended by continuing the guardianship

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<sup>3</sup> You will likely need to file in a Maine District Court, rather than a Maine Probate Court, if (i) there is already an open Maine District Court case involving your child; (ii) a Maine Probate Court has ever transferred a case involving custody or parental rights of the minor child to a Maine District Court; or (iii) a Maine District Court has ever issued an order about your child related to adoption, guardianship, or parental rights. Otherwise, file in a Maine Probate Court.



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process, or through an interim order. The interim order can last for six months, or until the court's order following a final hearing.

### ***Can this option canceled or changed by the parent?***

Yes. The parent needs to file GS-009, a petition for either modification or termination of guardianship. The link is included below.

### ***Are there any costs associated with this option?***

Yes, the Probate Court charges for the forms, as well as for filing them. If you have a very low income and cannot afford this fee, you can download and fill out or ask the court clerk for a fee waiver application.

### ***Any other considerations?***

Yes, appointing a legal guardian is a serious process that transfers your rights to another person and must go through the courts. This is a potentially time-consuming process, but can be very beneficial if your child needs assistance for more than a year.

### **Link to forms:**

- [GS-001 Pet. for Guardianship of a Minor](#)
- [GS-003 Mot. Emergency Appt. Guardian of Minor](#)
- [GS-006 Affidavit of Notice for Emergency Guardianship of a Minor](#)
- [GS-007 Parent's Consent to Appointment of Guardian of Minor](#)
- [GS-008 Acceptance of Appointment by Guardian of Minor](#)
- [GS-009 Petition for Modification or Termination of Guardianship](#)
- [GS-012 Minor's Consent to Guardianship](#)

## Sample Forms and Petitions

Samples of the form or petition for each of these custodial arrangements appear on the following pages.



**Delegation Of Parental Powers / Power Of Attorney<sup>4</sup>**

1. **Identification.** [We/I], [parent/guardian name] [**OPTIONAL:** and [second parent name]], of [city], Maine, hereby execute this Delegation of Parental Powers with the intention that the agent hereinafter named shall be able to act in our place as [parent/parents/guardian] for our [child/children], [name(s) of child(ren)], as set forth herein.
  
2. **Appointment of Agent [OPTIONAL: and Alternate Agent].** [I/We] appoint [name of agent] to serve as agent to act in [my/our] name, and in [my/our] place.  
**[OPTIONAL:** If my agent becomes disqualified, unavailable, unwilling, or is unable to serve, then I appoint, as alternate, [name of alternate agent], to act as agent.]
  
3. **Effective Date; Termination.** This Delegation of Parental Powers shall be effective immediately upon execution of this document and shall terminate [on [date of termination] / [number] months from the date hereof] unless sooner revoked by [me/us] in writing.
  
4. **Powers.** In making this Delegation, [I/we] give the Agent the concurrent authority to exercise any power [I/we] may have regarding the care, custody, or property of [my/our] above-named minor [child/children], except the power to consent to the marriage or adoption of [my/our] minor [child/children] or the termination of [my/our] parental rights, including but not limited to the following:
  - (a) [My/Our] agent shall have the power to give parental consent to any medical care, diagnosis, surgical procedure, and treatment of any type.
  - (b) [My/Our] agent shall have the power to give parental consent to any dental procedure.
  - (c) [Our/My] agent shall have the power to give parental consent to admission to any hospital or medical center.
  - (d) [My/Our] agent shall have the power to give parental consent to the use of any drugs, medication, therapeutic devices, or other items related to [my/our] [child's or children's] health.
  - (e) The agent shall have the power to expend all necessary amounts in connection with the exercise of the powers described herein and to seek reimbursement therefor from any funds or insurance to which [my/our] [child/children] may be entitled.
  - (f) The agent in general shall have the power to do any and all things [I/we] as parents might do on behalf of [my/our] [child/children], except the power to consent to adoption or marriage.

**[Optional Section 5: 5. Physician, Hospital, and Insurance.**

- (a) [My/Our] [child's/ children's] physician(s) [is/are]: [physician name(s)].

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<sup>4</sup> This is a sample Power of Attorney form, as none is available on the Maine Probate Court website.

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- (a) Hospital and medical records concerning [my/our] [child/children] are located at [hospital or other health facility name].
- (b) [My/Our] medical/hospital insurance carrier is [insurance carrier name], and [my/our] policy number is [policy number].]

### 5. Ratification; Use of Photocopy.

- (a) [I/We] ratify all acts undertaken hereunder by our agent.
- (b) A photocopy of this document shall be considered as valid as the original.

### 6. Notices. Notice to the Principal:

As the "Principal" you are using this power of attorney to grant power to another person (called the Agent) to make decisions about your property and to use your property on your behalf. Under this power of attorney you give your Agent broad and sweeping powers to sell or otherwise dispose of your property without notice to you. Under this document your Agent will continue to have these powers after you become incapacitated. The powers that you give your Agent are explained more fully in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-C, Article 5, Part 9. You have the right to revoke this power of attorney at any time as long as you are not incapacitated. If there is anything about this power of attorney that you do not understand, you should ask an attorney to explain it to you.

**Notice to the Agent:** As the "Agent" you are given power under this power of attorney to make decisions about the property belonging to the Principal and to dispose of the Principal's property on the Principal's behalf in accordance with the terms of this power of attorney. This power of attorney is valid only if the Principal is of sound mind when the Principal signs it. 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. The duties are more fully explained in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-C, Article 5, Part 9 and Title 18-B, sections 802 to 807 and Title 18-B, chapter 9. As the Agent, you are generally not entitled to use the Principal's property for your own benefit or to make gifts to yourself or others unless the power of attorney gives you such authority. If you violate your duty under this power of attorney, you may be liable for damages and may be subject to criminal prosecution. 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 of termination are more fully explained in the Maine Uniform Power of Attorney Act and include, but are not limited to, revocation of your authority or of the power of attorney by the Principal, the death of the Principal or the commencement of divorce proceedings between you and the Principal. If there is anything about this power of attorney or your duties under it that you do not understand, you should ask an attorney to explain it to you.

This delegation of rights shall not be affected by my disability shall remain in effect to the extent permitted by the Maine Probate Code notwithstanding [my/our] disability or incapacity or later uncertainty as to whether [I/we] may be dead or alive.



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[I/We] have signed this Delegation of [Parental/Guardian] Powers on \_\_\_\_\_  
(date).

PARENT(S):

\_\_\_\_\_ (signature of first parent/guardian)

[OPTIONAL]:

\_\_\_\_\_ (signature of second parent/guardian)

AGENT(S):

\_\_\_\_\_ (signature of agent)

\_\_\_\_\_ (signature of notary)

[name and official title of notary administering  
the oath (e.g., Notary Public, Under Authority  
of 10 U.S.C. § 1044a)]

Position: [notary's position]

Grade and Branch of Service: [notary's grade  
and branch of service]

Command or Organization: [notary's command  
or organization]

(Name and Official Title of Notary Administering the Oath)

Notary Public, Under Authority of 10 U.S.C. § 1044a]



### Petition For Guardianship Forms

There are many lengthy forms involved in seeking to appoint a guardianship for a child. They can be accessed here<sup>5</sup>:

- [GS-001 Pet. for Guardianship of a Minor](#);
- [GS-003 Mot. Emergency Appt. Guardian of Minor](#)
- [GS-006 Affidavit of Notice for Emergency Guardianship of a Minor](#)
- [GS-007 Parent's Consent to Appointment of Guardian of Minor](#)
- [GS-008 Acceptance of Appointment by Guardian of Minor](#)
- [GS-009 Petition for Modification or Termination of Guardianship](#)
- [GS-012 Minor's Consent to Guardianship](#)

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<sup>5</sup> Maine's forms are available [here](#). Sort by "Guardianship," and all the relevant forms begin with "GS."



## Obtaining Birth Certificates<sup>6</sup>

Maine's vital records are housed at the Department of Health and Human Services, as well as most municipal offices statewide.

### Who can order a birth certificate?

- The person named on the birth certificate
- The current spouse of the person named on the birth certificate
- Mother or father of the person named on document
- Sibling of person named on the document
- Grandparent of person named on document
- Attorney representing one of the above with a signed contract of representation or authorization
- When someone not listed above attempts to obtain the birth certificate they must have a judgement noting custody of the child.

### Where can you obtain a birth certificate?

- In Person
  - Data, Research, and Vital Statistics (DRVS) at 220 Capitol Street, Augusta, Maine, 04330
  - Walk-ins are welcome between 9 a.m. and 4 p.m.
  - Upon arrival, applicants will be required to complete an application, provide identification, and pay the required fee.
  - There may be a 24-hour turn around.
- Mail
  - An applicant must send the following material to 220 Capitol Street, Augusta, Maine, 04330:
    - A completed application for a vital record: [Application for a Vital Record \(PDF\)](#);

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<sup>6</sup> [Request Documents | Maine Center for Disease Control & Prevention](#)

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- A copy of the applicant’s valid government-issued picture identification which bears the applicant’s signature;
  - A self-addressed stamped envelope;
  - The required fee in checks or money order, for the exact amount, made payable to the “Treasurer, State of Maine.”
  - A phone number or e-mail address in case further information is needed.
  - The average response time is 5-7 business days from the day Vital Records receives the application.
- Internet, Fax, Telephone
    - Vitalchek.com
    - 1-877-523-2659

# Immunizations<sup>7</sup>

- Mainers can now view, download, and share their immunization records from Maine's Immunization Information System (IIS) using a health record mobile app called Docket.
- Docket searches Maine's IIS using basic demographic information to display immunization records on a mobile device.
- Phone number verification is required.
- You must be 18 years or older to use Docket. Otherwise, the parent/legal guardian, or authorized representative, may access vaccine records on behalf of the minor child.
- Docket is available on the [Apple App Store](#), [Google Play](#), and on the [Docket Website](#). It can also be accessed on your computer: <https://id.app.dockethealth.com/>

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<sup>7</sup> [Immunization Records | Maine Center for Disease Control & Prevention](#)

## Consulates in Maine

There are no embassies or full-service consulates in Maine. While Maine has a few honorary consulates, and these are included below, please consult the work product covering New York and Massachusetts for each country’s nearest embassy and full-service consulate.

The following honorary consulates are located in Maine:

Country	Address	Contact Information
Bulgaria (Honorary)	PO Box 447, Manchester, Maine 04351	Email: <a href="mailto:Dtflan1234@aol.com">Dtflan1234@aol.com</a> Phone: +1 (207) 724 2042
France (Honorary)	15 Cottage Road, Suite 2223, PO Box 1058, South Portland, Maine 04106	Email: <a href="mailto:am@memory-lane.tv">am@memory-lane.tv</a>
<a href="#">Germany</a> (Honorary)	Norman, Hanson, & DeTroy, LLC, Two Canal Plaza, Portland, Maine 04101	Email: <a href="mailto:portland-me@hk-diplo.de">portland-me@hk-diplo.de</a> Phone: +1 207 - 553-4656
<a href="#">Iceland</a> (Honorary)	One Dana Street, Portland, Maine 04101	Email: <a href="mailto:bford@archipelagolaw.com">bford@archipelagolaw.com</a> Phone: +1 (207) 558 0102

