PARENTAL DESIGNATION FORM: SUGGESTED LANGUAGE FOR SPRINGING POWER IN THE EVENT OF ADMINISTRATIVE SEPERATION

NYS General Obligations Law Section 5-1551 allows for a parent to grant authority to “a person in parental relation”. See OCFS Form 4940 (06/2018). Section 4 (d) allows for the authority to spring from a designated event. The springing power is an especially useful tool for parents facing potential deportation or immigration detention to use to plan for the care of their children.

The term “administrative separation” is defined as a suspension of care between parent and child caused by incarceration, removal and/or deportation, in connection with a federal immigration matter.

The following language can be inserted in section 4 (d) of the designation form to allow a person in parental relationship be designated in the event of a parent’s administrative separation:

Sample:

4. Any authority granted to the person in parental relationship pursuant to this form shall be valid (check appropriate box and initial):

___ d. commencing upon date I become subject to an administrative separation such that care and supervision of the child(ren) will be interrupted or cannot be provided and continuing until administrative separation has ended or until the date of revocation, whichever occurs first.

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