

LEGAL FACT SHEET

A Parental Designation Form: Suggested Language for Springing Power in the Event of Administrative Separation

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. 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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