

### **What is a Custodial Power of Attorney?**

A Custodial Power of Attorney (CPOA) temporarily grants someone else the authority to make decisions for your child, such as enrolling them in school or obtaining medical care. It is an agreement between you and the person you are giving the power to, and you do not need to go to court to create it.

### **Who Signs a Custodial Power of Attorney?**

At least one parent should sign the CPOA, but it's best if both parents having legal rights sign. The caretaker does not need to sign.

### **When does a Custodial Power of Attorney start?**

A CPOA can begin once both parents sign the document or upon a specified event, such as being detained by immigration authorities.

### **What rights can you give by creating a Custodial Power of Attorney?**

You determine the custodial powers given to the caretaker. The CPOA can grant general authority over all parenting decisions or specify particular actions the caretaker is permitted to take.

### **Can someone who is not a parent get a passport for my child?**

Yes, a non-parent can get a passport for your child, but it can be challenging. If both parents have legal rights to the child, both must sign the CPOA to authorize a caretaker to get a passport or travel internationally with the child. To have the caretaker obtain your child's passport, complete this [form](#) and provide copies of both parents' valid IDs. More information is available [here](#).

### **Can someone who is not a parent travel internationally with my child?**

Yes. If both parents have legal rights to the child, both must sign the CPOA to authorize a caretaker to travel internationally with the child. Additionally, provide written permission from both parents and a copy of their IDs if another adult will travel with your child. More information is available [here](#).

### **Does the Custodial Power of Attorney have to be notarized?**

In DC, the law doesn't say you must notarize the CPOA, but it's a smart idea. Notarizing it helps prove you gave your caretaker the power to make decisions for your child, especially if you can't be there to confirm it. [*Note: Law for Maryland and Virginia to be checked.*]

### **How do I get my Custodial Power of Attorney notarized?**

A notary public is an individual with a special license to notarize someone's signature on a document. A notary public can be a lawyer but is not always a lawyer. A notary public often charges \$10 or less to notarize a document. Please refer to [ ] for a list of places that provide notary services.

### **How many copies of the Custodial Power of Attorney should I make?**

You should complete two originals in English. If English is not your first language, you should also do two originals in your preferred language. Take a photo of each

page of the CPOA in English and in your preferred language. Or, if possible, scan a copy for both you and the caretaker you picked. If you are getting the documents notarized, many of the places you go to get this service will make copies of the document for you if you ask.

**How does a Custodial Power of Attorney end?**

As a parent, you can cancel or take back in writing a CPOA at any time. To cancel or take back a CPOA is called “revocation” of a CPOA. To revoke is to take back. A court may also issue an order that cancels or changes the CPOA.

[*Note: The below draft of CPOA is in case of one parent signing the CPOA. CPOA in case of two parents signing has been provided separately.*]

DISTRICT OF COLUMBIA CUSTODIAL POWER OF ATTORNEY  
PURSUANT TO D.C. CODE § 21-2301

1. I, \_\_\_\_\_, am the parent of the child(ren) listed below. My address is \_\_\_\_\_ . There are no court orders now in effect which would prohibit me from exercising the power that I now seek to convey.

2. I wish to give \_\_\_\_\_ the parental rights and responsibilities listed below regarding the care custody and control of my child, \_\_\_\_\_, whose date of birth is \_\_\_\_\_.

3. This custodial power of attorney shall take effect on \_\_\_\_\_ (insert a specified date) or [the day on which] I experience an “adverse immigration event.” For the purposes of this power of attorney, an “adverse immigration event” means any event resulting in my temporary or sustained incarceration, or any of the following events:

(A) My arrest or apprehension by any local, state, or federal law enforcement officer for an alleged violation of federal immigration law;

(B) My arrest, detention, or custody by the Department of Homeland Security or a federal, state, or local agency authorized or acting on behalf of the Department of Homeland Security;

(C) My departure from the United States under an order of removal, deportation, exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure;

(D) The denial, revocation, or delay of the issuance of a visa or transportation letter by the Department of State;

(E) The denial, revocation, or delay of the issuance of a parole document or reentry permit by the Department of Homeland Security; or

(F) The denial of admission or entry into the United States by the Department of Homeland Security or other local or state officer acting on behalf of the Department of Homeland Security.

4. The powers I wish to grant are as follows:

[initial every line that is appropriate]

\_\_\_\_\_ physical custody of the child listed above;

\_\_\_\_\_ the authority to enroll the child listed above in school;

\_\_\_\_\_ the authority to obtain educational records regarding the child(ren) listed above;

\_\_\_\_\_ the authority to make all school-related decisions for the child(ren) listed above;

\_\_\_\_\_ the authority to obtain medical, mental health, or dental records regarding the child listed above;

\_\_\_\_\_ the authority to consent to medical, mental health, or dental treatment for the child listed above;

\_\_\_\_\_ the authority to act as representative payee for any Social Security benefits for the child listed above may be eligible;

\_\_\_\_\_ the authority to receive any other benefits for which the child listed above may be eligible; and

\_\_\_\_\_ the authority to obtain a passport for my child [Note to draft: For detailed instructions on how a custodian

can obtain a passport for a child, please refer to Question of \_ the FAQ section above.]  
\_\_\_\_\_ the authority to travel internationally with my child for the purpose of reuniting my child with me or another family member who I authorize reunification with [Note to draft: For detailed instructions on how a custodian can travel with a child, please refer to Question of \_ the FAQ section above.]  
\_\_\_\_\_ all of the rights and responsibilities listed above and, to the greatest extent possible by law, the authority to make any other decision or obtain any other benefits necessary for the welfare of the child(ren) listed above.

4. This custodial power of attorney does not include authority to consent to the marriage or adoption of the child. In addition, unless otherwise agreed by the parties in writing, the custodial power of attorney granted in this form does not affect:

- (a) the right of the above-listed child to inherit from his or her (their) parent;
- (b) the parent's right to visit or contact the child;
- (c) the parent's right to determine the child's religious affiliation;
- (d) the parent's responsibility to provide financial, medical, and other support for the child.

5. As set forth in D.C. Code § 21-2301, the custodial power of attorney granted in this form does not affect my rights in any future proceeding concerning custody of or the allocation of parental rights and responsibilities for the child listed above.

6. The custodial power of attorney granted in this form shall take effect immediately. It shall continue to be effective even if I become disabled, incapacitated, or incompetent.

7. The custodial power of attorney granted in this form shall continue until I revoke it in writing and notify the third party of my revocation in writing.

8. A person or entity that relies on this custodial power of attorney in good faith has no obligation to make any further inquiry or investigation into the authority of the attorney to act as described in this document. Revocation of this custodial power of attorney is not effective as to a person or entity that relies on it in good faith until that person or entity learns of the revocation.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Parent's Signature) District of Columbia

\_\_\_\_\_, ss:  
(State/District of Columbia)

SUBSCRIBED AND SWORN TO before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public My commission expires: \_\_\_\_\_

[In case two parents are signing the CPOA, please use the version below.]

DISTRICT OF COLUMBIA CUSTODIAL POWER OF ATTORNEY  
PURSUANT TO D.C. CODE § 21-2301

1. We, \_\_\_\_\_, and \_\_\_\_\_ are the parents of the child(ren) listed below. Our address is \_\_\_\_\_. There are no court orders now in effect which would prohibit us from exercising the power that we now seek to convey.

2. We wish to give \_\_\_\_\_ the parental rights and responsibilities listed below regarding the care custody and control of our child, \_\_\_\_\_, whose date of birth is \_\_\_\_\_.

3. This custodial power of attorney shall take effect on \_\_\_\_\_ (insert a specified date) or [the day on which] when [one/both- PLEASE CHOSE RELEVANT OPTION] of us experience an “adverse immigration event.” For the purposes of this power of attorney, an “adverse immigration event” means any event resulting in our temporary or sustained incarceration, or any of the following events:

(A) Our arrest or apprehension by any local, state, or federal law enforcement officer for an alleged violation of federal immigration law;

(B) Our arrest, detention, or custody by the Department of Homeland Security or a federal, state, or local agency authorized or acting on behalf of the Department of Homeland Security;

(C) Our departure from the United States under an order of removal, deportation, exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure;

(D) The denial, revocation, or delay of the issuance of a visa or transportation letter by the Department of State;

(E) The denial, revocation, or delay of the issuance of a parole document or reentry permit by the Department of Homeland Security; or

(F) The denial of admission or entry into the United States by the Department of Homeland Security or other local or state officer acting on behalf of the Department of Homeland Security.

4. The powers we wish to grant are as follows:

[initial every line that is appropriate]

\_\_\_\_\_ physical custody of the child listed above;

\_\_\_\_\_ the authority to enroll the child listed above in school;

\_\_\_\_\_ the authority to obtain educational records regarding the child(ren) listed above;

\_\_\_\_\_ the authority to make all school-related decisions for the child(ren) listed above;

\_\_\_\_\_ the authority to obtain medical, mental health, or dental records regarding the child listed above;

\_\_\_\_\_ the authority to consent to medical, mental health, or dental treatment for the child listed above;

\_\_\_\_\_ the authority to act as representative payee for any Social Security benefits for the child listed above may be eligible;

\_\_\_\_\_ the authority to receive any other benefits for which the child listed above may be eligible; and

\_\_\_\_\_ the authority to obtain a passport for my child [NOTE TO DRAFT: FOR DETAILED INSTRUCTIONS ON HOW A CUSTODIAN CAN OBTAIN A PASSPORT FOR A CHILD, PLEASE REFER TO QUESTION OF \_ THE FAQ SECTION ABOVE.]

\_\_\_\_\_ the authority to travel internationally with my child for the purpose of reuniting my child with me or another family member who I authorize reunification with [NOTE TO DRAFT: FOR DETAILED

INSTRUCTIONS ON HOW A CUSTODIAN CAN TRAVEL WITH A CHILD, PLEASE REFER TO QUESTION OF THE FAQ SECTION ABOVE.]

\_\_\_\_\_ all of the rights and responsibilities listed above and, to the greatest extent possible by law, the authority to make any other decision or obtain any other benefits necessary for the welfare of the child(ren) listed above.

4. This custodial power of attorney does not include authority to consent to the marriage or adoption of the child. In addition, unless otherwise agreed by the parties in writing, the custodial power of attorney granted in this form does not affect:

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- (c) the parent's right to determine the child's religious affiliation;
- (d) the parent's responsibility to provide financial, medical, and other support for the child.

5. As set forth in D.C. Code § 21-2301, the custodial power of attorney granted in this form does not affect my rights in any future proceeding concerning custody of or the allocation of parental rights and responsibilities for the child listed above.

6. The custodial power of attorney granted in this form shall take effect immediately. It shall continue to be effective even if I become disabled, incapacitated, or incompetent.

7. The custodial power of attorney granted in this form shall continue until I revoke it in writing and notify the third party of my revocation in writing.

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Parent's Signature) District of Columbia

\_\_\_\_\_, ss:

(State/District of Columbia)

SUBSCRIBED AND SWORN TO before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ Notary Public My commission expires: \_\_\_\_\_