



April 2017 Tip of the Month Family Preparedness Toolkit – Minnesota

INFORMATION SHEET:

Delegation of Parental Authority (DOPA) in Minnesota
(Minn. Stat. § 524.5-211)



What is a Delegation of Parental Authority (DOPA)?

- A DOPA lets you give the legal authority to someone else to make decisions for your child or children. You choose the person you want to care for your child. This is an agreement between you and the person you want to care for your children. It is not a court order. The agreement is temporary and can last up to one year. You can renew it every year.
- The DOPA is one legal way in Minnesota to temporarily allow someone else to make decisions for your children. You do not need to go to court to do the DOPA. There are other legal actions you can take to give someone else temporary custody of your children. You should talk with a family lawyer if you would like information about these other options.

Why might I want to do a DOPA?

- If you are at risk of being arrested, detained or deported, and have minor children in your care, you may want to consider doing a DOPA.
- A DOPA may help avoid your children being placed in foster care if you are picked up by ICE.

What is the delegated caregiver responsible for?

- The delegated caregiver is responsible for:
 - providing food, clothing and shelter for your child
 - protecting the child from harm
 - obtaining necessary medical care for your child
 - enrolling the child in school

Note: You may also add other responsibilities in the Delegation of Parental Authority. For example, some parents may want to add that they give permission for the caregiver to arrange for domestic or international travel for the child. This may or may not be honored.

Who can I give this authority to?

- You can give permission to anyone you choose to care for your children. Here are some questions to ask before you decide who you would like to care for your children:
 - Will the person I choose to care for my children take good care of them?
 - Does the person I choose want to care for my children?
 - How long can the person I choose care for my children?
 - How much will it cost to take care of my children?
 - If the person I choose is not a U.S. citizen or lawful permanent resident, or someone with a legal status, will this affect my children’s situation? (For now in Minnesota, the person you choose does not need to have an immigration status, but this could change in the future.).

- Have I given the person who will take care of my children all the information they need to take good care of them? (For example, do they know my child’s medical needs and the names of their doctors? Do they know where my child goes to school? Do they have other important information and emergency contacts?)

What information do I need to complete the DOPA form?

- The **name** and home **county** of the **person who will care for your child**
- The **county where** you will get your **form notarized**
- The **complete names** and **birthdates** of your **child or children**

When does the DOPA end?

- The DOPA is valid for up to one year from the date it is signed and notarized but it can be renewed for one year at a time.
- Any parent can revoke or cancel the DOPA at any time. The best thing to do would be to revoke or cancel the DOPA in writing, but this is not a requirement.
- If a non-custodial parent wants to revoke and /or remove the child from the designated caregiver’s home, s/he may need to go to court to get an order of custody.

Who has to sign and who has to know about the DOPA?

- One parent can sign the DOPA but you have to tell the other living parent about the DOPA within 30 days of getting the DOPA notarized (see exceptions below). You can mail or deliver by hand the DOPA within 30 days.
- The parent who signs the DOPA does NOT have to tell the other living parent about the DOPA IF:
 - The other parent does NOT have visitation rights under a court order, OR
 - The other parent has supervised visitation rights under a court order, OR
 - The other parent has an existing Order for Protection against him/her.

Who has to sign the DOPA and how?

- At least one parent must sign the DOPA with a Notary Public who will watch the parent sign and date the form. The parent must show the Notary Public a valid photo ID.

Where can I get help to complete a DOPA?

- There is an online form available in English at: <http://www.lawhelpmn.org/resource/online-delegation-of-parental-authority?lang=EN>
- The Volunteer Lawyers Network has special workshops to help people complete the DOPA.

Do I need to talk to a lawyer?

- You should talk to a lawyer before you use this form if:
 - The other parent wants custody of your child, OR
 - Your child will be living in another state, OR
 - The other parent is spending time with your child, and the new home will make that more difficult, OR
 - You have any questions about whether a DOPA is best for you and your child.