



**IMMIGRANTS IN ARKANSAS**

# KNOW YOUR RIGHTS



UPDATED FEB. 2025

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# ABOUT THIS GUIDE

This guide contains general information to support you should you encounter police or immigration enforcement activity in your daily life.

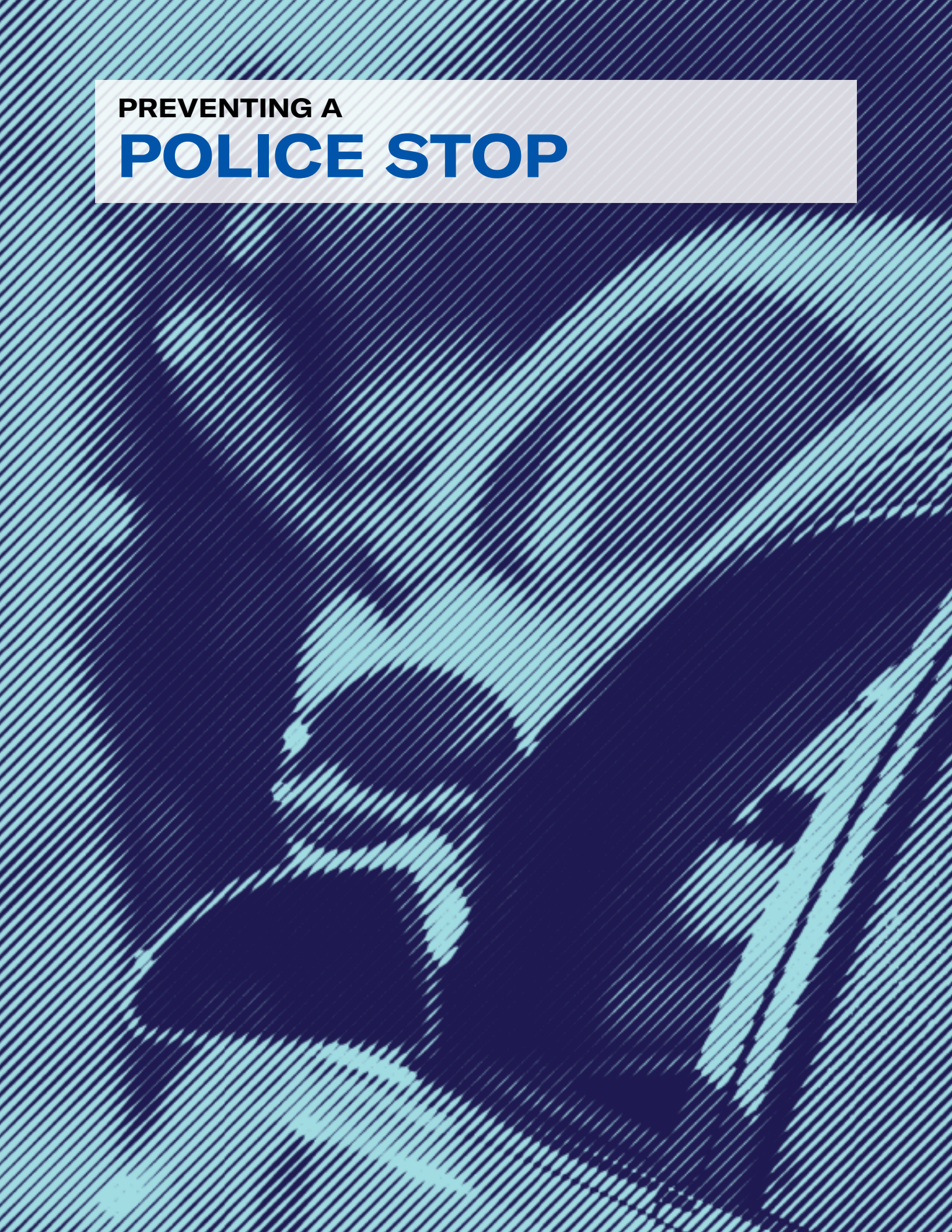
**It is not a substitute for legal advice specific to you.**

To report concerning ICE activity or violation of your rights, use our intake form at: [www.acluarkansas.org/get-help](http://www.acluarkansas.org/get-help) or if you want more information about your rights, see the list of resources at the end of this document.



**PREVENTING A**

# **POLICE STOP**



# PREVENTING A POLICE STOP

While it's not possible to guarantee that you won't be stopped by police, there are several precautions you can take to minimize the risk. Staying vigilant about your vehicle's condition and adhering to traffic laws can significantly reduce the likelihood of being pulled over, which can be particularly beneficial for immigrants who might be at risk of profiling.

- **Check Your Vehicle's Lights**

- Regularly ensure that all your vehicle's lights are operational. This includes headlights, taillights, brake lights, and turn signals. Non-functioning lights are a common reason for traffic stops.
- Make sure the light over your license plate is working so that your plate is visible in low light conditions.

- **Seatbelt and Child Safety Seats**

- Always wear your seatbelt while driving. This is a basic rule but is often a primary cause for traffic stops.
- Ensure that all children in the vehicle are buckled into car seats or booster seats that meet the state's legal requirements based on the child's age, weight, and height.

- **Follow Traffic Laws**

- Adhere strictly to speed limits. Remember that traffic laws can vary from one place to another, so pay attention to road signs indicating speed limits, especially in unfamiliar areas like school zones, neighborhoods, and construction sites.
- Obey all traffic signs and signals without exception. This includes stop signs, yield signs, and lights.
- Don't text while driving to avoid erratic and unsafe driving.

- **Keep Your Vehicle Registration and Documents Updated**

- Ensure your vehicle registration is current and visibly displayed. Keep a copy of your registration and any related documents handy.
- Carry proof of valid auto insurance at all times. This not only prevents stops but is also crucial if you are stopped or involved in an accident.

- **Vehicle Maintenance and Appearance**
  - Keep your vehicle in good working order. This includes regular checks on the engine, tires, brakes, and exhaust system to avoid mechanical issues that could attract police attention.
  - Ensure that your windows, windshield, and mirrors are clean and free from significant cracks or obstructions. Also, adhere to state laws regarding tinted windows to avoid unnecessary stops.
- **Be Cautious with Add-ons and Modifications**
  - Avoid flashy modifications. Custom modifications like neon lights, flashy paint, extremely loud exhaust systems, or oversized rims can draw attention. Stick to standard vehicle specifications to blend in more effectively with traffic.
- **Plan Your Route**
  - Plan your route in advance, especially if you're traveling in unfamiliar areas. Knowing where you're going and posted speed limits can prevent erratic driving behavior, which can lead to being stopped.
- **Cultural and Language Considerations**
  - If English is not your first language, consider having a translated script or a digital device ready to assist in basic communication with law enforcement if stopped. Additionally, having the ACLU's **Know Your Rights** card in your preferred language can be helpful.



## PREVENTING A POLICE STOP

**KNOW YOUR RIGHTS:**

# **DREAMERS (DACA)**



**SCAN THIS QR CODE WITH YOUR MOBILE  
DEVICE'S CAMERA TO LEARN MORE ABOUT  
YOUR RIGHTS AS A DACA RECIPIENT.**



**IDENTIFYING**

# **LAW ENFORCEMENT**



# IDENTIFYING LAW ENFORCEMENT

**Disclaimer:** The following are general guidelines and may not invariably apply in every scenario. Uniforms, vehicles, and procedures can vary by jurisdiction, agency, and specific circumstances. Always use caution and seek legal advice if needed.

Understanding the differences between various law enforcement officers can be crucial, especially in interactions that could affect your rights and legal status. Here's a brief guide to help you recognize ICE agents, state police, sheriffs, and city police:

## ICE (IMMIGRATION AND CUSTOMS ENFORCEMENT)

- **Uniform:** ICE agents typically wear uniforms with "ICE" printed in large letters across the back or on a badge on the front of their shirts. They may also wear plain clothes.
- **Identification:** They should carry and be able to present an identification badge and a warrant if they are conducting an arrest or search.
  - A judicial warrant must be signed by a judge and say "U.S. District Court" or a state court at the top.
  - Sometimes, ICE agents try to use an administrative warrant to enter. But an administrative warrant does NOT allow agents to enter private areas without your permission. Administrative warrants are not from a court. They say "Department of Homeland Security" and are on Forms I-200 or I-205.
- **Without a judicial warrant, ICE agents need YOUR permission to enter private areas of your business.**





## STATE POLICE/TROOPERS

- **Uniform:** State police often wear tan or dark blue uniforms with the state seal on their shoulder patches. They are typically responsible for law enforcement duties across the entire state, particularly on highways.
- **Vehicle:** Their vehicles are usually marked with the state seal and are equipped with a distinctive colored light bar on the top.

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## HIGHWAY PATROL

- **Uniform:** Members of the Highway Patrol may wear uniforms similar to those of state troopers. Their uniforms often have distinct insignia denoting their specific duties related to highway and traffic enforcement.
- **Vehicle:** Highway Patrol vehicles are typically marked with unique insignias or stripes that distinguish them from other state police units. These vehicles are equipped with radar units and other traffic enforcement tools.



## SHERIFF'S DEPARTMENT

- **Uniform:** Sheriff's deputies typically wear uniforms with a star-shaped badge. The uniform color can vary, but brown or green are common.
- **Vehicle:** Their vehicles usually have the word "Sheriff" on the sides and may include the specific county name.

## IDENTIFYING LAW ENFORCEMENT

## CITY POLICE/MUNICIPAL POLICE

- **Uniform:** Sheriff's deputies typically wear uniforms with a star-shaped badge. The uniform color can vary, but brown or green are common.
- **Vehicle:** Their vehicles usually have the word "Sheriff" on the sides and may include the specific county name.



### Tips for All Encounters

- Always ask to see a badge and an identification card. Law enforcement officers are required to show you their identification upon request.
- Official vehicles will have clear markings that are hard to fake. Look for items like government license plates and official seals.
- Familiarize yourself with the uniforms and vehicles used by local law enforcement through official city or county websites.

CREATING A

# FAMILY SAFETY PLAN





# CREATING A SAFETY PLAN

It is best to prepare in advance before you encounter a situation involving police or the Department of Homeland Security / Immigrations and Customs Enforcement (DHS/ICE).

## **Documents**

- Know which documents you should carry with you.
- Carry a valid U.S. ID (like a driver's license) or U.S. passport if possible
- If you have a green card, carry it with you (or a copy of it)
- Carry a card with the contact information of your immigration attorney and/or union representative.
- Do NOT carry fake IDs or false immigration documents
- If you're over 18, always carry your papers with you.
  - If you are not a U.S. citizen and an immigration agent requests your immigration papers, depending on your status, you must show them if you have them with you.
  - If you don't have them, tell the officer that you want to remain silent, or that you want to consult a lawyer before answering any questions.

## **Create a Family Plan**

Make sure your trusted family or friends know your:

- Immigration "A" number (if you have one). This is a nine-digit number that is used to identify anyone who has had ever had contact with immigration. It may start with an "A." It will be on any immigration document you've ever received, like a court notice, a work permit, or other document.
- Exact name.
- Exact date of birth.
- Country of origin or citizenship. (Usually where you were born.)
- If they have all your personal information, they can check the ICE Locator website to try to find out where you are being detained: <https://locator.ice.gov>

## **Important Documents**

Make sure you and your trusted family members have access to copies of all your important documents, to be kept in a secure but accessible location. These documents may include:

- Immigration documents including records of any immigration status you ever had, of any prior filings with immigration or other immigration related documents. Include visa, work permits, A# and any other immigration or court related paperwork.
- Birth certificates for you and your children.
- Marriage certificate.
- Passports for you and your children.
- Any other forms of identification.
- Educational degrees.
- Key medical records for you and your children.
- Names and contact information for emergency contacts, including any attorneys.
  - Include anyone who has ever represented you in the past, and a list of lawyers who might be able to help defend you in immigration court.
- Powers of attorney.
- Military paperwork.
- Business paperwork.
- Any papers concerning your status as a witness or victim of a crime who is cooperating in an investigation.
- Papers related to any pending civil rights complaints.
- Any other important papers (lease, deed to your house, receipts for rent/mortgage payments, accounts information, etc.)

## **Childcare**

- If you have children or elderly relatives, plan for a family member or friend to care for them if you are detained.
- Carefully consider whether you should grant power of attorney or guardianship.
- Always have the telephone numbers of this relative or friend with you and make sure other people know of these plans.

## **Finances and Legal Support**

- You may decide to designate individuals you trust to make decisions for you if you are detained. They can help you withdraw money for expenses or bills.
  - Financial institutions may require you to execute a power of attorney for this. Check with your bank or financial service provider.
- Save money to pay for an attorney and cover other expenses
- You have a right to an attorney to help defend you in your immigration case, but unlike in a criminal case, the government will not provide you one for free.
  - Your family may also need to cover expenses while you're in detention, since you will not be able to work.
- Find an immigration attorney.
- Keep a list of organizations and private attorneys who might be able to help you.

## **At Work**

- Talk to your trusted coworkers. If possible, get them all to agree to remain silent if ICE comes to your job. There is strength in numbers.
- Remember to remain calm and do not run if ICE comes to your workplace.
- Remain silent and, if they arrest you, tell them you want to talk to your lawyer.
- If there is a union at your job, contact your union spokesperson to develop a plan in case there is an immigration enforcement action.



CREATING A **SAFETY PLAN**

# **POWER OF ATTORNEY ARRANGEMENTS**





# POWER OF ATTORNEY (POA) ARRANGEMENTS

**IMPORTANT NOTE:** *This guide provides general information about Power of Attorney (POA) arrangements and does not constitute legal advice. We strongly encourage you to seek the assistance of an attorney to ensure that any POA documents meet your specific needs and circumstances.*

A Power of Attorney allows you to authorize someone you trust to make decisions for you and/or your minor children. Below is an overview of how POAs work, what they do, and steps to consider when creating one.

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

A Power of Attorney (POA) is a private legal arrangement that grants another person (the agent) the authority to act on your behalf. It does not require court involvement and can be customized to suit your specific needs.

## **Key Features of a POA**

- **Creation:** You can create a POA by signing a legal document. It becomes effective immediately unless you specify a future start date.
- **Scope:** You decide what powers your agent has, such as handling financial matters or making medical decisions for yourself or for your minor children.
- **Revocation:** You can revoke a POA at any time by providing written notice.
- **Termination:** A POA ends automatically if you pass away or if a specified event or date is reached.

## **Customization Options**

When setting up a POA, you can tailor it to your needs:

- **Effective Date:** Specify whether the POA takes effect immediately or only under certain circumstances (e.g., incapacity).
- **Scope of Authority:** Decide if the agent has broad authority or is limited to specific tasks, such as managing bank accounts, making healthcare decisions for you or your children, or making school-related decisions for your children.
- **Duration:** Indicate how long the POA will remain active or the event that will terminate it.

### **Recommendations for POA Creation**

- Selecting someone reliable and capable of making decisions in your or your child's best interest. Choosing someone you know and trust is essential when selecting an agent. This person can be a close and trusted family member, friend, or even an attorney.
- While not always required, notarization can add credibility and make the document more widely accepted. Notaries are commonly found at banks, law offices, post offices and certain retail shipping stores like UPS and FedEx. Some notaries may require some form of photo identification unless they already know who you are.
- Keep physical and digital copies for yourself, your agent, and any institutions that may need them (e.g., banks, schools).

**Speak with a legal advisor to ensure your POA complies with Arkansas laws and covers all necessary details.**

### **What a POA Does Not Do**

- Unlike guardianships, POAs do not involve court monitoring, meaning there is less formal oversight of your agent's actions.
- A POA is no longer valid once the principal (you) passes away. In such cases, an executor takes over handling your estate.
- Some institutions may choose not to recognize a POA for liability reasons, leaving limited options for recourse.

### **Example Uses of a POA**

- Manage bank accounts, pay bills, and handle property transactions.
- Make medical choices on your behalf if you are unable to do so.
- Act as a parent for medical care and/or for school-related forms and decisions.

By setting up a POA, you can ensure that your affairs are managed according to your wishes without the need for court intervention. **Always consult with an attorney to create a document that fully meets your needs.**

**Find important POA forms  
at the end of this guide.**

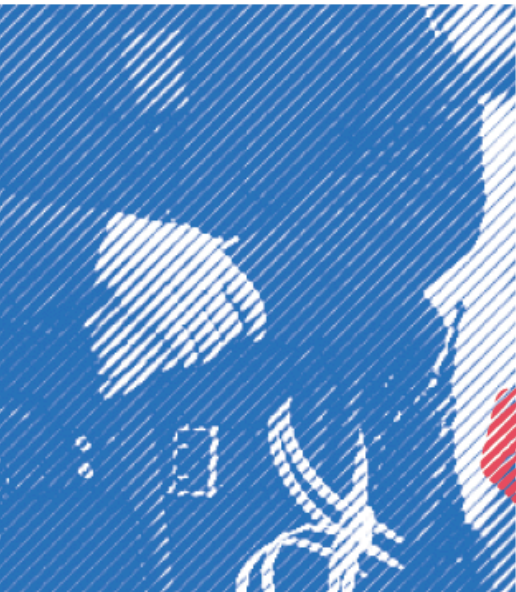
# KNOW YOUR RIGHTS: 100-MILE BORDER ZONE



SCAN THIS QR CODE WITH YOUR MOBILE DEVICE'S  
CAMERA TO LEARN MORE ABOUT YOUR RIGHTS WITHIN  
THE U.S.'S 100-MILE BORDER ZONE

**KNOW YOUR RIGHTS:**

# **WHEN ENCOUNTERING LAW ENFORCEMENT**



# KNOW YOUR RIGHTS: ENCOUNTERING LAW ENFORCEMENT

## GENERAL GUIDELINES

- **Stay calm.** Always remain calm and do not run or resist, regardless of the situation.
  - **Be prepared.** Memorize important contact information, including your lawyer's phone number, and make emergency plans if you have dependents or take medication.
  - **Be honest.** Do not lie, provide false documents, or sign anything without consulting a lawyer.
  - **Assert your rights.** Politely and clearly assert your rights when necessary.
- 

## IF YOU'RE STOPPED ON THE STREET

You have the right to remain silent. You are not required to answer questions unless:

- **You're Suspected of a Crime**
  - Under Arkansas law, you must provide your name if asked by law enforcement. However, if sharing your name could be self-incriminating, you can invoke your Fifth Amendment right to remain silent.
- **Your Status Is Requested by Immigration Agents**
  - If requested by immigration agents, you may be legally required to produce immigration-related documentation if you have them with you.

## What to Say

- If you feel safe, calmly say, "*I do not want to talk to you,*" and walk away calmly.
- If you are unsure or feel unsafe, ask, "*Am I free to go?*"
  - If the officer says "yes," walk away calmly.
  - If the officer says "no," you are being detained.

## **DETENTION VS. ARREST**

- **Detention**

- If the officer says you are not under arrest but you are not free to go, you are being detained.
- Police must have reasonable suspicion that you are engaging in or have engaged in criminal behavior to detain you.
- During detention, police can pat down the outside of your clothing only if they have reasonable suspicion that you are armed and dangerous.
- If an officer attempts to search more than a pat-down, clearly say: "I do not consent to a search."

- **Arrest**

- If you are placed under arrest, you have the right to remain silent and the right to an attorney.



## **IF YOU'RE STOPPED IN A VEHICLE**

### **Required Documents**

- You must show your driver's license, vehicle registration, and proof of insurance if asked.

### **Right to Remain Silent**

- You do not have to answer questions about your immigration status or where you were born.

### **Searches**

- You do not have to consent to a search of your car or belongings.
- Police may search your car without consent if they have probable cause to believe it contains evidence of a crime.

### **What to Say**

- Clearly state, *"I do not consent to a search."*

## **If Police or ICE Arrive at Your Home**

### **How to Reduce Risk**

- Prepare in advance. Know what you will do if you encounter police or immigration officers.
- Stay calm and keep the door closed. Opening the door does not give them permission to come inside, but they may try to push in if you open the door. If you are going to speak to the agents, it is safer to speak through the door.

### **Your Rights at the Door**

- Do not open the door unless officers present a warrant signed by a judge.
- A deportation or removal warrant (Form I-205) does not authorize officers to enter your home without your consent.
- If officers have a warrant signed by a judge, ask them to show it through a window or slide it under the door.
- If police have an arrest warrant, they are legally allowed to enter the home of the person on the warrant if they believe that person is inside. But a warrant of removal/deportation (Form I-205) does not allow officers to enter a home without consent.

KNOW YOUR RIGHTS **IN YOUR HOME**

### **What to Say**

- Once they arrive, ask which agencies they are with and why they are at your home.
- Ask the agent or officer to show you a badge or identification through the window or peephole.
- If they attempt to enter without a warrant, state: *“I do not consent to your entry.”*
- If they force entry, do not resist but say, *“I do not consent to your entry or search. I am exercising my right to remain silent and wish to speak to a lawyer.”*

### **Probation Exception**

- If you are on probation or parole with a search condition, officers may be allowed to enter your home.

### **If You Are Detained or Arrested**

- You have the right to remain silent. Say, “I wish to remain silent,” and do not discuss your immigration status or case without your lawyer.
- You have a right to legal representation.
  - If arrested **by police**, you have the right to a government-appointed lawyer if you cannot afford one.
  - If detained **by ICE**, you have the right to hire a lawyer, but the government is not required to provide one for you. You can ask for a list of free or low-cost alternatives.

### **Communication**

- You have the right to make a phone call to your lawyer or family. If calling a lawyer, the police cannot listen to the conversation.

### **Consular Notification**

- If you are a citizen of another country, it is important to know that under international law, authorities detaining you in the United States are mandated to notify your Consulate without delay about your arrest or detention. This is guaranteed by Article 36(b) of the Vienna Convention on Consular Relations. Consulates can offer resources to detainees and their families, including assistance with legal matters, communication, and access to essential services.



# UNDERSTANDING POLICE AND IMMIGRATION CUSTODY

## **48-Hour Detainer Limit**

- If you are arrested by local law enforcement, Immigration and Customs Enforcement (ICE) may issue a detainer, requesting that local authorities hold you for up to 48 hours (excluding weekends and holidays) beyond your scheduled release.
- Local authorities are not required to comply with ICE detainers and holding you longer than 48 hours without proper cause is illegal.

## **Notice to Appear (NTA)**

- If ICE places you into removal or deportation proceedings, they must provide you with an NTA, which officially starts the removal process. The NTA should include:
  - The reason for the proceedings.
  - The time and location of your court hearing.
  - If the time and place are not listed, contact an attorney immediately.

## **Right to Bond**

- You have the right to request release on bond or a bond hearing in front of an immigration judge. The judge may deny bond if they believe:
  - You may not attend your hearings, or
  - You pose a danger to others.

## **If You Believe Your Rights Were Violated**

- Document it. Write down everything you remember, including officers' badges and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses.
- If you're injured, seek medical attention immediately and take photographs of your injuries.

## **Filing a Complaint**

- File a written complaint with the agency's internal affairs division or civilian complaint board. In most cases, you can file a complaint anonymously if you wish.

KNOW YOUR RIGHTS **IF YOU'RE DETAINED**

# WHAT TO DO IF YOU'RE DETAINED WHILE YOUR IMMIGRATION CASE IS UNDERWAY

## Your Rights

- Most people who are detained while their case is underway are eligible to be released on bond or with other reporting conditions.
- You have the right to call a lawyer or your family if you are detained, and you have the right to be visited by a lawyer in detention.
- You have the right to have your attorney with you at any hearing before an immigration judge.

## What to Do If You Are Detained

- If you are denied release after being arrested for an immigration violation, ask for a bond hearing before an immigration judge. In many cases, an immigration judge can order that you be released or that your bond be lowered.

# I'VE BEEN ARRESTED AND NEED TO CHALLENGE A DEPORTATION ORDER

## Your Rights

- You have the right to a hearing to challenge a deportation order, unless you waive your right to a hearing, sign something called a “Stipulated Removal Order,” or take “voluntary departure.”
- You have the right to an attorney, but the government does not have to provide one for you. Ask for a list of free or low-cost alternatives. If you have no lawyer, ask the court to allow you time to find one.

## What To Do If You Are Arrested

- If you are told that you do not have the right to see an immigration judge, you should speak with a lawyer immediately.
  - There are some cases in which a person might not have a right to see an immigration judge. Even if you are told that is your situation, you should ask to speak to a lawyer immediately because immigration officers will not always know or tell you about exceptions that might apply to you.
- If you fear persecution or torture in your home country, tell an officer and contact a lawyer immediately. You have additional rights if you have this fear.

KNOW YOUR RIGHTS **IF YOU'RE ARRESTED**

## WHAT TO DO IF YOU'VE BEEN TAKEN INTO ICE CUSTODY

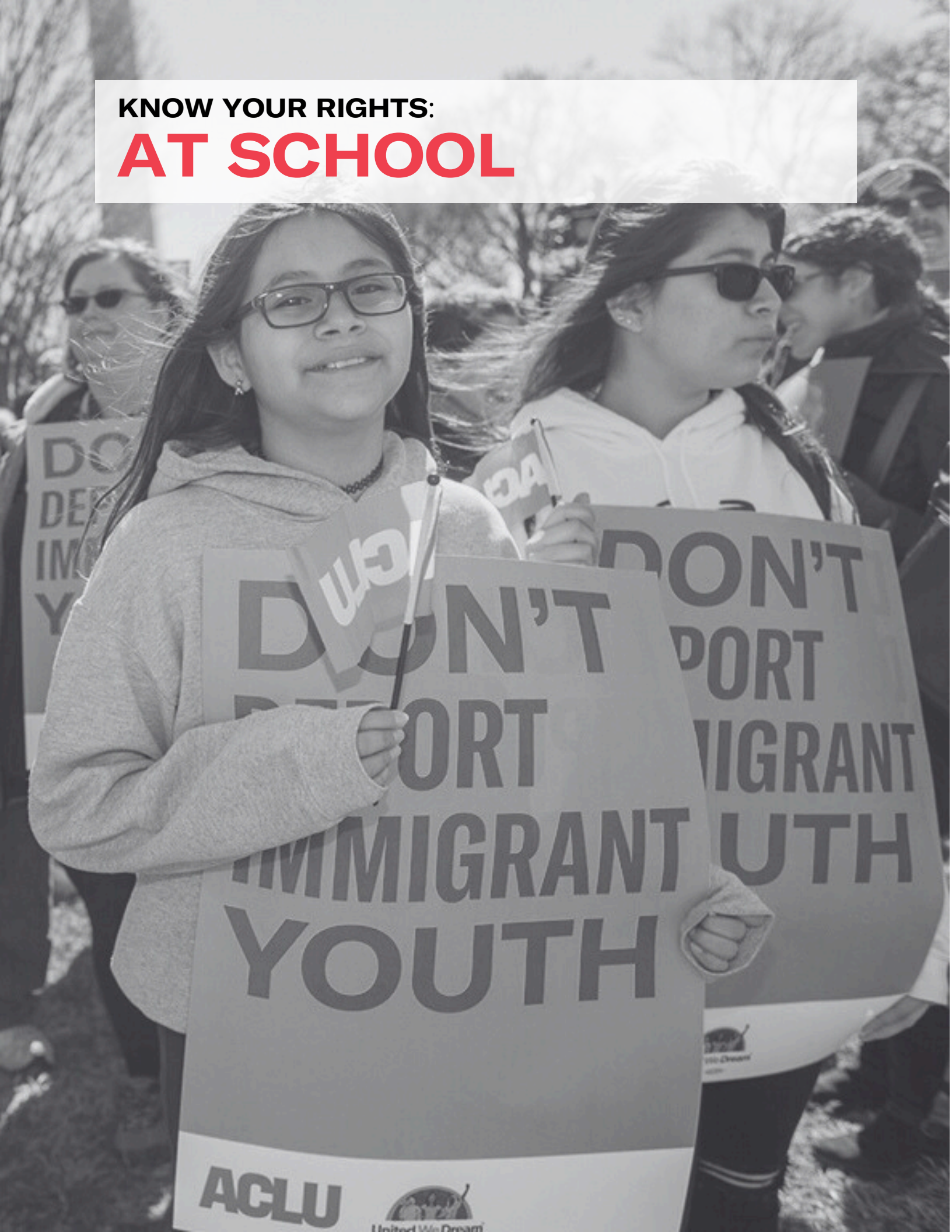
- **You have the right to a lawyer, but the government will not provide one.** If you don't have a lawyer, ask for a list of free or low-cost legal services.
- **You have the right to contact your consulate or have an officer inform the consulate of your arrest.**
- **Tell the immigration officer you wish to remain silent. Do not discuss your immigration status with anyone but your lawyer.**
- **Do not sign anything, such as a voluntary departure or stipulated removal, without talking to a lawyer.** If you sign, you may be giving up your opportunity to try to stay in the U.S.
- **Know your immigration number ("A" number) and give it to your family.** It will help them locate you.



KNOW YOUR RIGHTS **IN ICE CUSTODY**

**KNOW YOUR RIGHTS:**

# **AT SCHOOL**



DO  
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SUPPORT  
IMMIGRANT  
YOUTH

**ACLU**



# KNOW YOUR RIGHTS AT SCHOOL

## Education Rights for All Students

- Schools cannot discriminate against students based on race, color, or national origin.
- Undocumented children have the right to a free public education and cannot be denied enrollment based on immigration status (*Plyler v. Doe*, 457 U.S. 202 (1982)).
- Public schools must provide language instruction for students with limited English proficiency.

## Enrollment Requirements

- Schools cannot ask about a student's or parent's immigration status. Documents like birth certificates, family bibles, or affidavits can be used to establish age.
- Schools cannot require a social security number. If collected, schools must explain:
  - That providing it is voluntary.
  - Why the number is being requested.
  - How it will be used. (Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.)

## Privacy and Protection of Student Information

- Schools cannot share students' educational records, including immigration status, without:
  - Written consent from a parent or student (if 18 or older).
  - A judicial order or subpoena signed by a judge.
  - Even with an administrative subpoena, schools can challenge its reasonableness through legal counsel.

USE YOUR MOBILE DEVICE'S  
CAMERA TO SCAN THIS QR CODE  
FOR IMMIGRATION ENFORCEMENT  
GUIDANCE FOR SCHOOLS



KNOW YOUR RIGHTS **AT SCHOOL**

### **Best Practices for Schools**

- Collect only essential enrollment information (proof of residency, age, and immunization records.)
- Avoid questions that could indicate immigration status (e.g., place of birth.)

### **Law Enforcement and Immigration Agents at School**

- ICE and CBP have a policy of generally avoid enforcement actions in schools, school bus stops, and at educational activities (and also churches and hospitals) without prior approval or exigent circumstances. (ICE Sensitive Locations Memo, 2011.)

### **If ICE/CBP Agents Arrive**

Consistent with the school district's *Plyler* obligations, school officials must not affirmatively aid in removing a student from school based upon their immigration status. Instead they should:

- Direct them to the superintendent.
- Request written legal authorization (e.g., a judicial warrant signed by a judge.)
- Deny entry without proper documentation.
- Refer to the school district's obligations under *Plyler v. Doe*.
- Notify the student's parent or guardian immediately if a student is detained.
- Contact counsel for the district before sharing any information.

### **Building a Safe and Welcoming Environment**

- Schools should reassure families that all students are welcome, regardless of immigration status. Adopting resolutions or public statements can help alleviate fears.
- Schools should ensure a safe and inclusive environment by:
  - Training staff on legal obligations and immigrant student protections.
  - Committing school police and other partners to avoid immigration enforcement actions.

USE YOUR MOBILE DEVICE'S  
CAMERA TO SCAN THIS QR CODE  
AND FIND TEMPLATE SCHOOL  
BOARD RESOLUTIONS FOR  
IMMIGRANT FRIENDLY SCHOOLS



REPORT CONCERNING  
**ICE ACTIVITY**



**SCAN THIS QR CODE WITH YOUR MOBILE  
DEVICE'S CAMERA TO REPORT ICE ACTIVITY  
OR OTHER VIOLATIONS OF YOUR RIGHTS.**

**KNOW YOUR RIGHTS:**

# **IN THE WORKPLACE**





# KNOW YOUR RIGHTS IN THE WORKPLACE

## Overview For Employers

Employers must act swiftly and calmly during a workplace raid to protect their rights and employees.

- **Take charge.** Speak to the officer in charge, request a copy of the warrant, and contact your attorney. If applicable, also contact the Mexican consulate (1-501-952-3462.)
- **Understand warrants.** Only judicial warrants, signed by a judge, or your consent, allow searches of private areas. Administrative warrants (e.g., I-200, I-205) do not. Always verify the warrant and refuse unauthorized searches.
- **Assert your rights.** Calmly state: *“I do not consent to this search,”* or *“I’d like to call my attorney.”* Refusing consent in the presence of others, in a voice loud enough to be heard by witnesses, and repeating the refusal to consent, can ensure that you have critical witnesses to the lack of consent.
- **Document the raid.** Note officers’ names, badge numbers, and conduct. Record any rights violations or discriminatory actions.
- **Remain calm.** Remaining calm, informed, and assertive can help safeguard everyone involved.



# UNDERSTANDING WARRANTS

Before the government can search a workplace for suspected immigration violations, police or immigration enforcement must have either: consent from you, the employer OR a search warrant signed by a judge. **Check the warrant — not all warrants give officers free range to search your premises or talk to your employees.**

## What You Need to Know

- To question everyone present, the warrant must be: (a) to search the premises and (b) signed by a judge.
  - DHS often uses “warrants” that are only signed by ICE agents and are not signed by judges. The differences in warrants are why it is critical to have an attorney look at the warrant immediately.
- Asking for a warrant could elicit a change in attitude from the officers. Do not be intimidated! You have a right to ask for a warrant, and doing so protects your legal rights.

## **If ICE shows you an administrative warrant with an employee’s name on it:**

- You do NOT have to say if that employee is working on that day or not.
- You do NOT have to take the ICE agents to the employee named on the warrant (even if he or she is at work at the time.)

**Always insist on a warrant, and ensure it is a proper warrant. Do not consent to a search!**

U.S. Department of Justice  
Immigration and Naturalization Service

**Warrant of Removal/Deportation**

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

To any officer of the United States Immigration and Naturalization Service:

\_\_\_\_\_ (full name)  
who entered the United States at \_\_\_\_\_ (place of entry) on \_\_\_\_\_ (date of entry)  
is subject to removal/deportation from the United States, based upon a final order by:

an Immigration Judge in exclusion, deportation, or removal proceedings  
 a district director or a district director's designated official  
 the Board of Immigration Appeals  
 a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:  
Section 241 (a)(5) of the Immigration and Nationality Act (Act), as amended:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of the appropriation. "Salaries and Expenses Immigration and Naturalization Service 2002," including the expense of an attendant if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Signature of Officer)  
(Signature of Officer)  
(Date and Title (optional))

Form I-208 (Rev. 4-1-89)

KNOW YOUR RIGHTS **IN THE WORKPLACE**

# WHERE CAN GOVERNMENT AGENTS GO AND NOT GO WITH A JUDICIAL WARRANT?

## Private Areas

- Immigration agents can enter a private area ONLY IF they have a judicial warrant.
    - A judicial warrant must be signed by a judge and say “U.S. District Court” or the name of a state court at the top.
    - If ICE agents tell you that they have a judicial warrant, ask for a copy and read it.
  - Sometimes, ICE agents try to use an administrative warrant to enter. But an administrative warrant does NOT allow agents to enter private areas without your permission. Administrative warrants are not from a court. They say “Department of Homeland Security” and are on Forms I-200 or I-205.
  - Without a judicial warrant, ICE agents need YOUR permission to enter private areas of your business.
    - If ICE agents try to enter a private area, you should say: *“This is a private area. You cannot enter without a judicial warrant signed by a judge. Do you have a judicial warrant?”*
- 

## Public Areas

- Anyone — including ICE agents — can enter public areas of your business without permission.
- Public areas include a dining area in a restaurant; parking lot; lobby or waiting area.
- Being in a public area does NOT give ICE the authority to stop, question, or arrest just anyone.
- Again, no one can enter a private area of your business without your permission or a judicial warrant.

**TIP:** To help demonstrate that some areas are private, mark them with a “Private” sign, keep the doors closed or locked, and have a policy that visitors and the public cannot enter those areas without permission.

KNOW YOUR RIGHTS **IN THE WORKPLACE**

## KEY PHRASES TO ASSERT YOUR RIGHTS

Asserting your rights is critical. In intimidating and stressful circumstances, it is all the more important to remember to assert your rights. There are respectful and non-confrontational ways to speak with police or immigration officers, such as:

- *“I would like to see the warrant, please.”*
- *“No, I do not consent to a search.”*
- *“Are the employees free to go back to work or leave?”*
- *“I do not wish to answer any questions, and would like to call my attorney now, please.”*

### Information About Agencies & Details of Action

- **Verify the identities of the officers.** There have been instances of people masquerading as police, so be certain that they are actual police.
  - If circumstances allow, ask for the name, police agency, and badge number of all officers working the raid. Verifying the name, badge number and agency of the officers present can deter the officers from unlawful conduct and allow you to hold them accountable if your rights have been violated.
- **Abusive conduct on the part of any officer is unlawful regardless of immigration status and should be reported immediately to your attorney, the consulate (if applicable), and the ACLU.** File a written complaint with the agency’s internal affairs division or civilian complaint board.
- **Remember important details.** It is critical for both the employer and employees to try to recall as many details about the raid as possible.
  - Were employees free to go about their work and decline to answer questions?
  - Was there differing treatment due to race or ethnic appearance?
  - Did officers target only those who appeared to be Latine?
  - Did officers direct the employees to self-identify (ex. citizens on the left, non-citizens on the right?)
  - Were employees who identified themselves as citizens asked to produce proof thereof? All or only some?
  - Are there other facts that suggest discriminatory treatment?
- **Note and remember which persons, if any, were arrested.**

## KNOW YOUR RIGHTS **IN THE WORKPLACE**

# ADDITIONAL TIPS FOR EMPLOYERS DURING AND AFTER A RAID

## **What to Do During the Raid**

- Stay calm! Ask your workers to stay calm, too. Do not run to exits. This will make things worse because ICE agents can say that people who are running are likely violating immigration laws.
- Do NOT help ICE agents sort people by their immigration status or the country they are from.
- Watch the agents and see if they are complying with what's written in the warrant.
- If you or an employee is willing, you should record what the ICE agents do and say at your workplace. You may be able to prove the agents violated your rights or your workers' rights. Note that recording may upset the officers and could escalate the situation.
- If ICE arrests any of your workers, ask the ICE agents where they are being taken. This information will help the worker's family and lawyer find the person.

## **What if ICE Agents Try to Stop, Question, Detain, or Arrest a Worker?**

- ICE agents may try to stop, question, or even arrest a worker without the proper authority.
- The best way for workers to protect their rights is to stay silent and ask for an attorney.
- Any information a worker gives ICE can be used against him or her later.

## **Immediately After the Raid**

- Write or record these things after ICE leaves:
  - How many ICE or police agents were present (inside and outside)?
  - How were the agents dressed? How were they armed?
  - Did the agents make you or your workers believe you could not move or leave?
  - Did the agents mistreat anyone? If yes, how?
- Notify the employees' union, if any.

KNOW YOUR RIGHTS **IN THE WORKPLACE**

## **What to Do in an I-9 Audit**

When ICE notifies you that there will be a Form I-9 audit, contact an employment or immigration lawyer. Also notify your workers and their union representative about the audit.

- The law gives you three work days to produce your I-9 Forms. Do not provide your documents early.
- You have the right to speak to your lawyer before answering questions or signing documents.
- Allow your employees to have coworkers or any union representatives present when discussing I-9 audits.
- After reviewing the I-9 forms, ICE may find some employees are not authorized to work. If that happens, ICE will give you 10 days to provide valid work authorization for these employees. If you can't provide the documents by that time, you will be told to end their employment.
- If this happens, you must notify the affected workers of the audit.
- Ask ICE for more time. This will give you and any potentially affected workers more time to talk to an immigration lawyer.



KNOW YOUR RIGHTS **IN THE WORKPLACE**

# TIPS FOR WORKERS

## **How to Reduce the Risk to Yourself**

- Ask to speak with a lawyer.
  - Do not carry false documents.
  - Prepare a form or document that authorizes another adult to care for your minor children.
  - Advise family members who do not want to be questioned by ICE to stay away from the place where the raid occurred or where a detained person is being held.
  - Do not run away from the officers. They will then presume you are in the U.S. illegally and you will likely be arrested.
  - Find the name and phone number of a reliable immigration attorney and keep this information with you at all times.
- 

## **Understanding Your Rights in the Workplace: What You Need to Know**

- If law enforcement or immigration agents are welcomed into your workspace by your manager or business owner, they are legally allowed to search your workspace with or without your consent.
- Do not sign any documents without first speaking to a lawyer.
- Do not allow ICE agents to coerce you into signing any documents. They will often present “stipulated orders of removal” or “voluntary departures.”
- Arkansas state law makes it a misdemeanor to falsely identify oneself to a law enforcement officer.
- Under state law, you must provide your name if asked for an official law enforcement purpose. Official law enforcement purposes include pursuing a reasonable suspicion of criminal activity or seeking your name for officers’ safety or as a witness.
  - If giving your name to officers could be incriminating, you should consult in advance with an attorney who can advise you of the consequences for your immigration status vs. consequences under state law.

KNOW YOUR RIGHTS **IN THE WORKPLACE**

## **How to Respond to Questions Regarding Your Immigration Status**

- **Once law enforcement has entered, they likely will begin questioning people as to their identities, papers, or status.** Some immigrants' status will require them to carry and show particular papers. If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.
- **Regardless of whether you are free to leave, you do not have to answer questions about your citizenship, immigration status or anything else.** If you do answer questions and you say that you are not a U.S. citizen, this can be used against you.
  - **Unless your immigration status requires you to produce documents, remain silent, or tell the ICE or police agents that you wish to remain silent.** Answering any questions about your country of origin or legal status can very quickly give police probable cause or reasonable suspicion to detain you. You may not even realize you are being interviewed until it is over. Be wary of all questions from any law enforcement of this nature.





KNOW YOUR RIGHTS

# IN AIRPORTS



**SCAN THIS QR CODE WITH YOUR MOBILE DEVICE'S  
CAMERA TO READ ABOUT YOUR RIGHTS WHEN  
ENCOUNTERING CUSTOMS AND BORDER PROTECTION  
(CBP) OFFICERS AND HOMELAND SECURITY  
INVESTIGATIONS (HSI) AGENTS IN AIRPORTS.**



**CONFIRMING AND DOCUMENTING**

# **ICE ENFORCEMENT ACTION**

**POLICE  
ICE**

# CONFIRMING AND DOCUMENTING ICE ENFORCEMENT ACTION

**Immigration and Customs Enforcement (ICE) raids and enforcement actions are intended to enforce immigration laws, but they must also respect constitutional protections.** Every person in the U.S. is entitled to certain fundamental rights under the Constitution, regardless of immigration status. This includes the right to equal protection and fair treatment without discrimination based on appearance, accent, or perceived nationality.

Unfortunately, ICE often breaches these protections. For instance, targeting specific ethnic neighborhoods or workplaces, entering homes without valid warrants or informed consent, and coercing people during interrogations are all actions that may violate constitutional rights. These practices not only undermine legal standards but also foster fear and distress within communities.

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## Confirming an ICE Enforcement Action

Given the rise in anti-immigrant sentiment around the country as well as numerous unconfirmed rumors about ICE enforcement actions increasing fear, we are creating a short questionnaire that advocates and community members can use to confirm ICE raids and help dispel inaccurate information from being spread throughout the community. We advise that advocates try to get answers to all the questions below before posting anything on social media.

- **Before reacting or disseminating information, confirm the occurrence of an ICE raid.** Contact reliable sources such as local immigrant advocacy groups, consular officials, legal aid entities, or community leaders.
- **If you witness a raid or other activity, document the event meticulously — note the location, date, time, and any identifiable details of the officers or vehicles involved. Such records are crucial for accountability.**
- **Communicate the information through trusted channels, emphasizing calm and preparedness.** Distribute Know Your Rights resources to assist those affected.
- Ensure the accuracy of the information shared to prevent unnecessary panic and confusion in the community.

CONFIRMING ICE ENFORCEMENT ACTION

## **Rights Regarding Filming and Photography**

- You are legally allowed to record or photograph law enforcement actions, including ICE operations, when you are lawfully present in any public space or your own property. This includes filming federal buildings, transportation facilities, and police activities. However, private property owners may impose their own rules about recording on their premises.
  - Law enforcement officials cannot seize or demand to view your photographs or videos without a warrant. They are also prohibited from deleting your media content. However, in cases where they believe your camera contains evidence of a crime, they may seize it but cannot view its contents without judicial authorization.
- 

## **Questionnaire for Community Members and Advocates**

We've created the following questionnaire to help document and record ICE activity and gather detailed and reliable information about ICE raids, helping advocates and community members to confirm facts and dispel misinformation effectively. We advise that advocates try to get answers to all the questions below before posting anything on social media:

- **Who did you hear about this incident from?**
  - Note if it was word of mouth, media, social media (i.e. Facebook/ Twitter).
  - \*If it was social media posting, contact the original poster and get more concrete details.\*
- **Are there any photos or evidence of the enforcement operation? (e.g. pictures of ICE buses, agents etc.)**
- **Where did the incident occur?**
  - Be as detailed as possible and try to get an address.
- **Did any of the incidents occur in a place of worship, school, or hospital?**
  - What time of the day did the incident take place?
  - Who were the people affected in the raid?
- **Get more information about those affected:**
  - How many people were affected?
  - Do they have family in the U.S.?
  - Who else was present during the raid?
- **Were there children present?**
  - How many children were present?
  - How old were they?
  - How were they treated?

CONFIRMING **ICE ENFORCEMENT ACTION**

- **Which agency/agencies took part in the operation? (e.g. ICE, Sheriffs, etc.)**
  - **Did ICE show a warrant?**
    - Was it signed by a judge?
    - Who was specified on the warrant?
    - Was it for that address?
    - Did you get a copy?
  - **Did ICE focus its immigration status questioning — and arrests — only on the people named on the warrant?** Or were other people swept up into questioning and arrests? (i.e. collateral arrests)
  - **If the raid occurred in a home, did ICE enter the home?**
    - If so, did the occupants provide consent for them to enter?
  - **Did ICE try to seek consent to a search in the language of the people in the residence?**
    - Did they have officers present who spoke that language?
  - **Did ICE enter any part of the house or property (ex. front yard, backyard) without the resident's consent?**
  - **Did ICE enter the neighboring houses on the claims of safety for their officers?**
- 

### **Follow-Up Actions**

Engage with facility managers or, if you have good relationships, with local officials for further information. In case of discrepancies or to confirm operations, you could contact local police or ICE field offices, or reach out to a local, state or federal elected official.

### **Reporting and Assistance**

Document and report all verified incidents to the ACLU of Arkansas for potential legal action regarding constitutional rights violations and to aid community members with relevant information and support. The collected data will contribute to broader efforts to uphold justice and rights for immigrants. Please submit your documentation online at [www.acluarkansas.org/get-help](http://www.acluarkansas.org/get-help) or by mail to: ACLU of Arkansas, 904 West 2nd Street, Suite 1, Little Rock, AR 72201

CONFIRMING **ICE ENFORCEMENT ACTION**

# OTHER RESOURCES

## **Catholic Immigration Services — Little Rock**

Address: 2500 North Tyler Street, Little Rock AR 72207

Website: [www.dolr.org/catholic-charities/immigration-little-rock](http://www.dolr.org/catholic-charities/immigration-little-rock)

Provides low-cost counseling and support to those eligible for immigration benefits and who cannot afford private assistance.

## **Center for Arkansas Legal Services**

Address: 300 West 6th Street, Little Rock AR 72201 | Phone: 501-376-3423

Website: [www.arkansaslegal.org](http://www.arkansaslegal.org)

Provides free civil legal help for eligible low-income Arkansans. Their legal services are limited to family law, housing/rental issues, debt and bankruptcy, end of life planning, public benefits, consumer protection, criminal record sealing, disaster relief, and veterans.

## **Forms to Establish Power of Attorney for Minor Children**

[https://arlawhelp.gavel.io/run/playground4/ARLawHelp\\_POA\\_for\\_Minor/#/2](https://arlawhelp.gavel.io/run/playground4/ARLawHelp_POA_for_Minor/#/2)

## **El Zocalo Immigration Resource Center**

Address: 5500 Geyer Springs Road, Little Rock, AR 72209

Website: [www.zocalocenter.com](http://www.zocalocenter.com)

El Zocalo Immigrant Resource Center, located inside Geyer Springs United Methodist Church, works to connect immigrants and families in need with services and support. They provide education and advocacy to the community and mental and emotional support.

## **Intransitive**

Address: 10420 Helm Dr, Mabelvale, AR 72103 | Phone: 501-400-8060

Website: [www.intransitive.org](http://www.intransitive.org)

Intransitive supports Trans immigrants by providing services including translation, advocacy, organizing, mobilizing and advocating for the abolishment of all cages.

## **Mexican Consulate in Little Rock**

Address: 3500 South University Ave, Little Rock, AR 72204 | Phone: 501-372-6933

Website: <https://consulmex.sre.gob.mx/littlerock>

Emergency Contact Line **exclusively for critical situations affecting safety including immigration enforcement activity**: 501-952-3462

# WE HAVE RIGHTS



SCAN THE QR CODES WITH YOUR MOBILE DEVICE'S CAMERA TO VIEW OUR **WE HAVE RIGHTS** VIDEOS.

When ICE Is  
Outside Our Door



When ICE Is Inside  
Our Home



If ICE Arrests Us



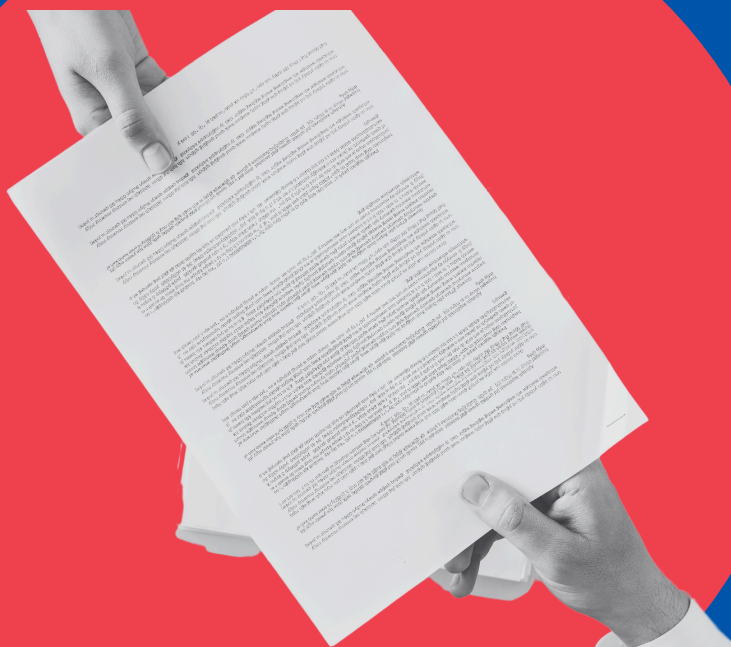
When ICE Is In Our  
Community



Find more important **Know Your Rights** information and resources for immigrants at: [www.acluarkansas.org/immigrants](http://www.acluarkansas.org/immigrants)

**APPENDIX:**

# **POWER OF ATTORNEY FORMS**





# ARKANSAS STATUTORY FORM

## POWER OF ATTORNEY

**IMPORTANT INFORMATION:** This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act, Arkansas Code Title 28, Chapter 68.

- **This power of attorney does not authorize the agent to make healthcare decisions for you.**
- **You should select someone you trust to serve as your agent.** Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.
- **Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.**
- **This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions.** Coagents are not required to act together unless you include that requirement in the Special Instructions.
- **If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent.** You may also name a second successor agent.
- **This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.**
- **If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.**

## POWER OF ATTORNEY

### DESIGNATION OF AGENT

I, \_\_\_\_\_ [Name], appoint \_\_\_\_\_ [Name, Address, Phone Number] as my agent to act for me in any lawful way with respect to the following initialed subjects:

### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If \_\_\_\_\_ [Name] is unable or unwilling to act for me, I appoint \_\_\_\_\_ [Name, Address, Phone Number] as my successor agent.

### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subject as defined in the Uniform Power of Attorney Act, Arkansas Code Title 28, Chapter 68:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority **over all of the subjects**, you may initial "All Preceding Subjects" instead of initialing each subject.)

- Real Property
- Tangible Personal Property
- Stocks and Bonds
- Commodities and Options
- Banks and Other Financial Institutions
- Operation of Entity or Business
- Insurance and Annuities
- Estates, Trusts, and Other Beneficial Interests
- Claims and Litigation
- Personal and Family Maintenance
- Benefits from Governmental Programs or Civil or Military Service
- Retirement Plans
- Taxes
- All Preceding Subjects

### GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- Amend, revoke, or terminate an inter vivos trust
- Make a gift, subject to the limitations of § 28-68-217 of the Uniform Power of Attorney Act and any special instructions in this power of attorney
- Create or change rights of survivorship

- ( ) Create or change a beneficiary designation
- ( ) Authorize another person to exercise the authority granted under this power of attorney
- ( ) Waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ( ) Exercise fiduciary powers that I have authority to delegate

**LIMITATION ON AGENT'S AUTHORITY**

An agent that is not my ancestor, spouse, or descendant **MAY NOT** use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

**SPECIAL INSTRUCTIONS (OPTIONAL)**

You may give special instructions on the following lines:

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**EFFECTIVE DATE**

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

**NOMINATION OF GUARDIAN**

If protective proceedings for the appointment of a guardian of my person or estate are commenced at any time subsequent to my execution of this power of attorney, I hereby nominate \_\_\_\_\_ if able and willing, otherwise, \_\_\_\_\_ to serve as Guardian of my person and estate. To the extent allowed by law, I direct that \_\_\_\_\_ and \_\_\_\_\_ shall serve without bond.

**RELIANCE ON THIS POWER OF ATTORNEY**

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

**SIGNATURE AND ACKNOWLEDGMENT**

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

\_\_\_\_\_ **[Signature, Address, Phone Number]**

STATE OF ARKANSAS )

) ss

COUNTY OF \_\_\_\_\_)

This document was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_ **Notary Public, State of Arkansas**

**My Commission Expires:** \_\_\_\_\_

(SEAL)

# IMPORTANT INFORMATION FOR AGENT

## Agent's Duties

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. You must:

- Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- Act in good faith;
- Do nothing beyond the authority granted in this power of attorney; and
- Disclose your identify as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent

**Unless the Special instructions in this power of attorney state otherwise, you must also:**

- Act loyally for the principal's benefit;
- Avoid conflicts that would impair your ability to act in the principal's best interest;
- Act with care, competence, and diligence;
- Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- Cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

## Termination of Agent's Authority

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 that terminate a power of attorney or your authority to act under a power of attorney include:

- Death of the principal;
- The principal's revocation of the power of attorney or your authority;
- The occurrence of a termination event stated in the power of attorney;
- The purpose of the power of attorney is fully accomplished; or
- If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

## Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, Arkansas Code Title 28, Chapter 68. If you violate the Uniform Power of Attorney Act, Arkansas Code Title 28, Chapter 68, or act outside the authority granted, you may be liable for any damages caused by your violation. **If there is anything about this document or your duties that you do not understand, you should seek legal advice.**

# LIVING WILL DECLARATION AND DURABLE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS

I, \_\_\_\_\_, a resident of the State of Arkansas, being of sound mind and having reached the age of eighteen (18) years, do hereby make, publish and declare the following and revoke all living will declarations and durable powers of attorney for health care decisions previously made by me.

1. **Declaration to Physicians.** If the time comes when I can no longer take part in health care decisions for my own future, let this statement stand as an expression of my wishes and my declaration while I am of sound mind. This document is executed under the provisions of the AArkansas Rights of the Terminally Ill or Permanently Unconscious Act@ law (Ark. Code Ann. ' 20-17-201 et seq. - Act 713 of the Arkansas Acts of 1987);
  - a. If I should have an incurable or irreversible condition that will cause my death within a relatively short time, and I am no longer able to make decisions regarding my medical treatment, I direct my attending physician, pursuant to the Arkansas Rights of the Terminally Ill or Permanently Unconscious Act, to withhold or withdraw treatment that only prolongs the process of dying and is not necessary to my comfort or to alleviate pain;
  - b. If I should become permanently unconscious, I direct my attending physician, pursuant to the Arkansas Rights of the Terminally Ill or Permanently Unconscious Act, to withhold or withdraw life-sustaining treatments that are no longer necessary to my comfort or to alleviate pain;
  - c. These life-sustaining treatments that may be withheld or withdrawn include, but are not limited to: Antibiotics, Cardiac Resuscitation, Respiratory Support, Surgery and Artificial Feeding and Fluids. Notwithstanding any interpretation of state law to the contrary, I hereby claim my constitutional right protected by the Fourteenth Amendment, as expressed by the United States Supreme Court in the case of Cruzan vs. Missouri, to refuse the artificial delivery of food and fluids; and
  - d. Should my attending physician have any doubt as to these directions, I direct my attending physician to follow the instructions of \_\_\_\_\_, (hereinafter referred to as "my \_\_\_\_\_"), able and willing to serve in such capacity, whom I appoint as my Health Care Proxies or Proxy, as the case may be, acting unanimously if both of them are serving in such capacity, to decide what life-sustaining treatment should be withheld or withdrawn.
2. **Durable Power of Attorney for Health Care Decisions.** During any period in which I am incapacitated, in the opinion of my attending physician, or am unable to make or communicate a choice regarding a particular health care decision, I hereby delegate health care decision-making powers to my parents, able and willing to serve in such capacity, as my agents or agent, as the case may be, acting unanimously if more

than one of them is serving in such capacity, to make decisions relating to any care, treatment, service, or procedure to maintain, diagnose, treat or provide for my physical or mental health or personal care.

Pursuant to the foregoing, and to the extent allowed by law (including Act 1448 of the Arkansas Acts of 1999), my aforementioned agents are authorized as follows:

- a. To consent, refuse, or withdraw consent to any and all types of medical care, treatment, surgical procedures, diagnostic procedures, medication, and the use of mechanical or other procedures that affect any bodily function, including, but not limited to, artificial respiration, nutritional support and hydration, and cardiopulmonary resuscitation;
- b. To have access to medical records and information to the same extent that I am entitled to, including the right to disclose the contents to others;
- c. To authorize my admission to or discharge, even against medical advice, from any hospital, nursing home, residential care, assisted living or similar facility or other healthcare facility;
- d. To contract on my behalf for any health care related service or facility on my behalf, without my agents incurring personal financial liability for such contracts;
- e. To select and discharge medical, social service, and other support personnel responsible for my care;
- f. To authorize, or refuse to authorize, any medication or procedure intended to relieve pain, even though such use may lead to physical damage, addiction, or hasten the moment of, but not intentionally cause, my death;
- g. To take any other action necessary to do what I authorize here, including but not limited to granting any waiver or release from liability required by any hospital, physician, or other health care provider; signing any documents relating to refusals of treatment or the leaving of a facility against medical advice; and pursuing any legal action in my name, and at the expense of my estate, to force compliance with my wishes as determined by my agents, or to seek actual or punitive damages for the failure to comply; and
- h. This power of attorney is intended to be a durable power of attorney and shall not be affected by my subsequent disability or incapacity.

---

SIGNED THIS \_\_\_\_ day of \_\_\_\_\_, 2025.

**WE HEREBY BEAR WITNESS** that \_\_\_\_\_ signed the foregoing instrument in the presence of each of us and acknowledged to each of us that she had signed the foregoing instrument and requested us to sign our names as witnesses.

SIGNED THIS \_\_\_\_ day of \_\_\_\_\_, 2025.

**WITNESS**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

**WITNESS**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

**ACKNOWLEDGMENT**

STATE OF ARKANSAS            )  
  ) ss.  
COUNTY OF PULASKI         )

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public, personally appeared \_\_\_\_\_, as Declarant and principal, and \_\_\_\_\_ and \_\_\_\_\_, as witnesses, known to me to be the persons whose names are subscribed to the written instrument and acknowledged that they had executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
**Notary Public, State of Arkansas**

**My Commission Expires:** \_\_\_\_\_

(SEAL)

# Power of Attorney (POA) Arrangements

**IMPORTANT NOTE :** This guide provides general information about Power of Attorney (POA) arrangements and does not constitute legal advice. We strongly encourage you to seek the assistance of an attorney to ensure that any POA documents meet your specific needs and circumstances. A Power of Attorney allows you to authorize someone you trust to make decisions for you and/or your minor children. Below is an overview of how POAs work, what they do, and steps to consider when creating one.

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

A Power of Attorney (POA) is a private legal arrangement that grants another person (the agent) the authority to act on your behalf. It does not require court involvement and can be customized to suit your specific needs.

## **Key Features of a POA**

- **Creation:** You can create a POA by signing a legal document. It becomes effective immediately unless you specify a future start date.
- **Scope:** You decide what powers your agent has, such as handling financial matters or making medical decisions for yourself or for your minor children.
- **Revocation:** You can revoke a POA at any time by providing written notice.
- **Termination:** A POA ends automatically if you pass away or if a specified event or date is reached.

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## **Customization Options**

When setting up a POA, you can tailor it to your needs:

- **Effective Date:** Specify whether the POA takes effect immediately or only under certain circumstances (e.g., incapacity).
- **Scope of Authority:** Decide if the agent has broad authority or is limited to specific tasks, such as managing bank accounts, making healthcare decisions for you or your children, or making school-related decisions for your children.
- **Duration:** Indicate how long the POA will remain active or the event that will terminate it.

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## **Recommendations for POA Creation**

- Selecting someone reliable and capable of making decisions in your or your child's best interest. Choosing someone you know and trust is essential when selecting an agent. This person can be a close and trusted family member, friend, or even an attorney.



- While not always required, notarization can add credibility and make the document more widely accepted. Notaries are commonly found at banks, law offices, post offices and certain retail shipping stores like UPS and FedEx. Some notaries may require some form of photo identification unless they already know who you are.
  - Keep physical and digital copies for yourself, your agent, and any institutions that may need them (e.g., banks, schools).
  - Speak with a legal advisor to ensure your POA complies with Arkansas laws and covers all necessary details.
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### **What a POA Does Not Do**

- **Court Oversight:** Unlike guardianships, POAs do not involve court monitoring, meaning there is less formal oversight of your agent's actions.
  - **Control After Death:** A POA is no longer valid once the principal (you) passes away. In such cases, an executor takes over handling your estate.
  - **Mandate Recognition:** Some institutions may choose not to recognize a POA for liability reasons, leaving limited options for recourse.
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### **Example Uses of a POA**

- **Financial Matters:** Manage bank accounts, pay bills, and handle property transactions.
- **Healthcare Decisions:** Make medical choices on your behalf if you are unable to do so.
- **Parental Decisions:** Act as a parent for medical care and/or for school-related forms and decisions.

By setting up a POA, you can ensure that your affairs are managed according to your wishes without the need for court intervention. **Always consult with an attorney to create a document that fully meets your needs.**

# Power of Attorney for Minor Packet

This self-help resource was created for people representing themselves in court by Legal Aid of Arkansas and the Center for Arkansas Legal Services.

These forms and any accompanying information are free of charge.

**READ ALL INSTRUCTIONS IN THIS PACKET VERY CAREFULLY.**

## **PACKET CONTENTS:**

- Packet Instructions
- Power of Attorney for Minor

**Disclaimer:** Legal Aid of Arkansas and The Center for Arkansas Legal Services provide this packet free to the public. This packet contains legal information to help Arkansas residents with their legal problems. The information and forms in this packet are not legal advice.

This packet and its forms are not a substitute for legal counsel or representation by a licensed attorney. There is no guarantee of accuracy, and users assume the risk of using this packet. Neither organization is responsible for the consequences of its use.

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# **POWER OF ATTORNEY FOR MINOR PACKET**

Please read the following instructions and information very carefully. Remember that it is always best to consult with an attorney about your legal issue if possible.

There are many different types of Powers of Attorney. Each type has a different purpose and grants different levels of power to the agent. The Power of Attorney created here is for a caregiver of a minor child that is not the custodial parent or legal guardian. *This document may be particularly helpful when establishing residency for the child's school enrollment or to provide medical consent.*

**CAUTION:** Choose your agent with extreme care. You are giving that person a great deal of responsibility and authority with this document by allowing this person to make important decisions concerning your child.

## **GLOSSARY (TERMS TO KNOW)**

- **Agent:** A person who is authorized to act for another. Also, called attorney-in-fact.
- **Principal:** The person who has given the authority to the agent to act on their behalf.
- **Power of Attorney:** A document that gives someone authority to act on your behalf on matters that you specify.
- **Revocation:** When the Principal takes away (*revokes*) the authority and power of the agent to act on behalf of the Principal.

## **LAW YOU SHOULD KNOW**

A Power of Attorney is a legal way to have one person act on behalf of another. The Power of Attorney document gives someone authority to act on the behalf of another in matters that are listed in the document. The power can be specific to a certain task or can cover many duties including financial and medical. The power can start immediately or only after some event occurs such as the principal becoming mentally incompetent.

The person who gives the authority to the agent (also called the attorney-in-fact) to act on their behalf is called the principal. The person who receives the authority to act on behalf of someone else is called the agent.

**If I give a Power of Attorney to another, do I give up the right to manage my own affairs? Do I relinquish my parental rights?** No. You retain full control over your affairs and your child's affairs, even after you have signed a Power of Attorney. You can allow your agent to act, or not, at your discretion. *You may revoke the Power of Attorney at any time and for any reason.*

**When does a Power of Attorney end?** A Power of Attorney can end either by setting a specific date for it to end, if the agent or principal dies or if the principal (here it would be the parent) revokes it in writing.

**How do I revoke a Power of Attorney?** You can revoke a Power of Attorney by giving written notice to the attorney-in-fact. You may also file a copy of the letter revoking the power of attorney with the court clerk but you do not have to. It is also a good idea to give notice to any schools, doctors, daycare or other places where the attorney-in-fact interacted on behalf of your child. If you have not included a date for termination of the Power of Attorney when filling out this packet then the parent will need to fill out a Power of Revocation when it is no longer needed.

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### **INSTRUCTIONS FOR USING THIS FORM PACKET**

1. **Read the Power of Attorney form very carefully** and make sure that the form below includes your correct information and reflects your desires for the (agent) caregiver of your children.
2. **The parent must sign the Power of Attorney document in front of a notary public.** Do not sign these documents BEFORE you see the notary. Sign **in front of the notary** who will then notarize the document and give it back to you. Some notaries charge a fee although many banks have notaries that do not charge a fee.
3. **Both the parent and the caregiver should keep a copy of the Power of Attorney.**
4. **If you have not included a date for termination of the Power of Attorney then the parent will need to fill out a Power of Revocation when it is no longer needed.** *You can revoke a Power of Attorney by giving written notice to the attorney-in-fact.* A revocation of power of Attorney automated form packet is available at: [www.arlegalservices.org](http://www.arlegalservices.org)

# POWER OF ATTORNEY FOR MINOR

**TO ALL WHOM THESE PRESENTS ARE KNOWN:**

That I, \_\_\_\_\_, of \_\_\_\_\_

County, Arkansas, being the natural parent of \_\_\_\_\_

[hereafter referred to as "child,"] appoint \_\_\_\_\_ of

\_\_\_\_\_ County, Arkansas, as my true and lawful attorney-in-fact for

me and in my name, place and stead and in my behalf, and to do and perform all of the

following responsibilities and have all the rights in connection therewith:

1. Perform and act as and for me in a parental capacity as and to the child;
2. Give consent and permission for any kind of medical care and treatment, and to sign any papers to have the child admitted to a hospital for such purpose, or as may be required to maintain the health of the child;
3. Give consent and permission for enrollment in and admission to school and to resolve problems arising from school attendance, and to sign any papers necessary for such purpose or sign other documents relating to the child's welfare at school;
4. Perform any act necessary to obtain relief or aid that might benefit the child;
5. Perform any other acts for support, health, and general care of the child as may be required or necessary.
6. I, \_\_\_\_\_, do hereby give and grant to \_\_\_\_\_, my said Attorney-in-fact, full power and authority to do and perform any and all acts required to protect and promote the welfare of the child, as fully and for all intents and purposes as I might or could do if I were personally present at the time thereof, hereby ratifying and confirming all that my said Attorneys may or shall lawfully do or cause to be done by virtue of this Power of Attorney and the rights and powers herein granted.

7. This Power of Attorney appointing \_\_\_\_\_ as my agent and attorney in fact performing and acting for me in a parental capacity for my child, \_\_\_\_\_:
- will be revoked automatically on \_\_\_\_\_; or
- will not be revoked automatically.
8. **It is not my intention to relinquish my parental rights in and to my child.**

**IN TESTIMONY WHEREOF**, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_

**STATE OF ARKANSAS)**

) ss

**COUNTY OF \_\_\_\_\_)**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came the parent, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as a free act and deed, and that \_\_\_\_\_ is the parent of said children.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

**NOTARY PUBLIC, State of Arkansas**

**My Commission Expires:** \_\_\_\_\_

(SEAL)

# **Revoking a Power of Attorney Under Arkansas Law**

The purpose of these documents is to provide general information regarding the termination or revocation of a Power of Attorney. The following documents will help to address this issue when and if the need arises:

1. The first document is a draft letter that you can send to the Circuit Clerk's Office of the county where you live, the county of the person who was given the Power of Attorney, and any other county where the Power of Attorney was intended to operate.
2. The second document is the actual revocation that will accompany the letter. Both documents need to be sent to every business or other institution (e.g., school, hospital, or bank) where the Power of Attorney has been used. Both of these documents also need to be sent to the Attorney-in-Fact by certified mail to ensure notification of the revocation.
3. The third document is a step-by-step guide for revoking a Power of Attorney. This document can be used as a checklist to ensure you have taken all the necessary steps in revoking their Power of Attorney.

# Letter to Clerk

[INSERT NAME AND ADDRESS]

[INSERT DATE]

[INSERT Circuit Clerk's Office Address; Business Address; or other applicable address]

RE: Revocation of Power of Attorney given to [INSERT NAME of POA]

Dear Clerk:

Please find enclosed my written revocation of a Power of Attorney given to the above referenced individual. This termination of the power of attorney is made in accordance with Arkansas Code Annotated §§18-12-502 and 28-68-110. Please file this revocation in the appropriate office and return a copy to me in the enclosed self-addressed stamped envelope. Thank you for your assistance in this matter. If you have any questions please feel free to contact me at:

\_\_\_\_\_. [However you want to be contacted, e.g., address, email address, phone number, etc.]

Sincerely,

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Address]



# Power of Attorney Revocation

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_ [Name], Principal, of \_\_\_\_\_  
[Address], on \_\_\_\_\_ [Date], executed a General Power of  
Attorney naming \_\_\_\_\_ [Name of Power of  
Attorney], of \_\_\_\_\_ [POA's Address] as my attorney-in fact.

**I now wish to revoke said power of attorney under the laws of the State of  
Arkansas found at Arkansas Code Annotated §§ 18-12-502 and 28-68-110.** The power  
of attorney shall be revoked and deemed void as of filing with this Court.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_ (Name), Principal

## ACKNOWLEDGMENT

\_\_\_\_\_ STATE OF ARKANSAS )

) ss

COUNTY OF \_\_\_\_\_ )

I, the undersigned, do certify that on this date, personally appeared before me, a notary public  
for the State and County indicated above, \_\_\_\_\_, being duly  
sworn, subscribed his name to this instrument and acknowledged to me, being of sound mind,  
that it was his voluntary act and deed. IN WITNESS THEREOF, I have hereunto set my hand  
and affixed my official seal on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public, State of Arkansas**

**My Commission Expires:** \_\_\_\_\_.

[SEAL]

## STEPS TO TERMINATING YOUR POWER OF ATTORNEY

1. **Ensure that a revocation of the Power of Attorney is what you need to do.** Please consider discussing your course of action with an attorney prior to taking any action, if possible.
2. **Send the foregoing letter and revocation to the Circuit Clerk's Office of the county where you live, the county of the person who was given the Power of Attorney, and any other county where the Power of Attorney was intended to operate.** Also send it to any business or other institution (e.g., bank, hospital, car dealership, school, or other business) where the Power of Attorney has been used by the Attorney-in-Fact. Send this notification via certified mail.
3. **Courtesy copy your Attorney-in-Fact with the foregoing letter and revocation to put them on notice of the termination of their power.** Send this notification via certified mail. Sending a certified letter to the originally appointed Power of Attorney serves as legal notice of his revocation of duties. Be sure to save the receipt of certified mail as proof of service that notice was given. Verbal notification is not enough to revoke the Power of Attorney.
4. **Try to retrieve the original Power of Attorney documents.** If you are unable to retrieve them, or your previous Attorney-in-Fact refuses to return them, your receipt of certified mail will provide proof of notice of revocation.
5. **If you execute another Power of Attorney, naming another or the same Attorney-in-Fact, send the new Power of Attorney documents to the appropriate parties.** (e.g., the County Clerk, banks, hospitals, the new Attorney-in-Fact, etc.)
6. **If you fear your credit has been damaged as a result of your Attorney-in-Fact's actions, you can obtain a free credit report from:**  
[www.annualcreditreport.com](http://www.annualcreditreport.com).

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