

AFFIDAVIT OF PROPOSED GUARDIAN'S FULL NAME

STATE OF NEW YORK]
 : S.S.:
COUNTY OF NEW YORK]

I, Proposed Guardian, being duly sworn, depose and say:

1. I am 37 years old. I was born in Town, Department, Guatemala on Date. I currently live at Address, with the following people: list all the people in the household including the client and their relationship to the sponsor.

2. I am submitting this Affidavit in support of Client's petition for me to be appointed as his guardian and in support of his motion for special findings. I wish for the Court to appoint me as my brother's guardian and I have given my consent to the appointment.

Life in Guatemala

3. I grew up in Town, Department, Guatemala, where I lived with my parents, Father and Mother, along with my brother Client, my sisters, and my grandfather. My family was very poor, and from the time I was a teenager, I needed to work to make money and support the family. I would often go with my father and grandfather to pick coffee beans in the fields, which was our main source of income.

4. In 2006, our father collapsed while working in the fields, and later died of pneumonia. After that, my mother became very depressed and began drinking heavily; in 2007, she died of

complications from her alcohol abuse. Neither of my parents could receive proper medical care that may have saved their lives, as my family was too poor to be able to pay for it.

5. After my parents' death, my grandfather and I became the primary breadwinners for my family. While I had worked to support us even before my father's death, after he died and we no longer had his income, providing for the family became my main responsibility. Because there was already little work available to me in Guatemala, it became even more difficult to make enough money to provide food, clothing and everything else the family needed.

6. My parents' deaths were very hard on everyone in my family, but were especially hard on my brother Client, who, at the time of our mother's death, was only three years old and left without any parents to take care of him. As he got older, I could tell that growing up without his parents was hard on Client. He would often get made fun of for being an orphan, and I could tell it made him upset to miss out on the parental guidance, love and attention that his friends and other children his age got. Moreover, Client suffered a lot in Guatemala because he was poor and indigenous; people would often make fun of or harass him because of how he looked, the way he was dressed, or the fact that he was poor.

7. It was also difficult to get Client proper medical care as he was growing up because we could not afford it. For example, when we took Client to the hospital after he broke his wrist, the Spanish-speaking doctors treated us like we were beneath them and refused to treat us.

8. I could see that all of these problems made life very difficult for Client in Guatemala. While my work would sometimes force me to leave home for weeks or months at a time, I tried to do the best I could to be a parental figure for Client and provide him with emotional support, care and attention in addition to supporting him financially.

Life in the United States

9. In 2010, when Client was about seven years old, I realized that I could not make enough money to support my family in Guatemala, and that moving to the United States was my best chance to continue to help them. Therefore, that year, I moved to the United States and rented an apartment in the Bronx, New York.

10. While I was in the United States, I kept in touch with Client and continued to support him as best I could. We spoke on the phone about once a week. During these phone calls, Client would give me updates on how he was doing and what was going on in his life, and I would give him advice or guidance when he needed it. I would also send money back from the United States so that Client could pay for food, clothing and other things he needed.

11. It was hard to be separated from Client, who I had come to regard as more like a son than a brother since our parents died. However, I knew that, given our circumstances, being in the United States was the best way that I could support him and make sure he had everything he needed.

12. As Client got older, he began to tell me that he wanted to come to the United States and live with me. At the time, he had no permanent place to live and no one who could prioritize his care; instead, he was going back and forth between his sisters' households, and they were spending what little money they had providing for their own children rather than for Client. I was the closest thing Client had to a parental figure, and from what Client told me, it sounded like he wanted to live with me so that he could finally have some stability and a parental figure that prioritizes giving him support and attention. Additionally, because he had no one to support

him financially or pay for school expenses, Client was unable to go to school, and had to work to support himself instead.

13. Client seemed to think, and I agreed, that by coming to the United States, he would have the opportunity to get an education and ultimately build a better life than he could in Guatemala. Since I thought Client would have far better opportunities in the United States than he would have back in Guatemala, and would benefit from being able to live with me as his permanent caretaker, I was of course happy to allow him to come.

Relationship with Client in the United States

14. Client came to the United States in July of 2018. Shortly thereafter, he was detained by Customs and Border Protection for several days, and was ultimately transferred to an immigration detention facility in Texas run by the Office of Refugee Resettlement (“ORR”). Upon learning that Client was at the detention facility, I immediately started the process of petitioning the government to release him to my care. The process was long and involved a lot of paperwork, but after about five months, ORR finally released Client to my care, and I brought him home with me to the Bronx.

15. Since Client came to live with me, I have been providing him with food, clothing, support and medical care. I pay for our family’s rent and Client’s other expenses, and give him financial and emotional support. I am very happy to be living with him, to be his primary caregiver, to be able to provide him with a safe and loving home, and to be able to give him access to the educational opportunities that would have been out of reach for him in Guatemala.

16. Soon after he came to live with me, I enrolled Client in school at XXXX High School, where he is now in tenth grade. This past summer, Client has also taken summer classes in math,

English and science. By going to school, Client is able to learn to read, write and speak in both Spanish and English for the first time. He will also have the chance to complete his education and pursue a career of his choice, something I have always wanted for him but which he never would have been able to do in Guatemala. I am very excited to be able to give him this opportunity, am extremely proud of him for overcoming difficulties and working hard to finish his education, and plan to support him however I can to make sure that his professional goals become a reality.

17. I have also enrolled Client in Medicaid and helped him get access to necessary medical care. Most significantly, Client suffers from ongoing pain and complications as a result of breaking his wrist when he lived in Guatemala. I set up Client's medical appointments, take him to those appointments, make sure Client follows the doctors' instructions, and provide Client with all the other care and resources he needs to heal.

18. When we have free time, Client and I enjoy spending time together. We often do activities together like going to a park, to a movie, or just relaxing at home. Client also gets along well with my wife and her brothers, and they also enjoy spending time with him and helping me take care of him. As I mentioned before, Client is more like a son to me than a brother, and it's wonderful for him to be here with me, my wife and her brothers, and for us all to be living together as a family.

19. I wish for the Court to appoint me as Client's guardian to ensure that I have the legal right to continue caring for him and have the legal right to make educational, medical, and legal decisions for him. This is especially important because our parents are dead, and therefore cannot fulfill that vital role for him.

20. If Client is forced to return to Guatemala, his life will be very difficult. While we have sisters in Guatemala, they do not have the resources to provide Client with a permanent home or pay for his food, clothing or medical care expenses. As a result, if he were to return to Guatemala, Client would need to work rather than going to school, and would never get the chance to finish his education. Because he is indigenous and does not speak fluent Spanish, Client would have very limited job opportunities in our community, and would likely end up working in the fields picking coffee beans for a large corporation. Therefore, sending Client back to Guatemala would leave him without a permanent, stable home, and would deprive him of all of the opportunities I am able to help him reach here.

21. For all the reasons described above, I hope that the Court grants Client's petition to have me appointed as his guardian and that the Court grants his motion for special findings. I want to make sure that I can continue providing Client with the care, resources and support he needs to be healthy and successful.

22. Because I do not speak English fluently, I narrated the contents of this affidavit to my attorney in Spanish. This affidavit was then translated and read back to me in Spanish to confirm that everything is correct.

23. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED:

Proposed Guardian's Full Name

Sworn to before me this
___ day of _____ 2022

NOTARY PUBLIC

I, _____, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to **Proposed Gaurdian** to the best of my abilities.

Sworn to before me this _____ day
of _____ **2022.**

NOTARY PUBLIC