



News from MCWNN (September 19th, 2011)

The Migration and Child Welfare National Network (MCWNN) is a [FREE membership](#) coalition targeted for individuals and agencies focused on the intersection of immigration and child welfare. Have you missed a recent e-news? They are now [available online](#)! Follow the MCWNN on [Twitter](#).

Resources for Service Providers

[Nuestras Historias](#) (Rise Magazine, 2011, 19 pages). A collection of 10 stories in Spanish about parenting by Mexican-American immigrant mothers. The stories, written by and for parents involved in the NYC child welfare system, explore the challenges these mothers face maintaining safe and stable homes and supporting their children and families while living in a new culture.

[Refugee Health TA](#) (Massachusetts Dept of Public health, website). Funded by the Office of Refugee Resettlement, this website provides information physical and mental health focused on supporting the well-being of refugees.

[Runaway Prevention Curriculum](#) (National Runaway Switchboard). This free, online curriculum is geared for teens, families, and those who work with them to increase knowledge about running away and help explore alternatives. The curriculum includes a film, promotional materials, a webinar, an activity kid and Spanish language materials.

Resources for Child Welfare Agencies

[Six ways that states and school districts can make it easier for children in foster care to get free meals at school](#) (Center on Budget and Policy Priorities, Aug 9, 2011, 14 pages). Discusses how children in foster care are now automatically eligible for free school meals, regardless of their income under the Healthy, Hunger-Free Kids Act of 2010.

[Latino Families and the Public Child Welfare System: Examining the Role of Social Support Networks](#) (by Cecilia Ayón, Children and Youth Services Review, v. 33, 10, Oct 2011, p2061-2066, available from Elsevier). The number of Latino families involved with the public child welfare system has increased exponentially in the last decade. This qualitative study examined one of this population's inherent resources - their social network - and the role it plays when involved with the public child welfare system. Findings reveal that Latino families rely heavily on their network for emotional support, advice/information, and advocacy. Often parents received incorrect or conflicting information or advice grounded on experiences that were very different from the participant's case. In addition, their networks are homophilous; that is, limited to people who are in their same circumstances which limits their ability to access formal sources of advocacy and support. Many parents were also genuinely interested in helping

other parents with open cases. Practice recommendations are made as it relates to actively engaging Latino families in their case process and supporting Latino families by incorporating their networks and genuine interest in helping others into child welfare service delivery.

[Untangling the Web: Immigration Law and Child Welfare Practice](#) (The Michigan Child Welfare Law Journal, Vol XII, Issue I, Fall 2008). Articles include “Deported Parents and Children’s Best Interests in Orozco Minors” (by Emily Stutz), and “Untangling the Web: Immigration Law and Child Welfare Practice”(by Sunny Harris Rome)

[Incarcerated Mothers: Mental Health, Child Welfare Policy, and the Special Concerns of Undocumented Mothers](#) (by Pamela Stowers Johansen, California State University Chico, California Journal of Health Promotion, 2005, 9 pages).

[Waiving Nonsafety Licensing Requirements for Relative Caregivers](#) (Children’s Bureau Express, Sept 2011). The Children’s Bureau recently issued a new report to Congress that provides information from all 50 State, Puerto Rico, and DC on their use of the licensing waiver option provided by the Fostering Connections to Success and Increasing Adoptions Act of 2008. This act allows States, on a case-by-case basis, to waive some of the non-safety related licensing requirements for kinship caregivers who choose to become licensed foster care parents and receive foster care payments.

[Title IV-E Guardianship Assistance](#) (Children’s Bureau Express). This is a description of the title IV-E Guardianship Assistance Program (GAP), which is a formula grant that helps States and Tribes that opt to provide guardianship assistance payments for the care of children by relatives.

[Special Immigrant Juvenile Petitions Proposed Rule Doc: 9111-97](#) (USCIS -DHS, Sept 2, 2011, 37 pages). The Department of Homeland Security (DHS) proposes to amend its regulations governing the Special Immigrant Juvenile (SIJ) classification, and related applications for adjustment of status to permanent resident.

[Recommendation to USCIS regarding the processing of employment authorizations for asylum applicants](#) (Office of the Citizenship and Immigration Services Ombudsman/Dept of Homeland Security, Aug 26, 2011).

[The National Center on Cultural and Linguistic Response](#) (Head Start resource center). Young children who are dual language learners (DLL) are the largest growing segment of the U.S. population. This Center provides culturally responsive, user-friendly materials and training for staff and families to use to promote strong language and literacy skills in children’s home language and in English.

Research & Policy

[Child maltreatment dynamics among immigrant and U.S. born Latino children: Findings from NSCAW](#) (by Alan J. Dettlaff and Michelle Johnson, Children and Youth Services Review, Jan 2011).

[I felt like my heart was staying behind: Psychological implications of family separations & reunifications for immigrant youth](#) (by Carola Suarez-Orozco, Journal of Adolescent Research, vol 26 no 222-257, March 2011).

[Strategies for engaging immigrant and refugee families](#) (National Center for Mental Health Promotion and Youth Violence Prevention/Education Development Center, 2011, 20 pages). Immigrants and refugees now comprise over 20% of the students in US public schools and this percentage is expected to grow to 30% by 2015. This

report describes strategies from Safe Schools/Healthy Students sites across the US in better understanding their culturally and linguistically diverse communities.

News and Opinions

[Editorial – California Dreaming](#) (New York Times, Sept 3, 2011). This week, the Legislature is expected to pass the California Dream Act, a bill to allow undocumented immigrants to receive state-financed college scholarships and loans. Earlier this summer, the state gave such students access to privately financed aid. The new bill should open even more doors to college degrees for young Californians, and Gov. Jerry Brown should quickly sign it.

[Special visas fast track illegal immigrants to residency](#) (Philadelphia Inquirer, Aug 28, 2011). Congress created not only U visas, but also T visas, for victims of human trafficking. The government defines that crime as enslavement, in which the trafficker uses fraud or coercion to recruit people for forced labor and, often, sexual exploitation. Immigration experts differentiate between human trafficking and human smuggling. A smuggled person consents to being spirited over the border and goes free in America. But trafficked victims are bound to their traffickers, who ensure their dependency by taking their money and identification.

[As refugees from Haiti linger, Dominicans' good will fades](#) (New York Times, Aug 30, 2011).

[Adoption process changing with the internet](#) (Post-Tribune/A Publication of the Chicago Sun Times, Aug 20, 2011). Article discusses increase of birth moms finding adoptive parents themselves instead of going through agencies, as resources have boomed online.

[Amid allegations of human trafficking, Guatemala to review adoptions](#) (New America Media, August 2011) Last week, the Guatemalan government announced that it will begin reviewing adoption cases that were halted midway after the United States barred all adoptions from Guatemala in 2007, for the latter's failure to comply with Hague Convention on Intercountry Adoptions regulations that aim to prevent child trafficking. All reviewed cases found to have established consent with the birth parent of the adopted child will be allowed to proceed, while those adoption cases opened after the U.S. decision will remain closed.

[Lawsuit seeks to limit shackling of immigration detainees in court](#) (Los Angeles Times, Aug 17, 2011). Civil rights attorneys in San Francisco have sued federal authorities, demanding an end to the alleged practice of shackling all adult detainees -- even the elderly and disabled -- during immigration court proceedings. The class-action lawsuit, filed in U.S. District Court by the American Civil Liberties Union and the Lawyers' Committee for Civil Rights, contends that Immigration and Customs Enforcement and the Department of Homeland Security are violating the constitutional rights of detainees by failing to make case-by-case determinations of the need for shackling.

[Jury awards \\$200K to shackled mom](#) (Nashville City Paper, Aug 18, 2011). After less than an hour of deliberation Thursday, seven jury members in the Juana Villegas trial awarded the woman \$200,000 in compensation — \$1 million short of what she sought.

A federal judge ruled in April that Villegas' rights were violated when Davidson County Sheriff's deputies shackled her before and after childbirth.

Following the jury's decision, Sheriff Daron Hall said the amount awarded, "whether it was a dollar or a million dollars" mattered little because his office and Metro had already decided to appeal an April judgment by U.S. District Judge William J. Haynes Jr. that led to Thursday's outcome.

“When the summary judgment came down, we were going to appeal it anyway, and you can’t appeal until this process is over,” Hall said.

“We’re anxious to get our case heard in the court in Cincinnati,” he added, referring to the U.S. Court of Appeals for the Sixth Circuit.

After the trial, Villegas declined to comment. Phillip Cramer, who represented Villegas along with William Harbison and John Farringer IV, called his client a “great and courageous person.”

“The effects of the courts decision from the verdict today will improve communities throughout the country,” Cramer said outside of the courtroom.

Earlier Thursday, Cramer had asked the jury to consider damages of more than \$1.2 million — a figure culled from what he said was a mid-range estimated cost of future treatment (\$308,000) and compensation (\$924,000) for her physical, psychological and emotional distress.

Cramer said Villegas would be able to receive some of the treatment she needs with the \$200,000 awarded, and “her family can get back the mother and wife they knew.”

During Thursday morning’s closing arguments, Metro attorney Allison Bussell said the sheriff’s office was not responsible for what was actually causing Villegas’ ongoing pain and suffering. Instead, Bussell argued, the pain — which a psychiatrist has diagnosed as a stressor leading to post-traumatic stress disorder and depression — resulted from Villegas’ stress about her arrest and subsequent fear of being separated from her family.

Bussell argued that Villegas’ emotional distress came in the hour following her arrest when she began to worry about being separated from her family.

On Wednesday, emotions drew Villegas to tears at times on the witness stand, as she recalled being restrained during labor and immediately after giving birth to her son, Gael, three years ago.

The testimony came during questioning on the second day of a trial in U.S. District Court to determine how much money, if any, in damages the jury of four women and three men might award her.

This week’s trial follows Haynes’ previous ruling in April, in which he found that Davidson County Sheriff’s Office deputies violated Villegas’ civil rights by keeping her shackled for much of the time leading up to, and then after, her childbirth, and also for refusing to allow her the use of a breast pump upon her release from the hospital.

On July 3, 2008, a Berry Hill police officer arrested Villegas, then an undocumented Mexican immigrant who was nine months pregnant at the time, after she failed to produce a driver’s license during a traffic stop. She was later held in jail over the July 4 weekend on a 287(g) immigration hold, only to go into labor late in the evening on July 5.

After Haynes excused the jury Thursday, he felt it necessary to address what he said were statements by the Metro attorneys regarding possible impartiality on his part by excluding certain testimony regarding illegal immigration and Villegas’ possible deportation during this week’s damages trial, for which liability had already been determined.

Haynes cited other cases in which courts acted in a similar fashion, stating that his actions “fall in line” with such cases.

“I am at a loss to understand some of these criticisms,” Haynes said. The day before, he told Metro attorneys, Bussell along with Kevin Klein, that their “conduct in this case has just mystified the court,” referring to their questions and arguments regarding Villegas’ fear of being separated from her family.

Haynes ruled the issue of Villegas’ immigration status wasn’t to be discussed and felt the defense attorneys came too close to crossing that line several times.

Hall defended the approach, saying, “I’ve been around this 20-something years. I couldn’t be more proud of the attorneys that represented us in this case.”

[Immigrant Children](#) (Centennial Series: Immigrant Children, Children’s Bureau Express 100th Anniversary Series). *This is the fourth article in our Centennial Series, as we count down to the Children’s Bureau’s 100th anniversary next year. These articles address some of the social issues, practices, and policies at the turn of the last century that laid the groundwork for the creation of the Children’s Bureau.*

The United States experienced an influx of immigrant families around the turn of the 20th century, when large numbers of families from Southern and Eastern Europe arrived seeking the economic opportunities provided by the Industrial Revolution. In fact, from 1892 to 1900, more than 3 million immigrants moved to the United States. The majority of these families landed in urban areas with low-rent housing and close proximity to factories. In New York and Chicago alone, nearly four-fifths of school-aged children had foreign-born parents, according to the 1890 U.S. Census (Reef, 2002).

Adjusting to life in their new country was often difficult, and poverty was prevalent among immigrant families. Many children were expected to contribute to the economic welfare of their family by taking on work rather than attending school. Immigrant children often accompanied their parents to factories where they worked long hours for low wages (Reef, 2002). Other children sold newspapers or other goods on the streets, risking exposure to crime and disease. The parental expectation for children to work was not necessarily tied to the family’s life in a new country; many children in Europe labored on farms, and their education was often not a family priority (Lassonde, 2000).

The practice of sending immigrant children to work was at odds with the education reforms occurring in the United States in the early 1900s. During this time, most States passed compulsory-education laws, and the country saw a dramatic increase in the number of public schools, especially in metropolitan areas. Classrooms in cities that saw the greatest number of immigrants eventually had unmanageable classroom sizes as many children assimilated and left work to enter school.

For immigrant families in which the children attended school, a divide sometimes occurred between the generations. Some adults who had not attended schools in their home country considered schooling unnecessary for their own children. Immigrant schoolchildren, however, were assimilating in ways that their parents could not, and the public schools were key to their acculturation.

Chicago’s Hull House, founded in the late 1800s by Jane Addams and Ellen Gates Starr, was one of the city’s main immigrant receiving areas during this time. In less than two decades, the original Hull House mansion grew to 13

buildings that attracted thousands of people by providing social and educational programs (Johnson, 2005). The organization was active in providing aid to child immigrants. In fact, among the first services was a kindergarten, which offered schooling to children while their mothers worked (Polikoff, 1999). The scope of the organization expanded over time and began to sponsor classes, hold public concerts, offer free lectures, and operate social clubs for both children and adults.

In 1908, a group of Hull House women led by Jane Addams formed the Immigrants' Protective League. The group was formed to tackle immigration issues at the legislative level, where members lobbied for improved health care for immigrants, as well as fewer Federal immigration restrictions. The Hull House women also were instrumental in the campaign to persuade Congress to pass legislation to protect children. Their causes included issues that greatly affected child immigrants, such as child labor laws and education requirements (Johnson, 2005). Among these advocates from Hull House were Julia Lathrop, the first chief of the Children's Bureau, and Grace Abbott, Lathrop's successor.

References

- Johnson, M. A. (2005). Hull House. In J. L. Reiff, A. D. Keating, & J. R. Grossman (Eds.), *The electronic encyclopedia of Chicago*. Retrieved from <http://www.encyclopedia.chicagohistory.org/pages/615.html>
- Lassonde, S. A. (2000). Compulsory schooling and parent-adolescent relations. In P. S. Fass & M. A. Mason (Eds.), *Childhood in America* (pp. 142-145). New York, NY: New York University Press.
- Polikoff, B. G. (1999). *With one bold act: The story of Jane Addams*. New York, NY: Boswell Books.
- Reef, C. (2002). *Childhood in America: An eyewitness history*. New York, NY: Facts On File, Inc.

Conferences and Trainings

[Kids in Between – Exploring a Unified Strategy for Child Protection in the Americas](#) (International Social Services 4th Annual Conference, Nov 3, 2011, Georgetown University's Center for Public and Nonprofit Leadership, Washington DC)

DISCLAIMER: The information in this e-news does not represent the opinion or endorsement of MCWNN. This information is intended to provide general discussion on the topic and should not be used as a substitute for professional advice which takes into consideration specific circumstances of the situation. Those seeking case consultation should seek the services of a competent professional. Much apologizes in advance for any typographical or grammatical errors. If you are interested in sharing information on FYI from MCWNN, please contact co-editors, [Yali Lincroft](#), MBA, First Focus Policy Consultant, and [Lara Bruce](#), MSW, American Humane Association Child Welfare Specialist.