



# Immigration, Child Welfare and Borders

A conference hosted by the Migration and Child Welfare National Network

Jan. 26-28, 2009



## Conference Proceedings

In collaboration with:



**The Annie E. Casey  
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## Introduction

Immigration has been a defining feature of the United States since the country's inception. Over the past 20 years, the number of different immigrant communities across the United States has grown dramatically. Immigrant families are spreading out across the country to find work and homes. Different regions are experiencing new challenges when working with these families, particularly when they come to the attention of the public child welfare system.

In July 2006, the American Humane Association and Loyola University Chicago convened leaders and practitioners from around the United States for the first roundtable of what would become the Migration and Child Welfare National Network. This roundtable identified national key issues critical to effective child welfare practice with immigrant families.

In April 2008, the Migration and Child Welfare National Network held its second forum, *The Intersection of Immigration and Child Welfare: Emerging Issues and Implications*, which presented an opportunity to further existing discussions regarding the relationship between immigration and the public child welfare system.

The most recent conference, *Immigration, Child Welfare and Borders*, held Jan. 26-28, 2009, focused on the specific challenges and needs of states and communities along the borders of the United States and Mexico, and Latin and Central America. The conference emphasized the development of practice solutions, the identification of unanswered practice and policy questions, and ways to build connections between border states and communities to better prepare participants to assist immigrant children and families when they become involved in the child welfare system.

## Conference Overview

### **The conference focused on three questions:**

- What is the well-being of children and families on both sides of the border?
- What are the salient issues to be addressed concerning practice and policy to ensure healthy and thriving children?
- How can we enhance our ability to serve families that struggle with immigration and child welfare issues?

### **To address these questions, focus areas included:**

- Immigration status in the United States and how it relates to child welfare outcomes of safety, permanency and well-being;

- State and federal policies that directly impact child welfare agencies' ability to work with immigrant children and their families;
- What immigrant-serving agencies, including public child welfare, can do to influence policy locally;
- What we can learn from the Canadian immigration system; and
- How to integrate best practices with immigrant families into daily practice.

These proceedings collect written summaries of some conference presentations in order to promote ongoing dialogue on the advancement of these issues, as well as to disseminate this information to a wider audience of researchers, practitioners, policymakers and advocates who were unable to attend the forum. The proceedings are organized according to the order in which they were presented at the forum.

**Day 1** began with brief overviews of current research projects sponsored by the Migration and Child Welfare National Network (MCWNN). Following these opening reports, the four committees of the MCWNN (Research, Policy/Advocacy, Promising Practices and Transnational) met in workgroups to plan their agendas for the upcoming year. Later that afternoon, the conference began with a keynote presentation on the relationships among justice, practice, policy and advocacy to support immigrant children and families, followed by an interactive panel featuring the lived experiences of immigrant youths and families. In these proceedings, Lara Bruce and Raquel Flores from the American Humane Association provide preliminary findings from the Texas Immigration and Child Welfare Learning Laboratory, and Richard Speigman from the Child and Family Policy Institute provides findings from his study on the receipt of Temporary Assistance for Needy Families (TANF) benefits among immigrant families in California. Following these reports, Ken Borelli, consultant for the Annie E. Casey Foundation, provides a summary of the keynote address, and Gary Urdiales provides a summary of issues highlighted in the interactive panel.

**Day 2** focused on issues concerning child well-being and the current state of social work practice with immigrant children and families along the border regions. In these proceedings, Jorge Cabrera from Casey Family Programs summarizes the panel discussions addressing child well-being in the United States, and Amy Thompson summarizes the panel discussions addressing child well-being in Mexico and Central and Latin America. Following this, Megan Finno and Laurie Melrood provide information on the state of social work practice with immigrant children and families in New Mexico and Arizona.

**Day 3** concluded with a discussion of child-centered programs in the Office of Refugee Resettlement (ORR), followed by an interactive conversation on ways to use the information provided throughout the forum. In these proceedings, Elaine Kelley, associate director for child welfare with ORR, summarizes her presentation.

It is our hope that this collection of presentations will provoke further discourse and provide the impetus for additional research, advocacy, and policy and practice advancements that facilitate positive outcomes for immigrant children and families involved in the child welfare system. Through these advances, as well as the ongoing work of the MCWNN, positive outcomes can be obtained for all children and families, regardless of citizenship status or country of origin.

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# DAY 1: Monday, Jan. 26, 2009

## Title: **Cash Assistance in Stanislaus County: A Study of TANF and the Protection of Immigrant Children**

Presenter: *Richard Speigman, Child and Family Policy Institute of California*

### Background

Many very poor families across the United States secure cash and other assistance from the Temporary Assistance for Needy Families (TANF) welfare program established nationally in 1996 and implemented in California in 1997 as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Unauthorized immigrants — termed “not-qualified immigrants” or referenced below as NQI cases — are excluded from receipt of these benefits.<sup>1</sup> However, in almost all states many of the citizen children of immigrants — whatever their parents’ status — are eligible for cash assistance.<sup>2</sup> Situations such as these, in which one or more children, but no parents, receive aid, are termed “child-only” TANF cases. NQI cases are those in which either both parents do not qualify for aid, or there is only one parent who does not qualify. If one or both parents are qualified to receive assistance, the case is not, by definition, child-only.

Objectives of the TANF program include permitting children to be “cared for in their own homes or homes of relatives”; ending “dependence of needy parents on government benefits by promoting job preparation, work and marriage”; preventing and reducing the “incidence of out-of-wedlock” births; and “encouraging the formation and maintenance of two-parent families.”<sup>3</sup> CalWORKs’ objectives call for achieving TANF goals without negatively affecting “child well-being, the demand for county general assistance or the number of families affected by domestic violence” while reducing child poverty in the state.<sup>4</sup>

For very poor immigrant families, the cash assistance, along with Food Stamps and other benefit programs, may begin to address family hardships and make the difference between an empty and full refrigerator and between severely crowded living conditions and those more supportive of the well-being of family members. For NQI families during the period of this research project, CalWORKs provided \$378 per month for the first child on the case, and less for subsequent children covered.<sup>5</sup> The maximum value of Food Stamps was \$162. The median 2007-2008 statewide value of the two programs combined for NQI families was estimated to total \$772 per month for an average NQI case family size — aided and unaided — of 3.8 persons. Assuming that family members earned an additional \$225 per month (the permitted pass-through amount, which, if exceeded, causes the CalWORKs grant to be reduced to offset earnings), NQI families lived on under \$1,000 per month, or about 16 percent of California median family income, 59 percent of the federal poverty guideline for a family of that size or 27 percent of the California Budget Project’s basic family budget.<sup>6</sup>

<sup>1</sup> In most states most authorized immigrants who are recent arrivals are also not qualified to receive this aid, although California retained welfare eligibility for virtually all legal immigrants. Details of benefit coverage for immigrants are complex. For additional information, see the California Immigrant Policy Center’s work in 2008.

<sup>2</sup> However, not all citizen children receive TANF benefits. Under California’s “maximum family grant” or “family cap” policy, for purposes of computation of the CalWORKs grant size, the number of eligible children in the family is limited to those born within 10 months of initial receipt of aid.

<sup>3</sup> See Public Law 104-193, 1996. In child-only cases, where cash assistance and work supports are not provided to parents or caregivers, it appears that only the first objective is relevant.

<sup>4</sup> See Chapter 270, Statutes of 1997. General Assistance and General Relief are California state-mandated county programs, supported with county funds and defined and operated at the county level, to provide subsistence cash and/or in-kind (typically housing) assistance to very low-income county residents (Moon and Schneiderman, n.d.). Assistance may, depending on the county, be time-sensitive.

<sup>5</sup> Under the latest California budget agreement, the cash value of CalWORKs benefits overall has since been further reduced by 4 percent and promises cutbacks of up to 50 percent to future NQI cases (Graves, 2009).

<sup>6</sup> For 2007 state median family income by family size see the American Community Survey, retrieved August 29, 2009, from <http://www.census.gov/hhes/www/income/statemedfaminc.html>. Federal poverty guidelines for 2008 are provided by the Assistant Secretary of Planning and Evaluation, U.S. Department of Health and Human Services, retrieved August 29, 2009, from <http://aspe.hhs.gov/poverty/08Poverty.shtml>. In 2007, the California Budget Project computed that a basic family budget for the Central Valley region, which includes Stanislaus County, was \$44,448 for a two-parent family in which one parent worked (California Budget Project, 2007).

## Research Project

In 2008, the American Humane Association, with additional support provided by the Annie E. Casey Foundation, funded a study on “Immigrants and the Child-Only TANF Caseload” in one California county.

We selected as our research site Stanislaus County, Calif., a mixed rural/urban area in California’s San Joaquin Valley with Latino and limited English-speaking shares near statewide averages. In 2007, the population was just over 500,000.<sup>7</sup> Persons of Hispanic or Latino origin accounted for 39 percent of the county in 2007. In 2005, at \$26,810, Stanislaus County ranked 39th of 58 counties in the state in per capita income, only 72.6 percent of the statewide figure (California Department of Finance, 2007). Unemployment has consistently remained high in the county. At the time of our fieldwork, July and October 2008, the Stanislaus County unemployment rates (respectively, 11.1 and 11.5 percent) were 46 percent greater than statewide figures.

We relied on key informant interviews with staff of the Community Service Agency (CSA is the county agency responsible for adult as well as children’s social or welfare services) and community social services and advocacy agencies, as well as on focus groups with parents whose children were eligible for — but may or may not have acquired — CalWORKs cash assistance to examine whether current policy met the needs of the children in these families. We also examined families’ motivation to secure assistance for their children, as well as the barriers they experienced.

Key informant interviews were conducted with 26 individuals. Three parent focus groups were held, involving 32 parents. Two of the groups were composed of parents who had not received cash assistance for their citizen children, and one was with parents who had received the benefits.

## Results

**Living conditions of the NQI population.** Incomes among NQI families generally fall below the poverty line. As one key informant put it, “They have few resources, little earning power and few opportunities.” Often, we were told, two or more families live together, typically in run-down, rental housing. NQI families are not eligible for assistance from most rental assistance programs.

**Structural challenges to gaining access to CalWORKs benefits for children.** Informants mentioned that not all CSA forms were available in Spanish and that there is a shortage of Spanish-speaking staff for eligibility interviews, a long and burdensome application form, long waits at the CSA office as well as multiple visits required, long travel times for those without cars and, occasionally, rude staff.<sup>8</sup> We heard reports of parents who experienced the application process itself as a barrier since the travel and wait time involved threatened loss of work income and/or loss of job.

**Limitations of outreach and information.** While most focus group participants were aware of the existence of CalWORKs benefits, there was a great deal of confusion about the eligibility and benefit structure of the program. Families saw cash assistance as an adult benefit and believed that they would be held accountable for being a public charge of the state. Several participants not receiving aid for their children expressed doubt that, given their immigration status, they could benefit from the program, and on several occasions we heard that lack of access to clear, useful and consistent information about the program and its implications — especially concerning possible immigration consequences of receipt of assistance for children — proved to be a major disincentive to application for benefits.<sup>9</sup> We also heard from some parents who applied for assistance but were denied aid, without an understanding of why.

**Hesitance to apply for assistance.** “Fear and ignorance keep the community from tapping into CalWORKs,” asserted one advocate. “The community...fear(s) that they might be reported to immigration, or that it will affect their legalization application later on.” Parents also expressed other concerns, such as: (1) when they became

<sup>7</sup> Modesto, the county seat of Stanislaus County, with a 2008 population of 210,000, is located 92 miles east of San Francisco and 75 miles south of Sacramento.

<sup>8</sup> One CSA informant told us, “The pages-long application is intimidating. There are problems of literacy, and no one to help [the person apply]. It’s not always clear to applicants what the questions mean. They’re coming from a country that does business completely differently.”

<sup>9</sup> CSA officials noted that while CSA does not report anything to immigration authorities, CSA is also barred from addressing confusion about possible negative effects on future attempts to regularize immigration status, and no written materials or referrals to advocates or legal assistance are provided.

adults children would have to repay as debt the cash assistance received; (2) financial aid would be denied to recipient children when they wished to attend college; (3) children would have to repay the assistance by joining the army; and (4) child welfare agencies would take children from their parents as punishment for parents' failure to adequately care for the children. Additional and related bases for hesitancy to apply for assistance were expressed. Parents conveyed concern about the stigma of becoming dependent on government help and worried about the shame they would experience in the community from being on welfare.

**Incentive to apply for assistance.** Desperation resulting from severe economic hardship (a period without work, irregular work or unexpected layoff) or a serious health problem, along with encouragement from friends, appeared to be the primary factors motivating parents to submit an application for benefits for their children. As reported to us, the desperation took the form of empty or virtually empty refrigerators; loss of gas, electric and phone service; and such tight residential quarters that the children lacked access to more than one room of their home for most hours of the day.

**Limitations of assistance.** Members of the focus groups also noted that, once received, the cash assistance was not adequate to take care of their families. As one participant put it, "In reality all it is, is a little bit of help, not something you can live off of...It didn't even pay the rent. It's too little." That too was a disincentive.

Given all of these challenges, the impression that the research team received, from both key informant interviews and parent focus groups, was that many NQI families do not apply for CalWORKs and, among those that do, periods of benefit receipt were kept as short as possible.<sup>10</sup>

## Discussion and Recommendations

NQI parents tend to live under very fragile economic conditions with little or no safety net. Stressful life events can spiral into a crisis scenario for the entire family. Our research offers a glimpse of the important role of cash assistance in the lives of the families that do become CalWORKs beneficiaries. Despite the fact that CalWORKs can provide aid in dire circumstances, NQI parents' utilization of CalWORKs assistance for their citizen children tends to be infrequent and for short periods of time, because of widespread negative perceptions of cash assistance and fears of immigration-related or other consequences.

NQI parents' fear of cash assistance, even under very fragile economic circumstances, means that children's hardships can compound and last prolonged periods, with potentially detrimental consequences for longer-term well-being. Hence, CSA should convey the message that CalWORKs provides valuable support for children. CSA should provide Spanish translation of all materials, adequate staffing for translation services for on-site or phone communications, and staffing to assist those with limited ability to complete competently required forms. The agency should decentralize the CalWORKs application and re-qualification process and minimize the frequency of in-person reporting. CSA should also provide clear, written explanations when customers are found ineligible for aid.

We conclude by recommending that CSA reach out and clearly address parents' immigration concerns. With the assistance of immigration policy partners, CSA or a community partner should commission the production, widespread community distribution and prominent placement of a brochure or fact sheet explaining when NQI families can safely make use of public benefits, and provide contact information to reach immigration attorneys or immigrant rights organizations for more information. At the state level, cost-of-living-adjustments, not fully provided since the late 1980s, should be provided, thereby returning the value of cash assistance to the Aid to Families With Dependent Children (AFDC) era.

Finally, we suggest that the study be replicated elsewhere in California and the United States. Ethnographic and survey research efforts should be undertaken to assess child and adult well-being among NQI families, with results used to develop strategies to assist struggling families and communities, schools and workforce development programs, as well as child welfare agencies.

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<sup>10</sup> Not necessarily in contradiction, Speigman, Bos, and Ortiz (2007) found that CalWORKs-receiving immigrant families, like other child-only cases, are more likely to have been on aid for a greater proportion of the previous 12 months, compared with CalWORKs families including an aided adult. Estimates from the California Department of Social Services (n.d.) indicate that many NQI cases receive assistance for extended periods of time.

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## **Title: Texas Immigration and Child Welfare Learning Laboratory: Preliminary Findings**

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*Presenters: Raquel Flores and Lara Bruce, American Humane Association, Colorado*

The child welfare field faces many new practice, policy and research issues specific to working with children from immigrant families as a result of the national growth of the immigrant population throughout the past decade. When an immigrant family comes to the attention of the public child welfare system, both the family and child welfare professionals face unique challenges because little is known about the characteristics and needs of immigrant children and families involved in the child welfare system. In 2008, the Migration and Child Welfare National Network (MCWNN) received blended funding from the American Humane Association (fiscal agent for the network), the Annie E. Casey Foundation and Casey Family Programs to conduct the Texas Learning Laboratory project. The learning laboratory model is designed to assess and identify the current state of practice by child welfare agencies with immigrant children and families in need of services. The learning laboratory model will help project staff identify emerging practices that support immigrant children and their families who are in need of social services. The project team is currently working collaboratively with the Texas Department of Family and Protective Services (DFPS), specifically in the San Antonio, Brownsville and Laredo regions.

The Texas Learning Laboratory project has two phases. At the time of this forum, project staff completed Phase I of the project. During Phase I, American Humane's project staff conducted a brief literature review of available resources for working with immigrant families in the child welfare system to help identify emerging or promising practices. The team also looked into current policies and procedures within DFPS for working with immigrant families. Information was available on a very limited basis and no concrete best practices were found. During this phase, the project staff began developing the research questions for key informant interviews and focus groups to be conducted later in this phase. The team developed a series of overarching categories, devised the individual questions for each category and sent the questions to the project's advisory committee to review and provide feedback to the team. In January 2009, staff conducted interviews and focus groups with key informants in the San Antonio and Corpus Christi regions. Sessions focused on prevention and intervention practices in child welfare and the strengths and challenges encountered when working with immigrant children and families. These sessions consisted of four focus groups composed of participants who worked at DFPS as program directors, border supervisors, various supervisors and program administrators. Two interviews with a border liaison and a regional director were also completed during this trip. A total of 24 DFPS staff participated during this round of interviews and focus groups. An additional interview was conducted with a staff member from a local community-based organization; however, the interview will be included in the next phase of the project.

### **Preliminary Findings**

#### **Who makes up the immigrant population in these regions?**

Participants in the focus groups and interviews from DFPS stated that the immigrant population that comes to the attention of public child welfare in their regions are primarily undocumented and from mixed-status families. Parents are usually undocumented, while children may be citizens or undocumented as well. Participants also stated that parents are not typically married and have a maximum of a fourth-grade education level. Seventy to 98 percent of families are Hispanic and are from Central and South America, specifically Mexico, Guatemala, El Salvador, Ecuador, Nicaragua or Honduras. These parents hold multiple odd jobs, according to participants, in areas such as construction, day labor, temporary work, restaurants, hotels, field work, factories, etc., but they may also be in transition.

#### **What are the family's reasons for migration?**

Participants overwhelmingly said that immigrant families come to the United States to pursue the American dream. They may also come to join other family members who have already migrated or in search of work. Many DFPS staff said that migration is slowing down now from Mexico and south of the border because of government policies and regulations. Many times these family members also migrate in order to send money back to the family that stayed in their home country.

#### **What are some of the challenges that immigrant families face when they migrate?**

Project staff wanted to know more about the struggles that immigrant families find themselves in while migrating or once they enter this country. Participants felt that families become more scattered and have less social and



familial supports upon arrival. Oftentimes they can only find work that is outside of the town where they have settled, and they often lean on the “coyotes” (human smugglers) or their sponsors for help. According to focus group participants, many immigrants come from a home country that is controlled by corrupt officials, and when they come to the U.S. they attempt to work with U.S. officials in the same way or have a general fear about public officials and agencies due to their past experiences. Many immigrant children and families may be exploited by their employers, coyotes or landlords due to the vulnerability stemming from their immigration status. Landlords may take advantage of undocumented immigrant families by renting out condemned housing and threatening to call immigration officials if they complain that something needs to be fixed, although they allow multiple families to live under the same roof. It is often difficult for these families to find and access culturally appropriate and language-specific resources such as assistance with special needs children, health care and mental health care.

### **What are some challenges DFPS faces in working with immigrant children and their families?**

One of the main reasons the Texas Learning Laboratory was constructed was to specifically address this question, which is often of great concern to public child welfare agencies. Participants in this first phase of the learning laboratory state that a major area of concern for them was the lack of training from within the department. They state that “Currently, there is no training provided specific to undocumented families,” and that they generally learn what they can do for immigrant families on a case-by-case basis. DFPS does provide training on cultural competency and undoing racism, and does tackle some minority populations, such as the Vietnamese, in specific training. However, training does not exist for working with immigration status issues or other issues that undocumented immigrant families face. Because of the lack of training on specific cultural differences among native families and immigrant families, many workers aren’t aware of the power differentials that exist within these families and other traditions related to greetings, appropriate dress, acceptable standards, etc. Language barriers are also a challenge for many workers. The typical DFPS language is laden with governmental and legal jargon, and doesn’t always translate into Spanish the way it is intended.

Supervisors and administrators also found it challenging to work with immigrant families due to their lack of understanding around the differences between Mexican public child welfare, U.S. border patrol, Immigration and Customs Enforcement (ICE), border liaisons and DFPS roles. Furthermore, immigrant families often fear all public entities. In many interviews and focus groups, agency workers mentioned that they have an informal “don’t ask, don’t tell” policy, meaning that they don’t ask families about their citizenship because of the fear they believe a family will feel when asked about it, not realizing that child welfare often tries to work with them to obtain services. The issue of lack of available services for undocumented immigrant families was also a challenge in many communities. Oftentimes, case workers refer families to community-based services because they are unable to use federal funds to pay for more formal services, and they often have to be creative in their plans with these families to ensure they are able to get the necessary services. Issues around housing programs were mentioned on several occasions, as such programs are included as part of most parents’ improvement plans.

Within DFPS, we have also found some cases in which workers, supervisors or administrators were perceived as having a bias against DFPS’ role in working with undocumented families. Participants believed that this stemmed from staff misunderstanding what they can do for these families and their acceptance of media messaging about undocumented people in the U.S. Many were unaware of the Special Immigrant Juvenile Status (SIJS) option for undocumented foster youths in care, as well.

### **What are some of DFPS’ strengths in working with immigrant families?**

Participants in each focus group were able to identify several of the strengths within DFPS that they felt related to their ability to work with immigrant families. These included their ability to work with the Mexican Consulate in Texas to assist in conducting diligent searches from Mexico and making contact with DIF (Mexican public child welfare agencies) at federal, state and local levels to conduct home studies in cases where reunification could occur in Mexico. The Mexican Consulate also assists with getting proper documentation for SIJS filings and reunifying children with their parents in the U.S. Participants also mentioned that they had good working relationships with many community-based agencies in their region, including Catholic Charities, churches, Family Services Association, Jewish Family Center, The Good Samaritan House, Family Justice Center, Family Violence Prevention Center, Community Partnerships for Protecting Children and the Governor’s Committee on various services and solutions.

Within DFPS there are also a few border liaisons who are responsible for coordinating the transfer of children to Mexican child welfare agencies by communicating between the consulate and DFPS. This approach is utilized in a handful of cases each year due to staff's lack of knowledge of DIF and its policies and practices. However, when these cases do occur, they are more successful as a result of the border liaison position.

DFPS also works very hard to ensure that family safety plans in family members' native languages are available to parents to sign, along with all other case-related documentation.

### **What kinds of prevention or outreach efforts conducted by the department are focused on immigrant families?**

In the San Antonio region, several groups mentioned the work of the Speaker's Bureau and its outreach to connect with parent groups, primarily Spanish-speaking parenting groups, in situations like teen parent conferences. Critical information is shared in such situations, including issues related to child abuse and neglect, and the laws that exist within the country and state on child discipline. Participants also reported that the Neighborhood Place is a safe place in the community where many agencies and organizations give families information. Some other outreach activities included: producing calendars with parenting tips; conducting "Connected and Protected" festivals; participating in community groups and children's activity groups; and having a presence at local health fairs. Someone also mentioned one radio spot that was done to raise awareness of DFPS and to clarify its role in the community.

### **What level of information/data is gathered on immigrant families in the child welfare system?**

In order to truly assess the need for policy and practice improvements within the child welfare system, it is crucial to know how many children, youths and families are really impacted by immigration status issues at the time that child welfare becomes involved. In most groups, participants reported that there isn't a clear piece of their assessment process or tools to address status issues specifically. There isn't a box that workers can check in their assessment that indicates citizenship, and in many cases, no Social Security number is indicated within the case file. Many workers said that this often triggers their awareness that legal status might be an issue. As mentioned earlier, many workers never even ask. When they do, it is often buried in the progress notes, narrative or the family assessment/service plan.

### **What are the requirements to work for DFPS and what level of training do workers go through in order to do their jobs?**

Participants informed us that to work for DFPS, the minimum requirements consisted of a bachelor's degree in any field. Program directors were required to have a bachelor's degree in human services or a related field, two years of supervision experience within the department and a minimum of five years of total experience with the department. All program administrators were licensed, master's-level social workers.

New child welfare workers within DFPS are required to go through 90 days of basic skills training and then shadow workers from a variety of divisions within the department. In order to be a child welfare supervisor, workers had to possess the above mentioned minimum requirements and attend training that included 12 hours of training on cultural diversity, basic skills development, seven habits of leadership, worker competency and CORE. There are several other trainings available as supplemental offerings, including: Bexar sheriff's training on human trafficking and the People's Training Institute on undoing racism. Seventy percent of supervisors have gone through "Knowing Who You Are," a two-day cultural competency course.

### **What are the levels of worker stress and staff turnover within DFPS?**

When considering policy or practice changes with any agency it is always important to look at the levels of worker stress, burnout and staff turnover, in order to ensure that any proposed initiatives will be successful under the current circumstances. DFPS is attempting to reduce staff turnover through retention work groups and a mentoring program that started recently. Participants identified the ongoing need for organizational and skills development for staff at all levels, particularly around the area of time management. Many reported that workers' caseloads may have recently decreased due to the creation of new positions within their divisions; however, the "amount of tasks needed to close a case has increased." This has also led to more checks and balances within the department, which workers reported to be working well. Another issue that was mentioned in several groups was that DFPS often loses its best caseworkers to the public school system because the schools pay more and the hours are better.

## Preliminary Recommendations

The project staff are still working to complete Phase II of the learning laboratory project. However, several recommendations can be made currently just based on the feedback we have received from the Phase I focus groups and interviews. Much work still needs to be done by DFPS at all levels to identify the population of immigrant children and families they are seeing within their system. The ability to identify some sort of approximate numbers will help highlight the need for the allocation of additional resources to this population within the system. It will also be essential to address the need for ongoing training for workers and staff regarding the challenges and needs of the immigrant populations in these regions.

DFPS should continue to engage community-based agencies that can provide services and resources to undocumented immigrant populations. Contact information for individuals within these organizations should be identified and disseminated within the department. Using this information, relationships should be formed between the department and border patrol, ICE and DIF, in order to clarify roles and responsibilities when working with immigrant families and children. Cross-agency training is proposed as a method to tackle the lack of clarity. Quarterly stakeholder meetings hosted by DFPS might be another avenue to explore in bridging the gaps among these agencies.

Once these relationships between and among other government agencies and community-based organizations are in place, a natural progression of improvements could be supported through continued and increased prevention efforts. Opportunities to provide educational and awareness presentations in collaboration with community-based organizations could prevent these families from needing the assistance of public child welfare in the first place. It would also demonstrate a new cohesiveness across agencies and decrease general fears that immigrant families have when working with any organization.

## Next Steps

We plan to engage direct service workers within DFPS as well as community-based organizations in order to continue hosting focus groups and interviews. Child welfare and immigrant advocates are also being considered for the next round of information gathering. Following those groups, we hope to conduct the same process with immigrant families and youths who have been or are currently a part of the child welfare system in Texas to assess their experiences both with child welfare and in addressing their immigration issues. We hope to compile all of the information gathered during the course of this project and create a report with final recommendations for Texas's Department of Human Services. In the report, we plan to include specific information regarding the needs of immigrant families in the child welfare system.

## Other Potential Project Outcome/Products

- A quality improvement center model in the San Antonio region, allowing continued examination of the relationship between immigrant families and the child welfare system.
- The creation of an immigrant family-friendly assessment tool for immigrant and child welfare serving organizations.
- The development of a list of bilingual vocabulary for child welfare workers and interpreters.
- The development of a "how to" handbook for assessing immigrant families in public child welfare agencies.

The presentation concluded with some general questions and answers regarding the project, as well as feedback to the presenters on the scope of the study. Several ways to improve the study were discussed, as well as several challenging areas for some conference participants. It was proposed that the study be replicated in the El Paso region, as that area sits on the border between the U.S. and Mexico, and might struggle with many of the same challenges.



## **Title: Migration and Child Welfare — Getting Back to Basics**

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*Presenter: Ken Borelli, Annie E. Casey Foundation*

Getting back to basics in child welfare practice is critical in today's economic climate. So many projects, including best practice models, are agency elective services, and as a result, are highly vulnerable to today's financial planning. What many child welfare agencies are confronted with is how to provide "core mandated services." This presentation highlights these core practice issues, and how they pertain to immigrant families — in contrast or in addition to child welfare policies and guidelines.

When all is said and done, "successful family outcomes" are child welfare's goal, followed by permanency for children when family reunification is not possible. Federal guidelines mandate:

1. Services in place to offer alternatives to child removal;
2. If removal from an offending parent is necessary, the non-offending parent must be considered as an option;
3. Immediate and extended family members are the "out-of-home placement resource" of first choice;
4. Reunification service/case plans are adequate and relevant to reunifying a child, and support services are readily available to assist the parent and child; and
5. In the event family reunification fails, expedient permanency plans are in place for a child.

These are the challenges facing the field worker in addition to providing the juvenile court system detailed reports and recommendations along the way for court workers' consideration and review. The everyday realities of practice can be daunting in the most normal of circumstances. Transposing substance abuse and domestic violence issues upon this process increases the complexity of the case.

As a child welfare worker, supervisor, manager and director, it was always with some trepidation that I would find the need to introduce the immigration realities to the dynamics of the case at hand. Yet given some key national demographics, it is obvious and necessary to be inclusive of the immigration dynamics, in much the same way a child welfare worker must be aware of the dynamics of domestic violence when approximately 60 to 65 percent of child welfare cases are estimated to have a domestic violence component. Child and family safety planning requires it.

There are three major child welfare concepts that are critical to our mandates, agency accountability and judicial oversight: (1) reasonable efforts; (2) concurrency; and (3) permanency. The "reasonable efforts" concept focuses on the child-parent case plan — prevention, diversion and reunification. Concurrency focuses on the need to plan for the eventual long-term best interest of a child, and avoid foster placement drift if family reunification fails. It is time-sensitive and based upon the child dependency clock. Permanency is child-based; family reunification has failed and the child's long-term needs must be addressed within the most permanent options available. These are adoption, guardianship and long-term foster care/independent living — the least desirable option. There are no, or very few, services for the parent, except perhaps visitation and maintaining connections when appropriate.

### **When the Rubber Hits the Immigration Highway**

#### **Regarding reasonable efforts:**

- What services does an agency need to provide to parents who may be undocumented, when the children are U.S. citizens? What if the child is undocumented, or his or her immigration status is unknown? What services, or contract services, are available to a parent in order to provide prevention and family reunification services to resolve an abuse or neglect issue and/or resolve immigration barriers to services?
- When it comes to transporting a child or parent for visitation, especially along border communities, how is the family service plan to be implemented among transnational families?
- What are the expectations of parents and the agency regarding accessing services? How does the caseworker ensure court attendance and proper legal notice across borders, and who is responsible to ensure compliance with court hearings?
- Concerning relative assessments and placements across borders, how does the system ensure child safety planning and protection beyond U.S. jurisdiction?

- A growing concern among child welfare workers concerns our traditional partnerships with law enforcement, probation, public health and the schools, among others, and their own immigration protocols. How confidential is the immigration status of a parent, child or extended family member in carrying out day-to-day implementation of the service plan?
- How does “illegality” drift into “criminality” from caseworkers’ perspectives and their interactions with service providers and partners noted above?
- Caseworkers’ own value systems needs to be engaged, a difficult and at times conflicted task for bilingual/ bicultural caseworkers (due to issues such as subjectivity versus objectivity and personal interpretations versus agency guidelines).

### **Regarding concurrency:**

- Remember that concurrency starts immediately when a child enters the foster care system. A proper immigration assessment relative to the need for the best long-term placement option needs to be undertaken while family reunification services are being provided. How does the system ensure that these efforts include all relatives, including those outside of the U.S.?
- The task of visitation/supervision becomes more complex when transnational issues emerge. Case workers must be aware of this when gathering information, becoming aware of social support, finding transnational resources, and establishing feedback loops between themselves and courts regarding potential and actual placements outside of the U.S.
- Are immigration issues identified early on and support documents located? How do the immigration issues identified impact the family service plan?

### **Regarding permanency:**

- Within the context of a child’s needs, especially regarding a case impacted by immigration concerns, what does permanency mean?
- Does it mean a child should be permanently placed away from his/her culture, language or heritage? Or does placement abroad with limited supervision provide a realistic option?
- For undocumented children, are they provided with immigration relief such as Special Immigrant Juvenile Status (SIJS), and how may transnational family relationships be maintained? How and when does an identified guardianship or adoption plan evolve, and is it possible to include an extended transnational family system in the permanent plan for a court-dependent minor?
- For the legally emancipating minor, the issue of immigration legality is often overlooked. Also overlooked is the importance of maintaining connections with extended transnational families. Immigration issues are a major part of this concern, but transcending this is the need for “connectedness” for a child emancipating from the foster care system.

### **Navigating the Child Welfare Process**

There are two child welfare documents that track many navigation issues — the case/service plan and the court report. Too often the court system component of the child welfare system is not readily incorporated in an immigration review or overview. Yet, child welfare does not exist in a vacuum, and there is a shared decision-making process within the juvenile court system. This is a critical reality in the workload and thinking of the caseworker.

At each important decision point in the dependency process, attorneys for the child, parent, child advocate and agency will be reviewing the recommendations of the agency worker. Much of their evaluation will depend heavily on their knowledge of the dynamics of immigration, cultural and linguistic concerns, transnational issues and policy. And ultimately, there is judicial oversight and leadership. Those decisions also are based upon their knowledge and comfort zone regarding immigration and transnational dynamics and their impact on the child welfare case.

## **Title: Lived Experience of Immigrant Youths and Family: An Interactive Panel**

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*Facilitator: Gary Urdiales, Casey Family Programs, San Antonio, Texas*

*Presenters: Yolanda Ayala, former foster youth; Josie Martinez, Casey Family Programs, San Antonio; Jermeka Morrison, Texas Department of Family and Protective Services, Region 11; and Cynthia Vollmer, Casey Family Programs, San Antonio*

The purpose of this presentation was to focus on the importance of providing culturally appropriate child welfare services and to share cases in which child welfare policies and practices impacted the immigration status of youths — including those who have aged out of the foster care system. The presentation also highlighted some of the issues that service providers and service recipients encountered during the service period. In addition, recommendations that could have altered outcomes for the youths and young adults affected by immigration issues were offered through an interactive discussion between panel members and the audience.

### **Gary Urdiales initiated the question-and-answer session for the panel members by asking the following:**

- Can you please talk about how you have encountered immigration issues in your work with youths and young adults?

### **Yolanda Ayala gave an overview of her time in (CPS) custody and how immigration affected her:**

#### **The Story**

Yolanda was brought in to care in September 1997 and lived in care for seven years. During that time Yolanda lived in three different group homes. Within two years, Texas Department of Family and Protective Services (TDFPS) assisted Yolanda in obtaining her permanent resident card. A year prior to her emancipation in 2004, Yolanda requested her documents — only to be informed that they had been misplaced. A TDFPS worker helped Yolanda apply for her citizenship in 2004.

### **Jermeka Morrison gave an overview of her work with a youth who was in CPS custody while dealing with immigration issues:**

#### **The Story**

In 2003, Maria, a 14-year-old undocumented youth, came forward and reported sexual abuse by her stepfather. Maria, who is now 19, is the oldest from a sibling group of eight (ages 17, 16, 12, 11, 9, 6 and 5). Of the remaining siblings, the two eldest are also undocumented and will be transitioning out of foster care within the next two to three years; hopefully, they'll become legal citizens. The remaining younger siblings are eligible for adoption and are legal citizens. Maria has been in the custody of CPS for the past six years. Maria was attending her second semester at Del Mar College, enrolled in the two-year vocational/technical program. Due to her undocumented status, she has been unable to obtain employment. Maria has also made choices in the past that have hindered the process of her obtaining citizenship. Currently, Maria is in jail awaiting a judge's decision of possible deportation back to Mexico. Since Maria was in foster care, she has no information on finding the location of her maternal or paternal family in Mexico. Maria has been in eight placements; in 2003 she had six placements alone. In 2004, Maria was placed in a residential treatment center, and in 2005 her final placement was at an all-girls group home.

### **Cynthia Vollmer gave an overview of her work with a youth who was in CPS custody while dealing with immigration issues:**

#### **The Story**

In February 2006, referrals were made alleging physical abuse and neglectful supervision of Blanca and Ana by Ana's father (Blanca's stepfather). Subsequently, Blanca made an outcry of sexual abuse by her stepfather (for which he is serving 50 years) and alleged he killed the girls' mother while living in Mexico. In July 2006, the girls entered Casey Family Programs, at which time an interstate compact agreement was reportedly being established by Texas with the state of Georgia with the goal of placing the girls with maternal relatives there. In August 2006, Texas acquired permanent managing conservatorship of the girls. In May 2007, Georgia informed Texas it would not enter into an interstate compact agreement until the girls received permanent residency. By the end of December 2007, residency applications had been filed, and by August 2008 both girls received permanent resident cards. This triggered the process of once again trying to establish an interstate compact agreement between Texas and Georgia. The degree

to which this has been completed is unknown at this time. Once this is established Georgia is expected to proceed with a home study on a maternal aunt. The anticipated outcome is a recommendation of placement of the girls with this aunt. Blanca is now age 16 while Ana is 12.

### **Josie Martinez gave an overview of her work with two young adults who were in CPS custody while dealing with immigration issues:**

#### **The Story**

Yolanda was referred by her former CPS worker to Casey Family Programs and Foster Youth Life Investment Partners (FYLIP) in 2003. Yolanda was a freshman attending Texas A&M University Kingsville (TAMUK) at the time. She needed educational assistance (i.e. textbooks, supplies). She was an international finance major. Additionally, Yolanda was requesting assistance in becoming a U.S. citizen. The CPS worker had assisted Yolanda in getting her permanent resident card. Yolanda had been in CPS custody from the age of 15 to 18. The San Patricio Child Welfare Board paid her filing fee and Immigration Attorney Debra Rodriguez provided “pro bono” legal services. Yolanda became a U.S. citizen in 2005. She is a senior at TAMUK and, at the time of the presentation, was scheduled to graduate in May 2009. Yolanda has been working for the dean of the College of Pharmacy for over two years. The dean has offered her a full-time job upon graduation and HEB Grocery has also offered her a job as an international marketer.

Sam was referred to Casey Family Programs and FYLIP in 2004 through his preparation for adult living coordinator. He entered foster care when he was 4 years old and left when he was 18. At the time of referral, Sam needed assistance with rent and other basic needs. He wanted to relocate to Dallas but did not want to leave the area until his immigration status had been resolved. Sam did have his permanent resident card. Sam had been employed with Stripes, a chain of convenience stores, for almost three years. Foster Angles of South Texas (FAST) paid his filing fee and Immigration Attorney Debra Rodriguez provided “pro bono” legal services. Parkdale Baptist paid for his clothes to be worn to the swearing-in ceremony. He became a U.S. citizen in 2005.

### **Gary Urdiales continued the question-and-answer session for the panel members by the asking the following:**

- What were the biggest barriers you faced in dealing with this issue?
- Were there any connections between the youth/young adult whom you were working with and their birth parents or any of their relatives across the border?
- What if something had gone wrong, resulting in the youth getting deported; would he/she have known their birth family or have any knowledge of their extended family?
- Was your youth/young adult placed in a culturally sensitive and accommodating home? Were there any challenges that the youth/young adults encountered while being placed?
- What kinds of policies or practices would have made things easier for your youth/young adult?
- If you were able to go back in time, what would you have done differently?
- Who helped you the most with this situation?
- How have immigration laws and practices affected your situation?
- What recommendations do you have for professionals who deal with these kinds of cases?
- What would you recommend to someone who is facing this challenge?

As a result of the question-and-answer session, which included panel members and the audience, several challenges and lessons learned were identified.

**Issues highlighted by the case scenarios included:**

1. The need to pay for legal services.
2. The need to pay for formal attire in one of the cases.
3. The need for funds for the citizenship application fee.
4. The need to provide transportation, lodging and meals so young adults can relocate to start the citizenship process.
5. When service providers are unable to make decisions about these cases, it prolongs the amount of time needed for the youths to achieve permanency.
6. Turnover in state caseworkers delays achieving permanency plans for youths.
7. Delay in securing permanent residency for youths has prolonged their stay in foster care.

**Recommendations for policy implications and practice changes:**

1. CPS should stay involved until citizenship has been accomplished in cases involving children who will be remaining in the U.S.
2. Services, including legal assistance and financial resources, are required in order to assist these individuals in becoming U.S. citizens.
3. CPS, legal services, social services, etc. need to coordinate services prior to youths leaving care, ensuring that citizenship is resolved in a timely manner.
4. TDFPS should work with Sistema Nacional para el Desarrollo Integral de la Familia (DIF) in an attempt to locate family members within youths' countries of origin, especially in cases where the youths are going to be deported.
5. Foster parents should receive training on this particular issue, giving them the skills to advocate on behalf of youths. Since they are the primary caregivers, it falls on them to make sure something this important is taken care of before leaving care. We all know the state is not a very good parent. Additionally, once youths leave state custody, they are on their own.
6. The Preparation for Adult Living (PAL) curriculum should include a leadership/advocacy component. These young people need to learn some empowerment skills instead of expecting to be taken care of as if they were still in foster care.
7. Having a permanent resident card is helpful but is not the final outcome.

Questions concerning the work on the part of Casey Family Programs or transition services in Region 8 should be directed to Gary Urdiales at [gurdiales@casey.org](mailto:gurdiales@casey.org) or (210) 507-3348.

Questions concerning the work on the part of Casey Family Programs or transition services in Region 11 should be directed to Josie Martinez at [jmartinez@casey.org](mailto:jmartinez@casey.org) or (361)878 -3446.

Questions concerning the work on the part of Casey Family Programs or foster care services should be directed to Rose Mary Orosco Heyward at [rorosco-heyward@casey.org](mailto:rorosco-heyward@casey.org) or (210)253-8668.

Questions concerning the work on the part of the Texas Department of Family and Protective Services or work involving youth specialists should be directed to Veronica Woods at [veronica.woods@dfps.state.tx.us](mailto:veronica.woods@dfps.state.tx.us) or (361) 878-3549.



## DAY 2: Tuesday, Jan. 27, 2009

### Title: **Child Well-Being in the United States**

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*Facilitator: Jorge Cabrera, Casey Family Programs, California*

*Presenters: Alan Dettlaff, Jane Addams College of Social Work, University of Illinois at Chicago; Luis E. Flores, Serving Children and Adolescents in Need, Inc., Texas; Judge Oscar G. Gabaldón Jr., Judicial District Child Protection Court, Texas; Sandra Rodriguez, Child Protective Services, Texas; and Deborah Escobedo, Youth Law Center, California*

The objective of this panel presentation was to help participants better understand the key issues facing migrant children and families who come to the attention of child welfare in three key domains: permanency, education and mental health. These domains align with those in Casey Family Programs' 2020 national strategy, which seeks to safely reduce the foster care population by 50 percent by the year 2020 and promote self-sufficiency and outcomes of well-being in employment, mental health and education for all youths in foster care.

The presentation included the following panelists:

- Judge Oscar Gabaldón, presiding judge, 65th Judicial District Child Protection Court, El Paso, Texas
- Alan Dettlaff, Ph.D., University of Illinois at Chicago
- Deborah Escobedo, staff attorney, Youth Law Center, San Francisco, Calif.
- Sandra Rodriguez, Child Protective Services program director, Region 11, Edinburg, Texas
- Luis Flores, executive vice president, SCAN-Inc., Laredo, Texas

The panel was moderated by Jorge Cabrera, senior director of the San Diego field office of Casey Family Programs.

**Casey Family Programs' 2020 strategy.** Mr. Cabrera provided context through an overview of the 2020 strategy. A central component of this strategy is the need to address and mitigate the disproportionate representation of children of color in the child welfare system. To achieve the 2020 goals, issues of equity become paramount. Immigrant youths and families represent one of the most vulnerable populations — one that is among the least understood and significantly underserved. Without intentional policies and practices designed to meet the needs of this population, the promise of equal access to permanency, safety and well-being will be compromised.

**Data limitations and preliminary findings from The National Survey of Child and Adolescent Well-Being (NSCAW).** Dr. Alan Dettlaff discussed the lack of knowledge of the population of immigrant children and families involved with child welfare. State and national reporting systems do not consistently collect data on immigrant children and families. However, the NSCAW study has provided some preliminary findings including:

- Children of immigrants represent 8.6 percent of all children who come to the attention of the child welfare system.
- Of these children, 68 percent are Latino.
- Latino children of immigrants represent 5.2 percent of all children who come to the attention of the child welfare system.

In addition, Dr. Dettlaff discussed some of the risk factors that may contribute to child maltreatment among immigrant populations, including: financial distress, depression and significant social stressors, such as acculturative stress, marginalization and persecution. These stressors can correlate with high levels of depression, marital conflict, domestic violence, and drug and alcohol abuse. Furthermore, Dr. Dettlaff enumerated a number of protective factors that can mitigate some of these stressors, many of which are present among immigrant communities, including two-parent households, the presence of extended family and community support systems.

**Perspectives from a juvenile court judge in a border community.** Judge Oscar Gabaldon has experience as a judge in El Paso, Texas, a community that has seen a significant representation of migrant youths in the child welfare system. Judge Gabaldon provided a historical perspective on efforts made through various legal and transnational agreements to improve service coordination across borders. He discussed his role in the development of these agreements, including a key partnership with the Desarrollo Integral de la Familia (DIF), the equivalent of the child welfare system in Mexico. Furthermore, as a judge presiding over a model court, he emphasized the mandate to pursue best practices. In this role, he has led the implementation of initiatives such as the appointment of guardians ad litem for immigration purposes, participation of licensed attorneys from Mexico at child protective services (CPS) hearings, implementation of Special Immigrant Juvenile Status hearings, and pursuing partnerships with the Mexican Consulate, DIF, Border Protection and Homeland Security. In addition, Judge Gabaldon discussed his leadership role in supporting the increased role of the National Council of Juvenile Court Judges (NCJCJ) in addressing issues of disproportionality in the child welfare system.

**CPS in Texas.** Ms. Sandra Rodriguez discussed the unique issues faced in the day-to-day work of a CPS office in Region 11, which includes an area of the U.S.-Mexico border. Similar to Judge Gabaldon, Ms. Rodriguez has pursued relationships and partnerships with key organizations including DIF, Border Patrol and Homeland Security, as well as with the division of Unaccompanied Minors (DUCS), a federal department within the Office of Refugee Resettlement, and foreign consulates. Ms. Rodriguez reported on the variety of highly challenging cases they encounter — cases that include issues such as human trafficking, unaccompanied minors, separated families and minors referred from detention centers. Ms. Rodriguez reported that they have also encountered a large influx of Central American immigrants. Additional challenges include dealing with Homeland Security and border officials, which has resulted in CPS workers being detained while transporting undocumented minors. Furthermore, Ms. Rodriguez described the need for a memorandum of understanding with Homeland Security and new consular offices (e.g., Guatemala). These limitations present barriers to permanency and limited access to services for the migrant populations that come to the attention of CPS.

**Immigrant children and education.** Deborah Escobedo, an attorney for the Youth Law Center, discussed the unique educational challenges faced by migrant children. More significantly, she raised the need for individuals and agencies working with these children to be familiar with the law upholding the basic principle that children cannot be denied access to schools solely on the basis of their undocumented status. Ms. Escobedo further described the special education rights that immigrant children have under the law, emphasizing the importance for states to track data on the number of youths who are limited-English proficient (LEP) and fluent English proficient (FEP), and those who are eligible for migrant education services. By keeping accurate data, states can access additional funding to better support the needs of these children.

**Meeting the emotional needs of immigrant/border children.** Mr. Luis Flores, who runs a mental health agency in Laredo, Texas, presented on the special considerations needed in assessing and intervening with border-community migrant youths and families who come into contact with CPS. These considerations include the stressors and challenges faced by immigrant families, such as acculturative stress, separation from family and support systems, unfamiliarity with U.S. child protection laws, dealing with environmental stressors like the risk of deportation and exposure to violence. Many immigrant youths and families have been exposed to traumatic incidents that affect their social, behavioral and emotional responses. Mr. Flores emphasized the need for clinicians and CPS workers who serve this population to utilize a culturally relevant perspective and a “trauma-informed lens” that will allow for better assessment and intervention. Without this lens, misdiagnosis can occur and further complicate an already challenging situation. Furthermore, Mr. Flores directed the audience to many new educational and training resources available through the National Child Traumatic Stress Network (NCTSN).



## **Title: Child Well-Being in Mexico and in Central and Latin America**

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*Facilitator: Amy Thompson, policy consultant, Texas*

*Presenters: Ana Patricia Elías Ingram, Desarrollo Integral de la Familia, Mexico; Patricia Fragoso Sánchez, Instituto Nacional de Migración, Mexico; Aracely García Granados, Mexicans and Americans Thinking Together, Texas; Raul Rodriguez Barocio, North American Center at Arizona State University, Arizona*

The objective of this panel presentation was to explore best practices in securing migrant children's well-being across borders. The panel brought together child welfare and immigration professionals from Mexico to discuss current trends in the intersection of immigration and child welfare south of the U.S. border. The presenters shared information on Mexico's child welfare system, the challenges to child well-being in Mexico, and initiatives to create a network of professionals to address these issues. Discussion included ways to increase collaboration between U.S. child welfare agencies, the Mexican public child welfare agency (Desarrollo Integral de la Familia or DIF), and other nonprofit organizations working with immigrant children and families. Suggestions included international professional exchanges between colleagues in the field of child welfare, increased cooperation between U.S. and Mexican agencies, and the establishment of an international coalition of advocates and professionals to identify and monitor issues and best practices.

Due to audience interest in the details of Mexico's child welfare and immigration systems, the panel did not have sufficient time to address the issues facing migrant children from other Latin American countries in any detail.

The presentation included the following panelists:

- Ana Patricia Elías Ingram, director general of child protection, Desarrollo Integral de la Familia, Mexico (DIF is a Mexican public agency that coordinates child welfare services at the federal, state and local levels)
- Patricia Fragoso Sánchez, assistant director of supervision and coordination, Instituto Nacional de Migración, Mexico (INAMI is the lead agency for regulating immigration in Mexico)
- Aracely García Granados, executive director, Mexicans and Americans Thinking Together (MATT), Texas
- Raul Rodriguez Barocia, advisory board member, MATT, Texas

The panel was organized by Marcela Ronquillo de Hinojosa, director of Solo Por Ayudar's SIIMMON (Sistema Internacional de Información de Menores Migrantes por Origen y Nacionalidad) Program, Mexico. Ms. Hinojosa was regrettably unable to attend. Amy Thompson presented Ms. Hinojosa's prepared introduction.

### **SIIMMON: The search for best practices and accountability in serving migrant children.**

Ms. Hinojosa shared a preview of Solo Por Ayudar's documentary ([www.soloporayudar.com.mx](http://www.soloporayudar.com.mx)) on the realities of child migration along the U.S./Mexico border to set the stage for an exploration of the challenges to preventing child migration and reintegrating the repatriated child. She introduced the audience to the organization's program, SIIMMON, an effort to establish an integrated network and database for Mexican child welfare agencies along the border. The intent of the program is to enhance needs assessments for migrant children, coordinate services as children return to their communities of origin, identify best practices, and establish accountability through case management documentation and the collection of data. Her comments framed the panelists' discussion of the Mexican child welfare and migration systems, as she expressed the need for consistency and agency accountability on both sides of the border in the delivery of services to migrant children.

### **DIF: Strategies to prevent child migration and serve repatriated children in Mexico.**

Director Ingram outlined the development and evolution of DIF's programs for addressing the needs of migrant children since 1996. Initial strategies employed by Mexican child welfare agencies included campaigns to promote the rights of migrant and repatriated children, procedures for reintegrating repatriated youths into their families and communities, and the foundation of shelters along the Mexican side of the border to receive repatriated youths. DIF offices at the state and local level along the border have developed modalities for addressing the needs of unaccompanied migrant youths identified prior to an attempt to enter the United States, as well as those who are repatriated by U.S. agencies. Services for migrant youths focus on interventions to prevent international migration, while services for repatriated youths focus on family reunification. Director Ingram described the process by which youths who are officially repatriated are received by Mexican authorities — from assistance received by the Mexican

consulate in the U.S., to children's removal to INAMI offices along the border, to children's ultimate placement with either a non-government social services agency (such as the YMCA), or a DIF shelter administered at the state or local level.

Participants offered their personal experiences with regional variations in repatriation procedures and services. While the level of service and delivery model varies significantly between shelters, DIF shelters provide a minimum of basic needs (such as shelter, clothing, food, medical attention and assistance in contacting family members). Shelters with greater resources may provide more extensive services and case management. DIF is constantly expanding its capacity for these services. The 16 DIF shelters along the border served 21,366 migrant youths, in comparison to the 7,620 children served in 2001. Director Ingram reported on the agency's intended next steps in expanding and improving services, including enhancing the collection and analysis of data related to the population; improving and expanding child welfare services in the most common communities of origin to curb the tide of child migration; increasing services to ensure repatriated children's safe return to their communities of origin (an example of progress made in this direction includes DIF's recent success in securing an agreement with Aeromexico to provide air travel for repatriated youth from the border to his community of origin in the interior of the country); creating a comprehensive media campaign on the rights of the child; and standardizing methodologies and best practices for preventing and addressing child migration.

#### **INAMI: Interagency collaboration on services for unaccompanied migrant children in Mexico.**

Assistant Director Sánchez provided an orientation on the seven regional binational agreements on the repatriation of Mexican citizens by the United States, and the provisions of those agreements that affect unaccompanied children. She also outlined the 1996 Programa Interinstitucional de Atención a Menores Fronterizos (PIAMF - Interinstitutional Program to Attend Children Along the Borders), a collaborative agreement between Mexican agencies to serve unaccompanied children along Mexico's international borders. The PIAMF agreement is between the Secretaría de Relaciones Exteriores (SRE - Mexico's Department of State), INAMI and DIF. The coordination and provision of services through the initial PIAMF agreement rely predominately on the DIF shelters along both the southern and northern borders of the country. The agreement addresses the needs of Mexican citizen and non-citizen migrant children alike. Interinstitutional, or interagency, collaboration on the issue was revisited in Mexico's 2007 Mesa de Diálogo Interinstitucional sobre Niños, Niñas y Adolescentes No Acompañados y Mujeres Migrantes (a roundtable interagency discussion of the issues facing unaccompanied women and children). At the roundtable, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM) joined PIAMF participants in an effort to establish integrated data collection systems and enhance the coordination of services to vulnerable populations. In response to these discussions, INAMI established the Oficiales De Protección a la Infancia (OPI) Program. OPIs are INAMI agents who are trained by DIF and UNICEF to identify and respond to the needs of unaccompanied children as they are encountered by Mexican migration authorities. INAMI is currently in the process of establishing 170 OPI positions throughout the country. Assistant Director Sánchez mentioned that another important development out of the roundtable discussions was the decision to co-locate DIF and INAMI offices in border communities. Only a few locations have successfully co-located to date; however, the practice is reported to enhance coordination among agencies and heighten attention to the welfare of individual children.

#### **MATT: Reframing the debate on immigration.**

Ms. Granados presented on MATT's messaging campaigns to shift the immigration debate away from negative stereotypes, focusing on the humanity of the individual immigrant. Ms. Granados began by providing an overview of pending comprehensive immigration reform legislation. In 2007, 62 percent of the U.S. population was in favor of immigration reform. However, passage of this legislation is still in doubt. Key states that are needed for this legislation to be approved include Texas, Florida, Arizona and Colorado. Key to this debate is reframing the focus of this legislation to address family preservation and the devastating consequences that occur when children are separated from their families as a result of differing immigration statuses. Mr. Barocia continued by discussing the challenges resulting from the lack of coordination between the United States and Mexico to address immigration reform. In order to succeed with reform efforts, both governments need to agree to coordinate services. Building a bilateral agenda can facilitate reform.

## **Title: Social Work Practice With Immigrant Children and Families in the United States Border Regions**

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*Facilitator: Rowena Fong, University of Texas at Austin, Texas*

*Presenters: Megan Finno, State of New Mexico Children, Youth, and Families Department, New Mexico; Jared Rounsville, State of New Mexico Children, Youth and Families Department, New Mexico; Laurie Melrood, Arizona's Children Association, KARE Family Center, Arizona; Laura Stockert, KARE Family Center, Arizona; Mo Goldman, attorney, Arizona; Ernest Skinner, attorney, Arizona; Janet Barragan, San Diego Health and Human Services, California; Mauro Valdez, Department of Family and Protective Services, Texas; and Deyanira Quintana, Mexican Consulate, Arizona*

Megan Finno and Jared Rounsville, State of New Mexico Children, Youth and Families Department (CYFD), New Mexico

### **Issues**

New Mexico estimates that the population of undocumented children in foster care is approximately 1 percent, but that number increases greatly when we consider the number of families that have at least one undocumented parent. The great majority of immigrant families that come to the attention of CYFD are from Mexico. Traditionally, work with these families has been concentrated in the southern border region of the state and in the Albuquerque metro area. In the past couple of years, more rural areas of the state with little experience with immigrants have been impacted by the shifting population, and cases have become more complex.

New Mexico is evolving quickly in its work with the immigrant population. For several years there has been quality practice in some areas of the state based on relationships with representatives from outside agencies such as the Mexican Consulate and DIF. There is a range of situations throughout the state. Some urban areas are considered "sanctuary cities," whereas in some rural areas, immigrants are targeted for detainment by local law enforcement. In some areas, child welfare offices deal with immigrant families and foreign governments in their work every day, especially on the border. In many rural areas of the state, child welfare offices are just beginning to see their first cases with immigrants. We are quickly expanding that practice and are formalizing that work and incorporating it into policy and practice.

New Mexico has incorporated Special Immigrant Juvenile Status (SIJS) into policy and procedure, and we are signing a memorandum of understanding with Mexico in March regarding consular notification and ongoing collaboration with the Mexican Consulate and the Mexican child welfare agency in working with Mexican nationals. SIJS and collaboration with the Mexican Consulate have been incorporated into the annual training for all staff statewide this year.

### **Barriers/Challenges**

- No official position or trained expert to work on cases of immigrants in New Mexico.
- Lack of training/assessment for other forms of immigration relief (i.e., T or U visas).
- Lack of legal aid/resources for immigrant families throughout the state.
- Lack of clarity on roles/responsibilities in working with ICE and border patrol.

### **Recommendations**

Collaboration with DHS in establishing policies/procedures for working with families involved in the state child welfare system to permit:

- Border-crossing cards for court hearings, medical appointments and visits.
- Visits at the port-of-entry buildings.
- The transport of undocumented children in custody of the state.
- Official exchange of children at border crossing between New Mexico and Mexico child welfare agencies.

**Laurie Melrood and Laura Stockert, Arizona's Children Association, KARE Family Center, Arizona**

Since October 2001, the KARE Family Center in Tucson, Ariz., has offered kinship families (grandparents, aunts, uncles raising children) support in filing for a form of consensual revocable guardianship allowing them to make daily decisions for the children in their care. In Arizona, this type of guardianship, called a “Title 14 Guardianship” (ARS 14 -5102), based on the title of the statute, allows children to be registered in school and to be provided emergency medical care. Tucson area school districts require the guardianship for children to be registered and remain in school if the birth parents have not registered the child. Charter schools and other private schools do not require the guardianship.

Until recently, more than 2,000 families, including many immigrant and mixed-status families, that filed guardianship after attending free petition preparation classes at the KARE Center, were receiving the guardianship. However, in the last year, many children were denied guardianship, leaving them vulnerable. Some of these children, already separated from birth parents because of raids and incarceration or deportation, were left extremely vulnerable.

The KARE Center started educating staff and the community about the impact of the guardianship denials. Staff social workers and the center’s director dialogued with the school districts, the juvenile court and the child protective system to let them know of the plight of immigrant families and the dire effects of children living without a guardian.

Workers also formed a productive working collaboration with the Mexican Consulate. According to Deyanira Quintana, consular officer from the Division for Protection of Persons, if birth parents who are Mexican nationals are arrested and detained or incarcerated because of immigration status or because a crime is alleged, those birth parents have a right to seek assistance from the Mexican Consulate in Tucson per the Vienna Convention. KARE workers distribute cards with 24/7 contact information on them to anyone utilizing KARE’s services, and KARE also makes calls to consular officers for assistance and intervention.

Child Protective Services (CPS) workers can do the same, and both entities benefit greatly from the prompt and attentive response of consular officers. Child Protective Services works with the Consulate when home studies or cross-border visits are required, and also communicates with the offices of DIF (Desarollo Integral de la Familia) in Nogales and Hermosillo when unification or reunification services are needed. Cheryl Russell, assistant program manager for District II Child Protective Services – Arizona Children, Youth and Families, reported that CPS works with immigrant children from 22 different countries. She stated that the U.S. Border Patrol and ICS will frequently contact her district office when looking for support for immigrant children left behind when family members are deported or when they are picked up as unaccompanied minors.

The center itself held a forum for immigrant families and attended other forums in the community held by immigrants’ rights groups. Staff began meeting with local immigration attorneys and spoke individually with all the affected families. A sense of alarm spread through the immigrant client community relying on KARE for support, as one by one dozens of families were made aware that guardianship could be denied and children ran the risk of abandonment and possible deportation.



Immigration attorneys started to pursue Special Immigrant Juvenile Status (SIJS) in juvenile court for qualified children and youths who would be presumed to be denied guardianship in probate court. Interviews were held on a Saturday in December to establish findings for seven KARE families. Gloria Goldman and Maurice Goldman, of the immigration firm Goldman and Goldman, have filed SIJS successfully before in the Pima County Juvenile Court and volunteered to take these cases pro bono.

One volunteer attorney, who had most recently worked as a prosecutor in the county attorney's office, was appointed as counsel for several of the immigrant children who were denied Title 14 guardianship. His efforts and the filing of a brief resulted in qualified children being able to obtain the guardianship without regard to immigration status.

This was important for kinship families. The two families represented by the volunteer attorney have already gone back to court and received guardianship. Seven more youths are slated to file for SIJS in juvenile court. While there are still barriers that keep families from feeling safe because of the overall anti-immigrant climate in Arizona, a community of support has been built at KARE and an excellent collaborative project is helping keep immigrant families safe.

The KARE Family Center is a collaborative program of Arizona's Children Association and Casey Family Programs, Arizona Field Office.

Write [kares@arizonaschildren.org](mailto:kares@arizonaschildren.org) or [lmelrood@arizonaschildren.org](mailto:lmelrood@arizonaschildren.org) for more information.



## DAY 3: Wednesday, Jan. 28, 2009

### Title: **Child-Centered Programs in the Office of Refugee Resettlement**

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*Presenter: Elaine Kelley, Office of Refugee Resettlement, Washington, D.C.*

**IMPORTANT NOTE:** The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) was signed on December 23, 2008, shortly before the MCWNN Conference in January 2009. Although parts of the TVPRA were implemented immediately, other provisions were not implemented until March 2009, so this presentation in January did not address changes made by the TVPRA to Office of Refugee Resettlement (ORR) child programs. For an update, please refer to the Administration for Children and Families/ORR website, which contains links to Unaccompanied Refugee Minors (URM), Division of Unaccompanied Children (DUCS) and Anti-Trafficking in Persons (ATIP) documents related to the TVPRA: <http://www.acf.hhs.gov/programs/orr/>.

In addition to providing federal assistance to intact refugee families and adults, the Office of Refugee Resettlement (ORR) in the Administration for Children and Families, Department of Health and Human Services, is also responsible for the care of and provision of services to vulnerable and/or separated minors through the Unaccompanied Refugee Minors (URM) Program, the Division of Unaccompanied Children (DUCS) and the Anti-Trafficking in Persons Division (ATIP). The following is a brief overview of these three important programs.

#### URM Program

**Background and population served:** The URM Program was originally developed in 1979 to address the needs of thousands of children in Southeast Asia without a parent or guardian to care for them, and the program became part of ORR when the office was created by the Refugee Act of 1980. After identification overseas by the U.S. Department of State of minors requiring foster care upon arrival in the U.S., URM placement is coordinated through the United States Conference of Catholic Bishops (USCCB) and Lutheran Immigration and Refugee Services (LIRS).

Who is eligible for the URM Program?

- Unaccompanied children/youths who are under 18 years of age and who are eligible for refugee benefits, including: refugees, asylees and Cuban or Haitian entrants, who do not have parents in the U.S., and/or who entered the U.S. unaccompanied by or not planning to reunify with a parent, a close non-parental adult relative willing and able to provide care, or an adult with a clear and court-verifiable claim to custody;
- Minor victims of trafficking who are eligible for benefits to the same extent as refugees; and
- Some Special Immigrant Juveniles (SIJs) who were either in DUCS custody at the time a dependency order was granted or who were receiving services/benefits as Cuban or Haitian entrants. Although these children are not eligible for all refugee benefits, the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) made them eligible for URM placement and services if they enter the URM Program before 18 years of age.

In addition, the URM Program also serves refugee minors who face family breakdown and refugee youths whose age is re-determined as below 18 years old after arrival in the U.S.

ORR provides grants to 15 states to administer and oversee 20 URM programs. The state refugee coordinators contract with licensed foster care agencies to provide programs for the URM, and LIRS or USCCB identifies placement and provides technical assistance. Custody of the URM may be granted to states, counties or private agencies. All children in the URM Program receive the full range of assistance, care and services available to all foster children in the state, including supports for housing, food, clothing and medical care, with additional services for the preservation of the minor's ethnic and religious heritage. Depending on their individual needs, minors may be placed in family foster homes, group care, independent living or residential treatment. URMs may remain in care up to the age permitted by the state's IV-B Plan, which may be until 21 for independent living services or up to age 23 for education and training vouchers (ETVs). As the majority of URMs enter care as adolescents, these services are extremely important to help youths transition to adulthood.



Since the program's inception, about 13,000 minors have entered the URM Program, which currently cares for approximately 700 children from 42 different countries. This ORR Program helps URM's develop appropriate skills to enter adulthood and achieve self-sufficiency. For more information, please refer to [http://www.acf.hhs.gov/programs/orr/programs/unaccompanied\\_refugee\\_minors.htm](http://www.acf.hhs.gov/programs/orr/programs/unaccompanied_refugee_minors.htm).

**Technical assistance on refugee child welfare.** To strengthen services to refugee youths, children and families, in 2001 ORR supported the creation of a national technical assistance project, Bridging Refugee Youth and Children's Services (BRYCS). BRYCS is funded, in part, through a grant from ORR, and works with the USCCB/Migration and Refugee Services to broaden the scope of information and collaboration among refugee service providers (see <http://www.brycs.org>).

### Division Of Unaccompanied Children's Services (DUCS)

**Background and population served:** On March 1, 2003, the Homeland Security Act of 2002 transferred functions under U.S. immigration laws regarding the care and placement of apprehended unaccompanied alien children (UACs) from the Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement. The DUCS Program provides a safe and appropriate environment for UACs from the time a minor is placed into ORR custody by Immigration and Customs Enforcement (ICE) until reunification with family members or sponsors in the U.S., or until the child is repatriated to his/her home country by the Department of Homeland Security (DHS). In providing care for these children, DUCS considers the unique nature of each child's situation and incorporates child welfare principles when making placement, case management and release decisions.

- Who are UACs? UACs are children/youths who are:
  - Under the age of 18;
  - Do not have lawful U.S. immigration status; and
  - Either do not have a parent or legal guardian in the U.S. or whose parent or legal guardian in the U.S. is unable or unavailable to provide care and physical custody.

Depending on the UAC's individual needs, the child or youth is placed in the most appropriate and least restrictive setting, which may be one of six levels of care. The majority of children are cared for through a network of more than 40 ORR-funded and state-licensed care provider facilities in 10 states. Most UACs are placed in shelters and group homes, but if a child requires a higher level of care due to a documented criminal history or severe mental health needs, secure placement or residential treatment options are available, respectively. For children with special needs (e.g., young age, pregnant/parent, acute medical needs, mental health concerns), or who have no viable sponsor to reunite with while going through immigration proceedings, long-term foster care is available. DUCS shelters have several rounds of monitoring to assure child safety and well-being, including the DUCS quarterly and annual monitoring, as well as annual monitoring by state licensing agencies.



The facilities provide children with classroom education, health care, recreation, vocational training, mental health services, family reunification, access to legal services and case management teams that use effective screening tools to assess children for mental health issues or to identify victims of labor or sex trafficking.

The reasons UACs come to the U.S. are varied. Some are reuniting with family members, and others may be seeking work to support families in their country of origin. Some are escaping abusive family members, and others may be escaping violence, including gang violence, in their home countries. And, a few may have lived in the U.S. most of their lives and consider themselves “American.”

**Services and projects:** DUCS has developed projects and partnerships to improve quality of service for these vulnerable children, which include: (1) a pilot outreach project to increase pro bono attorney capacity for UAC access to legal representation; (2) a child advocacy pilot project; (3) child abuse and neglect prevention training; and (4) a trauma-informed services training project.

Approximately 7,000-8,000 children receive care in the DUCS Program annually, with about 1,500 in care at any one point in time. Most children originate from Honduras, Guatemala and El Salvador; most are male; and only 15 percent are below the age of 14. For more information please see [http://www.acf.hhs.gov/programs/orr/programs/unaccompanied\\_alien\\_children.htm](http://www.acf.hhs.gov/programs/orr/programs/unaccompanied_alien_children.htm).

### Unaccompanied Minor Victims Of Human Trafficking

**Background and population served:** The Trafficking Victims Protection Act of 2000 (TVPA), as reauthorized, requires federal, state or local officials who identify a non-U.S. citizen child who may be a victim of a severe form of trafficking in persons, to notify Health and Human Services (HHS) not later than 24 hours after discovery to facilitate the provision of assistance. Under the TVPA, as reauthorized, HHS was given authority to issue eligibility letters to non-U.S. citizen minors (under the age of 18), which allow child victims to access benefits and services to the same extent as refugees, helping them rebuild their lives. Governmental or non-governmental organizations providing social or legal services to a non-U.S. citizen child in the U.S. may request, on behalf of the child, an eligibility letter when credible information indicates that the child may have been subjected to a severe form of trafficking in person. Children are not required to assist law enforcement in the investigation or prosecution of a trafficking case to receive an eligibility letter, nor are they required to have been granted “continued presence” or a T-visa before receiving an eligibility letter. To find out more about assistance for a minor victim of trafficking, contact the National Human Trafficking Resource Center hotline at 1-888-3737-888 or [NHTRC@PolarisProject.org](mailto:NHTRC@PolarisProject.org).

**Services and projects:** As identifying child victims of trafficking poses significant challenges, ORR has enhanced its focus on the special needs of exploited children by providing technical assistance directly to the DUCS Program and field staff. Recognizing that migrating children cared for by DUCS are a population highly vulnerable to human trafficking, in 2008, ORR presented 11 Identifying Victims of Child Trafficking workshops, training over 250 participants. The training improved the rate of linking child trafficking victims identified in DUCS to the benefits and services for which they are eligible. A child identified as a victim of trafficking who receives an eligibility letter and who has no parent or legal guardian available to provide care may be placed in the URM Program.

**Issues for discussion:** When a child victim of trafficking has been identified by law enforcement, the child needs immediate placement in a safe, protected environment. At this time, many state laws define child abuse and neglect as acts perpetrated by parents or legal guardians. Because of this definition, some child welfare agencies do not accept law enforcement referrals of these child victims, and youth shelters are not always available, appropriate or able to provide a safe shelter. Advocates for children may want to consider addressing these concerns and others, such as educating social service providers and health care professionals on identification of child victims, and special interview techniques that take into consideration the complex reasons why these children may not readily disclose their stories.

In conclusion, ORR seeks to provide all children in our programs with services that best meet their individual needs for safety and well-being. The recently enacted Trafficking Victims Protection Reauthorization Act of 2008 sets forth many provisions that will have an impact on the URM, DUCS and ATIP programs. At this time, ORR is currently analyzing those provisions that affect the children and youths in our care. Please check the ORR website for important updates.

\*See important note at beginning of article. Most changes made to ORR programs by TVPRA provisions were not included in the January 2009 conference workshop.