

Latino Children of Immigrants in the Texas Child Welfare System

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Introduction

The distinctive characteristics and experiences of immigrant families have significant implications for child welfare practice and the outcomes for families involved with child welfare authorities. This article presents the results of a study that uses a unique dataset, composed of child welfare administrative data matched to birth records from Texas, to assess differences in the child welfare outcomes for children of immigrants and those for natives. The data include all children removed from their homes by the Texas Department of Family and Protective Services (DFPS) and living in out-of-home care on March 31, 2006, due to abuse or neglect.

Study results show that first- and second-generation Latin American children of immigrants were *underrepresented* in the

child welfare system in Texas, while native-born Hispanic children (i.e., the third or higher generation) were *overrepresented*. First- and second-generation children were more often removed for sexual abuse than other children in care. First-generation children were less likely to be eligible for Title IV-E reimbursement, the largest source of federal funding for state child welfare agencies (Scarcella, Bess, Zielewski, & Geen, 2006). Both first- and second-generation children were less often placed with relatives or given permanency goals associated with them. In addition, once removed from their homes, first- and second-generation children of immigrants had different child welfare system experiences from children of natives.

Literature Review

Researchers have conducted a number of studies to explain why immigrants come to the United States and track how they fare while they are here. There is also a great deal of knowledge about what immigrant families do to cope with the hardships they experience, including their participation in and receipt of public services. However, relatively little is known about immigrants' receipt of child welfare services and the contact that immigrant children have with child protective services (CPS). This review primarily discusses children in immigrant families because they are a major focus of the data analysis. It does not focus on Latino children more generally, as they are not the central topic of this article.

Texas Immigration

According to Urban Institute tabulations of data from the 1980 U.S. Census and the March 2005 U.S. Current Population Survey, the population of immigrants in the United States increased substantially in the last 25 years—from about 14 million in 1980 to over 35 million by 2005—with Texas experiencing a large share of this influx (Ruggles et al.,

2004; U.S. Bureau of the Census, 2006). Texas has the longest land border with Mexico of any state, and many immigrants use Texas as an entry point into the United States. From 1980 to 2005, Texas witnessed a 178% increase in the number of immigrant children (i.e., the first generation), most of whom originated in Latin America, and Mexico in particular (Ruggles et al., 2004; U.S. Bureau of the Census, 2006). Over the same period, Texas experienced an increase in the number of second-generation children—those born in the United States with at least one foreign-born parent—of 240% (Ruggles et al., 2004; U.S. Bureau of the Census, 2006). It would stand to reason that this rapid increase in the immigrant population would bring an increase in contact with social service systems, including the child welfare system.

While some immigrants may pass through the border into Texas and then move to another part of the country, many stay for at least a short period of time. Nearly 10% of the foreign-born population in the country resides in Texas (U.S. Bureau of the Census, 2006). And further, Urban Institute tabulations of U.S. Census data show that 30% of children in Texas have at least one foreign-born parent, compared with only 22% of children nationally (U.S. Bureau of the Census, 2006).

Push and Pull Factors Affecting Immigration

The “push” and “pull” factors driving immigration nationally are also useful for understanding immigration into Texas. Push factors are those economic, social, and political conditions that lead immigrants to seek employment elsewhere. In contrast, pull factors are conditions in the destination that attract immigrants across the border. A vital push factor for Latino immigrants is the relative weakness of the Mexican labor market and the *maquiladoras*, or factories, that are scattered across the Mexican-U.S.



border, especially the border with Texas (Davila & Saenz, 1990). Many have argued that the economic hardships in Mexico have led to an outward migration of people in search of better opportunities. For instance, the general weakness of the Mexican economy following the 1995 devaluation of the peso may have led many Mexicans to leave their communities in search of better opportunities in the booming U.S. economy. *Maquiladoras* have created many jobs and have spurred Mexicans to move to the area along the border (Lederman, Menendez, Perry, & Stiglitz, 2001). As more and more people move to the border area in northern Mexico, it has increasingly become a launching pad for illegal migration to the United States (Fussell, 2004). Another important push factor for other Latin American countries is oppressive regimes and civil wars—for instance, in Guatemala—that have led many to seek refuge in the United States (Keely, 2001).

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The comparatively stronger labor markets in Texas and other border states are essential pull factors in attracting immigrants to the United States (Hanson & Spilimbergo, 1999). However, in a study of Mexican immigrants, Massey and Espinosa (1997) suggest that wage differentials are less influential than human and social capital formation in the decision to immigrate. Regardless of whether human capital formation opportunities or the immediate wage differential between the United States and Mexico provides a stronger impetus for immigration, it is clear to most researchers that short- and long-term employment opportunities provide substantial motivation for immigrating to the United States.

Another pull factor for immigrants is the network of social services potentially available in receiving communities (Borjas, 1999). Communities that are able to provide substantial services are less charitably known as “welfare magnets,” and may be relevant to immigrant involvement with child welfare services. While it is unlikely that an immigrant family would settle in a community for the quality and availability of its CPS agency, other more attractive services could bring these families into contact with mandatory reporters of child maltreatment, such as teachers, doctors, or social workers. Meyer (1998) and Brueckner (2000) provide evidence that welfare magnets do influence

domestic migration choices, but the impacts are modest compared to other factors.

Although social services may attract immigrants to specific communities in the United States, immigrants still underutilize these services when compared

to natives, due to fears of repercussions associated with their immigrant status (Holcomb, Tumlin, Koralek, Capps, & Zuberi, 2003). Texas, however, has one of the weakest social safety nets of any state (Pindus et al., 1998)—with among the least generous levels of welfare benefits, generally, and one of the most restrictive policies with regard to non-citizens’ eligibility for public benefits (Zimmerman & Tumlin, 1999). Thus, one would not expect availability of public benefits to be a major factor pulling immigrants to Texas.

Universal schooling is another potential pull factor. In Texas, as elsewhere in the United States, all children can attend public schools regardless of their or their parents’



citizenship and legal status (Capps et al., 2005).

Finally, immigration enforcement along the border has increased dramatically in recent years, with ever greater resources devoted to the U.S. Border Patrol and interior enforcement agencies. There is no consensus on whether or not increased enforcement has deterred migration, but there is some evidence it has led to a decline in return and circular migration—and therefore an increase in the overall size of the undocumented, mostly Latin American immigrant population in the country, particularly in southwestern border states such as Texas (Cornelius, 2005; Durand & Massey, 2001).

Risk and Protective Factors Associated With Child Welfare System Involvement

Poverty and Access to Benefits

Immigrants are more likely to be poor than natives, and prior research has found that poverty is associated with increased rates of child abuse and neglect reporting (Coulton, Korbin, Su, & Chow, 1995; Paxson & Waldfogel, 1999). Immigrants from Latin America are poorer on average than those from other world regions (Hernandez & Charney, 1998), and the majority are undocumented (Passel, 2006). Moreover, as a result of eligibility restrictions, many non-citizen parents—those who are undocumented as well as some groups of legal immigrants—do not have access to public benefits and services such as Temporary Assistance to Needy Families (TANF), Food Stamps, and Medicaid (National Conference of State Legislatures, 2007).

Even when their children are eligible, confusion over eligibility may make non-citizen parents less likely to access public benefits. Without such benefits, it would

be more difficult for immigrant families to access adequate child care, health care, and housing. As a result, immigrant families may be more likely to be reported for inadequate supervision, medical neglect, or general child neglect.

Family Structure

Immigrant families have a key protective factor that might lead to their underrepresentation in the child welfare system. Despite higher poverty and hardship, children of immigrants are relatively less likely to live with single parents, potentially lowering their involvement with child welfare systems. Only 14% of children under age 6 whose parents are immigrants live with single parents, compared with about a quarter of natives' children (Capps et al., 2004). By adolescence (12 to 17), the single-parent share rises to 23% for children of immigrants, compared with 33% for children of natives (Urban Institute, 1999).

Distrust of Government and Fear of Deportation

General distrust of CPS in low-income communities may be compounded by the fear of deportation in immigration communities (Segal & Mayadas, 2005). Undocumented parents may fear contact with government agencies due to deportation or other possible immigration consequences, even though most state and local agencies are not required to verify legal status to access services (Hagan, Rodriguez, Capps, & Kabiri, 2003). This fear could cause immigrants to avoid contact with mandatory reporters such as teachers, social service providers, and health care professionals, making children in immigrant communities less likely to be reported to child welfare authorities (this scenario is often referred to as a “surveillance effect”) (Shook, 1999). Fear and mistrust are especially prevalent among Latin American immigrants—the majority of whom are



undocumented—and among immigrants in border states like Texas, where enforcement operations are widespread and intensive.

Similarly, undocumented women may be less likely to report domestic violence because they fear their abusive spouse would report them to immigration authorities. Despite the Violence Against Women Act (VAWA) protections, which offer legal status to undocumented victims of domestic violence, undocumented women may be considerably less likely to report domestic violence because their abusive spouses tell them they will be deported if they report the abuse (Family Violence Prevention Fund and Learning Systems Group, 2005).

Finally, immigrant families may not want to become foster or kinship parents because they fear contact with government agencies. Particular requirements of the foster care licensing process—such as fingerprinting—might deter participation by immigrants who fear the revelation of their undocumented status.

Differing Cultural Norms

Many immigrant families come from countries with cultural norms that differ significantly from those of the United States. In particular, there are different cultural norms surrounding the appropriate discipline and medical treatment of children, which may be considered abuse or neglect in the United States (Thomas, 2001; Mendez, 2006). These different cultural norms extend to child supervision, as some cultures count on young children to care for even younger siblings or infants (Schmidt, 2006). In many child welfare agencies, this is considered inadequate supervision, a category of neglect (Zielewski, Malm, & Geen, 2006).

Child welfare agencies may also disapprove of multiple families living together. Because immigrant families are more likely

than natives to live in crowded housing, immigrants may also be more likely to be reported to CPS and less likely to become licensed to care for related children. Rates of crowded housing are higher for immigrants in Texas than in many other states (Capps, 2001).

Language Difficulties

Immigrant parents may be reported for abuse and neglect because they fail to understand and follow regulations concerning their children. When immigrant families are reported to child welfare agencies, both parents and children may have difficulty communicating with the agencies due to language barriers and cultural misunderstandings. Latin Americans have a relatively high rate of limited English proficiency when compared to other immigrants, and language barriers are often worse for immigrant adults than for children, because children usually learn English in school (Capps et al., 2005). Following the report to the agency, there may not be an interpreter during the investigation, or interpretation may be inadequate (Lincroft & Resner, 2006). As a result, inaccurate information may be gathered, or the victim may be asked to speak as an interpreter for the alleged perpetrator.

Once removed from the home, children of immigrants may be placed in a home where their caregivers do not speak their native language. As their cases progress, attorneys or other advocates may not be able to speak the language of these children and their parents. Finally, immigrant parents may not be able to understand or meet the new, more rigid requirements in timelines for termination of parental rights (Social Security Act, 2004), particularly if hearings or forms are not available in their native languages.

Lack of Social Support

Immigrant families may lack social support networks outside of the family that might reduce the risk of child abuse and neglect. For example, a parent who does not have a neighbor she can ask to watch her children while she runs errands might leave the children unattended or in the care of an inappropriate caregiver. Immigrant parents are less likely to know where to go in the community for support (Capps, Fix, Ku, Furgiuele, & Perez-Lopez, 2002) and to volunteer in their communities (Reardon-Anderson, Fix, & Capps, 2002). Building on research showing a higher share of rates of abuse and neglect among children of migrant farm workers as compared to the general population, Tan, Ray, and Cate (1991) suggest that immigrant children, and particularly children of migrant agricultural workers, are at much greater risk of being abused than the general population. They attribute this to the instability and weakness of the neighborhoods, schools, and labor markets into which immigrant children and their families are embedded. Tan, Ray, and Cate (1991) argue that these institutions are often incapable of supporting immigrant children in the same way that they provide support and protection for the general population.

Local social service agencies, which could potentially act as an extended support network, may not be accessible due to language barriers or immigrants' fears of interacting with service providers. An important example is mental health services. Hough, Hazen, Soriano, Wood, McCabe, and Yeh (2002) find that Latino youth were

significantly less likely than white youth to receive specialty mental health services, even after accounting for diagnosis type. This is especially disconcerting given the increased levels of post-traumatic stress among immigrants (particularly refugees) from Latin America (Cervantes, de Snyder, & Padilla, 1989; Smart & Smart, 1995). Latin American immigrants' mental health is not only threatened by the experience of migration itself; it is also impacted by the assimilation process (Dettlaff & Rycraft, 2006; Finno, de Haymes, & Mindell, 2006).

Local social service agencies, which could potentially act as an extended support network, may not be accessible due to language barriers or immigrants' fears of interacting with service providers.

Despite these theoretical risk and protective factors and the large increase in immigration in the last 25 years, little is actually known about the number of children of immigrants involved with child welfare systems, because administrative data do not routinely identify the

nativity of parents and children (Lincroft & Resner, 2006; Liebman, 2007). To bridge this knowledge gap, this study links child welfare administrative data with vital statistics records using probabilistic matching techniques to assess the frequency with which children of immigrants came into the care of the Texas DFPS and their experiences in care.

Data and Methodology

Data

This study compares four groups of children in Texas: Latin American immigrant children, the first generation ($N = 200$); U.S.-born children of Latin American immigrants, the second generation ($N = 1,697$); U.S.-born non-Hispanic children of natives ($N = 6,589$);



and U.S.-born Hispanic children of natives, known as the third generation ($N = 11,920$).

These groups are identified using two data sources: child welfare administrative data from the Texas DFPS and vital statistics data from the Texas Department of State Health Services (DSHS). The child welfare administrative data include key case history information—such as removal reasons, placements, and case goals—collected from all children living in out-of-home care on March 31, 2006. The child welfare administrative data also contain information on the state or country of birth for children—and therefore identify first-generation immigrants. Children of immigrants are not identifiable in the child welfare data, however, since there is not an indication of parental nativity.

Parents' nativity is included in vital statistics data from birth certificates. This information allows identification of native-born children who have at least one foreign-born parent (i.e., the second generation). The vital statistics data used included every child born in Texas from April 1988 through December 2004.

Linking Methodology

Since the common identifiers in child welfare administrative data and vital statistics data, such as Social Security numbers (SSNs), are often inaccurately reported or omitted altogether, this study used multiple variables to link the files. Linking was accomplished with a set of linking rules and probabilistic matching software, LinkageWiz 4.1 (available online at www.linkagewiz.com), which is used in Australia with vital statistics data. In addition to handling large data sets and being set up for vital statistics information, this software helps to resolve the issue of typographical errors in the data by allowing for phonetic or near matches.

The variables used to link the data were:

- Child's first name
- Child's last name
- Child's date of birth
- Child's SSN
- Mother's first name
- Mother's SSN
- Father's first name

Once LinkageWiz matched cases, the researchers evaluated the links by establishing additional linking rules and adjusting the cutoff thresholds of the weights to determine appropriately matched cases. Using this matching strategy, the study achieved a 92% match rate between the child welfare administrative data and the vital statistics administrative data (child welfare file $N = 22,419$; matched file $N = 20,658$). The denominator in the match rate excludes two groups of cases that the study was unable to match because they were not in the vital statistics files: (a) children born after 2004 ($N = 2,906$); and (b) children born out of state ($N = 2,376$). In developing the matching rules, researchers also took care to exclude as many false positives as possible by closely inspecting the matched and unmatched cases.

Limitations

There are several key limitations of this analysis. First, the matching process did not match all cases, so some children were excluded from the analysis. Many of the unmatched cases were children born out-of-state, who were older than children born in Texas, and children born after December 2004, who would have been the youngest children in care. This could bias results by disproportionately selecting children of intermediate ages into the sample.



Another limitation is that first- and second-generation children from countries outside of Latin America were not studied, due to their small sample sizes. However, Latin Americans make up by far the largest immigrant group in Texas, and so the results should be meaningful for agency practice.

A third limitation is that only data on children removed from their homes are available in the data set used for this study, rather than rates of system involvement. In the next phase of this study, researchers will assess rates of system involvement using data on CPS reports as well as removals.

A fourth limitation is that this study only looks at immigrants in the Texas child welfare system. Although immigrant populations and CPS systems vary by state, findings may be broadly applicable to other states with significant immigrant populations.

A fifth limitation of this study is that the data do not allow researchers to account for immigrant children placed in private relative foster care. In these cases—often referred to as “voluntary” placements—children are removed from their homes, but they are not taken into the custody of the state; instead, the CPS agency works out an agreement for the child to live with a relative. While not specific to Texas, an analysis of the 2002 National Survey of America’s Families (NSAF) found that as many as 542,000 children may be involved with child welfare services and placed with relatives, and less than half these children were taken into state custody (Ehrle, Geen, & Main, 2003). It is possible that a disproportionate share of immigrants’ children are voluntarily placed in relative care, versus children of natives; this could affect the results of the analysis of relative placements in the child welfare administrative data. For this analysis, no data were available, however, on private foster care.

Another key limitation is that this study does not look at differences between rural and urban areas in rates of CPS involvement and experiences in the child welfare system. This is not a major limitation, as nearly 90% of Texas’ population resides in urban areas (United States Department of Agriculture, 2007). Research in another state or set of states with a higher rural population share would be necessary in order to address this issue.

Finally, these data do not include children who were involved with the juvenile justice system but not the child welfare system. A small number of cases showed involvement in both systems. Researchers categorized these placement types as “other.” Because Latin American immigrant children are older, they could have more involvement with juvenile justice, which may or may not make them likely to come into the care of child welfare authorities. Many undocumented youth involved with the juvenile justice system, however, are subject to deportation for committing crimes, and therefore might never be referred to foster care in the United States. Urban Institute tabulations of the 2005 Current Population Survey, which were augmented with assignments of legal status to non-citizens, indicate that the undocumented youth population could represent approximately 70% of Latin American immigrant children in Texas (U.S. Bureau of the Census, 2006).

Findings

This study found significant differences in child welfare system experiences—from entry into care to events while in care—based on child generation and ethnicity. Key differences the study illuminates include: population representation in the child welfare system, demographic characteristics, and child welfare case history characteristics.



Disproportionality

To assess the composition of the child welfare system, this study compared numbers of children removed from their homes by Texas CPS to Texas population estimates based on the U.S. Current Population Survey for March 2005 (U.S. Bureau of the Census, 2006). Results indicate that Latin American immigrant children and children of Latin American immigrants were underrepresented in the Texas child welfare system, while Hispanic children of natives were overrepresented. Latin American immigrants represented approximately 1% of all children in care, but they made up 7% of all children in Texas in 2005. Similarly, approximately 8% of all children in care were Latin American children of immigrants, versus almost 20% of all children living in Texas in 2005. While approximately 33% of the children in care in Texas were Hispanic natives, they only

represented 22% of all children in Texas.

Demographic Characteristics

Latin American immigrant children were older and more likely to be female than the other three groups of children in care (see Table 1). Second-generation children, however, were younger on average than other groups. Of Latin American immigrant children, 59% were female, compared with 49% of second-generation Latin American children and Hispanic children of natives and 48% of non-Hispanic children of natives. Latin American immigrant children were substantially older than other children in the data: 37% of the children were ages 16 to 18, compared with 12% of second-generation Latin American children, 15% of Hispanic natives, and 18% of non-Hispanic natives. Just over half (54%) of the non-Hispanic

Table 1

Demographic Characteristics of Children Living in Out-of-Home Care in Texas as of March 31, 2006				
Age	A. Latin American immigrant children (N = 200)	B. U.S.-born children of Latin American immigrants (N = 1,697)	C. U.S.-born non-Hispanic children of natives (N = 6,589)	D. U.S.-born Hispanic children of natives (N = 11,920)
1 - 5 years	7	32	32	30
6 - 10 years	20	35	29	28
11 - 15 years	37	21	24	24
16 - 18 years	37	12	15	18
Gender				
Female	59	49	49	48
Male	41	51	51	52

Source: Urban Institute tabulations of Texas child welfare administrative data (March 31, 2006) and birth certificate administrative data (1988-2004).

Significance: Significant differences assessed at the 95% confidence level. Age: 1-5 years: all groups significantly different except B and C; 6-10 years: all groups significantly different; 11-15 years: all groups significantly different except C and D; 16-18 years: all groups significantly different. Gender: all groups significantly different except B and C and B and D.

Notes: The values represent percentages. Estimates do not include children born after December 31, 2004, children born outside of the United States in a non-Latin American country, children born out-of-state, or children who could not be matched with vital statistics records.

natives in the sample were White, while just under half (46%) were African American. Less than 1% of non-Hispanic native children were identified as Native American, Asian, Pacific Islander, or multiracial.

Child Welfare Case Histories

This study also revealed a number of differences in child welfare case histories between groups based on child generation and ethnicity. Four key differences are discussed: placement types, permanency planning, reasons for removal, and Title IV-E eligibility.

Placement Type

Four placement types—using the latest placement setting—were examined in this study: relative foster family homes, non-relative foster family homes, group homes and institutions, and other placements. Relative foster family homes refer to placements in which a child is related to

the foster caregiver. Non-relative foster family homes refer to placements in which a child lives with a family, but that family is not related to the child. Group homes and institutions can include a variety of settings, from secure facilities to campus-style residential facilities. The “other placements” setting represents a group of less common placements, such as independent living programs, hospitals, and jails.

Both first- and second-generation Latin American children were placed in relative foster care less often than other children (see Table 2). In 2006, only 8% of immigrant children and 20% of second-generation children were living in relative foster care compared with 28% of children of natives. Conversely, first-generation immigrant children were more likely to be living in group homes and institutions than their counterparts. After accounting for age, no significant differences remained between immigrant children and native-born children

Table 2

Latest Placement Settings of Children Living in Out-of-Home Care in Texas as of March 31, 2006				
	A. Latin American immigrant children (N = 200)	B. U.S.-born children of Latin American immigrants (N = 1,697)	C. U.S.-born non-Hispanic children of natives (N = 6,589)	D. U.S.-born Hispanic children of natives (N = 11,920)
Foster family home (relative)	8 (B, C, D)	20 (A, C, D)	28 (A, B)	28 (A, B)
Foster family home (non-relative)	51 (C, D)	52 (C, D)	41 (A, B)	42 (A, B)
Group home/Institution	28	20 (D)	20 (B, D)	17 (B, C)
Other	14	7 (C, D)	11 (B, D)	13 (B, C)

Source: Urban Institute tabulations of Texas child welfare administrative data (March 31, 2006) and Texas birth certificate administrative data (April 1988–2004).

Notes: The values represent percentages. Estimates do not include children born after December 31, 2004, children born outside the United States in a non-Latin American country, children born out-of-state, or children not matched with vital statistics records.

A. Significantly different from Latin American immigrants at the 95% confidence level.
 B. Significantly different from Latin American children of immigrants at the 95% confidence level.
 C. Significantly different from Hispanic natives at the 95% confidence level.
 D. Significantly different from non-Hispanic natives at the 95% confidence level.

living in group homes and institutions, meaning that age is likely the reason for the differences found. However, both first- and second-generation children were less likely to be in relative care, even after factoring in age.

Permanency Planning

Six basic types of case goals—using the goal most recently associated with the child—were compared: reunification, adoption, relative conservatorship, long-term foster family care, independent living, and other goals. Reunification refers to returning a child to the home from which he or she was removed. Relative and non-relative adoptions refer to a situation in which a relative or non-relative takes legal responsibility for the child, assuming all the rights of a parent. Relative conservatorship is like guardianship; the relative caring for the child is the legal custodian of that child. Long-term family foster care refers to a goal in which the child is in the custody of the Texas DFPS and living in a non-relative family foster home.

Independent living is a placement option combined with services or programs intended to help prepare youth for living on their own. The “other” category includes atypical placement options such as hospitals and other institutions. As mentioned previously, private, or voluntary, foster care cases are not included in this analysis.

Latin American immigrant children had case goals associated with relatives less often, just as they were less frequently placed with relatives (see Table 3). The most striking differences are between Latin American immigrants and all other children (however, non-Hispanic natives have some similar trends in case goals as immigrant children). In general, Latin American immigrants were much less likely than other children to have reunification and relative adoption as case goals. For example, 29% of Latin American immigrants had a goal of reunification, compared with 40% of Latin American children of immigrants and 36% of Hispanic natives. Interestingly, Latin American

Table 3

Latest Case Goals for Children Living in Out-of-Home Care in Texas as of March 31, 2006				
	A. Latin American immigrant children (N = 200)	B. U.S.-born children of Latin American immigrants (N = 1,697)	C. U.S.-born non-Hispanic children of natives (N = 6,589)	D. U.S.-born Hispanic children of natives (N = 11,920)
Reunification	29	40	36	28
Relative conservatorship	8	8	6	8
Adoption, relative	7	10	14	13
Adoption, non-relative	25	30	28	27
Long-term family foster care	16	5	9	14
Independent living	12	4	5	7
Other	2	2	2	3

Source: Urban Institute tabulations of Texas child welfare administrative data (March 31, 2006) and Texas birth certificate administrative data (April 1988-2004).

Notes: The values represent percentages. Estimates do not include children born after December 31, 2004, children born outside of the United States in a non-Latin American country, children born out-of-state, or children not matched with vital statistics records. Sample sizes were too small in most cases to detect statistically significant differences.

children of immigrants were comparable to Hispanic native children. Latin American immigrants also had a goal of adoption less frequently than other children (33% of Latin American immigrants versus 40% of Latin American children of immigrants and non-Hispanic natives and 42% of Hispanic natives). However, most of this difference was attributable to far fewer Latin American immigrants having a goal of relative adoption than other children. Only 7% of immigrant children had a goal of relative adoption compared with 10-14% of other children in care, whereas a comparable percentage of immigrants had a goal of non-relative adoption. Thus, Latin American immigrants in Texas were less likely to have case goals associated with relatives.

Additionally, 12% of Latin American immigrants had a goal of independent living—3 times higher than Latin American children of immigrants, over twice as high as Hispanic natives, and nearly twice as high as non-Hispanic natives. Finally, 16% of Latin

American immigrants had a case goal of long-term family foster care, which was much higher than other children in care, except for non-Hispanic natives (14%).

Sexual Abuse

The data also suggest that immigrant children and children of immigrants in out-of-home care differed markedly from Hispanic and non-Hispanic children of natives in the reasons for which they were removed from their homes. Nearly three times as many Latin American immigrant children were removed for sexual abuse (32%) as either Hispanic or non-Hispanic natives (both 11%). The magnitude of the discrepancies between groups in removal for sexual abuse is not reproduced for neglect, emotional abuse, or physical abuse. Previous research has identified a link between immigrant children and increased rates of abuse and neglect (Tan et al., 1991), but not a relationship between nativity and sexual abuse specifically. The finding that a

Table 4

Removal Reasons of Children Living in Out-of-Home Care in Texas as of March 31, 2006				
	A. Latin American immigrant children (N = 200)	B. U.S.-born children of Latin American immigrants (N = 1,697)	C. U.S.-born non-Hispanic children of natives (N = 6,589)	D. U.S.-born Hispanic children of natives (N = 11,920)
Neglect	73 (C, D)	78 (C, D)	85 (A, B, D)	82 (A, B, C)
Emotional abuse	4	4	4	4
Physical abuse	27	30	28	29
Sexual abuse	32 (B, C, D)	16 (A, C, D)	11 (A, B)	11 (A, B)

Source: Urban Institute tabulations of child welfare administrative data (March 31, 2006) and Texas birth certificate administrative data (1988–2004).

Notes: The values represent percentages. Estimates do not include children born after December 31, 2004, children born outside the United States in a non-Latin American country, children born out of state, or children not matched with vital statistics records. Columns do not add up to 100% because removal reasons were not mutually exclusive; a child could be removed for multiple types of abuse.

A. Significantly different from Latin American immigrants at the 95% confidence level.
 B. Significantly different from Latin American children of immigrants at the 95% confidence level.
 C. Significantly different from Hispanic natives at the 95% confidence level.
 D. Significantly different from non-Hispanic natives at the 95% confidence level.

higher share of immigrant children in care is removed for sexual abuse is therefore important, requiring further research.

Title IV-E Eligibility

Title IV-E funding is the primary source of federal funding states receive to conduct a variety of child welfare activities (Scarcella, Bess, Zielewski, & Geen, 2006). However, to receive these matching funds, states must request them from the federal government and fulfill certain income and immigrant status eligibility criteria. Children who do not meet the income and immigrant status criteria are not IV-E eligible; the state is wholly responsible for the cost of child welfare services for these children.

Comparing the four groups, the study revealed a huge discrepancy between IV-E eligibility status for Latin American immigrant children and U.S.-born children. Only 8% of Latin American immigrant children were Title IV-E eligible compared with 62% of Latin American children of immigrants, 61% of Hispanic children of natives, and 55% of non-Hispanic children of natives.

Discussion

An important question raised by the data is why Hispanic children of natives are overrepresented in the Texas child welfare system while Latin American children of immigrants are underrepresented. The reason is not likely related to ethnicity differences, as virtually all Hispanic children in Texas are of Mexican origin.

The disproportionately low removal of children from immigrant families may mean that protective factors, such as living in a two-parent household, outweigh risk factors such as poverty and economic hardship. Alternatively, children of immigrants may be less likely to come into contact with reporters,

as parents may be fearful of agency contact due to their legal status. Previous research suggests that Latinos are not uniformly under- or overrepresented in child welfare. Unlike African Americans, whose share of the child welfare population consistently exceeds their share of the general population, Latinos are overrepresented in some jurisdictions and underrepresented in others (Casey Family Programs, 2007). Therefore, the observed disproportionality may have less to do with nativity status itself, and more to do with unobserved qualities of the jurisdictions in which immigrants live. Federal policies may also affect who ends up in the child welfare system and their experiences once in care.

The Multiethnic Placement Act and Relative Placements

The Multiethnic Placement Act (MEPA) was enacted in 1994 in an effort to reduce the length of time children in foster care wait to be adopted, facilitate the recruitment of foster and adoptive parents who meet the needs of waiting children, and prevent discrimination based on race, color, or national origin during placement decisions. The Interethnic Adoption Act was amended to MEPA in 1996 and allowed for financial penalties to be assessed against states that had received warning of a MEPA violation and had not provided a corrective action plan within 6 months of the violation. MEPA requires diligent efforts by the state to recruit potential foster and adoptive families that reflect the diversity of the children in their care. It also prohibits the use of the child's or the prospective parent's race, color, or national origin as a basis for the delay or denial of a child's foster care or adoptive placement, or as the sole factor when making placement decisions. This may be difficult, however, if immigrant families are unavailable or face legal status barriers to becoming foster parents.



Reasons for differences in permanency planning and case goals may be due to child age, family legal status, or the availability of relatives to serve as foster parents. Because immigrants are new to the country, they are less likely than natives to have extensive kin networks in close proximity. With fewer relatives available, immigrant children may be placed with relatives and have case goals associated with relatives less often. With regard to child age, older children are more likely than younger children to be placed in group homes and institutions. Additionally, older children are more likely to have case goals such as independent living and long-term family foster care. Legal status of a child's family may also play a role in placement type and case goals. Prior research has shown that undocumented adults are less likely to use public benefits and services (Holcomb et al., 2003). This phenomenon may extend to the likelihood of serving as a foster parent, especially as nearly half of immigrant parents nationally were undocumented in 2005 (U.S. Bureau of the Census, 2006). Deportation fears may also inhibit these families from stepping forward to serve as foster parents. Additionally, the goal of adoption may be particularly difficult for immigrant youth, as adoption cannot be initiated by a U.S. state; rather, adoption of immigrant children must be initiated at the international level.

The prevailing belief in the field is that children should be placed with relatives whenever possible, and placements should be as unrestrictive and as similar to a home setting as possible (Geen, 2003). Given the

divide between the results of this study and the prevailing beliefs in the field about placement and permanency planning, it is clear that more thought needs to be given to how to handle immigrant children in care. One possibility would be to provide special training to foster caregivers with immigrant children in their care, focusing on the special needs of these children (e.g., language and cultural sensitivity training). Another possibility, though there is no evidence that this is a preferred option, is to allow immigrant children to be placed outside of the country with relatives. Foster parent outreach is another option—with a focus on immigrant communities and adults with fluency in languages spoken by immigrant children in care.

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***Unaccompanied Alien
Children, Victims
of Trafficking, and
Removals for Sexual
Abuse***

Unaccompanied minors are immigrants under the age of 18, not attached to a parent, and not in the custody of a guardian. The Unaccompanied Alien Children (UAC) program provides a number of temporary services in addition to placement for the interim period beginning when an unaccompanied minor is detained by immigration officials. In 2004, approximately 6,200 unaccompanied alien children entered federal custody (National Conference of State Legislatures, 2005). The United States is one of very few countries that detain children. Most other countries adhere to the United Nations High Commissioner for Refugees guidelines, which suggest alternatives to detention such as placing unaccompanied



minor children in child welfare programs. Some immigrant children identified in the Texas CPS system may be unaccompanied alien minors.

The Trafficking Victims Protection Act (TVPA) of 2000 makes both adult and child victims of severe forms of trafficking eligible for benefits to the same extent as refugees. The TVPA defines severe forms of trafficking as “(a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (U.S. Department of Justice, 2005). Adults must be certified by the U.S. Office of Refugee Resettlement as victims of trafficking, but children are eligible for services based on the certification of their parents.

Findings from this study are consistent with unaccompanied minors and victims of trafficking coming under the authority of CPS in Texas, although there is no direct evidence of this relationship. Nevertheless, a higher share of Latin American immigrant children than other children were removed because of sexual abuse. There are a variety of possible reasons that a higher share of Latin American immigrants would be removed for sexual abuse, including the age and gender profiles of immigrant children (English, 1998) and the fear of the consequences of reporting abuse. Reasons could also include unaccompanied alien minors, runaways, or victims of commercial sexual exploitation coming into contact with the child welfare system after first being involved with law enforcement agencies. However, the study found that age and gender are not substantial contributing factors to the disproportionate

share of immigrant children removed for sexual abuse.

While it cannot be validated by the data, a possible reason Latin American immigrants are more likely to be in care for sexual abuse could be that CPS receives reports of only the most serious cases of abuse and neglect in immigrant communities. Nationally, the majority of young children of immigrants (81%) live with a non-citizen parent, and nearly 50% live with an undocumented parent (Capps et al., 2004). Since mixed-citizen, legal non-citizen, and illegal non-citizen families are already known to underutilize public services, it is reasonable to assume that they might avoid contact with typical reporters (e.g., teachers, lawyers, police officers, and social services staff), for fear of the consequences for their legal status (Capps et al., 2004).

The Texas DFPS also confirms that runaways and victims of commercial sexual exploitation of children (CSEC) receive child welfare services, although it is important to note that CSEC cases cannot be investigated by CPS agencies in Texas unless the child is abused by a relative (D. Capouch, personal communication, March 21, 2007). Latin American immigrant children are particularly at risk of being CSEC victims, so this could be an important factor in the high share of removals for sexual abuse (Miller, 2006).

If a higher share of immigrant children in care are removed for sexual abuse because they are more likely to be vulnerable runaways, or because they are more susceptible to crimes like CSEC, then policymakers should provide local law enforcement with the resources not only to apprehend, but also to prevent the formation and operation of the networks that victimize children for a profit. But, if a higher share of Latin American immigrants in care are removed for sexual abuse because immigrant

communities fear contact with public agencies, then strategies that build trust and communication between immigrant communities and agencies that typically report abuse could be considered.

Title IV-E Eligibility for Non-Citizens and State CPS Funding Issues

Title IV-E is the largest federal funding source for child welfare activities, and for most states is the main source of funding for costs associated with foster care and adoption. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 altered eligibility requirements for the Title IV-E Foster Care and Adoption Assistance Programs, and in doing so, changed the way child welfare agencies interact with immigrant children and families—including foster care families.

Under PRWORA's changes, state child welfare agencies are required to determine the immigration status of children receiving Title IV-E benefits. The legislation created the term "qualified alien" and included in the definition legal permanent residents, refugees and asylees, Cuban and Haitian entrants, aliens who have been battered or subjected to extreme cruelty, and aliens whose deportation is being withheld or who have been granted conditional entry (Personal Responsibility and Work Opportunity Reconciliation Act, 1996). The legislation restricted eligibility for Title IV-E foster care maintenance and adoption assistance to immigrant children who are qualified aliens. If state or local agencies provide foster care maintenance or adoption assistance to children who are not qualified aliens, they must pay for these services using state or local funding.

Non-citizens are allowed to care for foster children regardless of their legal status, but PRWORA restricted the eligibility of many non-citizen foster parents for Title IV-E foster

care maintenance payments. PRWORA does not require state or local agencies to check the immigration status of applicants to license a foster home, because a foster care license is not considered a professional license. Foster parents do, however, have to show they are qualified aliens in order to receive federally funded foster care maintenance payments. Moreover, foster parents who are qualified aliens and who entered the United States after August 22, 1996, are not eligible for federal reimbursement until they have maintained qualified immigrant status for 5 years or more. The only exceptions for receiving foster care and adoption assistance benefits occur when both the child and the foster parents are qualified aliens, or when the child falls within an exempted group (refugees, asylees, aliens whose deportation is withheld, Cuban or Haitian entrants, Amerasian immigrants, veterans, active duty military personnel) (Interim Guidance on Verification of Citizenship, 1997).

Children's legal status is the likely reason for such extreme differences found in this study with regard to IV-E eligibility between Latin American immigrant children and native-born children. Since approximately 70% of Latin American immigrant children in Texas are undocumented (U.S. Bureau of the Census, 2006), it is likely that many in the child welfare system are undocumented as well, and therefore not IV-E eligible. As the immigrant population grows, PRWORA rules will likely mean that more and more children will not be IV-E eligible. The more children who are not IV-E eligible, the more Texas will have to be the sole source of financing for these children.

Federal Programs Allowing Undocumented Immigrant Children to Adjust Their Status

Federal law allows undocumented children who are under supervision of a court to seek Special Immigrant Juvenile Status (SIJS)



(Immigration and Nationality Act, 1990a). SIJS provides undocumented children the opportunity to immediately file for legal permanent residency in the United States (Immigration and Nationality Act, 1990b). It should also be noted that there is a potentially punitive aspect of SIJS that may discourage applications. Children submitting an application for SIJS are at risk of deportation if their cases are not approved. This might deter some applicants if they are counseled about the risk.

Immigrant children who come into contact with the child welfare system may also be eligible for a “U visa,” a temporary visa for victims who aid law enforcement in finding the perpetrators of serious crimes that happen in the United States. The U visa is temporary, but it can lead to legal permanent residence status after 3 years (Freedman & Metsch-Ampel, 2007).

Victims of trafficking are also eligible for a “T visa” if they help law enforcement. This visa is similarly temporary, but can lead to a green card (Freedman & Metsch-Ampel, 2007).

The Violence Against Women Act (VAWA) allows an abused spouse or child of a U.S. citizen or lawful permanent resident to self-petition for legal permanent residency without the cooperation of the abuser. Eligible children include undocumented children abused by parents or spouses who are U.S. citizens or legal permanent residents, as well as children who were not abused but whose parents were abused by U.S.-citizen or permanent resident spouses. In addition to allowing eligible children to remain in the United States and eventually obtain legal permanent residency, VAWA also provides an employment authorization document that allows the child to work and serves as a government-issued identification card. Children receiving VAWA protection may be

eligible to receive public benefits that would otherwise be restricted to qualified aliens.

SIJS, the U visa, the T visa, and VAWA all represent potential ways for undocumented children to stay in the United States permanently. These policies allow an avenue for children to become legal residents, and would provide the state with the opportunity to seek IV-E eligibility for children who have become legal residents. It is unknown how many undocumented children emancipate from foster care without obtaining legal permanent residency.

Conclusion

Evidence from a linked file of child welfare administrative records and vital statistics data suggests that Latin American children of immigrants are underrepresented in the Texas child welfare system, compared to children of natives, both Latino and non-Latino. This underrepresentation exists despite the large influx of immigrants into Texas in the last two decades. Further, this study reveals that children of immigrants have very different experiences in the child welfare system from children of natives.

The study finds that Latin American immigrant children in the Texas child welfare system are less likely than children of natives to have placement goals or placement histories associated with relatives and are more likely to be placed in group homes and long-term foster care. One possible contributor to the lower share of Latin American immigrant children placed with relatives is that immigrant children have less extensive kin networks in the country than children of natives. Moreover, relatives that are in the country may be unwilling or unable to serve as foster parents. Additionally, many more Latin American immigrant children are removed by child protective services for sexual abuse. Finally, many fewer Latin American immigrant children are eligible for



Title IV-E funding than other children, which is likely due to the undocumented status of these children. These findings suggest that Latin American children of immigrants may be challenging to serve in terms of reasons for removal, difficulties finding placements, and limitations on federal funding.

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