



A SOCIAL WORKER'S TOOL KIT FOR WORKING WITH IMMIGRANT FAMILIES

A Child Welfare Flowchart
August 2009



A CHILD WELFARE FLOWCHART

Objectives

- To recognize the importance of collecting culturally crucial information as part of the evaluation of the case plan.
- To identify and integrate relevant immigration information as it affects the sequence of decisions regarding a child welfare case.
- To understand when, during a child welfare case, it is appropriate to engage immigration professionals to pursue eligible immigration relief options.

Summary

The purpose of this flowchart is to illustrate how and when immigration issues may arise during the chronology of a child welfare case. The flowchart begins at the point of a child abuse report and continues through assessment, diversion or intervention, removal, dependency issues and permanency planning. At each stage of the flowchart, “Potential Immigration Issues” are noted and explored in *italics*. The **green boxes** indicate points at which the child welfare case may be closed.

The Adoption and Safe Families Act (ASFA) is the federal timeline for permanency decisions regarding a child’s reunification with his or her birth parent(s). This flowchart reaffirms key assessments within the ASFA federally mandated timelines. The public child welfare worker’s knowledge (or lack of knowledge) regarding the immigrant population in his or her community and potential immigration relief options can profoundly affect the decisions made about a child welfare case. Understanding what immigrant families are saying about their situation requires acute listening and assessment skills. It is also critical for public child welfare agencies to have integrated internal cultural and linguistic staff capacity as well as access to immigration legal counsel and community partners to assist in working with immigration and refugee communities.

Disclaimer: *Be advised that the information in this tool kit is intended only to provide a general overview on the intersection of immigration and child welfare. It is not intended to be used as a self-help guide or to provide legal advice. It should not be used as a substitute for professional legal or child welfare advice that takes into account the specific circumstances of each family’s situation. Immigration and child welfare policy and practice vary greatly in different jurisdictions, so it is important to always consult with your local experts. In addition, this flowchart does not include the federally mandated timelines for petition filings, court hearings, reviews and other permanency decisions because it is intended to focus attention on the diversity of options presented in child welfare cases, not solely on the timelines.*

Child Welfare System Flowchart

1. Report called in to hotline: A report of suspected child abuse or neglect is called in to the child abuse hotline by a mandated reporter (often school or medical personnel) or a concerned individual.

Potential immigration issues: Child protective services involvement may prohibit an undocumented immigrant from gaining legal status; fear of being reported and/or deportation may cause the parents to flee. In addition, referrals may come from the Office of Refugee Resettlement - Division of Unaccompanied Children's Services (DUCS)*.

2. Call screened: Hotline staff screens the call to determine if an investigation is warranted. Some states have an "alternative response" or "differential response" assessment track.

2a. Cross-report filed: If evidence of abuse is found, a cross-report is sent to law enforcement for further action.

Potential immigration issues: Once law enforcement is involved, there is heightened risk that the parents may flee. This is especially true since many communities have begun to criminalize undocumented immigrants. Many immigrants left countries with harsh authoritarian regimes or corrupt government agencies and may distrust government agencies. Likewise, the parent may be cross-reported to state child abuse indexes that may impact employability and background clearance.

2b. Case not investigated:

The hotline staff assesses the evidence and decides it is not sufficient to open a case. The case may be referred to a community-based organization.

3. In-person investigation: A caseworker conducts an in-person investigation to assess evidence of child abuse or neglect.

Potential immigration issues: Cultural norms and child-rearing practices may differ from practices in the U.S. Communication problems and lack of appropriate translation services may lead to inaccurate or insufficient information about a case.

4a. Case closed: An investigation determines suspected abuse or neglect is unfounded or the evidence is inconclusive.

4. Case substantiated: An investigation confirms evidence of child abuse or neglect.

Potential immigration issues: An assessment by legal immigration experts may find that the child qualifies for a U visa* as a victim of serious crime.

5a. Child removed from home: The child is taken into custody and placed in an emergency shelter, foster home or kinship care.

Potential immigration issues: The child may qualify for Special Immigrant Juvenile Status (SIJS)*. Kinship care should include international searches. Team decision making (TDM)* and family group decision making (FGDM)* may occur at this point. It is important to be mindful of emerging immigration issues in terms of placement, barriers to cooperation and coordination of out-of-home placement.

5b. Voluntary services provided: The child remains at home. The family may agree to voluntary in-home services for 3-6 months (or longer in some states).

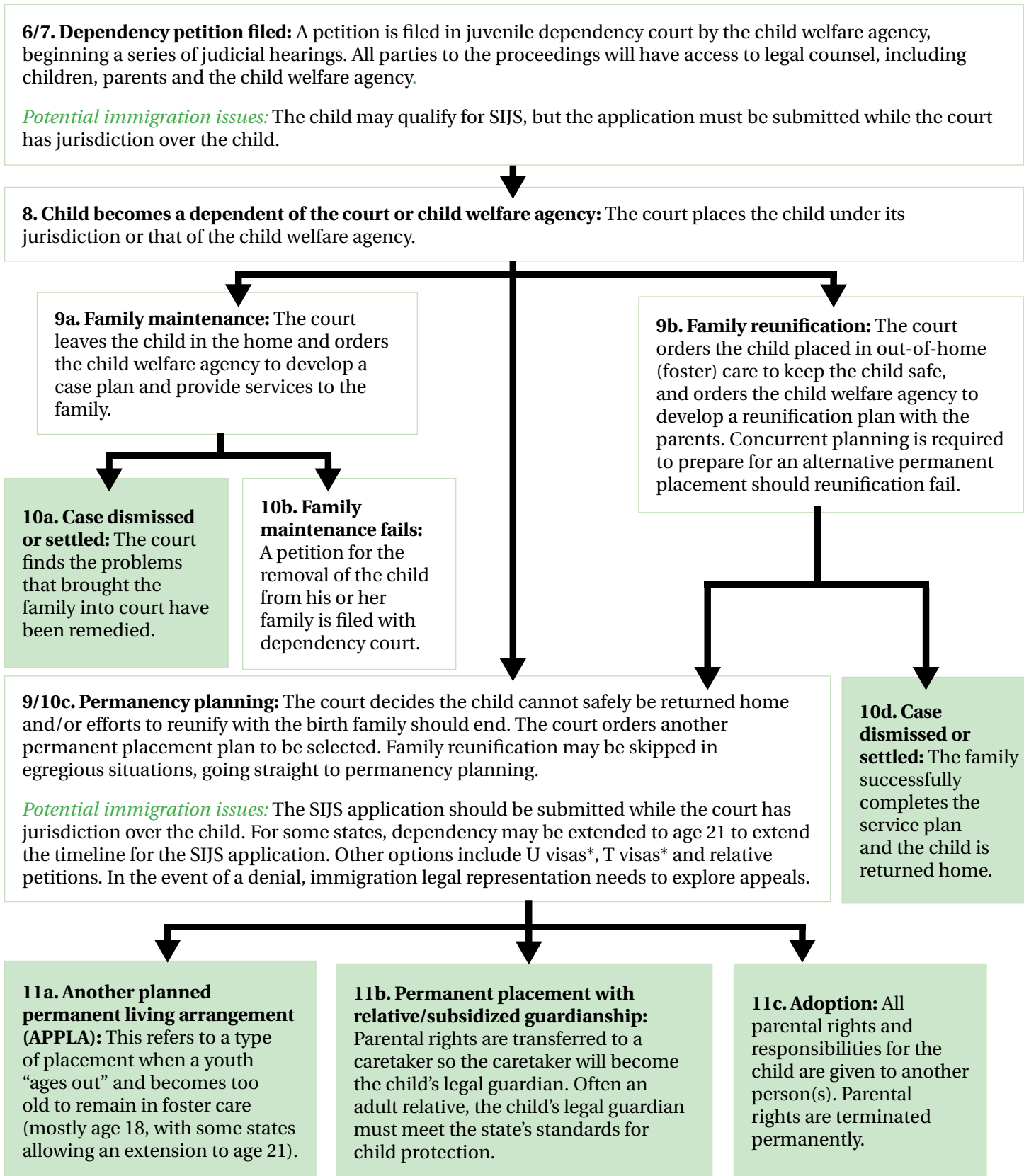
6a. Voluntary services fail: The abuse continues, a new report of abuse or neglect is confirmed or voluntary services fail for other reasons.

Potential immigration issues: The child may qualify for SIJS, but the application must be submitted while the court has jurisdiction over the child.

6b. Case closed: In-home services or voluntary in-home services succeed in providing a safe and secure environment for a child.

6/7. Dependency petition filed: SEE NEXT PAGE

Child Welfare System Flowchart



Adapted from Reed, D. F., & Karpilow, K. A. (2002, November). *Understanding the child welfare system in California: A primer for service providers and policymakers*. Berkeley, CA: California Center for Research on Women and Families, Public Health Institute. Available at <http://www.ccrwf.org>.

* See glossary in Immigration Status and Relief Options Tool Kit for definitions and descriptions. www.americanhumane.org/migration.

ISSUES TO CONSIDER WHEN WORKING WITH IMMIGRANT FAMILIES

1. Report called in to hotline

- The child abuse hotline screeners need to understand all the possible reasons why there would be a report. Key questions asked at this stage by the hotline screeners include:
 - Is the child in imminent danger?
 - Is there risk of maltreatment?
 - Is there prior history?
 - What are the family's strengths and available resources?
 - Is an in-person response required, and if so, how quickly?
- Many immigrant parents have long or difficult work schedules or financial pressures, or live in crowded housing, all of which can result in conflicts. There may be acculturation stressors or tensions between adolescents who do not share the cultural values of their immigrant parents. There may be homeopathic medical treatments not understood by the child welfare agency. In addition, many communities are experiencing enforcement actions, with arrested parents unable to quickly arrange for alternative childcare. As mandated child abuse reporters, school district personnel often play an important role in ensuring that children are not dropped off to empty homes or left at school overnight. There is also stress and anxiety for undocumented immigrant families left after a raid (for example, parents fearing the possibility of future raids keeping older children home from school to care for younger siblings).
- Statistics vary, but it is estimated that well over 60 percent of child welfare cases have a co-occurrence of domestic violence and child abuse, according to *Effective Intervention in Domestic Violence and Child Maltreatment Cases* (commonly called the *Greenbook*) by the National Council of Juvenile and Family Court Judges. Identifying domestic violence during the initial report can help the child welfare agency decide on additional screening questions and create appropriate case plans and diversion opportunities. Different cultures have different definitions and approaches to domestic violence.
- An emerging source for child welfare agencies is the Office of Refugee Resettlement. This is the federal agency responsible for unaccompanied minors. In the course of their investigations, they may determine "cross-over" issues of abuse and neglect, trafficking, exploitation, etc., and may make a referral to a child welfare agency. For example, a teenager trafficked in the United States for sexual exploitation and in federal custody may be referred to public child welfare.

2. Call screened

If the call came from a mandated child abuse reporter, such as a school, a hospital or law enforcement, immigration issues and status are not routinely evaluated or assessed at this initial stage. This issue may come up if the reporting party represents the Office of Refugee Resettlement, a domestic violence service provider or an immigration service agency that has already provided this initial assessment.

2a. Cross-report filed

If there are allegations of serious abuse or neglect, in some child welfare jurisdictions, a cross-report is filed with law enforcement. This report and the resulting charges, convictions or temporary restraining orders can seriously impact immigrant family members' current or potential petition for an immigration benefit, their existing lawful immigration status and their employment options (e.g., barriers to getting an immigration application approved, eligibility for an immigration benefit, triggering deportation and loss of an immigration benefit or an inability to find employment at certain employment sites). Immigrant families may be confused about how the child maltreatment charge will be reported. For example, general neglect does not necessarily lead to criminal charges and would not lead to a cross-report with law enforcement. It is important that the child welfare caseworker help families understand this process and clarify any confusion.

2b. Case not investigated

Many public child welfare agencies use a *differential response* modality to refer at-risk families to services. Differential response, also referred to as *alternative response*, allows child welfare to respond differently to reports of generally low-to-moderate child abuse and neglect cases with services and programs often delivered via community-based agencies. Immigrant-serving, community-based agencies, which can offer culturally and linguistically sensitive support, could serve as partners to child welfare in serving immigrant families through differential response. However, these agencies are often underfunded and under-resourced, and may need support or training to understand the complexity of the child welfare agency. The collaboration between child welfare and immigrant-serving, community-based agencies is critical, since these agencies are often better able to engage immigrant clients.

3. In-person investigation

If during the investigation, an issue involving immigration status of either the child or family members emerges, the public child welfare agency needs to be able to refer the family to appropriate service providers with expertise on immigration law. The child welfare agency must contact foreign consulates and embassies (both locally and abroad) with cases involving foreign nationals. These agencies may be helpful in gathering information and documentation from other countries. For example, if reunification efforts are not appropriate or have failed and the dependent minor's permanent plan is long-term foster care, the minor may be eligible for Special Immigrant Juvenile Status (SIJS) and vital documents are a necessary part of the application process. For more information on vital documents, see *A Social Worker's Tool Kit for Working With Immigrant Families: Immigration Status and Relief Options*, available at www.americanhumane.org/migration.

4. Case substantiated

When the investigation confirms evidence of abuse or neglect, many child welfare agencies have begun to use family- or community-centered models for decision making, such as team decision making (TDM), family group decision making (FGDM) or permanency mediation. Protocols for the TDM or FGDM models should be reviewed for their relevancy as they relate to immigration issues (e.g., what happens if a placement recommendation involves an undocumented relative? A relative living in a foreign country?). Empowering the broadest group of family members and concerned community members to use their knowledge, history and strengths to develop creative plans, identify resources and develop partnerships can be helpful in developing the child welfare case plan. For tips on how to conduct TDM or FGDM meetings with immigrant families, see the Annie E. Casey Foundation/Family to Family handout, *Immigration Dynamics in Team Decisionmaking Meetings*, available at www.f2f.ca.gov/res/pdf/ImmigrationDynamicsTDMwkshpNOv06.pdf and the American Humane Association's Issue Brief, *Using Family Group Conferencing to Assist Immigrant Children and Families in the Child Welfare System*, available at www.americanhumane.org/assets/docs/protecting-children/PC-fgdm-immigrant-children-families.pdf.

5a. Child removed from home

- After the child is removed from the home, the public child welfare agency should conduct the broadest search for appropriate relative and family placements. Many immigrant communities may not understand “foster care,” but the concept of “godparents” is commonly accepted in most cultures. The search should include relatives living outside the United States. Before sending a child outside the U.S., family placements must be assessed to determine whether the placement is in the child's best interest. International home studies must be done and submitted to the court adjudicating the case. Social workers can work with embassies in foreign countries if they have a memorandum of understanding (MOU) or a relationship already established. Agencies can also request the services of the International Social Services Agency, USA Branch (ISS-USA), which has cooperative home-study arrangements in 150 countries worldwide (see www.iss-usa.org). Should the court decide to return a child to or place a child in a foreign country, safe repatriation should be coordinated on both ends, ensuring that someone will escort the minor back to his or her country, and that the appropriate person will meet and safely transport the child to his or her final destination. The court should also receive evidence that there are plans in place for ongoing services as needed for the child, and that the family has access to these services. Arrangements for follow-up reports, should a child be placed, must be secured ahead of time to ensure the ongoing safety, permanency and well-being of the child. Many public child welfare agencies, particularly in border communities, have developed MOUs with their regional Mexican consulate so there are established protocol and policy for these cases. For other countries besides Mexico, ISS-USA is a viable option (see www.iss-usa.org). Sample public child welfare MOUs with Mexican consulates can be downloaded at www.f2f.ca.gov/sampleMOUs.htm.

- With domestic violence cases, caseworkers should ask the adult victim to recommend options for the children's safety. In the case of immigrants and refugees, it is also critical to seek guidance from community service providers to explore every possible opportunity to keep children safely with the nonoffending parent. Children may require violence assessments to establish the nature and degree of impact as well as the recommended course of treatment. Children may need to be linked with specialized, culturally appropriate child-witness-to-violence intervention programs. Children and the nonoffending parent may also have specialized immigration legal options available to them and therefore, it is important to consult with an immigration legal expert.
- At this point in the case, it is important for the public child welfare agency to search for and secure all vital documents such as birth certificates and passports, and obtain the formal full names of both parents and hometowns. Examples of vital documents needed for applications for immigration relief options include government-issued identification, passport and an original birth certificate. Some foreign governments issue identification cards through their consulates and all foreign documents are required to be translated. It is important to start the process of collecting vital documents as soon as possible since many of these steps are time-consuming. Many undocumented immigrant families often disappear at this point in the case for fear of deportation. These documents are vital for the child's application for potential immigration relief options, as well as for conducting the broadest possible placement research. If an agency has difficulty with document searches, ISS-USA can also perform this service in 150 countries worldwide (see www.iss-usa.org).

5b. Voluntary services provided

- Integrating immigration services with responding to ongoing voluntary services is necessary to resolve child abuse and neglect issues. Under the U.S. Department of Health and Human Services, every state child welfare agency is reviewed by the federal government to examine its service delivery and outcomes for children and family under its program improvement plan (PIP). Under the PIP, there is a greater emphasis than ever before on front-end, prevention and diversion services to avoid opening dependency cases. It is highly desirable to connect immigrant families with resources and supports as a prevention strategy so that child welfare problems can be solved at the lowest level of intervention. Service referrals could include Food Stamps (available for the U.S. citizen child of the undocumented immigrant), Head Start or subsidized child care programs (some of which do not depend on immigration status), legal services, free health or mental health clinics or access to victim and witness protection funding (which is available to eligible families, regardless of immigration status), etc.
- The primary goals of case planning with families experiencing domestic violence are to promote enhanced protection and safety, to hold perpetrators accountable and to look for ways to support the well-being of the child. It is always best to offer treatment in a voluntary manner. However, it is necessary to have multiagency cooperation and communication — including the courts — to ensure that services are provided in the best interest of the immigrant child and family and in the least restrictive environment. Immigrant families encounter many barriers to protecting themselves and their children. Successful case planning includes an assessment of available community resources and their effectiveness so that service recommendations are realistic for and accessible to family members. Assessment questions to consider include:
 - Are there culturally sensitive resources, materials and services available for these immigrant groups, especially those tailored for non-English speaking clients?
 - Are there specialized services for immigrant children?
 - How will immigration status affect the ability to obtain services recommended in the case plan?
 - Do the local service providers have basic needs such as food and living accommodations appropriate for ethnic families, disabled victims or victims of domestic violence with children?
 - Do immigrant victims who live in rural communities have accessible transportation to advocacy programs and other supportive services?
 - Are there culturally appropriate substance-abuse programs? Do these programs provide living facilities for the children of domestic violence whose parents or caregivers are ordered into inpatient treatment?
- It is often helpful to assess clients for important immigration legal relief options such as the Violence Against Women Act (VAWA) and U and T visas (see *Immigration Status and Relief Options* tool kit for detailed definitions), at the voluntary intervention level since it may lead to the de-escalation of child welfare intervention. Domestic violence victims who are willing to cooperate with law enforcement demonstrate their ability to protect themselves and their children from harm.

6/7. Dependency petition filed

- In a child welfare dependency proceeding, an attorney is assigned to represent the child and is a crucial decision maker. The attorney of record in the juvenile dependency case needs to be notified whenever the family or the child welfare department has filed any legal action relevant to immigration. Some examples are when an immigration attorney is filing for SIJS or a child is placed with relatives abroad. At the court hearing, the attorney will evaluate and agree or disagree with the recommendations. It is critical that the immigration attorney have discussions with the assigned attorney of record prior to filing any applications and definitely before the court hearing.
- When the case is presented at a jurisdictional or dispositional hearing, the judge may ask about “obstacles toward reunification.” Questions relating to reunification and immigration issues (such as locating parents and other relatives) may be asked. It is important that child welfare workers are able to clearly explain their due diligence in providing a comprehensive assessment for the immigrant child, as they would with any other case. The judge may ask about the immigration status of the child and whether the child welfare worker has reviewed this case with immigration legal counsel.
- Specialized attorneys or legal counsel for immigration, domestic violence, or crime and delinquency are not included in the child welfare proceedings. Community-based organizations and some foreign consulates may be able to provide free or low-cost legal counsel for these specialized services.
- When there is a court hearing, the caseworker may need to work with a variety of government agencies in order to assure proper noticing and attendance at dependency hearings. This could include working with the United States Citizenship and Immigration Services (USCIS) or a foreign child welfare agency such as Mexico’s Desarrollo Integral de la Familia (DIF), to request a relative’s home evaluation for placement, coordinate a paternity test or request parole letters (allowing a foreign national to enter the U.S. for court proceedings). Several juvenile court jurisdictions, particularly those located in border states, have developed protocols and procedures for child welfare cases involving foreign nationals. For examples of child welfare forms and policies, go to www.f2f.ca.gov/sampleMOUs.htm. For more information, see the November/December 2008 issue of the Child Welfare League of America’s *Children’s Voices* magazine, which interviews four child welfare agencies about their relationships with DIF, foreign consulates and embassies (www.cwla.org/voice).

9a. Family maintenance and 9b. family reunification

- The difficulty in working with immigrant families is finding appropriate resources for the parent(s) to comply with the case plan. An undocumented immigrant or lawful permanent resident is often ineligible for income maintenance or direct public-funded services. There are often insufficient language and culturally appropriate services available in the community. The key to assisting immigrant families is understanding the dynamics of totally undocumented or mixed-immigration status families and the eligibility criteria for each family member’s different status. For example, U.S. citizen-born immigrant children are eligible for all service programs, regardless of the status of their undocumented parents. Certain governmental services, such as victim and witness protection funding, can be accessed regardless of immigration status.
- Immigration status is not necessarily a barrier to visitation. Although child welfare law generally mandates family visitation, this becomes complicated if the parent is in the custody of the United States Immigration and Customs Enforcement (ICE) or his or her whereabouts is unknown. The “fear factor” of undocumented immigrant parents may be the compelling reason for why visitation plans are not completed.
- Many factors must be considered when making recommendations about visitation in immigrant families with domestic violence. Intimate partner violence does not automatically preclude the abusive partner from having contact with the children. However, prior to recommending contact, assessments should be completed regarding imminent safety concerns, presence of psychological trauma, risk for the children to continue to be exposed to violence and the abusive partners’ lethality. In domestic violence cases involving a U.S. citizen or lawful permanent resident abuser and an undocumented victim, the abuser exercises power and control over the victim because the victim is relying on the abuser to obtain legal immigration status. Fortunately, federal immigration laws allow a domestic violence victim to obtain legal status on his or her own without relying on the abuser. It is important that the victim is referred to an immigration agency, as this may empower the victim to leave the abuser and protect his or her children. ASISTA is a federally funded website and clearinghouse available to provide technical assistance and legal advice on the intersection between immigration and domestic violence law (<http://asistahelp.org/>).

- The T or U visa may also be a potential immigration relief option and may be reflected in the case plan and family petition. There are circumstances in which relief options are not available and it is incumbent upon social workers to review those difficult realities with their clients, including exploring the appeals process through immigration legal resources.

9/10c. Permanency planning

- If reunification efforts have not succeeded, child welfare agencies should explore the child's eligibility for Special Immigrant Juvenile Status (SIJS) as well as the T and U visa. It is important that the immigration issue is resolved before adoption, guardianship or case closure. There are many training curricula for child welfare workers on understanding SIJS and how to work with immigration counsel to access this relief option, such as the comprehensive guide developed by the California Social Work Education Center/UC Berkeley (http://calswec.berkeley.edu/CalSWEC/OtherTraining_a.html) and *SIJS Caseworker's Toolkit for Children in Federal Custody*, developed by the U.S. Conference of Catholic Bishops/Migration and Refugee Services (www.brycs.org/sijs/default.htm).
- Even if immigration relief is granted, it is important that family connections for the child emancipating from the child welfare system are maintained (with both domestic and international family members).

About the Migration and Child Welfare National Network

Formed in 2006, the Migration and Child Welfare National Network is a coalition focused on improving the child welfare system's services to immigrant families. Membership to MCWNN is free and members learn from each other's experience and expertise. Questions about joining MCWNN or about this tool kit can be referred to the Migration and Child Welfare National Network at CWMN@americanhumane.org. MCWNN funding partners are the Annie E. Casey Foundation and the American Humane Association (funding and program/fiscal partner).

About the Tool Kit

This resource is part of *A Social Worker's Tool Kit for Working With Immigrant Families*, a multicomponent resource guide developed by the Migration and Child Welfare National Network. The full tool kit can be downloaded at the MCWNN website at www.americanhumane.org/migration. The child welfare flowchart used in this resource was adapted from *Understanding the Child Welfare System in California: A Primer for Service Providers and Policymakers* (Reed, D. E., & Karpilow, K. A., 2002, available at www.ccrwf.org). The chart has been modified by MCWNN members from its California version for a national audience. Please contact the MCWNN at CWMN@americanhumane.org with your feedback on how to improve this tool kit and make it relevant to child welfare practitioners.

A Child Welfare Flowchart

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