



THE CENTER FOR
IMMIGRATION
AND CHILD WELFARE

CASE PLANNING FOR PARENTS RESIDING IN A FOREIGN COUNTRY

*Alan J. Dettlaff, PhD & Caitlin O'Grady, MSW
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EMERGING POLICIES TO ADDRESS THE NEEDS OF IMMIGRANT CHILDREN AND FAMILIES IN THE CHILD WELFARE SYSTEM

ABOUT THIS SERIES

As the population of children in immigrant families increases in the United States, child welfare agencies will need to develop policies that respond to their unique needs. To facilitate policy development, the Center on Immigration and Child Welfare conducted a statewide survey of county child welfare agencies in California to identify emerging and innovative policies that address the unique issues that arise in child welfare cases with immigrant families. These policies may be used as examples for other California counties, as well as other states and jurisdictions, to build their capacity to meet the needs of this growing population.

Each brief in this series provides an analysis of policies that address topics unique to issues concerning immigrant children and families. Topics include:

- Memoranda of Understanding with Foreign Consulates
- Placement of Children with Parents or Relatives in a Foreign Country
- Placement of Children with Undocumented Relatives in the U.S.
- Case Planning for Parents Residing in a Foreign Country
- Immigration Relief Options for Undocumented Youth in Care
- Financial Eligibility including Permanent Residence Under Color of Law (PRUCOL)
- Language Access

This brief focuses on policies that address case planning for child welfare system-involved parents residing in a foreign country. Parents face multiple barriers to fulfilling case plan objectives when residing abroad, which in turn poses barriers to family reunification. Policies addressing case planning for parents residing in a foreign country aim to facilitate the process through which child welfare agencies and parents can collaborate transnationally in these cases.

Of the 46 counties that participated in this project, eight provided at least one policy addressing case planning for parents residing abroad. Seven broad categories of provisions were observed across these policies, including: 1) complying with Hague Convention requirements, 2) family finding, 3) notice of hearing to parents in a foreign country, 4) facilitating parental presence at court hearings, 5) facilitating visitation between parents and dependent children, 6) requesting information on the detention of an undocumented parent, and 7) offering services to parents in Mexico. Descriptions of these categories are discussed below and in the following pages. Following these descriptions is a summary table that indicates which of the categories of provisions are included in each of the policy documents.

POLICY PROVISIONS

Complying with Hague Convention requirements.

Provisions in this category discuss compliance with the Hague Convention and outline conditions under which the Hague Convention is not applicable. Both Los Angeles and Marin contain this provision in their policies. Los Angeles states that the child welfare agency is legally obligated to provide notice of court proceedings to parents residing outside of the U.S. in accordance with Hague Convention procedures. Both counties state that the Hague Convention does not apply when agency staff does not have a physical address for the individual residing outside of the U.S.

Family finding. Policies including this provision specify the process for requesting that parent and relative searches be

conducted in Mexico. Four counties include this provision in their policies. Provisions generally outline how to request a parent or relative search, and San Bernardino and San Diego additionally describe the information that agency staff should provide in their request. San Diego states that if agency staff do not provide the information necessary for Desarrollo Integral de la Familia (DIF), Mexico's child welfare agency, to locate an individual because they lack this information, then they will receive a letter of insufficient information which they may use in court hearings as evidence that a parent search was attempted.

Notice of hearing to parents in a foreign country. Policies containing this provision outline the protocol for providing notice to parents residing outside of the U.S. of upcoming court proceedings involving their children. Six of the eight counties include this provision in their policies. All provisions generally outline the process for preparing and sending the notice, including the specific paperwork to be completed and the process of sending the information to the receiving country via registered or certified mail. Several counties state that agency staff should consult with the receiving country's Consulate to help facilitate this process.

Facilitating parental presence at court hearings. Policies containing this provision specify the process for facilitating parental participation in court hearings when parents reside outside of the U.S. Three counties have policies that include provisions falling under this category. Both Napa and San Diego state that the child welfare agency must arrange for non-U.S. citizen parents residing in Mexico to receive a parole letter so that they may enter the U.S. to participate in the court hearing. San Diego further specifies the procedure for submitting a USA Bureau of Customs and Border Protection Parole Request Letter to U.S. Citizenship and Immigration Services and outlines the procedure for notifying parents of the outcome of the request. Additionally, San Diego's policy states that the assigned social worker must advise parents that if granted parole, they must return to Mexico immediately after the hearing. The assigned social worker is also responsible for notifying the agency's international liaison in cases where the parent does not or is unable to return to Mexico after the hearing as scheduled. San Bernardino states in their policy that parents residing in Mexico may be able to participate in court hearings via teleconference at the San Ysidro Port of Entry.

Facilitating visitation between parents and dependent children. Provisions falling under this category outline the procedures for facilitating visitation between parents and children in the custody of the county child welfare agency in cases where parents reside outside of the U.S. Three counties have policies with provisions falling under this category. While Napa states that the child welfare agency may arrange for undocumented parents residing in Mexico to receive a parole letter for the purpose of coming to Napa for visitation with their children, Los Angeles and San Bernardino specify the process for arranging visitation at the San Ysidro Port of Entry, which is under the jurisdiction of the Consulate General of San Diego. Both counties outline the protocol that agency staff must follow to coordinate with Consular staff for the facilitation of a visit. Both counties also state children must be legal residents or U.S. citizens in order to participate in the visit at San Ysidro and must provide documentation of their residency or citizenship status. Los Angeles further specifies instructions for the assigned social worker and parent to follow on the day of the visit, and also emphasizes that the assigned social worker must be present for the duration of the visit and the Consulate is not responsible for any incidents that occur.

Requesting information on the detention of an undocumented parent. Fresno includes this provision in their Immigrant Children and Family Program Policy and Procedural Guide. This provision states that the county child welfare agency's international liaison is responsible for contacting Immigration and Customs Enforcement (ICE) to obtain information on the detention of an undocumented parent of a child who is in departmental custody. This provision will likely be of increased relevance for counties wishing to develop similar policies in the future, as ICE's Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities, issued in 2013, outlines the importance of increased coordination between ICE and child welfare agencies for the purposes of case planning.

Offering services to parents in Mexico. Napa includes this provision in their relevant policy. This provision specifies that agency staff should coordinate with DIF to ensure that parents residing in Mexico have access to services outlined in their case plan.

METHODOLOGY

Conducting a policy analysis is useful for systematically answering a set of questions related to the process through which a specified policy is developed, the content included in a given policy, or a policy's impact. In the case of this project, a policy analysis provided a systematic means of identifying shared content across a range of county child welfare policies pertaining to immigrant children and families. Initial contact was made with county administrators in each of California's 58 county child welfare agencies through the assistance of the California Department of Social Services and the California County Child Welfare Directors' Association. If counties agreed to participate, they were asked to participate in a 30 minute phone interview to identify policies and practices being implemented in their counties specific to immigrant families. Telephone interviews were conducted with county child welfare administrators in 46 of 58 California counties and policy documents were obtained. A preliminary review of policy documents resulted in the identification of 7 policy categories: 1) Memoranda of Understanding with foreign consulates, 2) placement of children with parents or relatives in a foreign country, 3) placement of children with undocumented relatives in the United States, 4) financial eligibility of youth in care including Permanent Residence Under Color of Law (PRUCOL), 5) case planning for parents residing in a foreign country, 6) immigration relief options for undocumented youth in care, and 7) language access. Within these categories, policies were analyzed to identify themes in content across counties. Atlas.ti, a qualitative data analysis program, was used to facilitate the analysis of policy documents.

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The Walter S. Johnson Foundation



ABOUT THE CENTER ON IMMIGRATION AND CHILD WELFARE

The mission of CICW, formerly the Migration and Child Welfare National Network (MCWNN), is to improve programs and policies related to immigrant children and families involved in the public child welfare system. CICW conducts and disseminates research, develops policy and practice recommendations, develops and disseminates resources, and works with federal, state, and local child welfare agencies to facilitate policy and practice improvements. The Center serves as a resource to learn from the knowledge and strategies of colleagues, and participates in collaborative efforts to improve services for immigrant families in the child welfare system. The center has four areas of focus: 1) research, 2) policy and advocacy, 3) promising practices, and 4) international issues.

TABLE 1. POLICY PROVISIONS

COUNTY	Complying with Hague Convention requirements	Family finding	Notice of hearing to parents in a foreign country	Facilitating parental presence at court hearings	Facilitating visitation between parents and dependent children	Requesting information on the detention of an undocumented parent	Offering services to parents in Mexico
FRESNO		◆				◆	
KINGS			◆				
LOS ANGELES	◆		◆		◆		
MARIN	◆		◆				
NAPA			◆	◆	◆		◆
PLACER		◆					
SAN BERNARDINO		◆	◆	◆	◆		
SAN DIEGO		◆	◆	◆			