



**THE CENTER ON  
IMMIGRATION  
AND CHILD WELFARE**



## **Intersection of Immigration with Child Welfare and Juvenile Justice Systems: A Review of Research, Policy, & Practice**

*Megan Finno-Velasquez, Ph.D. & Jill K. Pardini, MPP*



*This project was funded by the Annie E. Casey Foundation. The findings and conclusions presented in this report are those of the authors alone, and do not necessarily reflect the opinions of the Foundation.*



**MARCH 15, 2018**

**New Mexico State University**

School of Social Work

4700 Morris Street Northeast

Albuquerque, NM 87111



## Table of Contents:

<b>Executive Summary</b> .....	3
<b>Introduction</b> .....	4
<b>Research and Data</b> .....	4
Figure 1: Immigrant Families in the United States.....	4
Figure 2: Immigrant Population and Share of Total Population by US State.....	4
Table 1: States with the Largest Percent Growth in Immigrant Population.....	5
<b>Policies Impacting Immigrant Children and Families Involved with Child Welfare and Juvenile Justice Systems</b> .....	7
Table 2: Federal Policies Impacting Immigrant Families in CW and JJ.....	7
Table 3: Immigration Policies.....	9
Graphic 1: Policies Regarding Unaccompanied Immigrant Youth.....	10
Table 4: Promising Policy Approaches in the Child Welfare and Juvenile Justice Systems.....	10
Graphic 2: California: A Case Study in State-Level Policymaking.....	11
<b>Existing Practices and Programs for Immigrant Children and Families</b> .....	11
Table 5: Interventions Designed or Adapted and Tested for Immigrant Families.....	11
Table 6: Challenges and Published Best Practices in Child Welfare.....	12-13
<b>Conclusion: Moving Forward</b> .....	14
Table 7: Areas of desired data collection indicated by experts and practitioners.....	15
Graphic 3: Elements of Effective Research with Immigrant Populations.....	16
<b>References</b> .....	17
<b>Appendices</b> .....	20
Appendix A: Methods.....	20
Appendix B: Major Resources Consulted for Literature Review.....	23
Appendix C: Major Programs, Practices, and Policy Resources to Consult for Literature Review.....	24
Appendix D: Semi-structured Qualitative Interviews with Content Experts .....	24
Appendix E: Recommendations for Improving the Immigrant Family Experience During Enforcement and Detainment.....	25
Appendix F: Major Policies that Impact Immigrants in Child Welfare and/or Juvenile Justice.....	26

## Executive Summary

This report summarizes existing literature on immigrant children and families who encounter the child welfare and/or juvenile justice systems. The purpose of this report is to review what is known about this population including its needs, current relevant policies and practices, and existing gaps in the literature. Ultimately this report is intended to support the development of strategy and guidance for the Annie E. Casey Foundation and other funders, policymakers, advocates, and researchers who serve vulnerable immigrant children and families. This report aimed to answer three core questions:

- What is the body of research on the unique experiences (both challenges and strengths) of the population of focus?
- What are recommended policies and practices for effectively serving the population of focus—does the literature indicate any gaps in knowledge about or implementation of best or promising practices?
- What evaluations of programs/practices for this population of focus have been conducted and what are their findings—and what is the evidence base for these programs/practices?

This report was created using the methodology outlined in detail in Appendices A-D, and has undergone extensive edits and reviews by members of Casey staff, including experts in the fields of immigration, child welfare, and juvenile justice.

The primary takeaways of this report are that there is a growing population of immigrant children and families intersecting with the child welfare and juvenile justice systems, yet these systems are lagging behind when it comes to providing basic services (e.g., translation) or innovative approaches to working cross culturally with immigrant children and families more sensitively and successfully. A great deal of future progress can be made in the areas of policy, practice, and research, but it will take a significant amount of effort to undo exclusionary policies, educate practitioners (e.g., social workers, judges, parole officers, etc.), and establish better mechanisms by which to research this population and pilot and evaluate evidence-based programs designed to provide high quality services to immigrant children and families.

This report provides an introduction to the topic and the population of focus through a high-level overview of the existing research and data available on immigrant children and families, while emphasizing their strengths and protective factors. Next it discusses policies impacting immigrant children and families involved with the child welfare and juvenile justice systems (see Appendices E-F for more details). Then it reviews existing practices and programs serving immigrant children and families. Finally it concludes with ideas for moving forward into these spaces of policy, practice and programs, and research to better serve immigrant children and families intersecting with the child welfare and juvenile justice systems.

## Introduction

The United States is a country founded, built, and populated by the human and social capital of immigrants.<sup>1</sup> Throughout its history, the country's complex and, at times, contradictory values have been evident in policies that legally define immigrant groups,<sup>2</sup> determine their eligibility for services and opportunities, and regulate patterns of migration.<sup>3</sup> In today's politically charged climate, it is vital that we understand the impact these policies can have on some of our most vulnerable children and families as well as our public systems more broadly.<sup>4, 5</sup>

While immigrants have been an integral part of the United States' social fabric from its inception, our public systems have often failed to serve them effectively or equitably. Child welfare and juvenile justice systems in particular have struggled to address the myriad factors that increase immigrant families' risk of system contact and their unique challenges once involved. These factors commonly include immigration status, cultural differences, past trauma, language challenges, distrust of government, and a multitude of risk factors related to poverty and disadvantaged socio-economic status.<sup>6-11</sup> Despite these identified challenges, few jurisdictions have policies or practices to address the challenges faced by this growing population, and many gaps remain. More research needs to explore the unique assets, needs, and experiences of immigrants as they interact with child welfare and juvenile justice systems.<sup>12</sup> This report attempts to summarize existing literature on the subject, including policies, practices, and programs currently in place.

## Research and Data

Across the world, shifting economies, armed conflict, climate change, and human rights violations have contributed to increasing migration and globalization, with host countries often becoming less static, multicultural societies as a result.<sup>13</sup> While socio-political causes of migration vary, it is often the desire to provide a better life for one's family that spur individuals to cross an international border. This familial motivation influences decisions around destination county, immigration status acquisition options, and whether to remain in the host country or return home.<sup>14</sup> This is important as many of the challenges affecting immigrant families start with the political, social, and economic dynamics of globalization and transnational migration, particularly as countries develop increasingly anti-immigrant policies that may place immigrant families at unique risk for involvement with both the child welfare and juvenile justice systems.<sup>15</sup>

### IMMIGRANT CHILDREN AND FAMILIES IN THE UNITED STATES

At the time of this report, an estimated 43 million immigrants live in the U.S., and in 2015, nearly 18 million

children under the age of 18 lived with at least one immigrant parent, which is depicted in Figure 1 below.<sup>16</sup> Most of these children are U.S.-born and live in mixed-status families, meaning that one or more individuals in the home lacks legal status. This presents its own unique dynamics, and at times, challenges, when encountering public systems.

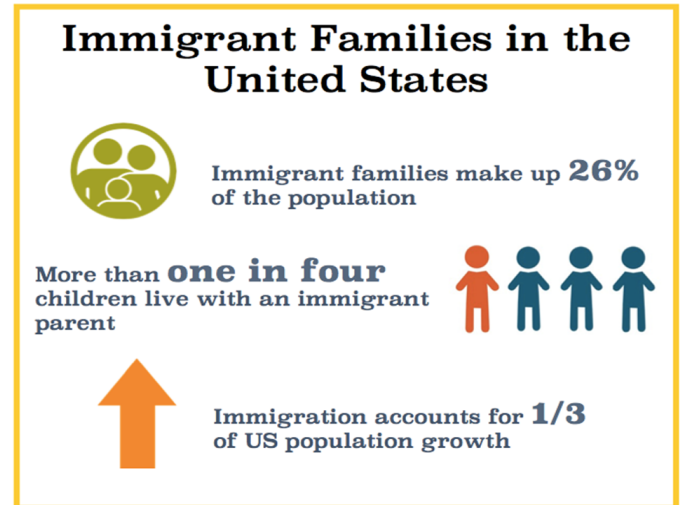


Figure 1: Created with data from Migration Policy Institute, 2017

The immigrant population is one of the fastest growing groups in the U.S.<sup>17</sup> While this growth is likely to continue, trends are shifting regarding both where immigrants are arriving from (e.g., their country of origin) and where they are ending up (e.g., states where they settle). These trends of growth and change will have significant implications for state-run public systems like child welfare and juvenile justice, perhaps especially for those with the highest immigrant populations, as seen in Figure 2.

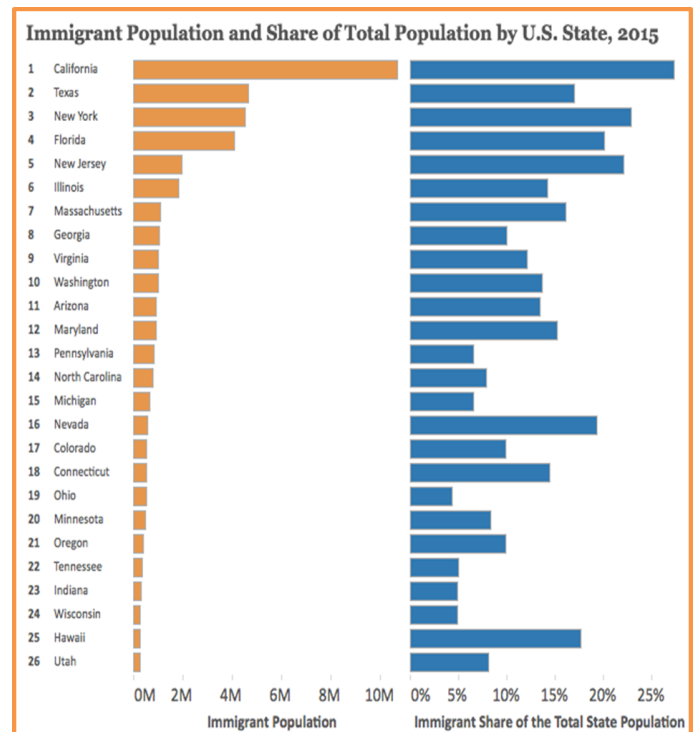


Figure 2: Reprinted from Migration Policy Institute Data Hub website, 2017

Figure 2 illustrates the geographic range of immigration in the US, with the greatest impact historically concentrated in states like California, Texas, New York, New Jersey, and Florida. However, immigrant families are increasingly moving to other states throughout the country based on a variety of factors: work opportunities, quality of education systems, and social networks. In fact, states experiencing the most significant growth in their immigrant populations in recent years are not necessarily those most commonly associated with immigration, as seen in Table 1.<sup>17</sup> In these states, the initial foreign-born population was quite small, leading to relatively small absolute increases in the immigrant population but resulting in a high percentage of growth.

**Table 1:**  
**States with the Largest Percent Growth in Immigrant Population, Pre- and Post-2000**

1990-2000		
1	North Carolina	274%
2	Georgia	233%
3	Nevada	202%
4	Arkansas	196%
5	Utah	171%
2000-2015		
1	North Dakota	137%
2	Tennessee	109%
3	South Dakota	106%
4	South Carolina	101%
5	Wyoming	96%

Source: Data from Migration Policy Institute Data Hub website, 2017

Additionally, the U.S. immigrant population is diverse and changing over time, with today's top 10 countries of origin including: 1) Mexico; 2) Guatemala; 3) India; 4) China/Hong Kong; 5) Korea; 6) Germany; 7) Vietnam; 8) Philippines; 9) United Kingdom; and 10) Canada. Increasingly, immigrants (particularly refugees) are arriving from other destinations as well, such as the Democratic Republic of Congo, Iraq, Syria, Somalia, Burma, and Bhutan.<sup>17</sup> These shifting trends in countries of origins, as well as changes in resettlement location, highlight the need for all states to consider the children and families in their own jurisdictions, as well as the policies, practices, and programs that serve them.

*IMMIGRANT CHALLENGES AND STRENGTHS*

The challenges that immigrants face during and following migration are extensively documented in the literature, and these experiences do not leave children unscathed. The acculturation process can be daunting for many, as “a complex process that is dependent on a multitude of individual and cultural factors, including ethnicity, gender, age, education, religious beliefs, family structure, language, economic stability, and personality.”<sup>18</sup> For

immigrants whose cultural origins are significantly different from those of their new home, research suggests that acculturation is even more difficult.<sup>19</sup>

*Acculturation: the social, psychological, and cultural change that stems from blending cultures (e.g., customs, religious practices, diet, health, social norms, etc.).*

Challenges resulting from migration and acculturation can include:

- Trauma,<sup>20</sup> physical and psychological health issues,<sup>21</sup>
- Changing family dynamics;<sup>22</sup>
- Feelings of confusion and powerless in navigating new culture;<sup>23</sup>
- Stress related to unfamiliarity with new language, laws, and norms;<sup>21</sup> and
- Lack of eligibility for/access to services.

While these issues may diminish for some families as they become more integrated into their new communities, the opposite can also prove true with stress compounding over time, particularly if individual family members do not have legal immigration status in the United States.<sup>18, 6, 22, 21, 3</sup> With the challenges of migration and immigration well documented, research suggests that the increased “stress and pressure experienced by the family system resulting from migration and acculturation” can increase the risk of maltreatment among children in immigrant families.<sup>18</sup>

Despite these significant challenges and risk factors for adverse outcomes, evidence has shown that immigrant families remain incredibly resilient and productive, with arguably surprisingly good health outcomes despite the suboptimal conditions many experience daily.<sup>24</sup> This resilience is attributed to a variety of protective factors such as:

- Strong sense of family values;<sup>7, 18</sup>
- Religious beliefs and practices;<sup>19</sup>
- Strong extended support networks;<sup>25</sup> and
- Cultural connections to their country of origin.<sup>25</sup>

These challenges and protective factors manifest in a multitude of ways in the daily lives of immigrant families and specifically impact experiences encountering the child welfare and juvenile justice systems.

## WHAT DO WE KNOW ABOUT IMMIGRANT EXPERIENCES WITH THE CHILD WELFARE SYSTEM?

Most of what is known about immigrant families involved with the child welfare system comes from quantitative research. One nationally representative dataset of families investigated by the child welfare system, the National Survey of Child and Adolescent Wellbeing, has been the primary source of this knowledge. Qualitative researchers have also used various methods including, but not limited to, caseworker interviews, interviews with mothers of children involved in the child welfare system, and case studies comparing jurisdictions.

Several studies have found that immigrants have lower rates of involvement with the child welfare system when compared to their U.S.-born counterparts.<sup>18, 26, 27</sup> In California, among Latino children, the rate of maltreatment reporting among those with U.S.-born mothers (7.2 percent) is nearly triple that of foreign-born mothers (2.7 percent).<sup>28</sup> In the same state, the rate of child maltreatment reporting among Asian and Pacific Islander children of U.S.-born mothers is almost double (9.5 percent) that of foreign-born mothers (4.7 percent).<sup>26</sup> National estimates have shown that children of immigrants represent less than 10 percent of children reported to the child welfare system, despite representing a quarter of children in the country.<sup>20</sup> Two primary theories exist to explain the underrepresentation of immigrants in child welfare reporting:

- *Theory 1.* Protective factors present in traditional immigrant culture reduce their risk for child maltreatment; one example of this is the high percentage of two-parent families.<sup>20</sup>
- *Theory 2.* Immigrants underutilize public assistance and preventative services and are thus underexposed to mandated reporters and other child protecting professionals and agencies that would identify potential maltreatment.<sup>29, 28</sup>

Preliminary evidence suggests that reasons and risks associated with child welfare involvement for children in immigrant families may differ from those in U.S.-born families due to factors such as maternal socioeconomic status, age, and education level.<sup>15</sup> Once involved with the system, the experiences of immigrant children and families can differ significantly from their native-born peers. In a system often plagued with high caseloads and bureaucratic hurdles, caseworkers faced with organizational pressures “are more likely to focus on parents who are easier to help and attribute failure to parental resistance.”<sup>7</sup> A lack of access to bilingual caseworkers or translation services presents a similar challenge in meeting the needs of immigrant children and families.<sup>7, 6</sup>

As a result of these and other practices and policies detailed in the following sections, immigrant children and families are less likely to receive needed resources (even when they may be eligible) aimed at preventing removal and supporting reunification, including support services, mental health, and substance use services.<sup>11, 30-32</sup> This lack of access to, eligibility for, or use of resources significantly impacts the experiences of immigrant children and families and likely their outcomes as well. Beyond these preliminary findings, existing research has been hampered by a lack of consistently and uniformly collected child welfare data pertaining to immigrant children, youth, and families<sup>18</sup> and does not provide a comprehensive picture of frequency, reasons for, experiences of, and outcomes for immigrant families involvement with child welfare, nor the interventions and approaches most effective in serving them.

## WHAT DO WE KNOW ABOUT IMMIGRANT EXPERIENCES WITH THE JUVENILE JUSTICE SYSTEM?

Little research exists regarding the experiences of immigrant youth in the juvenile justice system due to a scarcity of available data. No national study of juvenile justice-involved immigrant youth exists, as information about immigrants is not uniformly collected in part due to the lack of federally mandated reporting on the topic. To date, most research examining racial and ethnic disparities in the juvenile justice system has compared the experiences of Black and White youth, and only very recently has begun examining the experiences of Latino/Hispanic youth with little attention to immigrant background. Most available literature regarding immigrant youth experiences in the juvenile justice system is based on data and information collected from schools and has not resulted in robust analysis.

Available research highlights the positive impact of immigration on community safety as higher levels of immigrant concentration in communities are associated with lower levels of overall crime and violence.<sup>33</sup> Additionally, many researchers have confirmed that “At the individual level...immigrants are less, not more, crime prone than their native-born counterparts” and the same holds true at the community-level.<sup>34</sup> Despite this finding, little is understood about how this trend may translate to crime among youth, where we see that “children of immigrants have much higher crime rates than their parents.”<sup>35-36</sup>

There is little available data on the rates of immigrant youth in contact with the juvenile justice system; however, scholars of race and criminology have documented the disparities that exist for children and youth of color in the juvenile justice system, interactions with law enforcement, and in law enforcement attitudes and perceptions towards youth (predominantly males) of color. Currently, youth of color are more likely to be formally petitioned by the court, adjudicated delinquent, detained, placed in a residential placement, and transferred to the adult criminal justice system.<sup>33</sup> The disparity has become so extreme that “reducing racial and ethnic disparities (RED) has become a primary goal of policy makers and youth advocates both nationally and in individual states.”<sup>37</sup> Many of these findings may reasonably apply to the immigrant youth population.

## Policies Impacting Immigrant Children and Families Involved with Child Welfare and Juvenile Justice Systems

Public policy impacts program funding, service access, benefits eligibility, and more, making it one of the most complex yet potentially impactful levers to improve outcomes for immigrant children, youth, and families.<sup>21</sup> Over the past several decades, major policy developments at the federal level have impacted immigrant children and families, affecting their likelihood of coming into contact with the child welfare and juvenile justice systems, as well as their experiences once they are involved. Table 2 highlights a selection of relevant policies, which generally fall into one of three categories: benefits eligibility, procedural & practice guidance, and cultural competency & addressing diversity.

**Table 2:**

### Federal Policies Impacting Immigrant Families in CW and JJ

Policy	Purpose and Impact
<i>BENEFITS ELIGIBILITY</i>	
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PWORA)	Select provisions significantly restricted eligibility for public benefits among legal immigrants, refugees, citizen children, and other populations who had previously been eligible, in an effort to de-incentivize illegal immigration.
Temporary Assistance for the Needy (TANF)	TANF was significantly impacted by PWORA, with a dramatic decline in aided-adult cases and an increase in child-only cases, as well as the addition of a new categorization of ineligible immigrant parents (IIPs), with 25% of the country’s child-only cases being children of IIPs.
U.S. Department of Health and Human Services (assorted policies)	Prevents federal reimbursement of some costs to states for undocumented immigrant children, including Medicaid and Title IV-E payments.  Encouraged child welfare agencies and others that work with families with a child involved in the child welfare system whose parent(s) may be at risk of, or are, being detained or removed to engage in case planning activities that ensure the safety, permanency, and well-being of all children in foster care. <sup>39</sup>
<i>PROCEDURAL AND PRACTICE GUIDANCE</i>	
Fostering Connections to Success and Increasing Adoptions Act of 2008	Designed to promote permanency for children in foster care by encouraging maintaining family connections, supporting youth transitioning from foster care, ensuring health and educational well being for foster youth.
Adoption and Safe Families Act of 1997	Decreased the time required for the termination of parental rights (TPR) by requiring states to file a TPR petition for any child in out-of-home care for 15 of the last 22 months.
Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA)	Intended to ensure the safety and well being of apprehended Unaccompanied Alien Children (UAC), a provision speeds up the timeline for transfer to 72 hours after determining a child is unaccompanied.
<i>CULTURAL COMPETENCY AND ADDRESSING DISPARITY</i>	
Civil Rights Act of 1964 (Title VI)	Established that all services provided in public systems (e.g., education, child welfare, juvenile justice) must be linguistically and culturally available and appropriate.
Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provision of 1996 (MEPA-IEP)	Requires the recruitment of foster care and adoptive parents that are representative of the cultural background of the children in care.
Juvenile Justice and Delinquency Prevention Act (JJDP) Reform of 2002	Requires that states track and address disproportionate minority contact (DMC) at nine points throughout their juvenile justice systems to access full federal funding.

### *Benefits Eligibility*

These policies restrict or expand individual eligibility for services, or federal reimbursement to states for services delivered based on recipient immigration status. Use of benefits such as Temporary Assistance for Needy Families (TANF) are associated with lower rates of child maltreatment, suggesting that limiting access to these supports may increase the likelihood that a family will encounter the child welfare system.<sup>38</sup> Similarly, access to and use of prevention and support services is often vital to parents' ability to safely care for their child and meet court-mandated requirements to regain custody.

### *Procedural and Practice Guidance*

While most federal guidelines to child welfare and juvenile justice systems do not explicitly address immigrant children and families, they often have a unique impact on them. Many policies aim to improve the permanency and well being of children, such as efforts to speed the adoption process by shortening the timeline for termination of parental rights. However, most policies fail to account for the unique barriers that an immigrant family may face, for example, in meeting requirements to regain custody, thwarting possible reunification as a result. Other policies emphasize the maintenance of family connections, something that may be particularly vital in the context of immigrant family and community bonds. This can become particularly challenging if immigration enforcement agencies get involved and parents are deported, resulting in complicated international reunification processes involving local social service agencies and foreign governments.

### *Cultural Competency and Addressing Disparity*

The federal government has implemented several policies designed to combat racial and ethnic disparities. While not specifically addressing immigrants, some of these efforts can have a positive impact on immigrant children in the child welfare and juvenile justice systems. For example, recruitment of diverse foster parents may result in less trauma for youth when placed with a family who shares their language and cultural background. Yet the federal government efforts only go so far and are often less impactful than local, county, and state government efforts, such as softening licensing regulations for relatives of immigrant youth. Additionally, requirements for collection of data capturing racial and ethnic disparities or language(s) spoken at home provide useful—albeit imperfect—proxies in the face of all but absent data regarding immigrant status.

The literature demonstrates that the effectiveness of any public policy varies based on planning, implementation, and resources allocated. Policies that are specifically developed to protect or benefit children can have unintended consequences and do just the opposite.

Appendix F offers an extended version of Table 2, detailing some of these problematic policy and implementation impacts, and identifies recommendations to address them.

### *FEDERAL IMMIGRATION POLICY AND ITS IMPACT ON CHILDREN AND FAMILIES*

In addition to how policy influences benefit eligibility, practice guidelines, and efforts to reduce disparities, the literature addresses the pivotal role of federal immigration policy in the experiences of children of immigrant families. These policies primarily fall into the categories of immigration enforcement or immigration relief, both of which can have significant impact on the lives of immigrant families. Collected resources identify several forms of immigration relief that may be applicable to children and families involved with the child welfare and/or juvenile justice systems as seen in Table 3. The literature highlights the importance of screening for eligibility for these forms of relief which can lead to legal permanent residency and citizenship.

Among undocumented youth and mixed-status families in particular, policies governing immigration enforcement may impact many aspects of life, including encounters with the child welfare and juvenile justice systems.<sup>1</sup> Limited research has explored child outcomes associated with parental detention and deportation and the barriers to family reunification that can result from immigration status. A selection of these policies is found in Table 3.

Research documenting the impact of immigration enforcement activities over the past decade has suggested that parental detention and deportation results in child trauma and behavioral health problems, increased family instability, and heightened risk that a family will become involved with the child welfare system. The direst repercussions are parents losing their parental rights.<sup>40, 41</sup> Although child-serving systems have no way of systematically tracking families who have interacted with the immigration system, experts remain concerned that the problem is likely to grow as a result of changing immigration enforcement policies.



---

**Table 3: Immigration Policies****Immigration Relief Policies**

<i>POLICY</i>	<i>PURPOSE AND IMPACT</i>
Special Immigrant Juvenile Status (SIJS)	SIJS provides lawful permanent residency to children who are under the jurisdiction of a juvenile court and who will not be reunified with their parents due to abuse, neglect, or abandonment.
U Visa	Victims of certain designated crimes including domestic violence and sexual assault may be eligible for a U Visa. The victim must be willing to work with law enforcement to cooperate in the investigation and prosecution of the crime.
T Visa	Victims of human trafficking may be eligible for a T Visa allowing them to live and work temporarily in the United States, generally upon agreeing to aid in the prosecution of their traffickers.
Asylum	Asylum status is provided to those who can prove past persecution or fear of future persecution due to race, religion, nationality, membership in a particular social group, or political opinion. <sup>42</sup>
Deferred Action for Childhood Arrivals (DACA)	DACA provides temporary work authorization and reprieve from deportation for some individuals brought to the United States as children. This policy is currently facing potential changes.
Violence Against Women Act (VAWA)	VAWA provides a self-petition process to protect immigrant victims married to an abuser who is a US citizen or legal permanent resident that uses the victim's undocumented status to exert power and control.
Voluntary Departure (VD)	VD allows a person to leave the United States voluntarily without placing a removal order on their record, thus avoiding consequences and limitations put on those who are forcibly deported.
Cancellation of Removal (CoR) for Non-Permanent Residents	Some youth faced with immigration enforcement may receive permanent residence if they have lived in the United States for at least 10 years and have a parent, spouse or child who is a legal resident or citizen who would suffer hardship if they were deported.
Citizenship and Family Immigration	Some youth may be citizens based on the U.S. citizenship of parents or grandparents. Some may gain lawful permanent residency through family members with U.S. citizenship or lawful permanent residency.

**Immigration Enforcement Policies<sup>45</sup>**

<i>POLICY</i>	<i>PURPOSE AND IMPACT</i>
Secure Communities	Creates a partnership between ICE and state or local law enforcement to share data and fingerprints from arrests to FBI database and an ICE database.
287(g) Program	Creates a partnership between ICE and state or local law enforcement to screen individuals in local jails and state prisons to identify deportable non-citizens.
An Executive Order to the U.S. Immigration and Customs - Parental Interests Directive	Intended to aid ICE in enforcing immigration laws fairly and with respect for parent's rights and responsibilities by outlining policies and procedures concerning the placement, monitoring, accommodation, and repatriation of alien parents or legal guardians.

---

Source: Adapted from the Annie E. Casey Foundation (2014) text on Noncitizen Youth in the Juvenile Justice System.

*“Parental detention and deportation results in child trauma, behavioral health problems, family instability, and risk of child welfare involvement.”*

Some legal scholars argue that immigration law operates in ways that intentionally hinder family unity and ignore the best interests of children, which has catastrophic repercussions when families become involved with child welfare systems.<sup>3</sup> For example, parental immigration status is sometimes used as a basis for terminating parental rights, arguing that parents’ status will result in instability for the child.<sup>3</sup> Additionally, family courts are rarely equipped to address the complex issues that mixed-status families face and historically have discriminated against undocumented immigrant parents, which is further explained in Graphic 1.<sup>43</sup> This discrimination can also extend to family members who would otherwise be able to serve as kin caregivers, and many such individuals may be afraid to come forward in the first place due to fears of deportation if they themselves are undocumented. In the worst scenarios, when children are caught up in immigration enforcement, they may either become exiles (i.e., children who leave with their parents to another country, often one they do not know), or orphans (i.e., children whose parents leave them in the United States in the care of others, sometimes the child welfare system).<sup>44</sup>

**Graphic 1:**

**Policies Regarding Unaccompanied Immigrant Youth**

The past decade has seen growing migration to the U.S. among unaccompanied alien children (UAC) fleeing poverty and violence in the Northern Triangle countries of El Salvador, Guatemala, and Honduras.<sup>42</sup> When encountered by law enforcement, most youth are initially placed in the custody of the Office of Refugee Resettlement (ORR) and eventually released to relatives while awaiting the immigration court decisions for their case.

The current policy presents several challenges, including a cursory approval process for sponsors, minimal ongoing monitoring for child well being, and a lack of support services or resources for the youth or relatives. These shortcomings can impact a child’s safety and well being, as well as the likelihood that there will be a placement disruption and subsequent involvement with state child welfare and juvenile justice systems. Additionally, increased immigration enforcement has begun to target undocumented parents, guardians, and relative sponsors of unaccompanied children, creating additional trauma and instability.<sup>45</sup>

*PROMISING POLICY APPROACHES*

Throughout the literature, researchers identify several policy approaches designed to better serve immigrants involved with child welfare and juvenile justice systems. These have been enacted to varying degrees, and as with any similar efforts, success is dependent on effective implementation. Table 4 provides additional detail about promising policy approaches in these areas, which could be enacted at the federal, state, or local levels.

**Table 4: Promising Policy Approaches**

<b>Benefits Eligibility and Service Access</b>
Create simple application processes for services, benefits, and programs Ensure eligibility for preventive services and supports regardless of immigration status, when possible
<b>Procedural and Practice Guidance</b>
Mandate collection of data addressing immigration status (contingent upon firewalls) and racial/ethnic disparities Implement firewalls to prevent information crossing over to immigration enforcement officials, penalizing immigrant children and families in need Support the implementation of best practice approaches in casework, courts, and treatment interventions through adequate funding and codification in agency policy
<b>Cultural Competency and Addressing Disparities</b>
Implement incentives or penalties to ensure all immigrant children and families receive linguistically appropriate translation and / or interpretation Incorporate adequate cultural competency training into standard staff requirements

While the policy approaches above focus on the child welfare and juvenile justice systems, researchers and advocates additionally recommend policy implementation and enforcement approaches that would better protect the rights of undocumented immigrants and their families during enforcement and deportation operations. In many cases, these would decrease the likelihood of children entering the child welfare system upon their parents’ detainment, and/or increase the likelihood of reunification with parents or other family following their contact with child welfare. Specific details regarding these policies and recommendations can be found in Appendix F. Additionally, Graphic 2 below highlights the state of California as piloting some of the most innovative policy practices regarding immigrant youth and families.

## Graphic 2:

### California: A Case Study in State-Level Policymaking

As immigrant populations grow and comprehensive immigration reform seems an unlikely prospect, states and local governments are increasingly developing policies to address pressing issues impacting immigrant children and families who encounter the child welfare system. With one of the highest immigrant populations in the country, California has been at the forefront of state-level policymaking to improve outcomes and well being of immigrant youth. Two such initiatives include:

**Assembly Bill 2015 Call for Kids Act:** requires law enforcement officers to inform detainees of their rights to make up to three free local phone calls to make child-care arrangements, limiting situations in which children are suddenly abandoned or left without supervision.<sup>44</sup>

**Senate Bill 1064:** "The first bill in the country to address systemic flaws preventing unification...establishes new procedures to assist in the reunification of families, particularly when parents have been removed from the United States...the act explicitly states that the immigration status of a parent, legal guardian, or relative shall not disqualify the parent, legal guardian, or relative from receiving custody."<sup>44</sup>

### Existing Practices and Programs for Immigrant Children and Families

Multiple inequities experienced by people of color exist across child-serving systems, not the least of which includes institutional and individual racism and prejudice experienced by immigrants when engaging with these systems.<sup>7</sup> Individual practitioners are often the difference in whether children and families positively navigate the child welfare or juvenile justice systems. Several types of practices may guide effective efforts with immigrant children and families.

### EVIDENCE-BASED INTERVENTIONS FOR WORKING WITH IMMIGRANTS

Although the number of immigrant children and families involved in the child welfare and juvenile justice systems continues to grow, the development, implementation, and dissemination of evidence-based practices that are culturally responsive to immigrant communities remain relatively undeveloped and untested.<sup>7</sup> However, a number of interventions with some evidence of success in parent training, child welfare practice, and behavioral health treatment have been adapted for, or demonstrated to be effective among Spanish-speaking populations specifically, which are outlined in Table 5. Additional interventions are listed in Appendix C.

### STRATEGIES FOR CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS

In reviewing best practices identified throughout the literature,<sup>46-48</sup> three general strategies for agency practice with immigrant children and families involved with either child welfare and juvenile justice emerge:

*Determine the scale and scope* of the population in their communities as immigrant children, youth, and families, particularly those without documentation, who are adept at maneuvering through society largely undetected;

*Clarify policy procedures and practices* for immigrant and undocumented youth and their families and assess whether these policies and practices are adequate to meet the needs of this community; and

*Educate and train* relevant staff and stakeholders, including families, on the common forms of immigration relief, public assistance, and community-based organizations that can provide appropriate aid. Child welfare and juvenile justice systems are generally not equipped to pursue these concerns but should consider actively partnering with organizations that are and make connections to youth and their families who may need this assistance.

Table 5:

### Interventions Designed or Adapted and Tested for Immigrant Families

Intervention	Description
Parent Child-Home Program (PCHP)	Evidence-based program to improve school readiness through increased parent-child interaction in the home.
Guiando a Los Ninos Activos (GANAA)	Culturally modified version of Parent Child Interaction Therapy (PCIT) for families with young children with behavioral challenges.
SafeCare	Evidence-based training curriculum for parents of children age 0-5 years at risk of child maltreatment.
Mental Health for Immigrants Program (MHIP)	Mental health screening and treatment provided using collaborative care approach in Washington state.
Entre Dos Mundos	Bicultural skills training to alleviate stress related to acculturation among Latino immigrant families.
Familias Unidas	Family-based program designed to increase parental involvement among Hispanic families with adolescent youth.

The challenges that immigrant families face when interacting with the child welfare system are well documented by scholars and practitioners in the field. Less well-documented are successful solutions to these challenges, but some best practices do exist and are implemented to varying degrees. Beyond the general strategies outlined above, Table 6 offers a compilation of challenges, paired with corresponding identified best practices.

**Table 6:**

**Challenges and Published Best Practices in Child Welfare**

Documented Challenges	Best Practices
Inaccessibility of federal financial support and services due to documentation status <sup>50, 51, 7, 12</sup>	<p><i>BENEFITS ELIGIBILITY AND SERVICE ACCESS</i></p> <ul style="list-style-type: none"> <li>• Advocacy for legislation to update federal policy</li> <li>• Promotion of changing a “bureaucratic system that stifles work ethic and innovative problem-solving methods”<sup>51</sup></li> </ul>
Confusion regarding benefits eligibility relating to immigration status <sup>9</sup> and bureaucratic complexities	<ul style="list-style-type: none"> <li>• Education and training for service providers, case workers,<sup>51</sup> and immigrant families to access resources<sup>52</sup></li> <li>• Creation of specialized units and positions to aid service providers and families in navigating complex systems<sup>53, 22, 54</sup></li> <li>• Development or refinement of “organizational policies and procedures to provide staff with the tools and resources they need to transform day-to-day practices”<sup>7</sup></li> </ul>
Systemic, institutional, and individual racism in public systems contributing to racial and ethnic disparities <sup>7</sup>	<p><i>CULTURAL COMPETENCY AND ADDRESSING DISPARITIES</i></p> <ul style="list-style-type: none"> <li>• Intensive mandatory training of frontline staff to understand and address racial and ethnic disparity at multiple levels<sup>7</sup></li> <li>• Required interpretation and translation services at all points in the child welfare and JJ systems</li> </ul>
Services do not account for cultural differences and expectations <sup>55</sup>	<ul style="list-style-type: none"> <li>• Recruitment and training of culturally and linguistically diverse staff, caregivers, and translators<sup>23</sup></li> <li>• Acknowledgement of complex and dynamic family definitions and relationships in service delivery<sup>56</sup></li> </ul>
Disparities at multiple decision-making points arising from lack of cultural competency or translation services <sup>10</sup>	<p><i>PROCEDURAL AND PRACTICE GUIDELINES</i></p> <ul style="list-style-type: none"> <li>• “Complete and comprehensive assessments to grasp the specific experiences, difficulties, and needs of each unique family”<sup>21</sup></li> <li>• Investment in “more resources at the front end of an investigation to ensure that families receive needed concrete services regardless of outcome to prevent re-referral and placement into foster care”<sup>30</sup></li> <li>• Involvement of immigrant families in service and program planning<sup>9</sup></li> <li>• Increased supports for caseworkers working with immigrant clients<sup>51</sup></li> </ul>
Excessive barriers to developing kinship placements <sup>50</sup>	<ul style="list-style-type: none"> <li>• Improved family engagement at all stages of the process including court proceedings, team meetings, and case planning</li> <li>• Removal of barriers to kinship licensure surrounding immigration status (e.g. photo IDs and background checks), language, economic hardship, narrow definitions of kinship, etc.<sup>7, 46</sup></li> <li>• Improve family-finding efforts for immigrant children, including use of interpreter services and inclusion of kin (including internationally)</li> </ul>

**Table 6 (continued)**

*PROCEDURAL AND PRACTICE GUIDELINES*

Immigrants' fear of government agencies due to immigration status <sup>7, 22</sup>	<ul style="list-style-type: none"><li>• Engagement in cross-system collaboration that does not jeopardize status of immigrant families<sup>51</sup></li><li>• Implementation of a code of ethics regarding reporting families to law enforcement that may result in deportation<sup>61</sup></li><li>• Support of strengths-based practice, contextual social work, and community engagement to build trust and good will<sup>7</sup></li></ul>
Entry into non-relative foster care resulting from parental detainment or deportation by immigration officials	<ul style="list-style-type: none"><li>• Outreach and support for families to take preventative measures and create "a plan in advance of the Department [of child services] or ICE being involved, which ensures less children are entering foster care unnecessarily, that parental rights are protected, and that family ties are saved."<sup>44</sup></li></ul>

*PUBLISHED BEST PRACTICES FOR THE JUVENILE JUSTICE SYSTEM*

Identified best practices for *preventing* immigrant juvenile involvement with the system are relatively limited, but the literature suggests the following approaches may be beneficial:

- Increased parental involvement and supervision, particularly in disadvantaged communities, to limit youth violence and increase wellbeing;<sup>57</sup>
- Attention to the level of youth employment, as research suggests "intensive work while attending school may not be beneficial" in decreasing risk of violence;<sup>58</sup>
- Targeted efforts within the education system, particularly schools, to prevent immigrant youth crime;<sup>59</sup> and
- Education and training of probation officers, court appointed lawyers, and judges on the impact that immigration status can have on a youth's involvement with the juvenile justice system.<sup>60</sup>

While little research exists on best practices for immigrant children and families who are involved with juvenile justice agencies, many of the same principles discussed in the context of child welfare are relevant. This includes cultural competence and family supports, along with specific interventions aiming to improve behavioral health and parenting skills.

**Limitations**

Two major limitations influenced the generation of this report:

1. *Broad definitions:* A major objective of this report was to comb all types of literature to better understand what is known about this population defined broadly immigrant (e.g., refugee, asylee, undocumented, unaccompanied minor, and more). This included a review of documents, texts, journal articles, policy briefings, advocacy memorandums, and much more from a variety of sources (e.g., peer reviewed, grey literature, and a variety of other information. See *Appendix A-C*). This resulted in substantial efforts made on the front end tracking down and reviewing documents; this process is explained in more detail in *Appendix A-B*.
2. *Broad target audience:* This report was written for a broad audience (e.g., the Foundation, stakeholders, practitioners, policymakers, advocates, etc.) to create a baseline of information and evidence compiled in one summary document. This may limit how impactful this report is for niche practitioners or policymakers in implementation.

## Conclusion: Moving Forward

In looking forward, the child welfare and juvenile justice systems are likely to see a continued rise in the number of immigrant children and families with whom they come into contact. This is due in part to the increasing push and pull factors altering human migration patterns worldwide, which stem from multiple causes: armed conflicts or climate crises or access to economic opportunities, just to name a few. While the available literature has expanded over the past decade, and jurisdictions are increasingly implementing policy and practice to address the needs of this population, there are significant opportunities for further growth in the areas of policy, practice, and research moving forward.

### *POLICY OPPORTUNITIES*

The literature suggests that effective policy serving immigrant children and families must incorporate voices of immigrants themselves. Additionally they must prioritize the well being of children and families over institutional inertia and the legal and economic rationales that so often drive policymaking.<sup>52, 24</sup> Adherence to the promising approaches in policymaking identified in this document would be a significant first step toward improving outcomes for immigrant children and families and should be driven and informed by the voices of those impacted.

*Universal policy protections and confidentiality need to be put in place for any collection of, access to, or sharing of data on immigrant youth or families, as a protective measure against any further complications with law or immigration enforcement agencies.*

Any commitment to bettering the lives of immigrant children and families in the United States must include provisions to address the immigration enforcement policies in particular, as the deportation of a law-abiding, healthy parent can have disastrous effects on the children left behind and often absorbed by the child welfare system. Without major changes in this area, “devastating consequences will continue at the intersection between immigration, criminal justice, and child welfare systems for immigrant parents whose children end up in state custody and then face disproportionate risks of long-term or permanent separation.”<sup>62</sup> Appendix E offers policy and practice recommendations that provide a starting point for alleviating the potential negative impacts of immigration enforcement on children and youth.

In recent years, various states and local jurisdictions have enacted specific policies and legislation that will have significant impacts on the lives of immigrants in those regions, such as in the case study of California described

in Graphic 2. Additional research should be conducted on both the potentially pro- and anti-immigrant policies that have been adopted.<sup>18</sup> And perhaps more importantly, a comparative analysis of state-specific policies related to immigrants in child welfare and/or the juvenile justice system should be conducted to better assess the impact of certain state and local systems policies, consider replicable legislation and issues of scale, and improve advocacy efforts nationwide.

### *PRACTICE OPPORTUNITIES*

Numerous authors discuss linguistic and cultural competence as a key component in any program designed for immigrants. Apart from the policy and agency practice recommendations identified in Appendix F, the literature points to a strong need for basic programs and services that are designed to support immigrant families, particularly as they move through the acculturation process and navigate any public system. Additionally, across the board, agencies and practitioners need to consider safety first when considering the specific needs that immigrant families present. Specifically, programs should:

- Provide affordable and culturally appropriate child care services,
- Have access to safe and welcoming community gathering spaces,
- Provide time and resources to build community ties and help people integrate into their communities, as social capital may be one of the strongest predictors of resilience and adaptation in high-risk families.

As for practice in the juvenile justice field, from a prevention standpoint it is important that decision-makers carefully weigh the potential unintended effects that intensified enforcement practices may instigate: “namely, the creation of a subset of residents whose systematic disenfranchisement may undermine a justice system functioning for all residents.”<sup>33</sup> Increased immigration enforcement when targeting individuals with no criminal history aside from their undocumented status could ultimately result in the breakup of otherwise stable immigrant families and community social networks., potentially leading to the unintended consequence of increasing, rather than reducing, crime.<sup>35</sup>

An overarching theme that arises in reviewing the available literature is that although researchers, policymakers, and practitioners have explored and identified a range of best practices, it is unclear how widely these have been disseminated or implemented beyond individual jurisdictions or organizations. Therefore, the field could benefit from the integration of identified best practices into standard agency policy and practice.

RESEARCH AND DATA OPPORTUNITIES

Additional research is greatly needed to better understand the ways in which immigrant children and families interact with the child welfare and juvenile justice systems, including a basic need to reframe the ways in which researchers, policy makers, and practitioners understand and address the myriad challenges experienced by immigrants. This “scarcity of research incorporating varied cultures, races, and ethnicities negatively impacts the quality of services provided to these diverse communities.”<sup>63</sup> Additionally, work needs to be done to better understand and improve how immigrant children and families identify problems, seek help, and receive treatment within these systems.

Ultimately for progress to be made in the child welfare and juvenile justice fields, data must be collected for immigrant issues to become an actionable priority. Moving towards more comprehensive data collection must be handled delicately with clear protocols and guidelines developed, so this information is not used by local, state, or federal law enforcement agencies for immigration enforcement purposes. Information, training, and transparency needs to be provided to immigrant families and agency employees outlining why data is

collected, what it is used for, and explaining the clear processes by which this data remains secured and protected from any law enforcement or security entities.

While no best practices already exist for what data to collect, the ways in which to collect it, and how to secure the information once it is collected. It is recommended that a great deal of care and research must be put forth to better understand the risks involved, the opportunities for improved service provision to immigrant families, and the rights and protections immigrant families have for sharing this vulnerable information with systems like child welfare and juvenile justice. Table 7 identifies areas of needed data collection both in the child welfare and juvenile justice systems.<sup>64</sup>

*“Despite our knowledge about the existence of this population of high-need children and youth, child welfare and juvenile justice systems still have no reliable data about them. This state of ignorance is worsened by the fact that most systems lack the resources to implement this kind of data collection, may not view that information as relevant or simply recognize that in the current highly politicized immigration policy climate, this information could imperil the same families and young people they seek to serve.”<sup>65</sup>*

**Table 7:**

**Areas of desired data collection indicated by experts and practitioners**

CHILD WELFARE DATA	JUVENILE JUSTICE DATA
<ul style="list-style-type: none"> <li>• # and outcomes of children released from federal foster care system or released to sponsor</li> <li>• # of children that are victims of human trafficking</li> <li>• # of children released to sponsors who then later show up for immigration court</li> <li>• # of placements disrupted and how many of those ultimately end up in state child welfare systems</li> </ul>	<ul style="list-style-type: none"> <li>• # of immigrant youth and children of immigrants involved with the juvenile justice system</li> <li>• # of arrests of immigrant youth and children of immigrants</li> <li>• # of petitions against immigrant youth and children of immigrants</li> <li>• # of adjudications of immigrant youth and children of immigrants</li> <li>• # of detentions of immigrant youth and children of immigrants</li> <li>• # of commitments of immigrant youth and children of immigrants</li> <li>• # of placements of immigrant youth and children of immigrants</li> <li>• # of waivers (to adult court) of immigrant youth and children of immigrants</li> </ul>
UNACCOMPANIED YOUTH DATA	
<ul style="list-style-type: none"> <li>• # and outcomes of children released from federal foster care system or released to sponsor</li> <li>• # of children that are victims of human trafficking</li> <li>• # of children released to sponsors who then later show up for immigration court</li> <li>• # of placements disrupted and how many of those ultimately end up in state child welfare systems</li> </ul>	

To reliably collect data, as well as to facilitate effective practice, standardized instruments at intake, service provision, treatment, and evaluation must be designed to serve immigrant children and families in the child welfare and juvenile justice systems. The development of culturally competent tools remains relatively unexplored, understudied, and untested. Scholars have outlined some best practices to navigate this uncharted territory:<sup>22, 64, 49, 63</sup>

- Involve immigrants and immigrant service recipients in the development process;
- Pilot-test newly designed tools and instruments with immigrant members;
- Establish feedback loops to refine tools with the help of the immigrant community;
- Develop templates and processes so that agencies can easily adopt and adapt tools across a variety of jurisdictions serving immigrant populations.

None of this research or data collection efforts are possible without adequate resources, and experts highlight the need for funding to support new or ongoing research around issues that impact immigrant children, youth, and families.

### Graphic 3:

#### Elements of Effective Research with Immigrant Populations

Researchers and advocates emphasize that the following elements should be incorporated into future research with immigrant children and families to ensure its relevancy, validity, and morality:

- *Involve immigrant children and families* in research design and program development prior to data collection or piloting of programs.
- Better incorporate the *input of immigrant youth* whose voices are nearly always absent in the literature.
- Consider *strengths and protective factors* that immigrant families bring to the table to avoid deficit framing.
- Combine *quantitative and qualitative methods* that “provide better information on the complexity of the power relationships between immigrant families and the diverse institutions involved in child maltreatment interventions.”<sup>21</sup>
- Develop *cross-cultural research skills* to avoid bias and better understand the population in question.



## References

1. Mendoza, F.S., & Festa, N. K. (2013). New American children. *Journal of the American Medical Association*, 167(1), 12-13.
2. Kriz, K. & Skivenes, M. (2012). How child welfare workers perceive their work with undocumented immigrant families: An explorative study of challenges and coping strategies. *Children and Youth Services Review*, 34, 790-797.
3. Morrison, A.D., & Thronson, D.B. (2010). Beyond status: Seeing the whole child. *Evaluation and program planning*, 33, 281-287.
4. Eikenberry, D. (2017). Proposed policies target children for deportation. National Immigrant Justice Center, Chicago, IL.
5. Torres, K. (2017). Children of Immigrants forced into the shadows. *First Focus*. Retrieved from <http://voicesforkidsblog.org>.
6. Earner, I. (2010). Double risk: Immigrant mothers, domestic violence and public child welfare services in New York City. *Evaluation and program planning*, 33, p. 288-293.
7. Garcia, A., Aisenberg, E., & Harachi, T. (2012). Pathways to service inequalities among Latinos in the child welfare system. *Children and youth services*, 34, 1060-1071.
8. Lanier, P., Maguire-Jack, K., Walsh, T., Drake, B., & Hubel, G. (2014). Race and ethnic differences in early childhood maltreatment in the United States. *Journal of Development and Behavior in Pediatrics*, 35, 419-426.
9. Lewig, K., Arney, F., & Salveron, M. (2010). Challenges to parenting in a new culture: Implications for child and family welfare. *Evaluation and Program Planning*, 33, 324-332.
10. Nadan, Y., Spilsbury, J. C., & Korbin, J. E. (2015). Culture and context in understanding child maltreatment: Contributions of intersectionality and neighborhood-based research. *Child abuse & Neglect*, 41, 40-48.
11. Speigman, R., Castaneda, R.M., Brown, H., & Capps, R. (2013). Welfare reform's ineligible immigrant parents: Program reach and enrollment barriers. *Journal of Children and Poverty*, 19(2), 91-106.
12. Dettlaff, A. J. & Cardoso, J. B. (2010). Mental health need and service use among Latino children of immigrants in the child welfare system. *Children and Youth Services Review*, 32, 1373-1379.
13. Ramen, S. & Hodes, D. (2012). Cultural issues in child maltreatment. *Journal of Pediatrics and Child Health*, 48, 30-37.
14. Sime, D. & Fox, R. (2015). Migrant children, social capital, and access to services post-migration: Transitions, negotiations, and complex agencies. *Children and Society*, 29, 524-534.
15. Cardoso, J. B., Dettlaff, A. J., Finno-Velasquez, M., Scott, J., & Faulkner, M. (2014). Nativity and immigration status among Latino families involved in the child welfare system: Characteristics, risk, and maltreatment. *Children and Youth Services Review*, 44, 189-200.
16. Migration Policy Institute (2017). Frequently requested statistics on Immigrants and Immigration in the United States. Retrieved from <http://www.migrationpolicy.org>.
17. Millett, L. S. (2016). The healthy immigrant paradox and child maltreatment: A systematic review. *Journal of Immigrant Minority Health*, 18, 1199-1215.
18. Dettlaff, A. J., Earner, I., & Phillips, S. D. (2009). Latino children of immigrants in the child welfare system: Prevalence, characteristics, and risk. *Children and Youth Services Review*, 31, 775-783.
19. Dettlaff, A. J. & Johnson, M. A. (2011). Child maltreatment dynamics among immigrant and U.S. born Latino children: Findings from the National Survey of Child and Adolescent Well-being (NSCAW). *Children and Youth Services Review*, 33, 936-944.
20. Dettlaff, A. J. & Earner, I. (2012). Children of immigrants in the child welfare system: Characteristics, risk, and maltreatment. *Families in Society: The Journal of Contemporary Social Services*, 93(4), 295-303.
21. LeBrun, A., Hassan, G., Boivin, M., Fraser, S. L., Dufour, S., & Lavergne, C. (2015). Review of child maltreatment in immigrant and refugee families. *Canadian Journal of Public Health*, 106(7), 45-56.
22. Johnson, M. A. (2007). The social ecology of acculturation: Implications for child welfare services to children of immigrants. *Children and youth services*, 29, 1426-1438.
23. Finno-Velasquez, M. (2014). Barriers to support service use for Latino immigrant families reported to child welfare: Implications for policy and practice. *Migration and Child Welfare National Network*. Retrieved from <http://www.cimmcw.org>.
24. Kohler, J. R. & Sola-Visner, M. (2014). The silent crisis: Children hurt by current immigration enforcement policies. *Journal of American Medical Association*, 168(2), 103-104.
25. Dettlaff, A. J. (2012). Immigrant children and families and the public child welfare system: Considerations for legal systems. *Juvenile and Family Court Journal*, 63 (1), 19-30.

26. Finno-Velasquez, M., Palmer, L., Prindle, J., Tam, C. C., & Putnam-Hornstein, E. (2017). A birth cohort study of Asian and Pacific Islander children reported for abuse or neglect by maternal nativity and ethnic origin. *Child Abuse & Neglect*, 72, 54-65.
27. Putnam-Hornstein, E., Needell, B., King, B., & Johnson-Motoyama, M. (2013). Racial and ethnic disparities: A population-based examination of risk factors for involvement with child protective services. *Child Abuse & Neglect*, 37, 33-46.
28. Johnson-Motoyama, M., Putnam-Hornstein, E., Dettlaff, A. J., Zhao, K., Finno-Velasquez, M., & Needell, B. (2015). Disparities in reported and substantiated infant maltreatment by maternal Hispanic origin and nativity: A birth cohort study. *Maternal and Child Health Journal*, 19 (5), 958-968.
29. Dettlaff, A. J. & Finno-Velasquez, M. (2013). Child maltreatment and immigration enforcement: Considerations for child welfare and legal systems working with immigrant families. *Children's Legal Rights Journal*, 33 (1), 37-63.
30. Finno-Velasquez, M. (2013). The relationship between parent immigration status and concrete support service use among Latinos in child welfare: Findings using the National Survey of Child Adolescent Well-being (NSCAWII). *Children and Youth Services Review*, 35, 2118-2127.
31. Finno-Velasquez, M., Cardoso, J. B., Dettlaff, A. J., & Hurlburt, M. S. (2015). Effects of parent immigration status on mental health service use among Latino children referred to child welfare. *Psychiatric Services*, 67 (2), 192-198.
32. Finno-Velasquez, M., Seay, K. D., & He, A. S. (2016). A national probability study of problematic substance use and treatment receipt among Latino caregivers involved with child welfare: the influence of nativity and legal status. *Children and youth services review*, 71, 61-67
33. Cavanagh, C. & Cauffman, E. (2014). The land of the free: Undocumented families in the juvenile justice system. *Law and Human Behavior*, 39(2), 152-161
34. Wolff, K. T., Baglivo, M. T., Intravia, J., & Piquero, A. R. (2015). The protective impact of immigrant concentration on juvenile recidivism: A statewide analysis of youth offenders. *Journal of Criminal Justice*, 43, 522-531.
35. Kubrin, C. E. & Desmond, S. A. (2015). The power of place revisited: Why immigrant communities have lower levels of adolescent violence. *Youth Violence and Juvenile Justice*, 13(4), 345-366.
36. Peguero, A. A. & Chavez, J. M. (2015). Special Issue Introduction for "The significance of Immigration for youth and their experiences with violence and juvenile justice." *Youth Violence and Juvenile Justice*, 13(4), 295-298.
37. Davies, E. (2015). Juvenile justice fact sheet series: Latino youth. Ohio Juvenile Justice Association. Retrieved from <http://www.ojja.gov>. 59(2), 167-175.
38. Lincroft, Y. & Borelli, K. (2010). Public benefits and child welfare financing. *First Focus*. Retrieved from <http://www.firstfocus.org>.
39. U.S. Department of Health and Human Services. (2015). Case Planning and Service Delivery for Families with Parents and Legal Guardians who are Detained or Deported by Immigration Enforcement. Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/sites/default/files/cb/im1502.pdf>.
40. Koball, H., Capps, R., Perreira, K., Campetella, A., Hooker, S., Manuel Pedroza, J., Monson, W., & Huerata, S. (2015). Health and social service needs of US-Citizen children with detained or deporter immigrant parents. Urban Institute, 1-86.
41. Capps, R., Koball, H., Campetella, A., Perreira, K., Hooker, S., & Manuel Pedroza, J. (2015). Implications of Immigration enforcement activities for the well-being of children in immigrant families. Urban Institute, 1-59.
42. Chen, A. & Gill, J. (2015). Unaccompanied Children and the U.S. immigration system: Challenges and reforms. *Journal of International Affairs*, 68 (2), 115-133.
43. Rogerson, S. (2012). Unintended and unavoidable: The failure to protect rule and its consequences for undocumented parents and their children. *Family Court Review*, 50(4), 580-593.
44. Zayas, L. H. & Bradlee, M. H. (2014). Exiling children, creating orphans: When immigration policies hurt citizens. *National Association of Social Workers*
45. Mathema, S. (2017). "Keeping families together: Why all Americans should care about what happens to unauthorized immigrants." The facts on immigration today: 2017 edition report. Center for American Progress. Retrieved from <https://www.americanprogress.org/immigration/reports/2017>.
46. Dettlaff, A. J. & Fong, R. (2009). Conducting culturally competent evaluations of child welfare programs and practices. *Child Welfare*, 90 (2), 49-68.
47. Dettlaff, A. J. & Rycraft, J. R. (2010). Adapting systems of care for child welfare practice with immigrant Latino children and families. *Evaluation and Program Planning*, 33, 303-310.

48. Finno-Velasquez, M., Shuey, E. A., Kotake, C., & Miller, J. J. (2015). Cultural considerations in refining intervention designs. In *Advances in child abuse prevention knowledge* (ed. pp. 93–117). Switzerland: Springer International Publishing.
49. Ayon, C. (2009). Shorter time-lines, yet higher hurdles: Mexican families' access to child welfare mandated services. *Children and Youth Services Review*, 31, 609–616.
50. Ayon, C., Aisenberg, E., & Cimino, A. (2012). Latino families in the nexus of child welfare, welfare reform, and immigration policies: Is kinship care a lost opportunity? *National Association of Social Workers*, 58 (1), 91-94.
51. Rajendran, K. & Chemtob, C. M. (2010). Factors associated with service use among immigrants in the child welfare system. *Evaluation and Planning*, 33, 317-323.
52. Cervantes, W. (2017). Personal phone interview with Megan Finno-Velasquez.
53. Earner, I. & Dettlaff, A. J. (2009). Immigrants and Refugees: The intersection of migration and child welfare. NRCFCPPP. Retrieved from <http://www.hunter.cuny.edu/socwork/nrcfcppp>.
54. Kriz, K., Slayter, E., Iannicelli, A., & Lourie, J. (2012). Fear management: How child protection workers engage with non-citizen immigrant families. *Children and Youth Services Review*, 34, 316-323.
55. McBeath, B., Briggs, H. E., & Aisenberg, E. (2009). The role of child welfare managers in promoting agency performance through experimentation. *Children and Youth Services Review*, 31, 112-118.
56. Hafford, C. (2010). Sibling caretaking in immigrant families: Understanding cultural practices to inform child welfare practice and evaluation. *Evaluation and Program Planning*, 33, 294-302.
57. Burrington, L. A. (2015). Neighborhood structure, immigrant status, and youth violence: Assessing the role of parental supervision. *Youth Violence and Juvenile Justice*, 13(4), 367-390.
58. Bui, H. N. (2015). Economic Opportunities and Immigrant Youth Violence. *Youth Violence and Juvenile Justice*, 13(4), 391-408.
59. Garver, R., & Noguera, P. (2015). Supported and unsafe: The impact of educational structures for immigrant students on school safety. *Youth Violence and Juvenile Justice*, 13(4), 323-344.
60. Prandini, R. (2017). Personal phone interview with Megan Finno-Velasquez.
61. Hernandez-Mekonnen, R. (2017). Personal phone interview with Megan Finno-Velasquez.
62. Hidalgo, R. (2013). Crossroads: The intersection of immigrant enforcement and the child welfare system. *Juvenile and Family Court Journal*, 64 (4), 35-44.
63. Bell, C. C., Wells, S. J., & Merritt, L. M. (2009). Integrating cultural competency and empirically-based practices in child welfare services: A model based on community psychiatry field principles of health. *Children and Youth Services Review*, 31, 1206-1213.
64. Jackson, K. F. (2009). Building cultural competence: A systematic evaluation of the effectiveness of culturally sensitive interventions with ethnic minority youth. *Children and Youth Services Review*, 31, 1192-1198.
65. Williams, M. N. (2017). Why immigration policy should matter to youth-serving systems. *Juvenile Justice Information Exchange*. Retrieved from <http://jjiie.org>.
66. Joo, M. & Kim, J. (2013). Net effects of poverty on welfare use and dependency among children by family immigration and citizenship statuses. *Children and Youth Services Review*, 35, 1556-1565.
67. Vericker, T., Kuehn, D., & Capps, R. (2007). Title IV-E Funding: Funded foster care placements by child generation and ethnicity. *Child Welfare Research Program*. Urban Institute.
68. Maiter, S., Alaggia, R., Chan, A. S., and Leslie, B. (2017) Trial and error: attending to language barriers in child welfare service provision from the perspective of frontline workers. *Child & Family Social Work*, 22: 165–174. doi: [10.1111/cfs.12214](https://doi.org/10.1111/cfs.12214).
69. *Judicial Guide to Implementing the Fostering Connections Act of 2008*, 2011.
70. Bearzi, M. (2017). Personal phone interview with Megan Finno-Velasquez.
71. Fernandes, J. (2017). Alternatives to detention and the for-profit immigration system. Center for American Progress. Retrieved from <http://www.americanprogress.org>.
72. Gruberg, S. (2016). How overly broad religious exemptions are putting children at risk for sexual abuse. Center for American Progress. Retrieved from <http://www.americanprogress.org>.

## Appendix A

### Methods

To answer each question, an extensive review of the literature was conducted, which included both published and unpublished (or grey) papers, as well as documents and reports from a variety of sources including: think tanks, government agencies, non-profit organizations, advocacy groups, and content specific experts working with the population of focus.

#### *ELECTRONIC SEARCH STRATEGY*

Databases included Academic Search Premier (EBSCO), PsychINFO, Social Services Abstracts, Pubmed, CINAHL, ERIC, Family and Society Studies Worldwide, and Criminal Justice Database (via ProQuest Central) with full text. Searches generally included these basic parameters when possible: (1) publications in the United States, (2) in English, and (3) 2007-present. Search terms included: (1) *immigra\** OR *refugee* OR *asyl\** OR “racial and ethnic

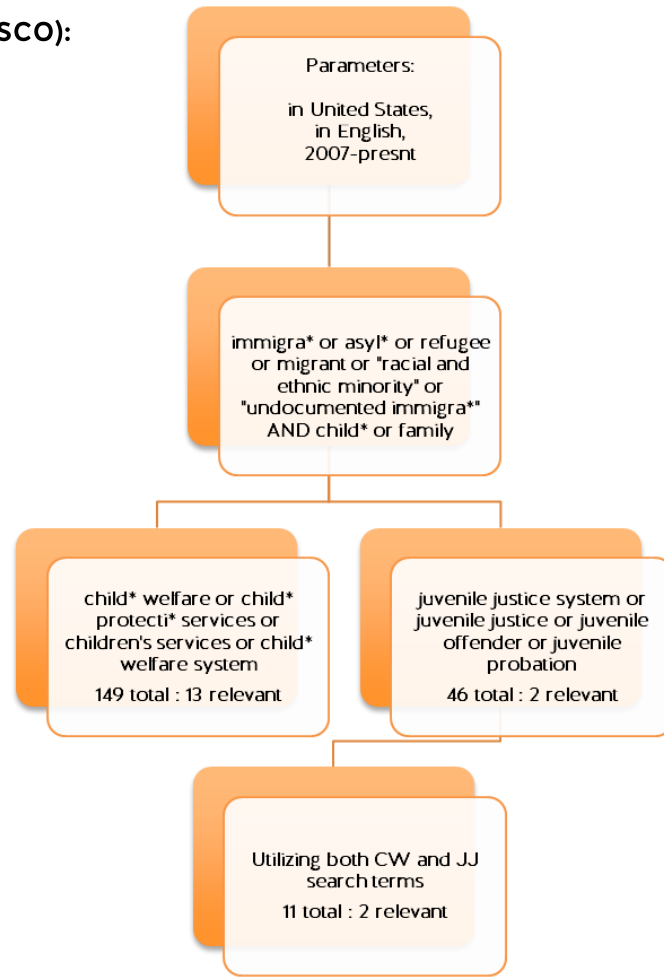
minority” OR “undocumented immigra\*” OR *migrant* AND (2) *child\** OR *family* AND (3) “child welfare system” OR *child\* welfare* OR “child\* protecti\* services” OR “children’s services” AND (4) “juvenile justice system” OR “juvenile justice” OR “juvenile offender” OR “juvenile probation”; AND when appropriate additional searches were run with any combination of the following (5) “prevention” OR “treatment” OR “intervention” AND (6) “child maltreatment” OR “child abuse” OR “child neglect” OR “emotional abuse” OR “physical abuse” OR “verbal abuse” OR “domestic violence” to capture as many relevant articles as possible. Additional articles were identified through searching the reference lists of published articles found and using Google Scholar. These searches were conducted over a three-month period in the summer of 2017.

Literature Electronic Search Steps		Search Strategy	Number of studies from search strategy results
<b>Identification</b>	Develop search protocols	<ul style="list-style-type: none"> <li>• Search databases</li> <li>• Search keywords</li> <li>• Search grey lit. resources (e.g. programs, policies, etc.)</li> <li>• Search completion: review references, cited by, etc.</li> </ul>	# of reviewed records: 1,692
<b>Screening</b>	Search, identify, and analyze literature that meets criteria based on review questions and search parameters	Eligibility criteria: <ul style="list-style-type: none"> <li>• Written in English</li> <li>• 2007–present</li> <li>• Published in the U.S.</li> <li>• Qualitative and quantitative Methodologies</li> <li>• Population of focus</li> <li>• Relevance to child welfare and/or juvenile justice issues</li> </ul>	# of relevant records: 332
<b>Included Sources</b>	Organize the data and information Summarize, synthesize, and report the results		# of included sources: 70

Source: Adapted from LeBrun, Hassan, Boivin, Fraser, Dufour, & Lavergne, 2015, p. 46.

**Example Search – Academic Search Premier (EBSCO):**

**Total articles reviewed = 206**  
**Total relevant articles = 17**



**Results from Database Searches:**

Database	Standard Search Parameters	Child Welfare <sup>1</sup> (CW) Search Terms		Juvenile Justice <sup>2</sup> (JJ) Search Terms		Combination of CW & JJ Search Terms		TOTAL Articles Reviewed	TOTAL Relevant Articles for Lit. Review
		Total	Relevant	Total	Relevant	Total	Relevant		
Academic Search Premier (EBSCO)		149	13	46	2	11	2	206	17
PsychINFO	US-published, in English, 2007-present	200	24	37	6	159	13	396	43
Social Services Abstracts		196	7	158	10	3	0	357	17
PubMed	immigra* or asyl* or refugee or mi-grant or "racial and ethnic minority" or "undocumented immigra*"	54	6	15	3	37	2	197	11
CINAHL		83	7	14	1	7	1	104	9
ERIC		88	3	3	2	1	0	92	5
Family and Society Studies Worldwide	immigra*" AND child* or family	210	16	3	0	0	0	213	16
Criminal Justice Database (via ProQuest)		74	6	11	3	42	1	127	10
								1,692	128

<sup>1</sup> child\* welfare or child\* protecti\* services or children's services or child\* welfare system

<sup>2</sup> Juvenile justice system or juvenile justice or juvenile offender or juvenile probation

Searches across databases often produced similar findings and articles, so these numbers include relevant articles in each discrete database that might have also been generated by subsequent database searches. Additionally, the final search in each database—including both child welfare and juvenile justice search terms—was to get a better sense of research available across both content sectors to potentially highlight this as a current gap. No duplicative sources were included in the final report for this literature review.

## Expert Interview(s) Strategy

Snowball sampling was utilized starting with the network of The Center on Immigration and Child Welfare (CICW)\* and experts from 11 institutions were interviewed. Participants' experiences range from predominantly content experts in juvenile justice to child welfare to immigrant children, with some participants having expertise in multiple areas. All participants have been identified in *Table 1* by name, sector, and general area of content expertise.

Participants were contacted via phone/email to participate in interviews, and were provided a very brief and basic summary as to the purpose of our interview. Interviews were semi-structured, allowing flexibility for participants to discuss information that perhaps has yet to be validated through formal publication and/or research. For a full list of interview questions see *Appendix D*.

**Table 1: Primary List of Experts**

	Name	Organization	Expert Content Area(s)	Contact Information
1	Maryellen Bearzi	JBS International	Federal child welfare/ unaccompanied minors	mbearzi@jbsinternational.com
2	Prudence Beidler Carr & Cristina Cooper	ABA Center on Children and the Law	Child Welfare/Immigration	Prudence.BeidlerCarr@americanbar.org
3	Lara Bruce	Butler Institute	Child Welfare/Immigration	Lara.Bruce@du.edu
4	Emily Butera	Women's Refugee Commission	Child Welfare/Immigration	emilyb@wrcommission.org
5	Wendy Cervantes	CLASP	Immigrant children	WCervantes@clasp.org
6	Alan Dettlaff	University of Houston	Child Welfare/Immigration	ajdettla@CENTRAL.UH.EDU
7	Mark Greenberg	Migration Policy Institute	Immigration/Child Welfare	michellejm@ku.edu
8	Lina Guzman & Karin Malm	Child Trends	Child Welfare/Hispanic Children	kmalm@childtrends.org lguzman@childtrends.org
9	Robin Hernandez-Mekonnen	Stockton University	Child welfare/Immigration	Robin.Hernandez-Mekonnen@stockton.edu
10	Heather Koball	National Center for Children in Poverty	Immigration/children of immigrants	hk2163@cumc.columbia.edu
11	Raquel Mariscal	Burns Institute	Juvenile Justice	RMariscal@burnsinstitute.org
12	Rachel Prandini	Immigrant Legal Resource Center	Juvenile Justice/Child Welfare	rprandini@ilrc.edu
13	Anthony Peguero	Virginia Tech University	Juvenile Justice/Immigration	anthony.peguero@vt.edu
14	Nancy Rodriguez	DOJ, UC Irvine	Juvenile Justice	Rodrign6@uci.edu

\*CICW: Is a national peer membership organization that fosters cross-sector collaboration by linking and supporting professionals across the child welfare, immigration, and legal fields. Established in 2006 it was formerly called The Migration and Child Welfare National Network.

## Appendix B

### Major Resources Consulted for Literature Review on the Intersection of Immigration, Child Welfare, and Juvenile Justice

#### THINK TANKS

- ASPEN Institute
- Bipartisan Policy Center
- Brookings Institute
- CATO Institute
- Center for American Progress
- Center for International Policy
- Center for Strategic and International Studies
- Institute for Policy Studies
- Migration Policy Institute
- Pew Charitable Trusts
  - Pew Hispanic Center
- Urban Institute

#### CHILD WELFARE ORGANIZATION WEBSITES

- California Child Welfare Indicators Project - Latino Practice Advisory Committee
- Chapin Hall Center for Children
- Child Welfare League of America
- Court Appointed Special Advocates (CASA)
- Family to Family California

#### IMMIGRATION ORGANIZATION WEBSITES WITH GENERAL CHILD/YOUTH FOCUS

- American Immigration Council
- Appleseed Network
- Catholic Legal Immigration Network Inc. (CLINIC)
- Catholic Relief Services
- Center for Immigration Studies
- Immigrant Legal Resource Center
- National Center for Cultural Competence
- National Council of La Raza – now called Unidos US
- National Immigrant Justice Center
- World Relief
- World Vision –US

#### NON-PROFIT AND/OR ADVOCACY GROUPS

- American Civil Liberties Union (ACLU)
- Amnesty International
- Alliance for Strong Children and Families
- Applied Research Center (ARC) – now called Race Forward: The Center for Racial Justice Innovation
- Bridging Refugee Youth and Children's Services (BRYCS)
- Center for Family Policy and Practice (CFPP)
- Center for Gender and Refugee Studies
- Center for the Study of Social Policy (CSSP)
- Child Trends
- Children and Family Research Center
- Children's Defense Fund
- First Focus
- Human Rights First
- Human Rights Watch
- International Organization for Migration (IOM)
- International Rescue Committee (IRC)
- Kids Count Data Center (AECF)
- Kids in Need of Defense
- Legal Counsel for Youth and Children
- Lutheran Immigration Refugee Services (LIRS)
- Migrant Clinicians Network (MCN)
- Migration and Child welfare Network – now called the Center on Immigration and Child Welfare
- Save the Children U.S.
- United Nations High Commission for Refugees (UNHCR)
- United Nations International Children's Emergency Fund (UNICEF)
- United States Conference of Catholic Bishops (USCCB)
- VERA Institute
- W. Haywood Burns Institute
- Women's Refugee Commission

#### GOVERNMENT AGENCIES/DEPARTMENTS

- United Nations
- US Congressional Research Office
- US Department of Health and Human Services
  - Office of Refugee Resettlement (ORR)
  - Assistant Secretary for Planning and Evaluation (ASPE)
  - Administration for Children and Families (ACF)
    - Child Welfare Information Gateway
    - Children's Bureau
- US Department of Homeland Security
  - Office of the Inspector General
  - Immigration and Customs Enforcement (ICE)
- US Department of Justice (DOJ)
  - Office of Juvenile Justice and Delinquency Prevention
    - National Juvenile Court Data Archive
  - Executive Office for Immigration Review (EOIR)
  - Bureau of Prisons (BOP)
  - National Institute of Justice
  - Bureau of Justice Statistics
  - National Criminal Justice Reference Service
- US Department of State
- US Government Accountability Office (GAO)

#### JUVENILE JUSTICE RESEARCH AND ADVOCACY WEBSITES

- Campaign for Youth Justice
- California Immigrant Youth Justice Alliance
- Center on Juvenile and Criminal Justice
- Center for Juvenile Justice Reform
- Coalition for Juvenile Justice
- Justice Policy Institute
- Juvenile Law Center
- Models for Change
- National Center for State Courts JJ Reform Center
- National Juvenile Justice Network
- National Alianza for Latino Youth Justice
- National Center for Youth Law
- The Sentencing Project

## Appendix C

### Major Programs, Practices, and Policy Resources to Consult for Literature Review

#### Intersection of Immigration, Child Welfare, and Juvenile Justice

Search of California Child Welfare Evidence Clearinghouse and Latino Practice Advisory Committee website for:

1. Established evidence-based interventions for the general population that have:
  - evidence of success in implementation with Spanish-speaking or immigrant samples
  - specific cultural adaptations made for immigrant samples
  - manuals in languages other than English AND studies conducted with samples including high percentages of Hispanics (+)

OR

2. Promising practices or interventions designed to specifically target immigrant populations, even if lacking an evidence base of effectiveness (\*)

#### *PARENT TRAINING MODELS*

- ACT Raising Safe Kids
- CICC Los Ninos Bien Educados
- Guiando a los ninos Activos (GANNA)–designed and tested for Spanish speaking populations
- Healthy Families America–effective with Latina immigrant sample

- Parent Child-Home Program (PCHP): used in different countries, in Spanish
- Parent Management Training
- Parent Child Interaction Therapy (PCIT)
- SafeCare–implemented with Spanish speaking immigrants
- Triple P

#### *CHILD WELFARE PRACTICE MODELS*

- Cultural Brokers
- Family Group Decision Making (FGDM)

#### *BEHAVIORAL/MENTAL HEALTH MODELS*

- Brief Strategic Family Therapy (behavioral problems in all youth)
- Entre Dos Mundos
- Familias Unidas
- Mental Health for Immigrants Program (MHIP)
- Motivational Interviewing–effective with Latino immigrants
- Multi-systemic therapy
- Trauma Focused Cognitive Behavioral Therapy

## Appendix D

### Semi-structured Qualitative Interviews with Content Experts

Questions for Experts

1. What research studies do you know that relate to immigrant child involvement with the juvenile justice or child welfare systems? Can include discussion of language access, data collection, or cultural issues. Can include programs or treatments to improve outcomes for immigrant children and families who are involved with either of these systems.
2. What policy resources do you know that pertain to immigrants involved with the juvenile justice or child welfare systems? Where can we find them?
3. What best practices or programs do you know that relate to immigrants involved with the juvenile justice or child welfare systems? Have any of these undergone rigorous evaluations?
4. What are the gaps/needs in research/policy/practice with immigrants involved with juvenile justice or child welfare systems?
5. Is there anyone else you think would be a better resource than you on this topic?



## Appendix E

### Recommendations for Improving the Immigrant Family Experience During Enforcement and Detainment

Policy	Collaboration	Training	Protocol Development	Services
<ul style="list-style-type: none"> <li>• Establish more humane prosecutorial processes, increase the number of immigration judges, and allow greater judicial discretion over cases when children are involved.</li> <li>• Pass legislation requiring immigration enforcement personnel to follow designated timelines (e.g. 72 hours) from initial detention to make a custody determination reducing the separation times between family members.</li> <li>• Reform the Department of Homeland Security's (DHS) contracts with for-profit detention centers.</li> <li>• Reform DHS's enforcement criteria and overall rate focusing on the most dangerous offenders.</li> </ul>	<ul style="list-style-type: none"> <li>• Create a key liaison position within ICE in each region for service providers (e.g. social services, juvenile services, legal, etc.) to contact when immigration issues arise and establish protocols for communication and coordination.</li> <li>• Encourage service providers to work closely with advocates and experts to support children and/or domestic violence victims to apply for eligible status options.</li> <li>• Develop working relationships and formal agreements, such as a Memorandum of Understanding between service provider agencies, detention centers, etc. and foreign consulates to assist with potential deportation and/or ensure children are provided every opportunity for safe family reunification.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish mandatory and regular trainings for judges, attorneys, guardians ad-litem, domestic violence advocates, and caseworkers regarding immigration-related issues, including immigration detention and deportation proceedings and the ICE prosecutorial discretion policies.</li> <li>• Train deportation officers and immigration detention facility personnel to be familiar with challenges facing detained parents with children in the child welfare or juvenile justice systems and establish protocols to facilitate communication and reunification.</li> </ul>	<ul style="list-style-type: none"> <li>• Institute protocols to screen individuals to identify whether they have children or are a primary caretaker.</li> <li>• Institute protocols to be used at the time of response to give all parents time to arrange for caretakers for their children.</li> <li>• Create exceptions to the termination of parental rights timeline for detained and deported parents.</li> <li>• Create procedures that ensure culturally and linguistically appropriate information is provided to immigrants while detained.</li> <li>• Ensure service providers know about the ICE locator service and that protocols are in place requiring contact and inclusion of immigrant parents in the juvenile dependency process in order to achieve family reunification when possible.</li> </ul>	<ul style="list-style-type: none"> <li>• Create procedures that ensure culturally and linguistically appropriate services (e.g. medical, educational, parenting classes, etc.) are provided to immigrants while detained, which would also allow avenues for increased family reunification.</li> <li>• Provide alternatives to detention to caregiver parents, particularly if the only alternative is the child welfare system, by using parole, electronic monitoring, or family-based facilities.</li> <li>• Improve immigration detention facilities' compliance with telephonic and video appearances and establish procedures and protocols for parents to appear in person in court.</li> </ul>

## Appendix F

### Policy Chart: Major Policies that Impact Immigrants in Child Welfare and/or Juvenile Justice

Policy Title	Policy Impact	Implementation Recommendations
<p><b>Civil Rights Act of 1964 (Title VI):</b></p> <p>This established the legal right that all services provided in our legal systems, child welfare systems, juvenile justice systems, education systems, and so forth needed to be linguistically and culturally available and appropriate.<sup>68</sup></p>	<ul style="list-style-type: none"> <li>• Inaccessibility of interpreters or translation services</li> <li>• Lack of adequate funding to provide legally required language services</li> <li>• Inappropriate uses of interpreters (e.g., children, neighbors, etc.)</li> <li>• Inaccurate interpretations resulting in information deficits and/or misunderstandings</li> <li>• Untrained interpreters and/or service providers needing to utilize interpreters' services</li> <li>• Important documents unavailable in languages besides English (and sometimes Spanish)</li> <li>• Feelings of mistrust</li> <li>• Feelings of powerlessness</li> <li>• Inadequate time allotments to carefully conduct sessions with interpretation</li> <li>• Inability of ethnic minority caregivers who require language assistance to reach service providers</li> </ul>	<ul style="list-style-type: none"> <li>• Organizational support for bilingual staff through training</li> <li>• Educate service providers on how and when to access interpreter services and ways to form good working relationships with professional interpreters and limited English proficient (LEP) families,</li> <li>• Organizational commitment to examining interpreter services and provision of training in child welfare and justice matters for interpreter organizations</li> <li>• Commitment by the organization to examine services for LEP clients and concerted efforts to adequately fund, develop, utilize, and improve these services</li> </ul>
<p><b>Immigrant Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PWORA):</b></p> <p>Due to the political climate of the country at the time, the PWORA reform was designed to correct for the perceived “pull factor” that supposedly incentivized immigrants to move to the United States to secure public benefits that had previously been available to them. This reform severely restricted eligibility rules for legal immigrants, refugees, citizen children, and other populations who had previously been eligible.<sup>25, 22, 66, 38, 11</sup></p>	<ul style="list-style-type: none"> <li>• The most significant restriction of PRWORA was that qualified immigrants of most statuses, including LPR and other protected immigrants, who arrived in the US after PRWORA's enactment (August 1996) were banned from the programs for their first 5 years in the country (with some exceptions).</li> <li>• The law also gave states the discretion to use state funding to replace the loss of SNAP, TANF, and Medicaid benefits to qualified immigrants during the 5-year ban.</li> <li>• Following the passage many immigrant families were hesitant to try to enroll due to fear or confusion over the law, particularly around future denials for citizenship or being able to sponsor family members.</li> <li>• Inability to fill out the application due to lack of bilingual staff to assist or translation services.</li> <li>• Catalyzed a movement towards public benefits information being “cross-reported” to immigration officials</li> </ul>	<ul style="list-style-type: none"> <li>• Reconsider immigration status restrictions, which precludes parents and caretakers from accessing critical public benefits making it more expensive and challenging for immigrant families to: <ul style="list-style-type: none"> <li>• Provide for their children and families.</li> <li>• Fulfill requirements for court-mandated reunification services or a preventative services plan.</li> </ul> </li> <li>• Conduct outreach to ensure immigrant families know specifically and clearly which services potentially remain open: <ul style="list-style-type: none"> <li>• Subsidized childcare (e.g. Migrant Head Start)</li> <li>• Victim Witness or Violence of Crime Assistance (VOCA)</li> </ul> </li> </ul>

Policy Title	Policy Impact	Implementation Recommendations
<p><b>Immigrant Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PWORA):</b></p> <p>(continued)</p>	<ul style="list-style-type: none"> <li>• See above</li> </ul>	<ul style="list-style-type: none"> <li>• Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</li> <li>• Immunization and/or treatment of communicable disease,</li> <li>• Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program</li> <li>• Simplify application process and provide necessary translation services and / or necessary cultural supports</li> <li>• Disallow public benefit information from crossing over to immigration officials penalizing immigrant families with children in need.</li> </ul>
<p><b>Temporary Assistance for the Needy (TANF):</b></p> <p>As a result of the 1996 Welfare Reform Act (PWORA) discussed above, TANF experienced major changes, resulting in a major decline of aided-adult cases and a significant increase in child-only cases. Additionally it formed an entirely new population of ineligible immigrant parents (IIPs) that is not well understood. Research is limited on IIP cases, which is notable, because 25% of the country's child-only cases are kids of IIPs. Research shows that income support services like TANF help to reduce child maltreatment on an individual and family level.<sup>10, 11</sup></p>	<ul style="list-style-type: none"> <li>• The numbers of child-only cases do not match up to the sizes of immigrant populations in various jurisdictions leaving scholars to suggest that participation levels may reflect disparities in access and awareness.</li> <li>• The TANF block grant may be structurally incapable of meeting the needs of the growing IIP caseload, should participation levels rise.</li> <li>• Using California as a model, research suggests that additional investments in IIP TANF programs would have positive repercussions for the immigrant populations in other states providing one avenue by which states with rising immigrant populations (e.g. North Carolina, Georgia, etc.) can provide a modicum of support for the citizen children of these new residents.</li> </ul>	<ul style="list-style-type: none"> <li>• Four most common barriers to enrolling in TANF: <ul style="list-style-type: none"> <li>• Fear of immigration repercussions</li> <li>• Social stigma</li> <li>• Caseworker attitudes</li> <li>• Complicated application process, without cultural or language assistance</li> </ul> </li> <li>• Increase outreach and awareness using both informal social networks and more strategic outreach efforts: <ul style="list-style-type: none"> <li>• Immigration lawyers</li> <li>• Radio and television</li> <li>• Schools</li> <li>• Social workers</li> </ul> </li> </ul>
<p><b>Adoption and Safe Families Act of 1997 (ASFA):</b></p> <p>Essentially, ASFA speeds up the process of terminating parental rights as it requires states to file petition to terminate parental rights for any child who has been in out-of-home care for 15 of the last 22 months.<sup>49, 25, 7</sup></p>	<ul style="list-style-type: none"> <li>• Often court forms are available only in English, so in many cases clients leave the hearing lacking clarity regarding what court ordered services they are required to complete, because they have no written documentation to refer to.</li> <li>• This policy does not take into account cases in which immigrant clients are unable to immediately access court-ordered community-based services due to long waiting lists and limited operating hours of these more culturally and linguistically capable service providers.</li> <li>• Cost prohibitive out of pocket costs for services, due to immigration status.</li> </ul>	<ul style="list-style-type: none"> <li>• As a result parents and families are often labeled by the court as being non-compliant with services and consequently the likelihood of reunification decreases.</li> </ul>

Policy Title	Policy Impact	Implementation Recommendations
<p><b>Adoption and Safe Families Act of 1997 (ASFA):</b></p> <p>(continued)</p>	<ul style="list-style-type: none"> <li>• General access issues due to conflicts with work schedules, with service providers' hours of operation and transportation challenges.</li> <li>• Lack of timely and appropriate interpreters.</li> </ul>	
<p><b>Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provision of 1996 (MEPA-IEP):</b></p> <p>Requires the recruitment of foster care and adoptive parents that are representative of the cultural background of the children in care. There are neither incentives nor penalties attached to this objective resulting in a low level of compliance.<sup>22</sup></p>	<ul style="list-style-type: none"> <li>• At the policy level, the attachment of incentives or penalties to the MEPA-IEP policy may bring greater attention to these issues and put mechanisms into place that institutionalize culturally and linguistically appropriate recruitment and placement effort.</li> </ul>	
<p><b>U.S. Department of Health and Human Services (DHHS)</b></p> <p>Is the primary federal agency that regulates and provides partial funding for services to maltreated children and their families: "presently undocumented children of immigrants are not eligible for federally funded foster care. For these children, foster care and other services such as translation services and immigration counsel must be paid for through the use of local funds, which are frequently limited and subjected to cuts by state legislatures.<sup>25, 22, 38, 51, 67</sup></p>	<ul style="list-style-type: none"> <li>• "The reduction of resources for public welfare has agencies stretching their financial and structural resources to meet the needs of clients. With this belt-tightening, families who are in doubt about their eligibility for services or are unable to advocate for themselves due to fear or lack of knowledge may be least likely to get a share of the scare resources. Principles of distributive justice make it important for child advocates to ensure that those who are eligible for services do not get cut off from the supports they need."<sup>51</sup></li> <li>• Title XX (social services block grants) of the Social Security Act</li> <li>• Title XIX of the social security act is another important funding stream, which provides coverage for the physical and mental health services to foster children through the federal Medicaid program and other health-related services.</li> <li>• Amend Title IV-E, which is an uncapped or unlimited entitlement (fostering and adoption) of the Social Security Act. It provides funds for adoption assistance, foster care maintenance payments, training, administrative costs, etc. to allow foster care funding to non-citizen children of immigrants regardless of legal status.</li> <li>• Waive certain requirements of Titles IV-B a capped or limited allocation to states (preventative services) and IV-E of the Social Security Act to facilitate the demonstration of new approaches to the delivery of child welfare services to children of immigrants, such as specialized units to address the needs of immigrants and their families using a dedicated federal funding stream.</li> </ul>	
<p><b>Fostering Connections to Success and Increasing Adoptions Act of 2008</b></p> <p>This is a federal law designed to promote permanent families for children and youth in foster care. It encourages maintaining family connections, supporting youth transitioning from foster care, ensuring health and educational well being for foster youth, and providing important federal protections for Native American children.<sup>69</sup></p>	<ul style="list-style-type: none"> <li>• The major impetus for this Act was to provide better transitions for children aging out of the foster system and/or improving rates of children moving from foster care to permanent families, by improving the following: <ul style="list-style-type: none"> <li>• Identification and notice to relatives</li> <li>• Sibling placement requirement</li> <li>• Transition plans for youth</li> <li>• Educational stability and attendance</li> <li>• Health oversight and coordination plans</li> </ul> </li> <li>• Adoption incentive program expansion</li> </ul>	<ul style="list-style-type: none"> <li>• Need to recruit more diverse families (e.g. race, linguistic, cultural, etc.).</li> </ul>

Policy Title	Policy Impact	Implementation Recommendations
<p><b>An Executive Order to the U.S. Immigration and Customs - Parental Interests Directive</b></p> <p>The Directive is meant to aid ICE in enforcing immigration laws fairly and with respect for parent’s rights and responsibilities by outlining ICE policies and procedures concerning the placement, monitoring, accommodation, and repatriation of alien parents or legal guardians.*</p>	<ul style="list-style-type: none"> <li>• Specific elements this Executive Order is designed to address: <ul style="list-style-type: none"> <li>• Designating a specific point of contact within each ICE field office for parental-interests matters;</li> <li>• Promoting complete entry of relevant case information into ICE’s data and tracking systems;</li> <li>• Developing processes to regularly identify and review cases involving parents, legal guardians, and primary caretakers;</li> <li>• Determining the appropriate detention placement;</li> <li>• Facilitating family court participation;</li> <li>• Allowing parent/guardian-child visitation; and</li> <li>• Accommodating the arrangements of parents, legal guardians, or primary caretakers who are facing pending removal for the care and travel arrangements of their children.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Researchers and advocates have documented that that often times ICE agents do not implement policies utilizing discretion and/or allowing for these basic rights (for children and parents) to be administered.<sup>44</sup></li> </ul>
<p><b>Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)</b></p> <p>This act includes provisions intended to ensure the safety and well being of apprehended Unaccompanied Alien Children (UAC), which includes making a transfer within 72 hours of determining the child is unaccompanied (which must be done in 48 hours).<sup>42</sup></p>	<ul style="list-style-type: none"> <li>• “ORR contracts with a range of networks, licensed facilities (primarily private, nonprofit, and religious organizations), and juvenile justice agencies to house UAC in different types of settings depending on the UAC’s best interests and levels of security risk.”<sup>42</sup></li> <li>• These facilities are required to include: classroom education, health care, socializing / recreational activities, vocational training, mental health services, legal services, and case management.</li> <li>• Child advocates are to be appointed to UACs to “stand by the child while they are on their own” in a role that functions much like that of a guardian ad litem frequently used in U.S. state-level family courts. But, “unlike attorneys, who are generally obligated to represent the stated interests of their child clients, the child advocate’s role is to represent the child’s best interests.”<sup>42</sup></li> <li>• Sponsors who receive a UAC are not provided any legal guardianship, which results in additional problems enrolling the child in school, accessing health benefits, etc.<sup>70</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Researchers and practitioners have documented that TVPRA deadlines are not always adhered to, particularly when there have been large influxes of UACs across the border.<sup>42</sup></li> <li>• Consider changing ORR’s metric for success, which is tracking and rating how quickly they can move youth out of facilities, leading to concerns about due process and care. Across the board, data is only collected and made public on very basic information.<sup>70</sup></li> <li>• Often facilities and options can be limited for UACs resulting in children being placed in inappropriate environments.<sup>71</sup> And adequate levels of licensures, monitoring, and oversight are perhaps not being adhered to.<sup>70</sup></li> <li>• Due to subcontracts to religious organizations who adhere to overly broad religious exemptions that are in charge of care for UACs, an increasing number of children are at risk for not having access to comprehensive reproductive health care.<sup>72</sup></li> </ul>

\*Retrieved from [www.ice.gov](http://www.ice.gov), 2017

Policy Title	Policy Impact	Implementation Recommendations
<p><b>Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)</b> (continued)</p>	<ul style="list-style-type: none"> <li>See above</li> </ul>	<ul style="list-style-type: none"> <li>While ORR is mandated to make sure detained UAC have access to legal representation this does not include guaranteed access to counsel at the government's expense. And available and affordable resources are limited and insufficient.<sup>42</sup></li> </ul>
<p><b>Juvenile Justice and Delinquency Prevention Act (JJDP) Reform of 2002</b></p> <p>Requires that states address disproportionate minority contact (DMC) in their juvenile justice systems to access full federal funding. To comply states must track DMC at nine points throughout the system, from arrest to sentencing.<sup>37</sup></p>	<ul style="list-style-type: none"> <li>Reducing RED has proven extremely challenging with many jurisdictions failing to achieve successful reductions. These efforts have been even more difficult for Hispanic youth as many jurisdictions have focused their efforts on African American youth.<sup>37</sup></li> </ul>	<ul style="list-style-type: none"> <li>This bill is currently (2017) being revised and revisited in Congress, with advocates and allies recommending a variety of changes to improve how the policy impacts minority youth.</li> </ul>