



Child Welfare Systems' Response to Immigrant Children and Families: Indicators of Advancement and Emerging Challenges

18th National Conference on Child Abuse and Neglect

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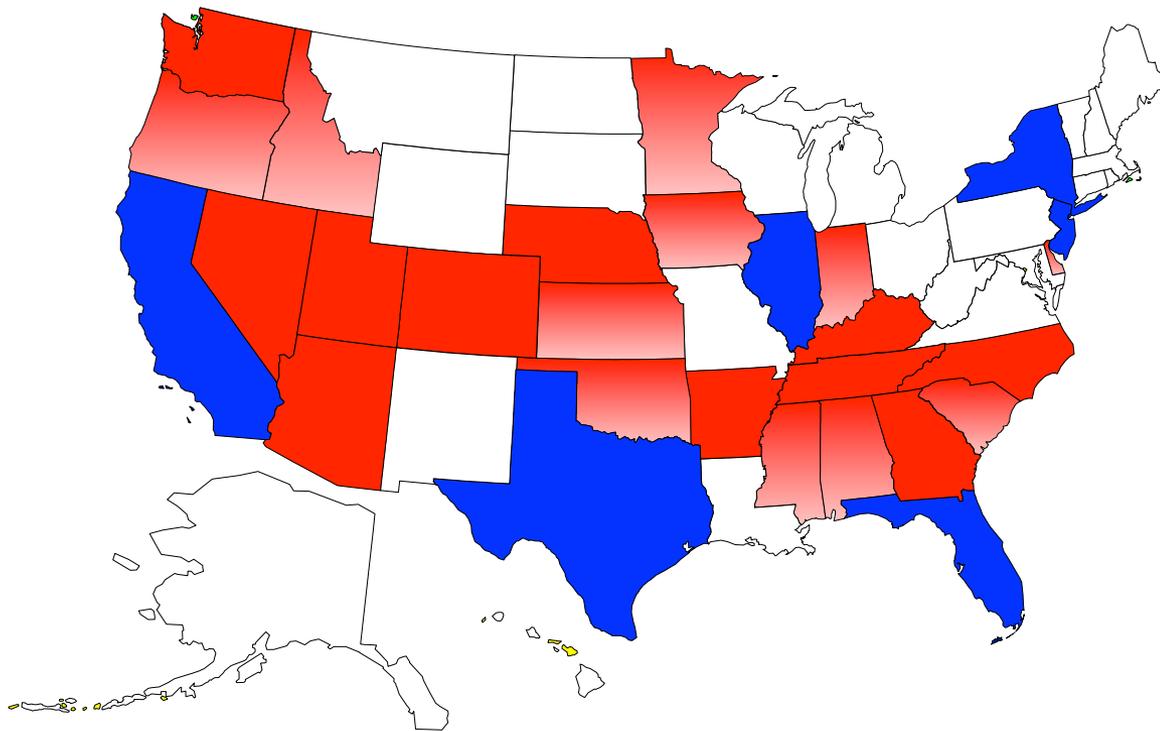
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Immigration: A Critical issue for Child Welfare

- Social work with children and families in America inextricably linked with the history of immigration to the United States
- At the end of the 19th century, concerns on child well being were focused on poor European immigrants
- More than a century later, a second peak of immigration adds to the mix racial, cultural, language differences
- ¼ of all children and youth in the US either foreign born or have foreign born parents
- Impact of immigration and implications for child welfare

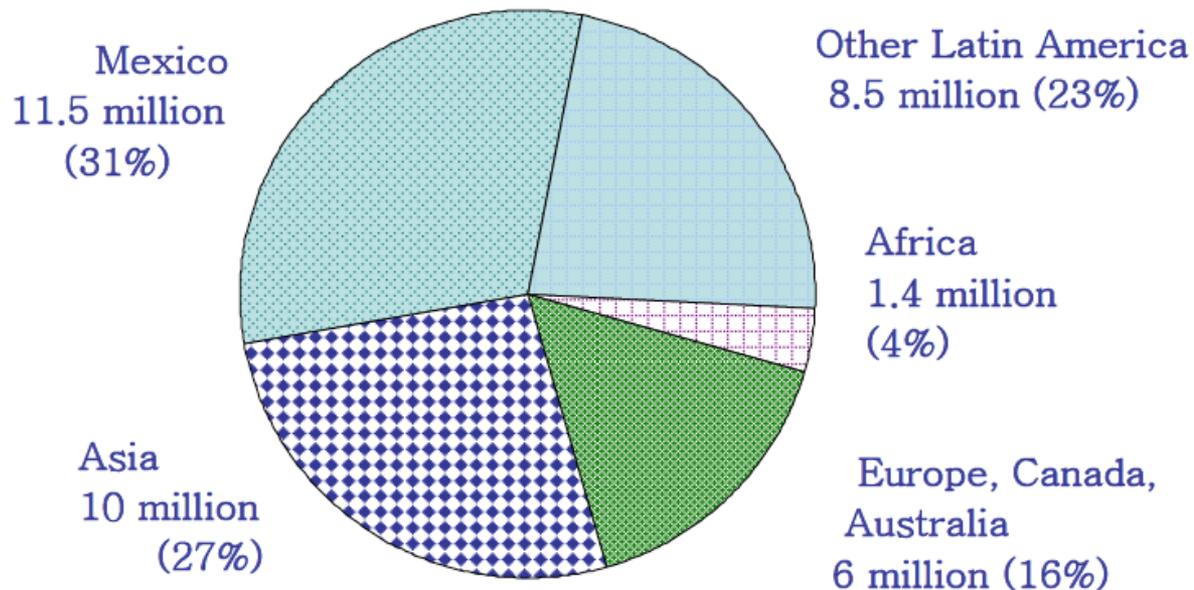
Migratory Trends: Immigrant Population Growth by Three Groups of Destination States



Immigration Destination Categories

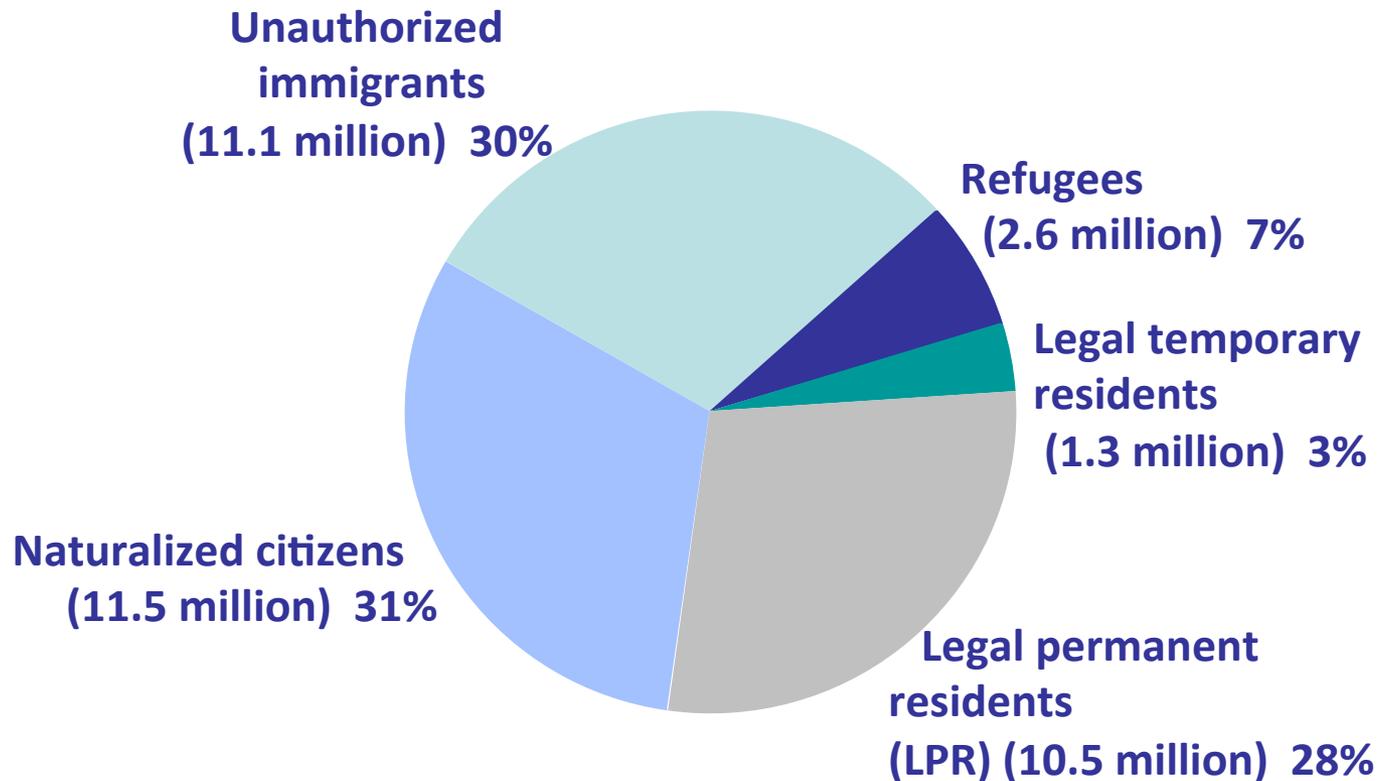
- 6 Main Destination States (67% of Immigrants in 2000)**
- 22 New Growth States (1990-2000 > 91%)**
- Top 10 Growth States 1990-2000 (135-274%)**

Demographics: Regions of Origin



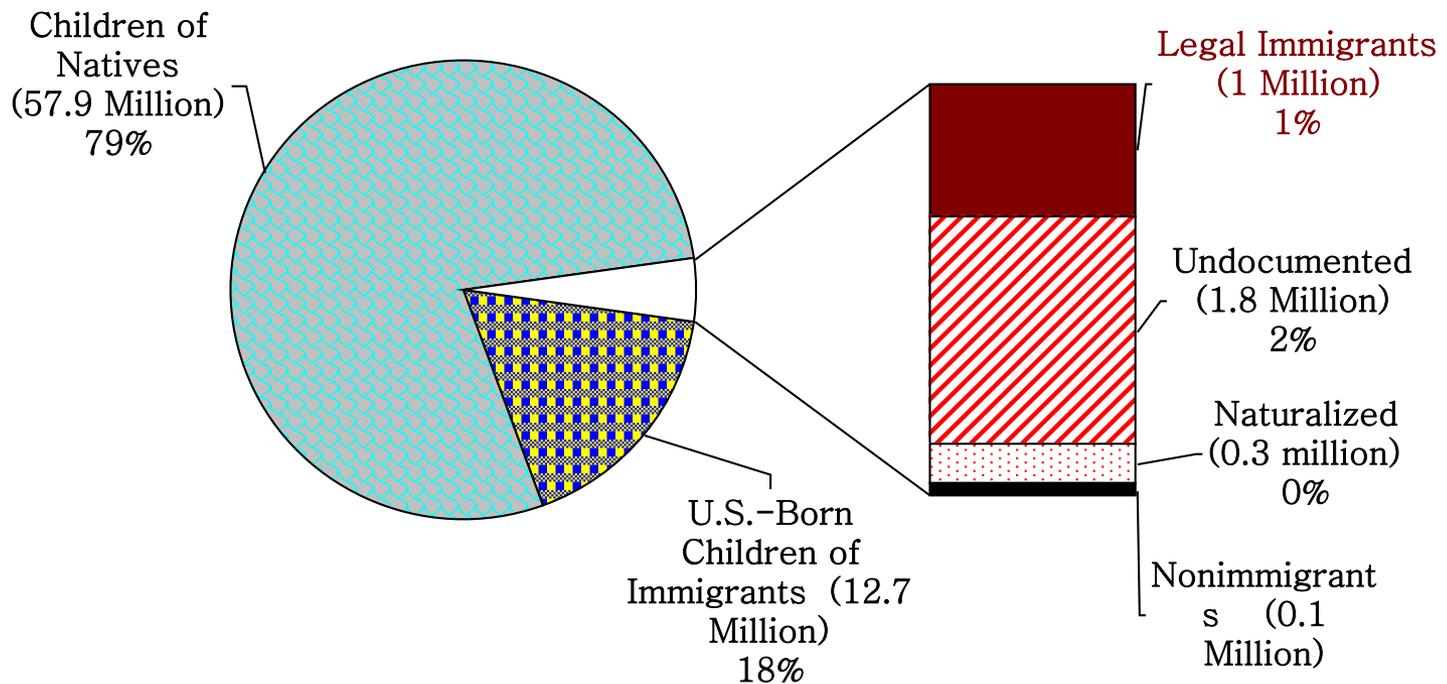
37.5 Million Foreign-Born
(2006 U.S. American Community Survey)

Demographics: Authorized and Unauthorized Immigrants and Refugees



37 million foreign-born in 2005 (Passel 2006)

Demographics: Most Children of Immigrants are U.S. Born Citizens



73.9 Million Children in 2005 (March 2005 Population Survey)

Level of Activity of State Legislation Related to Immigration and Immigrants in 2005-2010

Years and Number of Bills in the States

2005	300
2006	570
2007	1562
2008	1305
2009	1500+
2010	1374*



Employment, Identification, Drivers License, Health and Education Benefits

Source: National Conference of State Legislatures (NCSL), 2010

Why Immigrant Children Are At Risk of Child Welfare Involvement

- Poverty is one of the most significant predictors of child welfare involvement.
- Stressors associated with immigrant families' experiences with immigration and acculturation may also increase risk for child welfare involvement.
- Children in immigrant families are considerably more likely to be uninsured, to be reported in fair or poor health, and to lack a usual place where they can get preventive health care.
- Immigrant families may be at risk of many of the same issues as natives - domestic violence, substance abuse, health, and mental health – however access to preventive services and treatment is limited.

The Most Vulnerable: Children of Unauthorized Immigrants

- Parents have limited formal education
- Parents often do not speak English
- Parents subject to job exploitation
- Parents are ineligible for public benefits (although more than 2/3 of children are U.S. citizens)
- Increased immigration enforcement and consequences of immigration raids

Issues and Gaps at the Intersection of Immigration and Child Welfare

- Lack of sufficient research, shared knowledge, guiding principles
- Complexity of cases
- Unprepared professionals
- Families caught between systems
- Lack of common understandings and goals across systems and disciplines
- Lack of funding for needed services
- Increasingly negative public sentiment



National Roundtable of the American Humane Association

- In July 2006, American Humane Association facilitated a roundtable to address the emerging issue of immigration and its intersection with child welfare systems
- 70 participants from 10 states and Mexico
- Identified emerging issues in four focus areas:
 - Research
 - Workforce and training
 - Cross-systems collaboration
 - Policy and advocacy

Emerging Issues: Research

1. There is a lack of reliable data on the number of immigrant children and families involved in the child welfare system.
2. There is a lack of research that provides information on the unique needs of immigrant children and families in the child welfare system.
3. There is a lack of research that provides information on evidence-based practices with immigrant children and families in the child welfare system.

Emerging Issues: Workforce & Training

1. There is a need for advanced training on issues affecting immigrant children and families.
2. There is a need for advanced training on state and federal policies that affect immigrant children and families.
3. There is a lack of bilingual/bicultural staff to facilitate culturally competent service delivery.

Emerging Issues: Cross-Systems Collaboration

1. There is a need for cross-systems collaboration with those working with and providing services to immigrant families.
2. There is a lack of engagement between child welfare agencies and immigrant communities.
3. There is a lack of collaboration between U.S., Mexico, and other foreign countries.

Emerging Issues: Policy & Advocacy

1. State and federal policies, combined with anti-immigrant sentiment, result in immigrant families afraid of accessing needed benefits.
2. State and federal policies create barriers to providing effective services to immigrant children and families.



Research on Children in Immigrant Families: What We Know Now That We Didn't Know Then

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**Alan J. Dettlaff, PhD
Jane Addams College of Social Work
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Involvement in the Child Welfare System

- Children living with a foreign-born parent comprise 8.6% of all children who come to the attention of the child welfare system
- More than 4 out of 5 (82.5%) are U.S.-born citizens
- More than two-thirds (67.2%) are Hispanic
 - Non-Hispanic White (14.8%)
 - Non-Hispanic Black (10.0%)
 - Non-Hispanic Asian (7.5%)

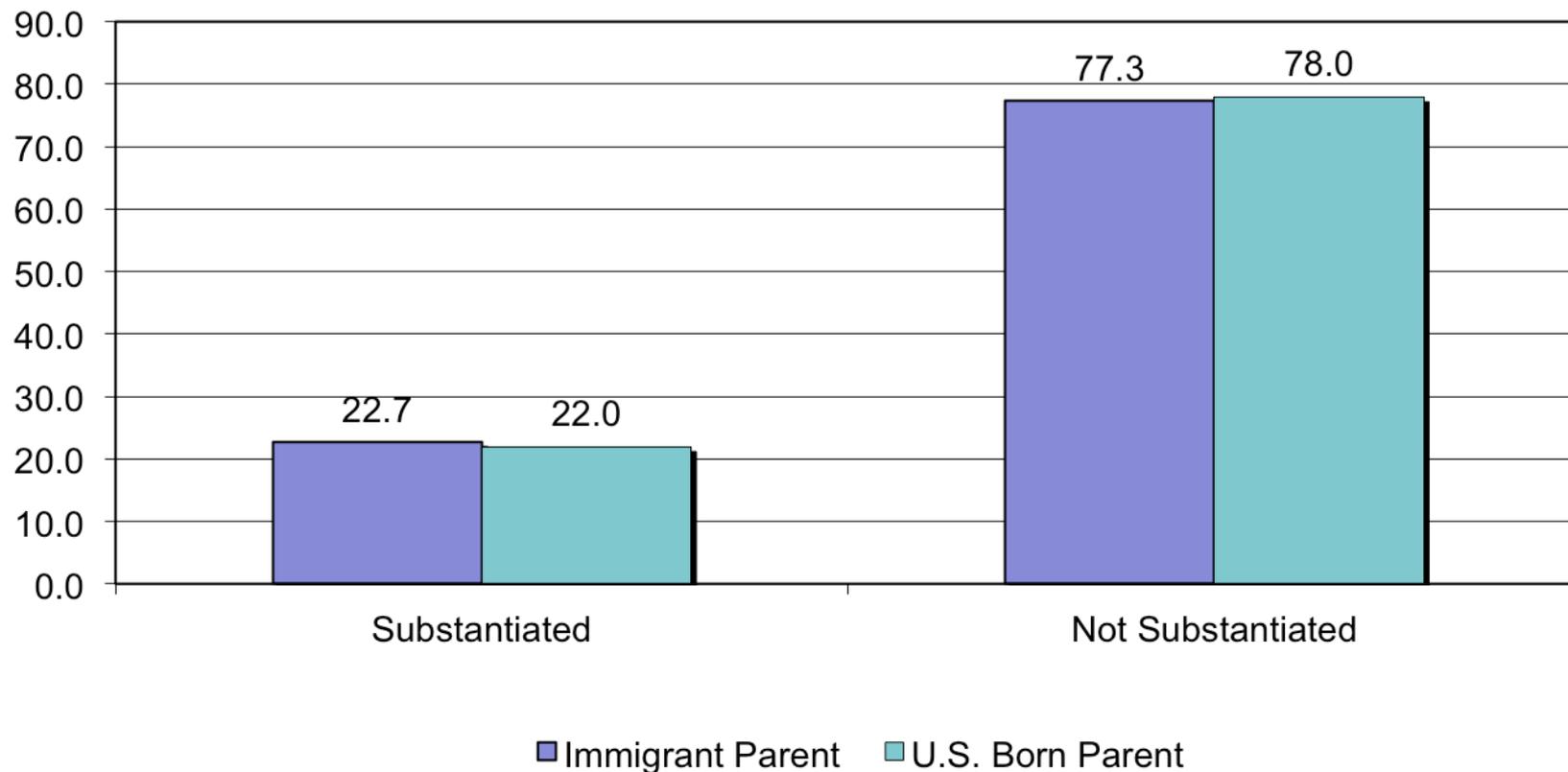
Maltreatment

- Children of immigrants are significantly more likely to be involved in substantiated cases of emotional abuse than children of native parents¹
- Children of Latino immigrants are significantly more likely to be involved in substantiated cases of sexual abuse than children of native parents²
- Children of native-born parents are significantly more likely to be involved in substantiated cases of physical neglect (failure to provide)^{1,2}

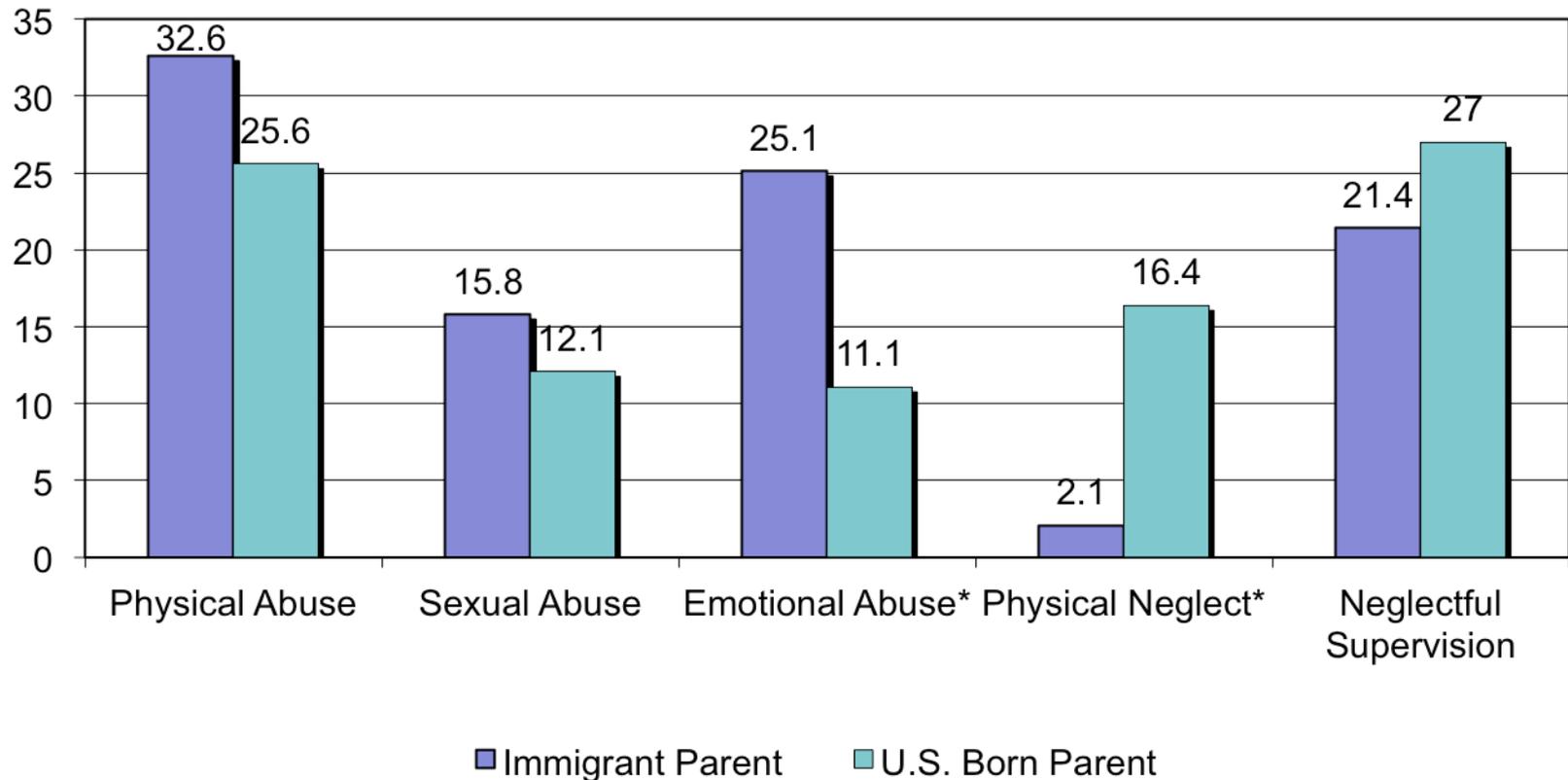
¹Dettlaff, A. J., & Earner, I. (In press). Children of immigrants in the child welfare system: Characteristics, risk, and maltreatment. *Families in Society*.

²Dettlaff, 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.

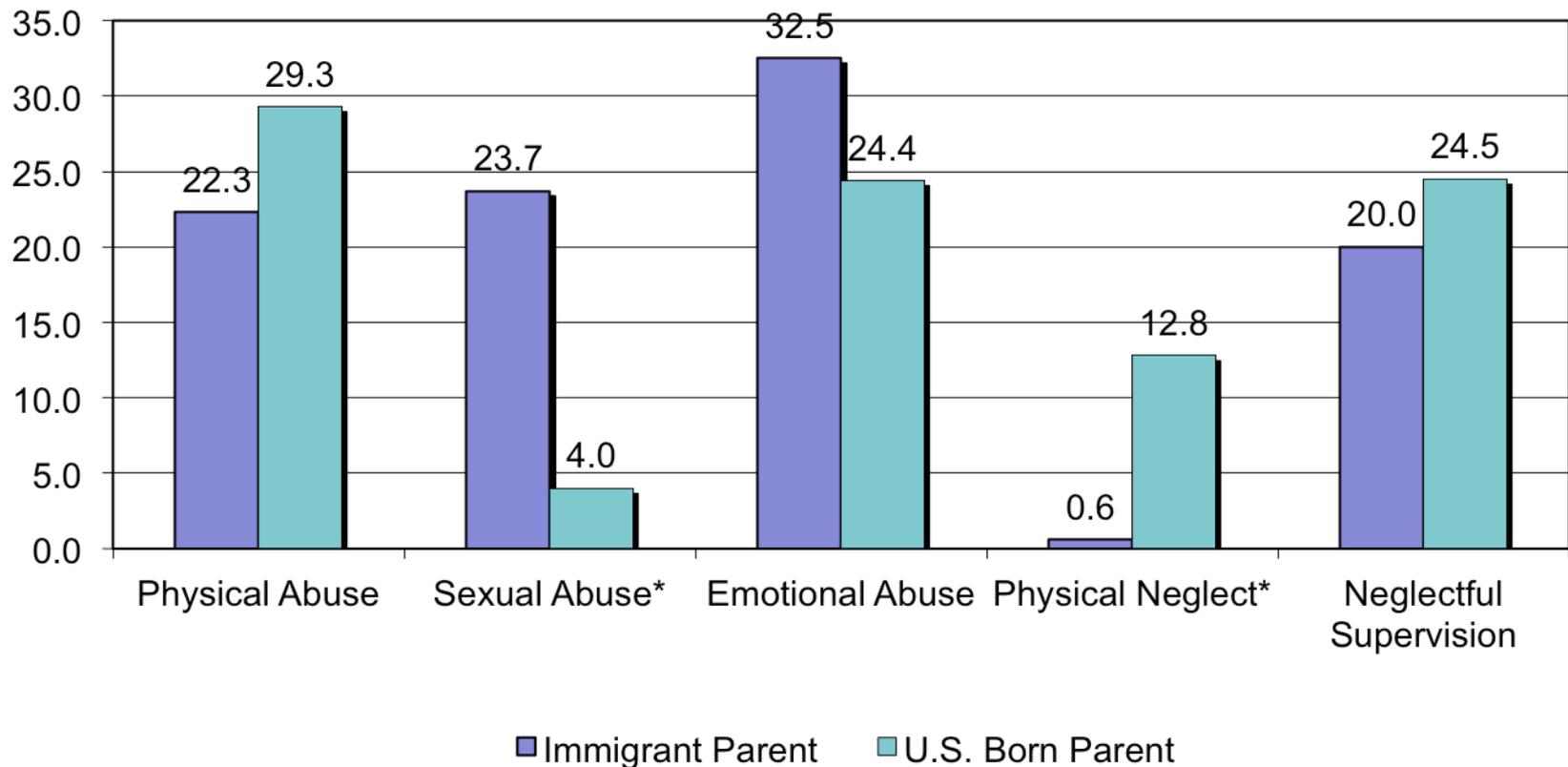
Outcome of Maltreatment Investigation



Substantiated Maltreatment



Substantiated Maltreatment: Latino Children



*Significant difference at 95% confidence level

Parent and Family Risk Factors

	U.S. Born Parent	Immigrant Parent
Active alcohol abuse	6.1	2.0
Active drug abuse	13.3	4.3
Serious mental health or emotional problem	13.3	9.3
Intellectual or cognitive impairment	6.4	2.0
Physical impairment	5.3	1.0
Poor parenting skills	27.7	24.7
Active domestic violence	12.2	13.2
Use of excessive discipline	20.0	24.0
History of maltreatment (of caregiver)	19.7	18.4
Recent history of arrest	33.1	13.0
Low social support	27.6	30.5
High family stress	50.5	43.3
Difficulty meeting basic needs	21.9	17.1

Parent and Family Risk Factors

	U.S. Born Parent	Immigrant Parent
Active alcohol abuse*	6.1	2.0
Active drug abuse*	13.3	4.3
Serious mental health or emotional problem	13.3	9.3
Intellectual or cognitive impairment*	6.4	2.0
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Recent history of arrest*	33.1	13.0
Low social support	27.6	30.5
High family stress	50.5	43.3
Difficulty meeting basic needs	21.9	17.1

*Significant difference at 95% confidence level

Parent and Family Risk Factors: Latino Families

	U.S. Born Parent	Immigrant Parent
Active alcohol abuse	11.3	12.9
Active drug abuse*	12.7	2.3
Serious mental health or emotional problem	7.1	5.4
Intellectual or cognitive impairment*	2.6	0.1
Physical impairment	2.9	1.7
Poor parenting skills*	26.0	17.4
Active domestic violence	10.6	13.8
Use of excessive discipline	24.1	19.5
History of maltreatment (of caregiver)	36.6	23.9
Recent history of arrest*	5.5	1.9
Low social support	25.3	26.6
High family stress*	58.0	42.9
Difficulty meeting basic needs	25.6	13.6

*Significant difference at 95% confidence level

Potential Protective Factors

	U.S. Born Parent	Immigrant Parent
Biological father present in home* ¹	18.6	40.6
Additional supportive caregiver* ¹	46.2	55.5
Change of primary caregiver in past 12 months* ¹	12.9	2.3
Live in a safe neighborhood* ²	70.8	82.6
Helpful neighbors* ²	58.2	79.8

*Significant difference at 95% confidence level

¹Dettlaff, A. J., & Earner, I. (In press). Children of immigrants in the child welfare system: Characteristics, risk, and maltreatment. *Families in Society*.

²Dettlaff, 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.

Outcomes for Children of Immigrants

- Specific systemic barriers exist including language access, immigration status, and cultural competency¹
- Child welfare outcomes vary across immigrant groups²
 - Children of Latino immigrants are underrepresented in foster care, while native Latino children are overrepresented
 - Children of Latino immigrants are less likely to be placed in relative care
 - Children of Latino immigrants appear to be at higher risk for sexual abuse
 - Immigrant Latino children are more likely to be removed for sexual abuse

¹Earnar, I. (2007). Immigrant families and public child welfare: Barriers to services and approaches to change. *Child Welfare*, 86(4), 63-91.

²Vericker, T., Kuehn, D. and Capps, R. (2007). Latino Children of Immigrants in the Texas Child Welfare System. *Protecting Children*, 22(2), 20-40.

Remaining Unanswered Questions

- What accounts for differences in types of maltreatment?
- What accounts for differences in rates of kinship placements and entry into foster care?
- What unique barriers to safety, permanency, and well-being exist for immigrant children and families?
- What policies and/or practices are effective in meeting the needs of immigrant children and families who come to the attention of child welfare systems?

Broadening the Scope

- Impact of immigration enforcement on immigrant children's entry into the child welfare system.
- Issues facing immigrant children and families with co-occurring justice system involvement.
- Child welfare response to unaccompanied minor children.
- Child welfare response to victims of human trafficking.
- Child maltreatment prevention in immigrant families and communities.

Resources



***Protecting Children* journal:**

- The Intersection of Migration and Child Welfare: Emerging Issues and Implications (Vol. 22, No. 2, 2007)
- Migration: A Critical Issue for Child Welfare (Vol. 21, No. 2, 2006)

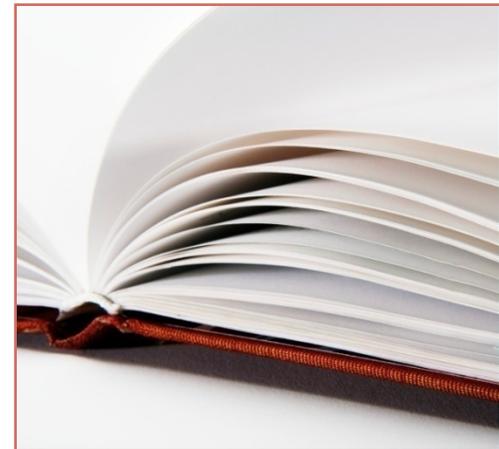
Child Welfare & Immigration Toolkits

- A Social Worker's Tool Kit for Working With Immigrant Families: Immigration Status and Relief Options (June 2009)
- A Social Worker's Tool Kit for Working With Immigrant Families: A Child Welfare Flowchart (August 2009)
- Healing the Damage: Trauma and Immigrant Families in the Child Welfare System (September 2010)

www.americanhumane.org/migrationtoolkits

Additional Resources:

- Research Briefs
- Workshop Presentations and PowerPoint
- Roundtable and conference proceedings & materials





Healing the Damage: Trauma and Immigrant Families in the Child Welfare System (September 2010)

18th National Conference on Child Abuse and Neglect

**Eliana Loveluck, MSW
Senior Technical Expert
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WOMEN'S
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Barriers to Reunification for Families Affected by Immigration Detention and Deportation

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Research. Rethink. Resolve.

Implications of Detention for Participation in Child Welfare Proceedings



Detained parents may be:

- Unaware they will be transferred to ICE
- Detained anywhere in the country
- Relocated away from the area of apprehension
- Transferred between detention facilities

Help! I Can't Find the Parent

- Free phone call at the time of intake
- Online Detainee Locator System:
<https://locator.ice.gov/odls/homePage.do>
- Call detention facilities
<http://www.ice.gov/detention-facilities/>



Participating in the Child Welfare System While Detained

- Difficult to comply with case plan
- Communication can be infrequent
- Visitation may be difficult or impossible
- Access to court proceedings is limited

Challenges to Family Reunification When a Parent is Deported



Parents Facing Deportation:

- Do not know when they will be deported
- Need help to participate in child welfare proceedings
- Struggle with children's travel logistics
- But....reunification is possible....



Consulates may be helpful

Q. What other factors must be taken into account to improve outcomes for children and families?

- Migration trends are increasingly circular (*return because of children*)
- Undocumented status of parents and relatives plays into decision-making



For more information see:



*Torn Apart by Immigration Enforcement:
Parental Rights and Immigration
Detention*

*Protecting Parental Rights: Safety
Planning for Parents*

[http://womensrefugeecommission.org/
programs/detention/parental-rights](http://womensrefugeecommission.org/programs/detention/parental-rights)



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Immigration 101

- *US Citizenship*
 - Birth
 - Naturalization
- *Immigrant: Legal Permanent Resident (LPR)*
 - Authorized to stay and work in the US indefinitely
- *Non-immigrant: All other visas*
 - Admitted for a limited period of time for a limited purpose
- *EWI: Entered without inspection*

Potential Legal Relief

- Family petitions
- Special Immigrant Juvenile Status (SIJS)
- Asylum
- T-Visa (for trafficking cases)
- U-Visa (for crime victims)
- Violence Against Women Act (VAWA)
- Voluntary Departure

SIJS: eligibility criteria

- Unmarried & under age 21; also subject to state law age limits
- Abuse, abandonment, neglect, or similar maltreatment
- Not viable to reunify with one or both parents
- Not in best interest to return to country of origin
- Dependent on juvenile court or placed in custody, in accordance with state law

SIJS: three stages

State court
predicate
order

Petition for
SIJ status

Lawful
permanent
residence

When is SIJS possible?

- In most jurisdictions, you need a vehicle into family court:
 - Is there a parent who can sue for **custody**?
 - Is there another adult who can petition for **guardianship**?
 - Is the child in **foster care**?
 - Is there an adult/step-parent to file for **adoption**?
 - Is the child in a juvenile court proceeding for a status offense, like **truancy** or being a **run-away**?
 - Is the child in a **juvenile delinquency** proceeding?

What should I look for?

- Was the child ever **physically or emotionally abused** by either parent?
- Was the child **abandoned** by either parent?
 - Lack of emotional relationship + financial support
- Did the parent(s) send the child away because they **couldn't protect** him/her from gangs or other threats?
- Was the child **neglected**?
 - Forced to leave school and start working
 - Not provided basic necessities
 - Not provided adequate medical care
- Did either parent **fail to protect** the child from another abuser?

U Visa: Victims of Serious Crimes

**Rape
Torture
Trafficking
Incest
Domestic violence
Sexual assault
Abusive sexual contact
Prostitution
Sexual exploitation
Female genital mutilation
Being held hostage
Peonage
Involuntary servitude
Slave trade**

**Kidnapping
Abduction
Unlawful criminal restraint
False imprisonment
Blackmail
Extortion
Manslaughter
Murder
Felonious assault
Witness tampering
Obstruction of justice
Perjury**

U visa: eligibility criteria

- Victim of qualifying criminal activity
- Criminal activity violated US law or occurred in the US
- Has suffered substantial physical or mental abuse
- Possesses information about the criminal activity
- Has been helpful, is helpful, or is likely to be helpful to law enforcement, judge or other agency with responsibility for investigation/prosecution
 - *BUT*, if a victim is under age 16, his/her parent, guardian or next friend may fulfill the cooperation requirement

What should I look for?

- Common U visa crimes related to minors:
 - Domestic violence, sexual assault, statutory rape, kidnapping, felonious assault
- Has the child been a **victim of criminal activity**?
- Has the child/family **cooperated with police**? *Facilitate cooperation with law enforcement!*
- Does the child have **physical injuries** from the crime? Is the child seeing a **therapist**?

What can CPS do to help?

- **Identify** a child who may be eligible
- **Refer** that child to a legal service provider or known and respected attorney for a consultation
- **Provide** documentation or affidavit of support for that child's case including
 - U visa certification
 - Statement in support of state court SIJS findings



The Vulnerabilities of Immigrant Families – A Look at National Immigration Issues, Policies, and Practices

PRESENTATION BY:

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FIRST FOCUS

Immigration Policy Trends

Increasing anti-immigrant hostilities in work,
school, home

.... e-verification

.... education access to k-12/higher education

... birthright citizenship battle in the 111th Congress

... Arizona copycat legislation in Georgia,
Alabama, Mississippi, and Missouri with more to
come

... deny child tax credit and food stamp benefits for
US born children of undocumented immigrants

Immigration Policy Trends

Some states like Kansas are looking to create a pool of immigrant workers to address labor shortages.

Local jurisdiction in opposition of SECURE (Cook County, Santa Clara/CA, TRUST bill in CA)

Criminalization of immigration

Federal investigation into sexual abuse at immigration detention Center

Anticipation of Supreme court ruling on Arizona's law

Advocacy for increase use of prosecutorial discretion

Political battles ...

Obama administration at odds with many states in their strict new immigration laws (such as Alabama and Georgia), with federal lawsuits in South Carolina and Arizona.

Both DHS Secretary Janet Napolitano and President Obama has criticized Congress for failing to pass DREAM Act last year.

Republican frontrunner Romney vowed to veto any DREAM Act, while both he and Gingrich would like to limit it's scope to military service-only.

High Profile Child Welfare Cases

- Nebraska appeals case re termination of parental rights for Guatemalan deported mother of two
- North Carolina case re: deported father (Montes) and three US citizen children
- Washington State Court of Appeal paternal grandparent case placement case

Increasing Immigration Enforcement...

“With as many as 1.6 million people in some stage of immigration proceedings, ICE holds more inmates a night than the Clarion Hotels have guests, operates nearly as many vehicles as Greyhound has buses and flies more people each day than do many small US airlines.” (Washington Post, 2/2/07)

Immigration detention represents a profitable and increasing market for private corrections companies. In the 1990s, the private prison industry faced a decline in revenues from incarceration of US citizen. 40% of Corrections Corporations of America’s \$1.7 billion revenue in 2009 was generated by immigration detention..

SOURCE: ACLU of New Mexico (January 2011). *Outsourcing Responsibility – The Human Cost of Privatized Immigration Detention in Otero County*

First Focus Supported Legislation

HELP Separated Children (Senator Franken/Rep Woolsey)

Foster Opportunity (Rep Franken)

Advocacy for the US to sign the Convention on the Right of the Child

CA legislation - Reuniting Immigrant Families (SB1064 – DeLeon)

CA Legislation SB1064 (DeLeon)

The bill is the first piece of state legislation to address the shattered families problem.

Key Components of SB1064

- ASFA extension
- Undocumented Relative Placement
- Use of Consular/Passport ID
- Immigration Relief Option Screening
- MOU with Foreign Consulates

CA Legislation AB2015 (Mitchell)

Time of Arrest Protection for Immigrant Families

Key Components of AB2015

- 2 phone calls for primary caregivers at the time of arrest
- Oral translation of this right at the time of arrest
- Posting rights at the jail setting
- Additional phone call when transferred from jail to detention facilities

FOR MORE INFORMATION: Resources for Social Workers

ANNIE E CASEY FOUNDATION/When a Parent is Incarcerated – A Primer for Social Worker (See Chapter 4 on immigrant parents)

<http://www.aecf.org/KnowledgeCenter/ChildWelfarePermanence.aspx>



NATIONAL ASSOCIATION OF SOCIAL WORKERS – CA/The Intersection of Immigration Law, Its Enforcement, and Social Work Practice (2 CEU Units – Free)

<http://www.socialworkweb.com/nasw/choose/free.cfm>

FOR MORE INFORMATION: Resources for Policymakers

FIRST FOCUS & MCWNN/Caught Between Systems – The Intersection of Immigration and Child Welfare Systems, First Focus Policy Briefs (4 policy briefs and a fact sheet)

<http://firstfocus.net/library/reports/caught-between-systems-the-intersection-of-immigration-and-child-welfare-policies>

MCWNN & American Humane Association/ Research Brief - Children of Immigrants in the Child Welfare System: Findings from the National Survey of Child and Adolescent Well-Being

<http://www.americanhumane.org/assets/docs/protecting-children/PC-ChildofImmigrant.pdf>

