



THE CENTER FOR
IMMIGRATION
AND CHILD WELFARE

PLACEMENT OF CHILDREN WITH UNDOCUMENTED RELATIVES IN THE UNITED STATES

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EMERGING POLICIES TO ADDRESS THE NEEDS OF IMMIGRANT CHILDREN AND FAMILIES IN THE CHILD WELFARE SYSTEM

ABOUT THIS SERIES

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

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

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

This brief focuses on policies that address the placement of dependent children with undocumented relatives living in the United States. Although research has found that placing children with relative caregivers can enhance emotional well-being, research also suggests that child welfare practitioners often encounter barriers when attempting to place children with undocumented relatives. The policies in this category attempt to reduce these barriers and make placement with undocumented relatives a viable option in cases where such placement is in the best interest of the child in custody.

Of the 46 counties that participated in this project, four provided policies pertaining to placement with undocumented relative caregivers. Four broad categories of provisions were observed across these policies. These included: 1) permission to place with undocumented relatives, 2) criteria for placement with undocumented relatives, 3) acceptable forms of identification for background checks, and 4) applicable legislation. Descriptions of these categories are discussed below and in the following pages. Following these descriptions, summary tables are provided that indicate which of the categories of provisions were included in each of the policy documents.

POLICY PROVISIONS

Permission to place with undocumented relatives.

Provisions falling under this category explicitly state that undocumented relatives may be considered as a placement resource for a child. Three counties have policies containing this provision. Santa Clara and San Diego state that undocumented relatives may be considered as a placement resource, while Riverside states that children may be placed with non-qualified, non-citizen caregivers.

Criteria for placement with undocumented relatives.

Policies including this provision specify the criteria for considering undocumented relatives for placement. Three counties have policies containing this provision. Santa Clara

and San Diego both state that because relative caregivers are ineligible for federal foster care funding, they must demonstrate that they are able to financially support the child and must meet all other criteria that are used to determine whether kinship caregivers are a viable placement option. In addition to stating that undocumented relatives must acknowledge that they will be unable to receive federal funds prior to the child's placement, Riverside also states that all county funds may be used to fund the placement.

Acceptable forms of identification for background checks. In Los Angeles' Live Scan and California Law Enforcement Telecommunications System Clearances (CLETS) Procedural Guide, they specifically list documents accepted for conducting background checks on potential caregivers that are inclusive of undocumented caregivers. In particular, the policy identifies foreign passports and foreign consulate identification cards as acceptable documents.

Applicable legislation. In Los Angeles' Live Scan and California Law Enforcement Telecommunications System Clearances (CLETS) Procedural Guide, they identify that the Welfare and Institutions Code Section 361.4 (b) (2) considers foreign consulate identification cards and foreign passports as valid forms of identification for completing background checks on potential caregivers.

METHODOLOGY

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

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ABOUT THE CENTER ON IMMIGRATION AND CHILD WELFARE

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

TABLE 1. POLICY PROVISIONS

COUNTY	Permission to place with undocumented relatives	Criteria for placement with undocumented relatives	Acceptable forms of ID for background checks	Applicable legislation
LOS ANGELES			◆	◆
RIVERSIDE	◆	◆		
SAN DIEGO	◆	◆		
SANTA CLARA	◆	◆		