



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	VIII	Special Interest Topics	2-18-2020
Chapter:	H	Immigrant Children and Families	Revised Date:
Subchapter:	1	Service Provision	2-18-2020
Issuance:	100	Services to Immigrant Children and Families Generally	

Purpose:

This issuance establishes the policies and procedures for working with immigrant children and families.

Authority:

- 8 U.S.C. 1101 (a)(27)(j)
- 8 C.F.R. 204.11
- N.J.S.A. 9:6-8.10a
- N.J.S.A. 9:6-8.21
- N.J.S.A. 9:6-8.54(c)
- N.J.S.A. 30:4C-12
- N.J.S.A. 30:4C-15.1
- [A.O.-I-A-1-6:00](#) Confidentiality of Department Information and Records
- Vienna Convention on Consular Relations

Policy:

A) Eligibility for Service

Eligibility for CP&P services are not contingent upon a child or family's citizenship or immigration status. However, immigration status may impede a child or family's access to federally funded resources such as, but not limited to, NJ FamilyCare, Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), or housing programs. See, [CP&P III-A-1-100](#) Persons for Whom CP&P Can Provide Services.

B) Planning with Immigrant Families Receiving Services

CP&P staff shall team with families receiving services to identify community resources and informal family supports to develop a contingency plan(s) should a parent become detained or deported prior to case closure. See [CP&P III-A-1-400](#) Non-Citizens.

C) Working with Detained or Deported Parents

- 1) When it is determined that a parent has been detained by immigration authorities, the Worker shall obtain the location of the parent's detention and the contact information for the parent's Immigration and Customs Enforcement (ICE) case manager. When additional assistance is required, the Worker shall contact DCF's Immigration Legal Specialist at the Office of Legal Affairs.
- 2) When possible, a detained parent is entitled to visitation and contact with his or her child while the child is in the care and custody of CP&P. The Worker shall arrange visitation with the detention officer. The Worker shall notify the Detention Officer and parent of scheduled family proceedings. The Worker shall inquire about the parent's plan for the child while the parent is detained or deported. See, [Parental Interest Directive](#).
- 3) The detention or removal of a parent from United States may qualify as an exception to the Adoption Safe Families Act (ASFA) requirement for the Division to file a petition for guardianship of a child no later than 15 of the most recent 22 months that the child has been in placement.

D) Confidentiality

- 1) CP&P case information is confidential and subject to confidentiality laws unless there is a specific exception that applies to a situation. A CP&P employee is not authorized to release any information related to a child or family members case. See, [AO-I-A-1-6:00](#), Confidentiality of Department Information and Records.
- 2) When a request for information is received, from any immigration authority, the Worker or other CP&P employee shall direct the request or requestor to the Office of Legal Affairs for assistance. When contact with immigration authorities is necessary for the provision of services and planning for a child, staff shall notify the Deputy Attorney General (DAG) and the Office of Legal Affairs for guidance. This includes when a parent requests that the Worker write a letter or communicate with immigration authorities on his or her behalf.

E) Immigrant Child Enters CP&P Custody

- 1) When an immigrant child enters an out of home placement, the Worker shall notify the Office of Legal Affairs and refer the child for immigration legal assistance through CP&P's current provider.

- 2) **Note: The form is located on the DCF home page under the legal tab. On the right of the screen, select the “DCPP Referral to Rutgers Law School” link.**
- 3) An immigration attorney shall work with the child to identify any forms of immigration relief the child may be eligible for in the United States. In some instances, when the child is under the age of 14, the Local Office Manager may be required to sign immigration application forms on behalf of the child as the child’s legal custodian. While a child’s immigration case is pending, the Worker shall ensure that he or she, in consultation with the DAG, contacts the child’s immigration attorney at key points during the child welfare case in order to determine the impact on the child’s immigration case:
 - a. Whenever a change in custody of the child is contemplated by CP&P
 - b. Whenever the child is planning to travel out of the United States
 - c. Upon a child’s arrest (and provide arrest records when available)
 - d. Prior to a child attaining the age of 18
- 4) The Department of Children and Families shall work with the consulate of the child’s or parent’s country of origin to determine services the consulate may provide to the family. Contact the Office of Legal Affairs for consular notification. The consulate shall be permitted access to the child upon request and proper arrangement with DCF. CP&P shall provide information regarding litigation in the parent’s main language and contact information for the consulate.

Note: To obtain documentation of a child without identification, utilize International Social Services (ISS). See, [CP&P-IV-C-9-200](#), International Social Services. Information may be available through the foreign consulate.

The foreign consulate may assist in locating relatives when the child is in CP&P’s custody, obtaining identification documents when necessary, and assisting with service provision.

F) Special Immigrant Juvenile Status

- 1) An immigrant child may be eligible for Special Immigrant Juvenile Status (SIJS) when reunification with one or both parents or caregivers is unlikely due to abuse, neglect, abandonment or something similar. Title 30 litigation may qualify as a “similar basis” for purposes of a child applying to the U.S. Government for SIJS. A child may qualify for SIJS if they are in the custody of CP&P or a non-offending parent or caregiver.
- 2) Obtaining SIJS assists the child in accessing benefits he or she would not be eligible for without this immigration status, including access to federal financial aid for higher education and the ability to work legally in the

United States. A child with a pending SIJS application may also be eligible for NJ Family Care.

- 3) An applicant for SIJS may be eligible for SIJS if they are in the custody of CP&P or a non-offending parent or caregiver. Title 30 litigation qualifies as a similar basis for purposes of applying for SIJS, therefore the family court does not need to make a Title 9 finding of abuse or neglect to issue a SIJS predicate order.

Procedures:

1) Immigration Status

The Worker identifies a child or family member's immigration status by collecting identifying information about the family including; but not limited to, his or her social security number, place of birth, identification documents, or birth records to determine if additional supports are needed related to non-citizen status. DCF service provision is not based on citizenship.

2) Immigrant Child Enters CP&P Custody

- a) The Worker refers the child to legal assistance and the Office of Legal Affairs. The Office of Legal Affairs works with the consulate when necessary to
- b) determine services the consulate could provide to the family. The Office of Legal Affairs ensures proper consular notification to the child's country of origin in accordance with the Vienna Convention on Consular Affairs.
- c) The Worker informs the Medicaid Liaison. The Worker can access International Social Services to obtain documentation for the child's identity when necessary. See [CP&P IV-C-9-200](#), International Social Services.

3) Parent and Child Visitation at the Detention Center

The Worker contacts the detention officer to arrange visitation between the parent and child when the child is in the custody of CP&P. The Worker provides a copy of the court order to the detention officer mandating visitation between the child and the detained parent. When the child is unable to visit with a parent, the Worker contacts the Office of Legal Affairs.

4) Applying for the SIJS

The Worker and Supervisor consult with the DAG, and the child's immigration attorney, to apply for a SIJS predicate order from the Family Court presiding over the FN, FC, or FG. Contact DCF's Immigration Legal Specialist when necessary for clarification or consultation regarding a request for a SIJS predicate order.

Key Terms (Definitions):

- **Adoption Safe Families Act (ASFA):** Promotes timely permanency planning and placement for children in foster care and the of children's safety and well-being during the permanency process.
- **Detention Officer:** Point of contact at the ICE detention facility.
NJ FamilyCare: Health insurance program that helps qualified New Jersey residents of any age access affordable health insurance. See, [NJ FamilyCare](#).
- **Parental Interests Directive:** Is the policy and procedures to address the placement, monitoring, accommodations, and removal of certain undocumented immigrant parents or legal guardians. It also addresses individuals involved in both immigration court and family or child welfare proceedings. See, [Parental Interest Directive](#).
- **Supplemental Nutritional Assistance Program (SNAP):** New Jersey's supplemental nutrition program that can help low-income families buy the groceries they need to eat healthy. See, [NJ SNAP](#).
Temporary Assistance to Needy Families (TANF): Temporary cash assistance and other support services for families. See, [Work First NJ](#).

Related Information:

- [CP&P III-A-1-100](#), Persons for Whom CP&P May Provide Services
- [CP&P III-C-7-100](#), Rights and Responsibilities of Applicants and Clients
- [CP&P IV-A-11-200](#), Placement of Children with Kinship Caregivers Who Are Undocumented Immigrants
- [CP&P IV-C-9-100](#), Intercountry Adoption
- [CP&P IV-C-9-200](#), International Social Services
- [A.O.-I-A-1-6:00 DCF](#), Administrative Order 6: Confidentiality of Department Information and Records