



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE

Berkeley Social Welfare

WORKING WITH IMMIGRANT FAMILIES WHO ARE CHILD WELFARE SYSTEM INVOLVED: PROMOTING INCLUSIVE PRACTICES & POLICY RECOMMENDATIONS

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POLICY BRIEF | JUNE 2024

INTRODUCTION: FRAMING THE ISSUES AT HAND

Over the past two decades there has been an increase in immigrant families who have migrated to the U.S., and children in immigrant families now make up over a quarter of all children.¹ The U.S. child welfare system was not designed to serve immigrants, with their distinct and complex experiences, and despite this shifting demographic context, it has remained largely unreformed over the past 30 years.

When immigrant children and families become involved with the child welfare system, child welfare agencies often experience challenges in meeting the unique case requirements and service needs of this population. In response, several child welfare agencies and jurisdictions across the U.S. have made changes to implement programs that specialize in meeting the immigration-related components of these complex cases while ensuring equitable services to children and families regardless of immigration status.

Drawing on recent research by Lovato et al.², this policy brief seeks to highlight the various models that child welfare agencies have developed and implemented to effectively serve immigrant children and families who interact with the domestic child welfare system and meet the unique requirements of cases with immigration complexities. It identifies policy and practice solutions for child welfare policy makers, leaders, and service providers to increase equitable service provision to immigrant children

and families involved in the public child welfare system.

METHODOLOGY

Lovato et al.² conducted semi-structured, one-on-one interviews via Zoom with 10 child welfare agency representatives from seven different agencies in five states, including California, New Jersey, New Mexico, New York, and Oregon. Participants were recruited via purposive sampling methods through the Center on Immigration and Child Welfare's (CICW) Immigration and Child Welfare Practice Network. Participants represented child welfare agencies known to have existing models designed to serve immigrant children and families.

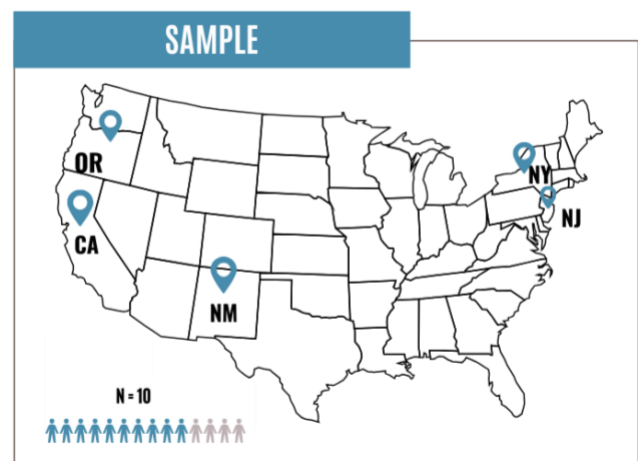


Figure 1. This image depicts the states that study participants represented.

FINDINGS

The analysis found three key themes related to how child welfare agencies approach serving children in immigrant families: (1) specialization of immigrant-related knowledge and skill sets; (2) formal and informal relationships with consulates and external stakeholders; and (3) creative and innovative approaches to engaging immigrant families.

CORE STUDY THEMES



Specialization of immigrant-related knowledge and skill sets



Formal and informal **relationships** with consulates and external stakeholders



Creative and **innovative approaches** to engaging immigrant families

► **Theme 1: Specialization of immigrant-related knowledge and skill sets**

Despite unique models for serving child welfare involved immigrants across jurisdictions, a common thread was the existence of units and/or staff with specialized expertise for serving immigrant children and youth, including three key critical components: (1) a specialized office or unit with immigration-related responsibilities; (2) a dedicated staff member(s) with specialized knowledge on immigration-related issues and questions; and (3) bilingual staff with language skills necessary to effectively communicate with parents.

Participants shared how a specialized immigration unit is able to address the unique and complex immigration-related issues and requirements in cases involving immigrant children and families. Similarly, in some jurisdictions a specific staff member with expertise on immigration-related matters is dedicated to working on immigration-related cases and provides leadership and consultation to colleagues. Finally, all participants emphasized the importance of bilingual staff, especially those who are certified as fluent, to ensure that child welfare services are made accessible in immigrant clients' preferred language.

So, you can't just say...I know a few words in Spanish because I go to my bodega (store) all the time. They really have to speak fluently. And if you get that certification, then you can directly speak with your client in the language in which you are certified, which of course is always better than using language services.

► **Theme 2: Formal and informal relationships with consulates and external stakeholders**

Participants emphasized the important role of consulates and other community providers in providing critical services in child welfare cases with immigrant families. They discussed the importance of establishing relationships with foreign consulates to accomplish and expedite key components of immigration-related cases, including consular notification, obtaining documentation (e.g., birth certificates), and accomplishing transnational elements of their work (e.g., family finding services).

Participants also discussed the importance of facilitating the engagement of parents in Immigration and Customs Enforcement (ICE) detention in their children's case and working closely with immigration legal service providers to ensure that immigrant children's legal needs can be met. Several participants specifically discussed utilizing the ICE Parental Interests Directive³ and/or working with the ICE Parental Interests Unit to involve parents who are in ICE detention child welfare cases, including in family visits and court hearings, and even to connect parents with their child welfare case attorneys.

Finally, participants shared that establishing relationships, e.g., via MOUs, with consulates and other community providers helps to streamline services, formalize collaborations and mutual expectations, and foster reunification efforts.

We are required to make reasonable efforts to facilitate visits and maintain contact with children while their parents are in detention, and we try to accommodate binational families by working with their consulate to communicate to parents who are abroad and/or obtain birth certificates

► **Theme 3: Creative and innovative approaches to engaging immigrant families**

Lastly, participants identified innovative and creative practices used to promote immigrant family engagement in child welfare services. They discussed the importance of dedicated rapport building with immigrant families and of implementing culturally informed practices, such as use of cultural brokers.

We have cultural brokers that are available, whether for families of color, but specifically for families who are Spanish monolingual, Spanish speaking, who might be undocumented.

Participants also discussed various “above and beyond practices” in their work with immigrant families, such as developing policies to allow placements with undocumented relatives, working extra hours to meet the needs of their immigrant clients, and pursuing contracts to facilitate access to needed services in special circumstances. Lastly, participants identified specific strategies to fostering transnational family engagement, including facilitating in-person transnational visits and utilizing technology to maintain connections across borders.



POLICY & PRACTICE RECOMMENDATIONS: WHAT CAN BE DONE?

Based on these findings, we highlight four policy and practice recommendations for child welfare policy makers, leaders, and service providers to provide equitable support to immigrant children and families involved in the public child welfare system: (1) Build specialized immigration units and/or positions; (2)

Prioritize hiring of bilingual staff and expansion of language access services; (3) Establish formal and informal relationships with consulates and other external stakeholders; and (4) Adopt creative and innovative approaches for engaging with immigrants.

► ***Build specialized immigration units and/or positions***

Creating specialized units and/or classified positions for staff who are experts on immigration issues is the preferred model for meeting the unique needs of immigration-related child welfare cases. These specialized units/positions help to ensure timeliness, due process, and equitable service provision in child welfare cases while navigating complex international policy and social systems. They also alleviate the need for already over-burdened child welfare workers to become experts on immigration issues.

► ***Prioritize hiring of bilingual staff and expansion of language access services***

This study highlights the critical nature of providing language access to ensure effective services to immigrant children, youth, and families in the child welfare system, whether through bilingual staff and/or interpretation and translations services. All agencies receiving federal funding are required to have a written language access plan according to National Culturally and Linguistically Appropriate Services (CLAS) Standards.^{4,5} Ideally, organizations will have a process for certifying staff who serve as language interpreters to ensure their proficiency and proper compensation for interpretation duties.⁶ Agencies should also have clear policy and procedure for providing outside language interpretation and document translation services if staff cannot provide communication in a family’s preferred language.⁶

► ***Establish formal and informal relationships with consulates and other external stakeholders***

The renewed Parental Interests Directive (PID)⁶ instructs ICE to enable detained parents to maintain connections with their child(ren) and participate in their child welfare cases and the reunification process. Child welfare agencies should ensure staff are informed about the PID and utilize it to advocate for the immigrant children and parents they work with. It is important for child welfare agencies to communicate and build relationships with local ICE officials and the ICE Parental Interests Coordinators

to facilitate the participation of parents in child welfare proceedings, parent-child visits, and other child welfare case aspects, ensuring that confidential information about the child welfare case is not released and remains protected.

Our findings also point to the importance of MOUs with foreign governments and other external entities to formalize pathways to support and needed services for immigrants. MOUs with foreign country consulates delineate mutual responsibilities when foreign nationals or children of foreign nationals are involved in U.S. child welfare cases and establish pathways to facilitate transnational work and communications. Formal contracts and relationships with immigration legal services organizations or immigration attorneys may be necessary for ensuring that children and youth are appropriately screened and provided representation for immigration relief. Immigration attorneys may be difficult to come by, especially in rural areas, so the establishment of state- or county-wide agreements to support an immigration legal provider to serve child-welfare-involved children is crucial.

► ***Adopt creative and innovative approaches for engaging with immigrants and serving their unique and specialized needs***

Child welfare cases with immigration-related issues come with many complexities and unexpected challenges that require adaptation and creativity. Adopting a practice approach that prioritizes creative and innovative thinking and pursues out-of-the-box solutions enables child welfare workers to engage immigrant families, navigate barriers that arise due to legal status, and successfully accomplish critical transnational work.

CONCLUSION

The intersection of immigration and child welfare is an area of great complexity that impacts one of the most vulnerable populations – children who are immigrants and experiencing involvement with the child welfare system – and it is an intersection that has been too often overlooked by the domestic child welfare system. In order to improve equitable service provision to immigrant children and families with child welfare system involvement, child welfare systems should invest in building specialized expertise on immigration policy, ensuring language

access, building and formalizing relationships with key immigration and child welfare stakeholders, and providing training and support to caseworkers on these immigration-related issues.

Future areas for research on this topic should include exploring how urban and rural jurisdictions are serving immigrant families especially in light of ongoing state and federal immigration-related policy changes, and whether certain models developed to serve immigrant children and families are more beneficial than others for achieving equitable outcomes. Finally, future research and policy making in this area should center the voices of key stakeholders, including immigrant youth and families and resource and kinship caregivers.

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Dr. Kristina Lovato, PhD, MSW is an Assistant Professor of Social Welfare at UC Berkeley, a member of the Latinx and Democracy cluster, and the Director of the Center on Immigration and Child Welfare. Her scholarly work focuses on enhancing the well-being of Latinx and immigrant families at risk of immigration enforcement and/or public child welfare involvement. She employs critical theoretical, and intersectional qualitative methodological approaches to examine the impact of restrictive immigration policies among youth and families who have experienced a forced family separation due to immigration enforcement. Her research aims to better understand the lived experiences of immigrant communities to develop policies, systems, and services that are culturally responsive and equity-based regardless of legal status.

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ABOUT THE CICW

The Center on Immigration and Child Welfare (CICW) is housed in the School of Social Welfare at the University of California, Berkeley. The CICW promotes the welfare of children of immigrants and their families through original research, resource development and distribution, training and technical assistance, and national leadership. Its Immigration and Child Welfare Practice Network includes practitioners and administrators from state child welfare agencies, representatives from large nonprofit organizations focused on immigration and children's issues, legal professionals, and researchers. Learn more by visiting our website at

www.cimmcw.org.



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