



THE CENTER ON
IMMIGRATION
AND CHILD WELFARE
INITIATIVE

Berkeley Social Welfare

Guidance for Child Welfare Agencies to Prepare for a 2nd Trump Administration

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On January 20, 2025, a second Trump administration will take office. While we cannot predict the future, based on the past and recent statements, we anticipate many changes to immigration enforcement policies as well as restrictions to various forms of immigration relief, including worksite raids, expanded enforcement priorities and the use of expedited removal, the repeal of DACA and of deferred action and work permits for approved SIJS youth, changes to SIJS and other forms of humanitarian relief (e.g., T-visa, U-visa, asylum, TPS), and a reintroduction of travel bans, likely from several Muslim countries. Some of these changes can occur quite quickly through Executive Orders or changes in policy, while others will require legislative action and therefore will take longer, if they occur at all.

In light of these anticipated changes, we have compiled 5 top tips for child welfare practitioners and agencies working with immigrant children and families:

1

Designate a point person for immigration within the agency.

A designated point person/liaison can be responsible for keeping abreast of the latest changes in immigration-related laws and policies, answering staff questions, connecting children and youth with immigration legal representation, and liaising with ICE/immigration officials.

2

Develop a non-disclosure/confidentiality policy that prioritizes confidentiality as to immigration status and governs any communication with ICE.

- There is no duty under federal law to report undocumented individuals to ICE.
- Consider creating a formal policy that outlines confidentiality and that directs staff not to share any information with ICE/immigration enforcement.
- Create a process to route any requests for information from ICE to an attorney or the designated immigration specialist.
- Ensure that staff are trained on what to do if they receive a request for information from ICE.

3

Identify Contact(s) for ICE Parental Interest Directive

The [ICE Parental Interest Directive](#) ensures a parent or legal guardian arrested or detained by ICE can maintain visitation with their child or incapacitated adult for whom they serve as guardian, coordinate their care, and participate in any related court or child welfare proceedings, without regard to the dependent's citizenship or immigration status.

ICE Parental Interest Directive Resources

- [Fact Sheet for Child Welfare & Guardianship Stakeholders](#) (ICE, 2023)
- ICE online Detainee locator system: <https://locator.ice.gov/odls>
- To identify the appropriate Field Office to address your inquiry: <https://www.ice.gov/contact/field-offices>

4

Educate and encourage families to engage in Emergency Family Planning

For families where the children are not in the custody of a child welfare agency (foster care), it is advisable for them to engage in emergency family planning. They might want to create a Power of Attorney so that alternate caregiving arrangements are made for the children should the parent(s) be detained or deported.

Examples of Safety Planning and Power of Attorney tools:

- **General Information:** [Protecting Assets and Child Custody in the Face of Deportation](#) (Appleseed Network, 2017)
- **Arizona:** [Power of Attorney: Forms & Instructions](#) (Superior Court of Arizona in Maricopa County)
- **California:** [Step-by-Step Family Preparedness Plan](#) (Immigrant Legal Resource Center, 2024)
- **Connecticut:** [Information and Instructions: Designation of a Standby Guardian of a Minor](#)
- **New Jersey:** [Emergency Planning in Case of the Detention Or Deportation of Parents](#) (Rutgers Law School, 2021)
[Commonly Asked Questions](#) (Rutgers Law School, 2021)
- **Washington:** [Immigrant Safety Plan for Youth and Children](#) (Legal Counsel for Youth and Children, 2021)

5

Collaborate with Nonprofit Immigrant Rights Organizations

- These organizations can be a resource to children and families as well as agency staff and advocates.
- The immigration specialist or another identified staff should begin/continue to connect with nonprofit immigrant rights organizations.
- These organizations will be up to date on recent executive orders and changes in immigration-related laws and policies.
- Many of these organizations are also conducting Know Your Rights presentations that can be helpful to families.