

Properly Assessing Immigrant Children & Their Families to Best Meet the Complex Needs While in the System



National CASA Conference
March 19th - 22nd, 2011
Chicago, Illinois

Presented By:

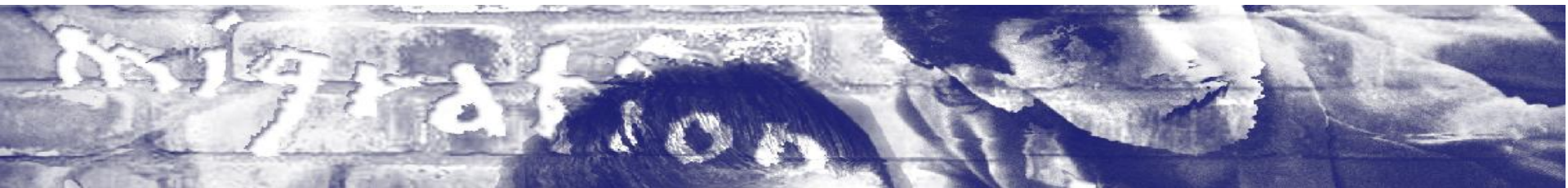
Ken Borelli, Consultant, Immigration and Child Welfare/BRYCS & Co-author of SIJS Legislation

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Migration **and Child Welfare** **NATIONAL NETWORK**

- A national coalition looking at the intersection between immigration and the public child welfare system.
- To increase the effectiveness of the child welfare system's and other corresponding systems' response to issues of migration.
- Members learn from the experience and expertise of others, share knowledge and strategies, participate in collaborative efforts to improve services for immigrant children and families.
- Acknowledges that a single field or organization would not have the necessary knowledge or resources to adequately protect the millions of children from immigrant families with legal, human rights, and child well-being resources.

www.americanhumane.org/migration



Why a national network?

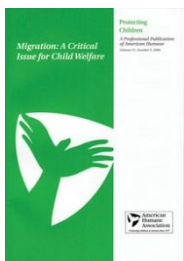
2006 Roundtable on the intersection of immigrant and child welfare determined:

- ❖ Lack of sufficient research/ shared knowledge about this growing population
- ❖ Changing demographics within child welfare: small # of cases, but increase is complexities
- ❖ Child welfare goals of safety, permanency, and well- being: unprepared professionals; no funding sources
- ❖ Rapid escalation of immigration issues nationally: families caught between systems; lack of common definitions and timetables across disciplines
- ❖ Growing public concern
- ❖ Efforts of individual organizations not sufficient to address problems of growing proportions
- ❖ Untapped transnational resources



MCWNN Resources

www.americanhumane.org/migration or cwmn@americanhumane.org



Protecting Children:

- 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 & Migration 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)

www.americanhumane.org/migrationtoolkits

Additional Resources:

- Workshop Presentations and PowerPoint
- Roundtable and conference proceedings & materials
- Articles and Research from MCWNN members



Federal Immigration Definitions

Legal permanent resident (LPR) = *noncitizens admitted for permanent residency (“green card” holders)*

Legal temporary residents = *noncitizen, admitted on a temporary basis, i.e. students, tourists, workers*

Naturalized citizens = *immigrants who have become U.S. citizens after passing the citizenship test and living for 3-5 years as an LPR*

Refugees and Asylees = *admitted for “well founded fear of persecution”, can apply for LPR after 1 year*

Undocumented immigrants (illegal) = *entered illegally or overstayed visas*



Status & Relief Options Toolkit:

Potential Citizenship Options

T Visa – Victims of trafficking. Person is coerced into sexual or labor services. This is a temporary visa but a person can apply for permanent residency after 3 years.

U Visa – Victims of crimes. Person is eligible if he/she has suffered substantial physical or mental abuse & is helpful with law enforcement. Temporary visa but a person can apply for permanent residency after 3 years.

Special Immigrant Juvenile Status (SIJS) – Youth is under the jurisdiction of the juvenile court, court has found that the youth can not reunite with one or both parents due to abuse, neglect or abandonment.

VAWA (Violence Against Women Act) – Person has been battered or subjected to extreme cruelty by a US Citizen or LPR parent or stepparent.

Additional Definitions

Family Visa – child or youth has a biological, step or adoptive parent that is a US citizen or LPR that is willing to help them immigrate to the US and become an LPR.

Human Trafficking: The recruitment, transportation, harboring or receipt of people for the purposes of slavery, forced labor, or servitude.

US Citizenship and Immigration Services (USCIS): formerly known as Immigration and Naturalization Services or INS. Charged with processing all immigration petitions, with field offices throughout the US where interviews are held for potential immigration options. Not responsible for immigration enforcement or ICE.

[See the complete: ***Status & Relief Options Toolkit: Potential Citizenship Options***, in your handouts for more definitions]

Brainstorming Activity

Strategic Points of CASA Assessment & Intervention with Immigrant Children and Families A Child Welfare Flow Chart



Child Welfare System Flowchart

1. Report called in to hotline: A report of suspected child abuse or neglect is called in to the child abuse hotline by a mandated reporter (often school or medical personnel) or a concerned individual.

Potential immigration issues: Child protective services involvement may prohibit an undocumented immigrant from gaining legal status; fear of being reported and/or deportation may cause the parents to flee. In addition, referrals may come from the Office of Refugee Resettlement - Division of Unaccompanied Children's Services (DUCS)*.

2. Call screened: Hotline staff screens the call to determine if an investigation is warranted. Some states have an "alternative response" or "differential response" assessment track.

2a. Cross-report filed: If evidence of abuse is found, a cross-report is sent to law enforcement for further action.

Potential immigration issues: Once law enforcement is involved, there is heightened risk that the parents may flee. This is especially true since many communities have begun to criminalize undocumented immigrants. Many immigrants left countries with harsh authoritarian regimes or corrupt government agencies and may distrust government agencies. Likewise, the parent may be cross-reported to state child abuse indexes that may impact employability and background clearance.

2b. Case not investigated: The hotline staff assesses the evidence and decides it is not sufficient to open a case. The case may be referred to a community-based organization.

3. In-person investigation: A caseworker conducts an in-person investigation to assess evidence of child abuse or neglect.

Potential immigration issues: Cultural norms and child-rearing practices may differ from practices in the U.S. Communication problems and lack of appropriate translation services may lead to inaccurate or insufficient information about a case.

4a. Case closed: An investigation determines suspected abuse or neglect is unfounded or the evidence is inconclusive.

4. Case substantiated: An investigation confirms evidence of child abuse or neglect.

Potential immigration issues: An assessment by legal immigration experts may find that the child qualifies for a U visa* as a victim of serious crime.

5a. Child removed from home: The child is taken into custody and placed in an emergency shelter, foster home or kinship care.

Potential immigration issues: The child may qualify for Special Immigrant Juvenile Status (SIJS)*. Kinship care should include international searches. Team decision making (TDM)* and family group decision making (FGDM)* may occur at this point. It is important to be mindful of emerging immigration issues in terms of placement, barriers to cooperation and coordination of out-of-home placement.

5b. Voluntary services provided: The child remains at home. The family may agree to voluntary in-home services for 3-6 months (or longer in some states).

6a. Voluntary services fail: The abuse continues, a new report of abuse or neglect is confirmed or voluntary services fail for other reasons.

Potential immigration issues: The child may qualify for SIJS, but the application must be submitted while the court has jurisdiction over the child.

6b. Case closed: In-home services or voluntary in-home services succeed in providing a safe and secure environment for a child.

6/7. Dependency petition filed: SEE NEXT PAGE

Child Welfare System Flowchart

6/7. Dependency petition filed: A petition is filed in juvenile dependency court by the child welfare agency, beginning a series of judicial hearings. All parties to the proceedings will have access to legal counsel, including children, parents and the child welfare agency.

Potential immigration issues: The child may qualify for SIJS, but the application must be submitted while the court has jurisdiction over the child.

8. Child becomes a dependent of the court or child welfare agency: The court places the child under its jurisdiction or that of the child welfare agency.

9a. Family maintenance: The court leaves the child in the home and orders the child welfare agency to develop a case plan and provide services to the family.

10a. Case dismissed or settled: The court finds the problems that brought the family into court have been remedied.

10b. Family maintenance fails: A petition for the removal of the child from his or her family is filed with dependency court.

9b. Family reunification: The court orders the child placed in out-of-home (foster) care to keep the child safe, and orders the child welfare agency to develop a reunification plan with the parents. Concurrent planning is required to prepare for an alternative permanent placement should reunification fail.

9/10c. Permanency planning: The court decides the child cannot safely be returned home and/or efforts to reunify with the birth family should end. The court orders another permanent placement plan to be selected. Family reunification may be skipped in egregious situations, going straight to permanency planning.

Potential immigration issues: The SIJS application should be submitted while the court has jurisdiction over the child. For some states, dependency may be extended to age 21 to extend the timeline for the SIJS application. Other options include U visas*, T visas* and relative petitions. In the event of a denial, immigration legal representation needs to explore appeals.

10d. Case dismissed or settled: The family successfully completes the service plan and the child is returned home.

11a. Another planned permanent living arrangement (APPLA): This refers to a type of placement when a youth "ages out" and becomes too old to remain in foster care (mostly age 18, with some states allowing an extension to age 21).

11b. Permanent placement with relative/subsidized guardianship: Parental rights are transferred to a caretaker so the caretaker will become the child's legal guardian. Often an adult relative, the child's legal guardian must meet the state's standards for child protection.

11c. Adoption: All parental rights and responsibilities for the child are given to another person(s). Parental rights are terminated permanently.

Adapted from Reed, D. E., & Karpilow, K. A. (2002, November). *Understanding the child welfare system in California: A primer for service providers and policymakers*. Berkeley, CA: California Center for Research on Women and Families, Public Health Institute. Available at <http://www.ccrwf.org>.

* See glossary in Immigration Status and Relief Options Tool Kit for definitions and descriptions. www.americanhumane.org/migration.

Step # 1: Report is Called into the Hotline

1. A report of suspected child abuse or neglect is called in to the child abuse hotline by a mandated reporter (often school or medical personnel) or a concerned individual.

Potential immigration issues: Child protective services involvement may prohibit an undocumented immigrant from gaining legal status; fear of being reported and/or deportation may cause the parents to flee. In addition, referrals may come from the Office of Refugee Resettlement - Division of Unaccompanied Children's Services.

CASA's Role: Mandated reporter; Places the hotline call as new issues arise in a case; Not a role for all CASAs

Step # 2: Call Screened

2. Hotline staff screens the call to determine if an investigation is warranted. Some states have an “alternative response” or “differential response” assessment track.

2a. Cross-report filed: If evidence of abuse is found, a cross-report is sent to law enforcement for further action.

Potential immigration issues: Once law enforcement is involved, there is heightened risk that the parents may flee. This is especially true since many communities have begun to criminalize undocumented immigrants. Many immigrants left countries with harsh authoritarian regimes or corrupt government agencies and may distrust government agencies. Likewise, the parent may be cross-reported to state child abuse indexes that may impact employability and background clearance.

CASA's Role: Growing area of CASA involvement; various from state-to-state

Step #3: In-person Investigation

3. A caseworker conducts an in-person investigation to assess evidence of child abuse or neglect.

Potential immigration issues: Cultural norms and child-rearing practices may differ from practices in the U.S. Communication problems and lack of appropriate translation services may lead to inaccurate or insufficient information about a case.

CASA's Role: N/A

Step #4: Case closed/Substantiated

4a. Case closed: An investigation determines suspected abuse or neglect is unfounded or the evidence is inconclusive.

4. Case substantiated: An investigation confirms evidence of child abuse or neglect.

Potential immigration issues: An assessment by legal immigration experts may find that the child qualifies for a U visa* as a victim of serious crime.

CASA's Role: N/A

Step #5: Child removed from home/voluntary services provided

5a. Child removed from home: The child is taken into custody and placed in an emergency shelter, foster home or kinship care.

Potential immigration issues: The child may qualify for Special Immigrant Juvenile Status (SIJS).* Kinship care should include international searches. Team decision making (TDM)* and family group decision making (FGDM)* may occur at this point. It is important to be mindful of emerging immigration issues in terms of placement, barriers to cooperation and coordination of out- of-home placement.

Voluntary services provided: The child remains at home. The family may agree to voluntary in- home services for 3-6 months (or longer in some states).

CASA's Role: At the initial hearing, CASA assigned to the case; CASAs start to identify immigration issue for child and/or family;

Step #6: Voluntary services fail/Case closed

6a. Voluntary services fail: the abuse continues, a new report of abuse or neglect is confirmed or voluntary services fail for other reasons.

Potential Immigration Issues: The child may qualify for SIJS, but the application must be submitted while the court has jurisdiction over the child.

6b. Case Closed: In-home services or voluntary in-home services succeed in providing a safe and secure environment for a child.

CASA's Role: CASA involvement continues at the dependency level; various from state to state; CASA reports abuse or neglect

Step #7: Dependency Petition Filed

7. A petition is filed in juvenile dependency court by the child welfare agency, beginning a series of judicial hearings. All parties proceedings will have access to legal counsel, including children, parents, and the child welfare agency

Potential Immigration Issues: The child may qualify for SIJS, but the application must be submitted while the court has jurisdiction over the child.

CASA's Role: CASA assigned/appointed; attorney ad litem's expected to come to court with some initial investigation complete – CASA connects with attorney ad litem

Step #8: Child become dependent of court or child welfare agency

8. The court places the child under its jurisdiction or that of the child welfare agency.

CASA's Role:

Step #9: Family Maintenance/ Reunification/Permanency Planning

9a. Family maintenance: The court leaves the child in the home and orders the child welfare agency to develop a case plan and provide services to the family.

9b. Family reunification: The court orders the child placed in out-of-home (foster) care to keep the child safe, and orders the child welfare agency to develop a reunification plan with the parents. Concurrent planning is required to prepare for an alternative permanent placement should reunification fail.

9/10c. Permanency planning: The court decides the child cannot safely be returned home and/or efforts to reunify with the birth family should end. The court orders another permanent placement plan to be selected. Family reunification may be skipped in egregious situations, going straight to permanency planning.

Potential immigration issues: The SIJS application should be submitted while the court has jurisdiction over the child. For some states, dependency may be extended to age 21 to extend the timeline for the SIJS application. Other options include U visas*, T visas* and relative petitions. In the event of a denial, immigration legal representation needs to explore appeals.

[See next slide for CASA's role]

Step #9: Family Maintenance/ Reunification/Permanency Planning

CASA's Role: CASA's role! Talk with children and family about immigration challenges and needs

Step #10: Case dismissed/family maintenance fails/permanency planning

10a. Case dismissed or settled: The court finds the problems that brought the family into court have been remedied.

10b. Family maintenance fails: A petition for the removal of the child from his or her family is filed with dependency court.

9/10c. Permanency planning: The court decides the child cannot safely be returned home and/or efforts to reunify with the birth family should end. The court orders another permanent placement plan to be selected. Family reunification may be skipped in egregious situations, going straight to permanency planning.

[See potential immigration issue in Step 9]

10d. Case dismissed or settled: The family successfully completes the service plan and the child is returned home.

CASA's Role: CASA continues to advocate for immigration needs of child(ren) and family on the case. Ensures all documents are acquired for child(ren) prior to case closing or aging out

Step #11: APPLA/Permanent placement/Adoption

11a. Another planned permanent living arrangement (APPLA): This refers to a type of placement when a youth “ages out” and becomes too old to remain in foster care.

11b. Permanent placement with relative/subsidized guardianship: Parental rights are transferred to a caretaker so the caretaker will become the child’s legal guardian. Often an adult relative, the child’s legal guardian must meet the state’s standards for child protection.

11c. Adoption: All parental rights and responsibilities for the child are given to another person(s). Parental rights are terminated permanently.

CASA’s Role: CASA terminate at adoption

National Resources

Bridging Refugee Youth and Children's Services (BRYCS)

www.brycs.org

Office of Refugee Resettlement (ORR): www.acf.hhs.gov/programs/orr

Division of Unaccompanied Children's Services (DUCS)

www.acf.hhs.gov/programs/orr/programs/unaccompanied_alien_children.htm

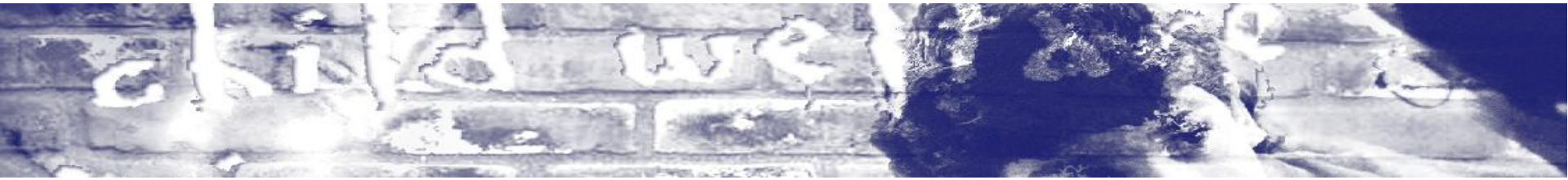
Lutheran Immigrant and Refugee Services (LIRS): www.lirs.org

Immigrant Legal Resource Center: <http://www.ilrc.org/>

Project Implicit: Race and Ethnicity quizzes: <https://implicit.harvard.edu/implicit/>

American Bar Association Center on Children and the Law: www.abanet.org/childrenandthelaw

American Humane Association: www.americanhumane.org/migration



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