



July 25, 2019

Position Statement on Immigration Separation

In an effort to address the horrific treatment of children and families across the U.S. border, the Child Welfare League of America (CWLA) urges the Congress and President to strengthen protections of these families from abuse, trauma, and separation.

As an organization we are strongly opposed to separating children from their parents—especially given the trauma they and their parents have experienced during their journey. Although we do not see the state child welfare system as the appropriate authority to determine whether these families should be the subject of parental termination of rights, we do believe that the guiding goals of the child welfare system of ensuring child safety, permanency and well-being should apply in this situation.

In light of this, we are supportive of the initial steps to achieve this goal, including the recently introduced *Humane Enforcement and Legal Protections (HELP) for Separated Children Act (H.R. 3451)* and the *Help Separated Families Act (H.R. 3452)*. The first bill seeks to implement certain minimum rights for parents by allowing parents to arrange for the care of their children, requires continued contact between parents who have been detained and their children, and ensures parents are able to fully participate in child welfare proceedings when the child welfare system is involved. The second bill represents long-overdue reforms that should have been enacted many years before the recent surge in border crossings.

The *Help Separated Families Act* includes critical provisions to address barriers that may prevent children in the child welfare system from being able to reunify with a parent who has been detained or deported or to be placed in the care of a family member. The bill prohibits immigration status alone from being a factor in placement decisions and permits certain forms of foreign identification for purposes of a background check. These provisions can help in placing these children in relative-kinship care. The bill allows child welfare agencies to delay the process for terminating parental rights in cases when a parent is detained or deported, unless certain conditions are met.

We are concerned with legislation that would rely on state child welfare courts to terminate the rights of the parent or legal guardians, or to separate these children from their parents based on domestic child welfare policy and practice. Our number one goal in child welfare policy is to keep families together when appropriate, and if this is not possible, to place children within relative care settings. In many of these cases, family reunification could face geographic, language, and international barriers that could inappropriately cause a termination of parental rights.

CWLA strongly believes that in regard to refugee resettlement cases and minors who are unaccompanied, the federal government must place these families and youth with the appropriate contracted and trained agency or in the appropriate community-based setting. Decisions related to the termination of the rights of the parent or legal guardians, or to separating these children from their parents or guardians, are complex, and although they can rely on the goals of domestic child welfare policy and practice, they require additional guidelines, training, and accountability for the people making the decisions.

CWLA is concerned about the lack of information on the location of children who already have been separated from their parents and believes that every attempt must be made to reunite them with their parents. An appropriate tracking system should also be put in place to ensure quick reunification if there has been an appropriate separation.

We encourage federal reforms that protect children from abuse in these detention facilities by requiring federal employees to be mandatory reporters of child abuse. We urge that these facilities be open to inspection—both state inspection and public review. And we urge immigration enforcement to preserve families, except in cases of trafficking and actual child abuse.