



Family Separation in the Sunshine State:

Preparing for the Traumatic Impact & Economic Costs of Immigrant Parent Deportation on Florida's Child Welfare System



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Overview

The detention or deportation of parents has rippling emotional and economic effects on the children, the state and society. **“Family Separation in the Sunshine State”** outlines the challenges in preparing for the traumatic fallout and economic crisis that could impact Florida.

II. Introduction

The deportation of an undocumented parent living in the United States has a devastating impact on their family. Whether or not the children are U.S. citizens, the separation from their family drastically influences their emotional and psychological well-being. Deportation of immigrant parents also has an economic effect on the state. Once a parent is either detained or deported, their children are likely to be placed in foster care, the “24-hour substitute care for children outside their own homes” (“Foster Care Statistics 2016”, 2018). According to reports, nationally, there are between 3.9 million (Passel, J. S., & Cohn, D., 2016) to 5.1 million (Capps, R., Fix, M., & Zong, J., 2017) children living with at least one parent who is undocumented. In Florida, there are 357,638 children living with an undocumented family member (Mathema, 2017). The potential for separation and subsequent entry of children into the foster care system is alarming.

In Florida, there are three factors in the forecast for the 2019 custodial needs that could overwhelm the foster care system. First, beginning January 2019, 50,000 adult Florida residents living with Temporary Protective Status (TPS) are expected to return to their home countries due to the federal government’s cancellation of their legal status (“Center for American Progress”, n.d.; Castillo, 2018). These TPS recipients collectively have 28,100 U.S.-born children in Florida who may not have a guardian designated or appropriate guardianship paperwork completed. Therefore, these children could fall into the Florida foster care system due to parental expulsion.

Secondly, across the country, between October 2017 and July 2018, there were 984 workplace raids (enforcement) by Immigration and Customs Enforcement (ICE) across the country (Fang, 2018). This is five times greater than the previous fiscal year. Between April and August of 2018, the six largest sweeps took place in rural communities that mirror those of Florida. In Tennessee, a raid left 160 children without parental presence (Burke, 2018). In Ohio, almost 300 undocumented workers were detained in June after two of the biggest workplace raids in U.S. history, leaving behind hundreds of children with no custodial support (Schmidt, 2018; Tuggle, Z., Balmert, J., & Thompson, C., 2018). Schools became the unprepared recipients of overseeing children when parents were detained (Diep, 2018; Chaudry et al., 2010).

Lastly, federal policies are resulting in massive administrative arrests of undocumented individuals (Whitford, 2017). These arrests have been for civil violations, where individuals had no criminal record. This is triple the number of arrests from the previous year (Leonard, 2018). Since the release of two Executive Orders in January 2017, and corresponding Department of Homeland Security memos, individuals have been apprehended on the streets, at airports, bus stations, in their homes and during “roving stops” (Domonoske & Rose). The administrative arrests do not include those that take place at immigration check-in appointments or upon the rejection of residency petitions at courthouses (“Freezing Out Justice”, 2018). The implementation of these policies is increasing the number of children left without parental care (Passel & Cohn, 2016). This potential influx of children into foster care, combined with the upsurge of children presently in the child welfare system due to the State’s opioid crisis (Blustain, 2018), will overload Florida’s capacity to provide care and simultaneously cripple the State’s budget.

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III. Purpose of the Report

“Family Separation in the Sunshine State” will cover the following five areas:

- 1) Scope of the problem
- 2) Economic toll placed on Florida’s child welfare system
- 3) Traumatic consequences on children of detained or deported parents
- 4) Rights of parents and children
- 5) “Action Steps” to mitigate these consequences

This report explores the foster care system’s prioritization of family reunification and provides guidance to child welfare agencies to ensure that family reunification becomes a reality for those separated by detention or deportation.

The appendices (starting on page 14), offer information on Safety Plans and Power of Attorney; tools that might have been prepared by parents and impacts a child’s placement if parents are detained or deported. The federal directive released by Immigration and Customs Enforcement (ICE), the agency charged with enforcing “federal laws governing border control, customs, trade and immigration,” on parental rights is also included (“Who We Are”, 2018).

This report does not provide legal advice; any questions or concerns regarding an individual’s case of detention, deportation or the transfer of guardianship should be discussed with a lawyer.



IV. Number of Children Impacted

In 2014, the Pew Research Center reported that about 3.9 million school children nationally (of which 3.2 million were U.S. citizens) had at least one parent who was undocumented (Passel & Cohen, 2016). Once a parent is deported, there is a greater chance that their children will be placed into the foster care system. In 2016, ICE reported that 11,543 parents who were deported had U.S. citizen minors (U.S. Immigration and Customs Enforcement, 2016). This data excludes the number of U.S. citizen children each parent has and fails to account for children without status who are left behind when a parent is deported. It also fails to account for those children placed in foster care who have been separated from other siblings.

In Florida, between 2010 and 2014, there were 357,638 children living with at least one undocumented family member (Ruggles et al., 2017). This data does not reflect the increased representation of adults and children arriving from Central America and seeking asylum since 2015, nor parents who will soon lose their Temporary Protective Status, leaving approximately 28,100 U.S. citizen children in Florida without caregivers.

The “Shattered Families” national report conservatively estimated that in 2011, there were 5,100 children in foster care due to their parent’s detention or deportation (Wessler, 2011). This comprised 1.25% of all children in the U.S. foster care system. Wessler’s

study estimated that by 2016, an additional 15,000 children would be placed in foster care for the same reason. Using the 1.25% reported in “Shattered Families” to generate an estimate of the children that could be experiencing this situation, it would be estimated that of the 19,000 children currently in Florida’s foster care system, 238 could have been placed there due to the detention or deportation of a parent (“Florida foster care and adoption guidelines”, n.d.). Under the Trump administration’s executive orders, which expand deportation priorities, these cases are expected to increase between 2018 and 2019 (“Enhancing Public Safety in the Interior of the United States”, 2017).

V. The Economic Costs of Foster Care to the State of Florida

As we examine the economic toll of an influx of children of detained or deported immigrant parents into the Florida child welfare system, there are three immigration enforcement factors to consider:

1. The potential impact of mass deportations, as pledged by the Trump Administration, on child welfare services. Immigration policies, emerging from Washington, place these children at risk of entering Florida’s foster care system due to a parent or guardian’s lack of legal status.
2. The anticipated elimination of TPS status of 44,800 Florida residents will leave 28,100 of their U.S.-born children without parental care.
3. An increase in worksite investigations and raids (“ICE delivers more than 5,200 I-9 audit”, 2018). Foreshadowing the effect on Florida, between May and June 2018, ICE carried out three major raids in other states.

Depending on the age of the child, foster care can cost the State of Florida approximately \$5,495 a year per child (\$458-\$550 per month) (“My Future, My Choice”, n.d.). This amount does not include costs for children

with special needs, administrative overhead, legal fees, interpreters or translators, nor healthcare costs. The State is legally required to cover health costs as Federal child welfare funds cannot be used to pay for Medicaid (“Health-Care Coverage for Youth in Foster Care”, 2015).

Along with these economic costs, the reunification process for children placed in foster care because of a parent’s detention or deportation holds specific challenges. For example, language barriers and communication across country borders may result in extended time for children within the foster care system. Therefore, agencies should anticipate a greater demand on the budget to cover the cost of these prolonged stays.

As previously stated, there are over 350,000 children in Florida who could face family separation as a result of immigration enforcement. The resources necessary to care for these children will require extensive efforts to find and prepare safe, loving foster homes and a drastic increase in the annual budget. For example, the intake of 500 children of immigrant parents into foster care, at \$5,495 annually per child (room/board), would cost Florida approximately \$2,700,000 per year as shown in Figure 1 on page 7 ($500 \text{ children} \times \$5,495 = \$2,747,500$).

Federal funds for foster care are available to states through the Social Security Act, authorized under Title IV-E and IV-B (“The Public Health and Welfare”, 2018). According to a federal report on child welfare, “Congress has annually appropriated between \$7.6 and \$8.7 billion dedicated to child welfare purposes” (Stoltzfus, 2017). States receive federal reimbursement for all eligible costs associated with providing foster care. Foster care programs are implemented by the Children’s Bureau, which provides state support for room and board payments (“Foster Care”, 2018). It is important to

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emphasize that in Florida, funds received are capped for foster care (“Certification of Local Funds”, 2015).

VI. The Societal Impact of Family Separation

The separation of families due to the detention or deportation of a parent negatively impacts the physical and mental health of the children involved (“U.S. Citizen Children Impacted”, 2018). Several studies have found that children with at least one deported parent experience depression and “deteriorating physical health and performance in school” (Koball et al., 2015). These children also suffer anxiety, aggression, and behavior problems (Zayas and Heffron, 2016), or symptoms of post-traumatic stress disorder (PTSD) (Rojas-Flores et al., 2016; “U.S. Citizen Children Impacted”, 2018). Findings from the Adverse Childhood Experiences (ACEs) research reflect the toxic impact of separation of immigrant children from their parents. These symptoms and behavioral issues carry long-term, debilitating consequences. Family separation also costs the public welfare system hundreds of thousands of dollars (Pecora et al., 2003; Stevens, 2018).

In addition to the economic costs of keeping a child in foster care, there are persistent societal costs to consider. These concerns “can at times become ongoing or permanent, leading to new and difficult experiences” (Sharp, 2015). Sharp’s article, focusing on children who “age-out” of foster care, cites that “one in five will become homeless after 18; at 24, only half will be employed and less than 3% will have earned a college degree.” In Florida, youth in foster care “age-out” at the age of 18 with the “option to remain in care until they turn 21” (“For Youth and Young Adults”, 1970).

The long-term economic impact on education and employment directly affects a child’s future opportunities, and consequently hinders their lifetime individual earnings and contributions to society. With reduced economic opportunities, they will pay less in federal, state, and local taxes. If a person does not earn a high school diploma, their annual income is decreased by

\$10,000 as compared to someone who graduates from high school (U.S. Census Bureau, 2017). Over a lifetime, this can result in reduced earnings of \$200,000 - \$272,000

and \$20,000 - \$30,000 fewer taxes paid (Julian, 2012). For someone who “ages out” of the foster care system, their lack of social contributions is estimated to cost society \$300,000 over their lifetime (Belfield, 2014).

According to the Bureau of Labor Statistics, the

unemployment rate for people 25 years or older with a high school diploma is 5.2%, whereas those without a diploma are unemployed at a higher rate of 7.4% (U.S. Department of Labor, 2018). This rate of unemployment can lead to greater costs to the state due to the increased burden of health and social services.

It is the policy of the foster care system to prioritize family reunification. Yet, there are critical barriers that will require child welfare agencies’ understanding of the broad context of detention and deportation in order to move toward successful reunification. This includes ensuring that parent’s rights are protected and that they are able to participate in a permanency plan that reunifies them with their children. Therefore, if child welfare agencies understand the full extent of the potential challenges to come, they will be better prepared for their work towards the goal of family reunification.

The potential implications of foster care placement are significant; economic, societal, and personal costs could be unsustainable. Careful analysis is warranted before implementing

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(Ruggles et al., 2017).



immigration and Department of Children and Family (DCF) policies.

VII. Safeguards and Rights of Parents and Children

With the potential influx of children of immigrants entering foster care, an understanding of immigration processes and directives will better prepare child welfare agencies to support the long and arduous family reunification process.

The American Bar Association (ABA) provides national guidance in cases that involve a parent in detention:

1. Immigration status [is] not relevant to [the] core primary caretaker determination (Fata, 2013);
2. “Parents have fundamental liberty and privacy interests in the care and custody of their children” (Fata, 2013, p. 197);
3. “No state’s best-interests-of-the child statute lists immigration status as a factor to be considered” (Fata, 2013, p. 216);
4. “Immigrants are not only able to provide a stable home for their children, but also instill in them positive values.” (Fata, 2013, p. 224).

This guidance serves as a counterargument to courts that consider immigration status for whether or not undocumented parents can “provide a stable environment.” Furthermore, under the Adoption and Safe Families Act (ASFA), no part “prohibits reunification with parents who are undocumented or who live outside the U.S” (“Quick Guide to Federal Child Welfare”, n.d.).

Reunification, “the process of returning children in temporary out-of-home care to their families of origin,” is the goal for both parents and the foster care system (“Permanency determination by the court”, 2018). As such, parents have a right to be involved in the process of achieving reunification with their children, regardless of whether they are detained or have been deported.

Under the law, parents whose children have been placed in foster care have a right to: 1) receive notification of custody proceedings, 2) attend those

proceedings, be it in person or via technology, 3) receive copies of related court documents, and 4) counsel (“U.S. Citizen Children Impacted”, 2018). Parents are allowed to request that their children be placed with relatives, and states are required to “locate and notify relatives of children who are removed from their homes within 30 days” (“Reunification: Bringing Your Children Home”, 2016). This process assures that the parent can have a trusted family member involved in the process.

However, child welfare agencies must also realize the challenges an immigrant parent faces when trying to find family members to take temporary custody of their child. Due to heightened fear stemming from harsh immigration policies, many family members are hesitant to take children in if they themselves are without documentation or are in the process of adjusting their status (Farzan & Holstege, 2017). A case in point are the September 2018 arrests of 40 extended family members seeking to shelter children when parents were recently deported.

A. Immigration and Customs Enforcement (ICE) Directive for Parental Rights

When a parent is detained or deported they still retain parental rights, which agencies must comply with (“U.S. Citizen Children Impacted”, 2018). In 2013, ICE released

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a directive addressing parental interests, later updated in 2017 and renamed, “Detention and Removal of Alien Parents or Legal Guardians.” Under this directive, when a parent’s presence is required in court proceedings “in order for him or her to maintain, or regain custody” the parent, their lawyer, or representative must give reasonable notice of hearings and produce evidence of hearings to ICE. ICE can then consider distance, undue burden, and security and public safety concerns when deciding whether to arrange in-person appearances of the detained parent. When impractical, technology should be utilized to ensure participation. The directive also specifies that if an immigrant parent is detained, ICE itself should facilitate a “means of regular visitation between the parent and minor child(ren)” (“Detention and Removal of Alien Parents”, 2017).

Moreover, the directive addresses childcare arrangements for parents who have maintained their parental rights and have been ordered to be removed. It allows parents to arrange guardianship or obtain travel documents for their child in the weeks prior to their deportation. In that time, parents can execute a Power of Attorney, appoint guardians or make any other preparations. To ensure that these rights are protected, ICE also specifies the designation of a Child Welfare Coordinator who is responsible for serving as the “primary point of contact and subject matter expert for all ICE personnel regarding child welfare issues related

to detained aliens” (“Detention and Removal of Alien Parents,” 2017).

B. Administration for Children and Families (ACF) Memorandum

In an effort to address the obstacles of parents in detention who have children in foster care, the Administration for Children and Families released their Information Memorandum:

To encourage child welfare agencies and others that work with families with a child involved in the child welfare system whose parent(s) may be at risk of, or are, being detained or removed to engage in case planning activities that ensure the safety, permanency and well-being of all children in foster care (“Case Planning and Service Delivery”, 2015).

The memorandum is critical as it brings forth the key steps to ensure parental rights. Child welfare agencies are urged to: 1) work directly with ICE and collaborate with foreign consulates, 2) consider detention a compelling reason to warrant an exception to termination proceedings being initiated, to institute “supportive policies and practices,” 3) partner with immigrant advocacy organizations, and 4) train child welfare caseworkers on the issues (“Case Planning and Service Delivery”, 2015).

In alignment with the ICE Directive and ACF Memorandum, child welfare representatives should play an active role to guarantee parental participation and safeguard parental rights. The representatives should direct parents to call, email or directly inform detention officers of their situation and their intention to take advantage of the ICE directive. This

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is crucial; especially considering that the first “shelter hearing” for their child occurs within 24 hours after the child is removed from their home. This is when a judge determines if a child can return home, should stay with another relative or family friend, or remain within the foster care system (“Hearing Your Voice”, 2008).

If a child has been prepared by their parent for the possibility of removal from their home, they can inform the judge, caseworker, or Child Protective Investigator (CPI) of a relative or family friend who will care for them at the time of the hearing (“Hearing Your Voice”, 2008). If possible, the child can present the documents recommended from the Safety Plan, Childcare Plan, and the Power of Attorney. (See appendices)

C. Child Welfare Agencies

Federal law also explicitly requires a case plan for all children placed in foster care (Child Welfare Information Gateway, 2014). All steps must be taken to ensure the parents’ right to receive assistance during the process of developing a case plan is guaranteed (“Case Plan Development,” 2018). The case plan outlines “what needs to occur for the child to safely return home or achieve permanency by other means” (Florida Coalition for Children, 2014). Permanency can include reunification, adoption, relative/permanent guardianship, or extended foster care (Florida Coalition for Children, 2014).

Detention and deportation create numerous barriers for state child welfare systems, but parental rights are crucial, especially when federal law mandates that a parent’s rights be terminated if the child remains out of parental custody for 15 of the previous 22 months (Child Welfare Information Gateway, n.d.). In Florida, the time frame is even shorter, with initiation of a petition to terminate parental rights occurring when a child has been out of a parent’s care for only 12 of the 22 months (“Requirements to file a petition”, 2018). However, it is important to note that the requirement to terminate parental rights in Florida after 12 months “does not, at the



state’s option, apply if a child is cared for by a relative, if the termination is not in the best interests of the child, or if the State has not provided adequate services for the family.”

Florida’s child welfare agency staff need to be trained to inquire if Safety Plans or Power of Attorney have been prepared by the parent and to ensure that these documents are available for the judge from the onset of the proceedings. It must be reemphasized that parental rights, meant to keep the parent involved at every stage of the juvenile dependency court,

are difficult for parents to carry out in detention or after deportation. This could be made easier by child welfare agencies proactively creating stronger lines of communication between ICE Field Office Directors, Child Welfare Coordinators and Field Points of Contact, whose responsibilities should overlap with the responsibilities of child welfare agency workers (“Detention and Removal of Alien Parents”, 2017). It is also strongly recommended that parents retain a lawyer to assist with these proceedings so that their interests are not dismissed. CPI’s, social workers, and caseworkers must also be trained to anticipate these issues and should push parents to remain involved and informed of their rights.

Assuring that parental rights are safeguarded is challenging when working with parents who are detained or in a foreign country. Child welfare agencies will need to creatively resolve conflicts that will arise at the intersection of child welfare and immigration policies.

VIII. Action Steps to Protect Children and Families

It is critical to engage our state legislature, child welfare agencies, and the broader community to prepare for the responsibility of caring for children of immigrants and to anticipate the need for new policies. Developing steps to be taken means looking for best practices directly related to the foster care of children of immigrants, as well as general regional and national best practices already implemented in foster care services. Little can be done to reduce the costs of



state guardianship of the children, but steps to develop protocols to achieve family reunification can be taken without great expense. It is crucial that Florida begins to take steps before the system is overburdened.

A five-site, 2015 study by the Migration Policy Institute, illustrated the difficulties that child welfare agencies encountered when trying to facilitate parental participation of those detained in child welfare proceedings. Key challenges included “locating parents in detention, communicating with them, and ensuring that they could attend custody hearings” (Koball et al., 2015). In Koball’s Florida case study, it was revealed that even when detained parents proactively followed child welfare agencies’ required steps towards reunification, they were still deported before being reunited with their children because the steps taken were not coordinated with ICE. Koball’s study also explores the challenges of deportation, which include cross-border communication and the involvement of foreign consulates. This again demonstrates the many layers of challenges that various agencies will need to tackle to effectively reunify families.

The aforementioned ACF Memorandum urges cooperation between welfare agencies and ICE, and recognizes the obstacles that detention creates in being able to develop and follow a plan for the parent to ultimately regain custody. Immigrants face long periods of detention, often in remote centers far from their families, prior to having their cases adjudicated and subsequently removed if there is a negative finding (“Prolonged Detention Fact Sheet”, 2014). Of heightened concern is when parents are quickly deported, cutting off the fluid and required communication between parents and child welfare agencies. Therefore, child welfare agencies must act quickly to ensure that communication

between parents and children is enacted for reunification planning to be brought to fruition.

As family reunification is the prioritized permanency plan for children, regardless of immigration status, child welfare agencies need to ensure that families are given the necessary resources. Understanding the urgency of this issue, other states have created programs and partnerships, and enacted legislation to address the issue of separation of families and the resulting consequences.

For example, in California, the Reuniting Immigrant Families Act added “immigration-related issues to the list of compelling reasons for which the court can extend the period of family reunification services” (Immigrant Legal Resource Center, 2014). In contrast, Florida law does not explicitly recognize immigration-related issues as a compelling reason for termination when filing a petition to terminate parental rights. Florida legislators should consider

enacting a law to explicitly recognize immigration status.

Aspects of federally introduced legislation, such as those found in the HELP Separated Children Act and Help Separated Families Act also provide guidance in dealing with some of the forthcoming challenges. Although this legislation has yet to be enacted, child welfare agencies can still glean useful information about how to assist detained or deported parents and remain involved in the reunification plan (Lincroft, 2013).

Additionally, child welfare agencies will benefit from clear orientations highlighting the intersection of both immigration and child welfare systems that may not always be complementary. What follows are eleven recommended “Action Steps” that serve to prepare Florida’s child welfare system for the ramifications of federal immigration policies.





“Action Steps” for Florida

1. Create an intake code for the cases of children that enter foster care due to parental detention or deportation in order to track this subgroup of children and ease the implementation of protocols unique to these cases.
2. Create a centralized data bank and designated staff member, serving as the Communications Liaison, similar to ICE’s Child Welfare Coordinator and Field Point of Contact staff positions (“Detention and Removal of Alien Parents”, 2017) in each of Florida’s Department of Children and Family (DCF) regions. They will serve as the Central Liaison to manage communication between the caseworker, the child and the immigrant parent to ensure that permanency plans will be followed and reunification achieved, even when parents have been detained or deported.
 - a. Train Communications Liaisons to use the Online Detainee Locator System to stay abreast of parental whereabouts within the detention system to assure continuous communication.
 - b. Institute a system whereby the Communications Liaison is responsible for contacting pertinent foreign consulates whenever the child of an immigrant parent, who has been detained or deported, enters foster care.
 - c. Orient Consulate representatives of available family resources to assist with their adherence to permanency plans.
 - d. Ensure that Consulates assist in the preparation of legal passports for a child’s potential travel for reunification in their parent’s home country.
3. Create a Memorandum of Understanding between the Department of Human Services (DHS) and ICE to ensure that parents are present (even via video conference) during Department of Children and Families hearings as outlined in statutes. Consulates serve to support the rights of their citizens in this process.
 - a. Video conference options include Skype, Facetime, Signal, WhatsApp and other professional services.
 - b. Create a procedure or protocol to establish the most reliable means of contact and information with parents as they move through the system.
4. Request that child welfare intake worker’s protocol establishes whether parents who are detained or deported have a prepared Power of Attorney or have an expressed plan to present to the CPI or Judge at the DCF hearing.
5. Require that Foster Parents assist children in maintaining contact with a parent who is in detention or in the parent’s home country as supported by the Adoption and Safe Families Act Memorandum.
 - a. Set up scheduled conferences as part of permanency plans.
6. Prioritize the expansion of multilingual child welfare agency staff and Foster Parents.
7. Create a Task Force charged with identifying policy changes to support protocols and systems to facilitate family reunification for children of immigrant parents.
8. Establish Community Liaisons (similar to these through DCF’s Refugee Services Program), including immigrant advocacy organizations, to reduce the strain on child welfare agencies and strengthen support for Foster Parents (Circuit 10, n.d.).
9. Increase cultural competency of child welfare agency workers and Foster Parents with strategies to address the trauma facing children of deportees.
 - a. Facilitate on-going, mandated trainings, workshops and evaluations to support this process.
10. Honor the existing prioritization of family reunification with parents as the permanency plan for all children, regardless of the immigration, detention or deportation status of the parent.
11. Partner with Guidance Counselors in the school system to encourage immigrant families to develop a Power of Attorney and engage Guidance Counselors to support students in foster care whose parent has been detained or deported.



IX. Conclusion

The detention or deportation of parents has rippling emotional and economic effects on the children, the state, and society. “Family Separation in the Sunshine State” outlines the challenges in preparing for the traumatic fallout and economic crisis that could impact Florida. It also provides steps for child welfare agencies to help breakdown some of the barriers that parents facing detention or deportation confront when working for reunification with their children. Having families reunified is in the best interest of the child, state, and society.



Under the current administration, the heightened possibility of more children entering the foster care system needs to be considered in the context of the long-term effect on children. As mentioned above, studies demonstrate that children who face parental detention or deportation, as well as foster care placement, risk significant emotional trauma. To mitigate this trauma, the suggested “Action Steps” should be enacted to reunify families that have been separated solely because of federal immigration policies. The Florida legislature and child welfare agencies should also prepare for the

increased costs of the influx of children needing custodial care by guaranteeing that sufficient resources are included in the budget.

Finally, ensure parental rights and adhere to the safeguards developed by ICE and supported by state and federal policies. Copies of all relevant policies and directives need to be distributed to all contracted child welfare agencies and pertinent trainings must be offered in conjunction to assure compliance. Proactive steps, as outlined in the “Action Steps”, will ensure Florida’s capacity to successfully receive and provide custodial care, and ultimately reunite families impacted by federal immigration policies. State agencies, community organizations, immigrant advocacy groups and legal services working together can fulfill Florida’s DCF Mission “...to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency” (“Mission, Vision, and Values”, n.d.).

Florida law does
not explicitly
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X. Appendices

Appendix A — Safety Planning:

With guidance, many parents take steps to prepare for their child's welfare in case of their own detention or deportation. They often work to create a Safety Plan, a folder of critical materials that will be needed in their absence by caregivers of their children. This Safety Plan should include emergency contact information, critical documents (dietary restrictions, medical history, etc.) and a childcare plan articulated in a Power of Attorney which names a custodian during parental absence. It is important for DCF to be aware of this gathered information so that assigned caseworkers know what preparations were made by parents as they create a permanency plan that most effectively works towards reunification.

A Safety Plan should include emergency contact information of both parents, the names, birthdates, and birth places of all children, a list of family members in and outside of the U.S., friends over the age of 18, attorney, consulate, school, doctors, church and/or pastor's information (Helms, 2011). Important documents to be included in this file are: birth certificates, consulate matriculas, passports, immunization records, IDs, records of U.S. residence such as lease agreements, pay stubs, school records, etc. These need to be stowed in a safe, accessible location.

Parents may have also put together a Childcare Plan and discussed it with their children if they are old enough to understand. This document conveys to children and providers that their parents have diligently prepared to have someone care for them in case they are detained or deported. Childcare packets may include a signed and witnessed Power of Attorney and the child's medical records as well as doctor/medical and health insurance information. A designated person should be specified in the release forms or emergency cards as authorized to pick-up children from school. This packet should also outline if the family has created an emergency fund to cover the costs of hiring an attorney, relocation of children, or suspension of work authorization.

Being prepared, in case of detention or deportation, can be overwhelming. It is important for child welfare staff to be aware of the contexts that these families are living in order to fully understand how to best reunify them. The following are resources that can assist in their preparation.

Download: [Immigrant Legal Resource Center Family Preparedness Plan: - https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan-20180625.pdf](https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan-20180625.pdf)

Download: [5 Pasos para su protección - https://www.famsepf.org](https://www.famsepf.org)

Appendix B —Power of Attorney:

As part of planning for parental absence, parents may prepare a Power of Attorney (POA). Caseworkers should know how to determine whether a POA exists or not when they come into contact with a family who has been separated because of immigration status.

In Florida, a POA is "a legal document delegating authority from one person to another" ("Consumer Pamphlet: Florida Power of Attorney", 2018). It can be very broad or limited in scope. In the case of a parent preparing for potential detention or deportation, the POA will allow a designated person, who can be any competent person of 18 years or older, to act as guardian for their child. In the legal document, the parent is the "principal", or the person who is delegating that right to another person. The person chosen to care for the child is the "agent" (Powers of Attorney, 2018).

Under Florida law, a legally executed POA includes the following: a POA signed by the principal, a POA signed by two witnesses to the principal's signature and a Notary acknowledging the principal's signature (Powers of Attorney,



2018). When no acceptable identification is available, the signature of two witnesses can be used in lieu of a notary signature stamp. Witnesses, when appropriate, should sign and list their profession (i.e. medical provider, educator, pastor, etc.).

A POA executed in another state may be used in Florida if it was properly executed under the other state's laws, but is subject to Florida's laws. The agent, the person chosen to care for the child, may act only as authorized by Florida law and the terms of the POA. There are different circumstances under which a POA is terminated, some of which include: the revocation of the POA by the parent "principal" or the expiration of the POA.

Download: [POA developed by Attorney's Evan George, George & Carbrera PLLC and Larry E. Ciesla, Gainesville, FL.](#)

Appendix C—ICE Detention and Removal of Alien Parents or Legal Guardians Directive Policy Number 11064.2:

"Detention and Removal of Alien Parents or Legal Guardians," an ICE directive, relates to how Enforcement and Removal Operations (ERO) field offices handle "cases of parents or legal guardians of minor children." It focuses on the specifics of dealing with an immigrant parent facing detention or deportation who has a child involved in family court or child welfare proceedings. This is an important document that lays out safeguards, rights, and protections for immigrant parents in this situation.

Download: <https://www.ice.gov/doclib/detention-reform/pdf/directiveDetainedParents.pdf>

Appendix D- Administration for Children and Families Information Memorandum:

The Administration for Children and Families released this Information Memorandum in 2015 in an attempt to address the challenges that detained parents face when their children are in foster care. The Memorandum encourages child welfare agencies to work with ICE and Foreign Consulates to consider detention as a compelling reason to warrant an exception to termination proceedings being initiated, recommends partnerships with immigrant advocacy organizations, and also identifies the importance of training child welfare agency workers on these broader issues.

Download: <https://www.acf.hhs.gov/sites/default/files/cb/im1502.pdf>

Appendix E- Adoption and Safe Families Act:

The Adoption and Safe Families Act, signed into law in 1997, "requires funded jurisdictions to make reasonable efforts to prevent removal and work toward permanency" for separated families. It specifies the most common goal for families as reunification and does not provide an exception for immigrant families, meaning that immigrant parents who are detained or deported are equally entitled to have reunification prioritized in their case plans.

Download: <https://www.congress.gov/105/plaws/publ89/PLAW-105publ89.pdf>

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