



WOMEN'S
REFUGEE
COMMISSION



DETAINED or DEPORTED: What about my children?



What to do if you
can't be with them



**WOMEN'S
REFUGEE
COMMISSION**

Research. Rethink. Resolve.

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, youth, and other people who are often overlooked, undervalued, and underserved in humanitarian responses to crises and displacement.

We work in partnership with displaced communities to research their needs, identify solutions, and advocate for gender-transformative and sustained improvement in humanitarian, development, and displacement policy and practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them.

Acknowledgments

This publication was written by Emily Butera, Dana Chou, Jessica Jones and Joanne Kelsey. Research, drafting and editing support was provided by Michelle Brané, Ariane Eigler, Barbara Kagan, Rebecca Katz Jennifer Podkul and Vanessa Vazquez, and the law firms of Spears & Imes, LLP, and Steptoe & Johnson, LLP. It was edited by Fred Hamerman, Kim Howell and Diana Quick.

The 2025 revision was compiled by Diane Eikenberry and edited by Zain Lakhani.

The Women's Refugee Commission wishes to acknowledge the Florence Immigrant & Refugee Rights Project, Americans for Immigrant Justice and Catholic Legal Immigration Network, Inc. for sharing their respective publications for detained parents in Arizona, Florida and California, which were instrumental in the development of this document.

The Women's Refugee Commission is grateful for the support of the Oak Foundation, Martha Gallo and Catapult.

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Revised 2025

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Glossary

Adoption: A process where a court-approved person assumes the parenting for another. It permanently terminates parental rights and responsibilities of the natural parents. The adopted child will have the same rights and duties of a natural child in their adoptive family.

Affidavit: A statement of facts written for a legal process or court case that is signed in the presence of an official witness (**notary**). When you sign an affidavit, you are swearing that the facts in the statement are true.

Alternatives to detention: Special programs that may be used to ensure that a person who is not in detention will attend immigration court hearings. Alternatives to detention may include case management, regular check-ins by phone or in person, or an electronic monitoring device like an ankle bracelet or watch.

Best interest of the child: A legal term that refers to what is best for a child. In determining what is in the best interest of a child, the court will consider many things, including the child's age, mental and physical health, emotional ties between the parent and the child, ability of the parent to care for the child and the child's preferences.

Bond: Money that a detainee may be able to pay to immigration authorities in order to be released from detention while the immigration case continues. If the person attends all his or her hearings, he or she can get the bond money back at the end of the case no matter what the outcome of the case is. If the person does not attend all hearings, the money will not be returned.

Caregiver: The person who is taking care of your children while you are unavailable.

Case plan: Also called a service plan or reunification plan. A list of things you must do to show that you should have custody of your children again. A child welfare worker works with you (and your children, if they are old enough) to write the plan. The family court judge approves the plan.

Child support: Money paid to a child's caregiver by the parent who does not live with the child. The caregiver receiving child support may be the other parent, or the state or county if the child is in the child welfare system.

Child welfare system: The child welfare system is made up of government agencies and private organizations that are responsible for protecting children. These agencies and organizations work together to make sure that children are safe and families are strong. The child welfare system gets involved with families for many different reasons, most often because children have been abandoned, abused or neglected, or their parents cannot care for them because they are either in jail, in detention or have been deported.

Consulate: A consulate is an office from your native country's government in the U.S. The consulate can help you get official papers such as visas, passports and identification. It can register the birth of your children born in the U.S. It may be able to help with some kinds of court cases.

Custodial parent: The custodial parent is the parent who has primary care, physical custody and control of the children.

Custody: The right to make decisions for the children and physically live with them. Legal custody is the authority to make decisions on children's daily care and upbringing. Physical custody is when the children live with you and you provide daily care for their needs. Children in a child welfare case are in the legal custody of the family court and in the physical custody of either foster parents, a guardian or other caregiver authorized by the court.

Discretion: In the immigration context, discretion is the U.S. government's authority to decide whether or not to put someone in immigration proceedings and immigration detention.

Family court: This court is part of the child welfare system. It decides whether parents or someone else should have custody of children who have been abandoned, abused or neglected, or who lack a safe home for other reasons such as a parent's arrest or detention.

Foster care: Children in a child welfare case, who have been removed from home, often live in the home of another family that is licensed and approved by the state to provide temporary care. This type of care is called foster care, and the licensed home is called a foster home.

Guardianship: A guardian is a caregiver who may be appointed by a court to take over long-term legal and physical custody of a child when parents have temporarily lost custody or cannot provide care for another reason.

Humanitarian parole: Temporary admission to the U.S. granted only in emergency situations. Humanitarian parole is only used for people who have no other legal way to enter the U.S. It is given for a very short time and the person must leave the U.S. before the parole expires.

ICE: Immigration and Customs Enforcement is an agency of the U.S. government responsible for finding, arresting and deporting non-U.S. citizens who are undocumented, or who have broken either immigration or criminal laws.

Legal orientation/Know Your Rights (KYR) presentation:

Free immigration law information sessions that may be conducted inside some detention centers. During these presentations, lawyers and legal assistants from nongovernmental organizations explain the immigration court process. This can include information about how to get an immigration lawyer or represent yourself, and how to determine if you are eligible for immigration relief or should apply for a faster deportation.

Nongovernmental organization (NGO):

A private organization that is not part of the government. In detention centers, NGOs conduct legal orientation/Know Your Rights presentations, monitor conditions and work for better treatment of detainees.

Notarize: When you sign a document in front of a notary and the notary stamps and signs the document to confirm and prove that your signature is genuine.

Notary (or notary public): A person authorized by a state government to officially witness the signing of documents for legal matters.

Parental rights: All of the legal rights and responsibilities that go along with being a parent. The rights include legal and physical custody of the children and authority to make decisions about all aspects of their daily care and upbringing. The responsibilities include supporting the child financially, and meeting the child's essential needs for food, clothing, shelter, affection, medical care, education and protection from harm.

Petitioner: A person, party or government entity that files a case with the court. In family court cases, the petitioner is generally the state or county.

Power of attorney: A legal paper that lets you appoint a trusted person to handle certain parental (or other) responsibilities if you are unable or unavailable to take care of them yourself.

Public benefits: Assistance in cash and services that are available to eligible low-income families through state governments. Some examples of public benefits are food stamps, child health insurance, Medicaid, and employment services to help adults gain job skills and find jobs.

Release on recognizance: If you are released on your own recognizance, ICE will release you and allow you to live in the community while your immigration case proceeds through the court. You will not have to pay a bond in order to be released.

Respondent: The person or party answering a petition or motion. In family court cases, the respondent is generally the parent.

Supervised release: In some cases, a person released from ICE custody may be given supervised release while they wait for a final decision in their immigration case. The terms of supervised release can differ, but may include regularly checking in with an ICE office in person or by phone and/or may require the person to wear an ankle bracelet so that ICE can monitor where they are at all times.

Termination of parental rights:

When a family court permanently ends the legal relationship between a parent and child. A parent who has lost legal rights to a child has no right to see the child, make decisions about the child, or have any information about the child.

Abbreviations

CASA	Court-Appointed Special Advocate
CPS	Child Protective Services
ERO	Enforcement and Removal Operations (a division of ICE)
ICE	U.S. Immigration and Customs Enforcement
VAWA	Violence Against Women Act



Introduction: How to Use This Guide

If you are in immigration detention or are facing deportation, you may have a lot of questions about what will happen to your children. It is normal to be worried and feel overwhelmed. But there are things you can do to help ensure that you do not lose your rights as a parent because you are detained or deported.

If your children are placed into the care of the **child welfare system**, (sometimes called child welfare services, child protective services or the department of children and family services), it can affect your ability to reunite with them. It can also be very confusing. The immigration system (which is run by the national U.S. government) and the child welfare system (which is run by state and local governments) are very different. The two systems do not work well together and the people you interact with in one system may know very little about the other system.



This guide describes the child welfare system in great detail. Some of the words and terms that the child welfare system uses may be new to you. If you do not know what a word or term means, see the Glossary on pages 2 and 3.

One thing to remember as you go through this guide is that child welfare systems and family court systems vary greatly from one state or county to the next. This guide will offer general advice on things you can do at different times in the detention, deportation and child welfare process to protect your rights as a parent.

What is the child welfare system?

The child welfare system is made up of government agencies and private organizations that are responsible for protecting children. These agencies and organizations work together to make sure that children are safe and families are strong. The child welfare system gets involved with families for many different reasons, most often because children have been abandoned, abused or neglected, or their parents cannot care for them because they are in jail or in detention or have been deported.*

*You can read more about the child welfare system in Chapter 3.

Note: **Bolded green words** refer to definitions and/or abbreviations. They are defined in the Glossary/Abbreviations on pages 2 and 3.

But it is also important that you get help from a lawyer, a legal aid organization or relatives and friends to learn about the child welfare laws and practices in the state where your children are living.

→ [For information about getting a lawyer, see Chapter 5.]

We recommend that you read all the chapters in this guide and pay special attention to the Basic Tips to Protect Parental Rights list at the end of Chapter 1.



Some of the things you need to do to protect your relationship with your children may seem complicated. You may need to read certain sections in this guide several times in order to understand and you may also need to ask someone else for help.

Even if a chapter does not seem to fit your situation right now, keep in mind that it may apply at a later time. It is very important to read boxes marked with a RED BOX and AN ARROW. → These ARROWS indicate information that is critical for you to know.

This manual will help you:

- 1) Know what questions to ask, and
- 2) Figure out the steps you need to take to reunite with your children.



If you have trouble understanding anything in this guide, or trouble doing something the guide recommends, ask **Immigration and Customs Enforcement (ICE)**, detention center staff, volunteers from a visitation program, medical staff, a chaplain, a lawyer or a relative or friend to help interpret, explain the guide or write out your wishes.

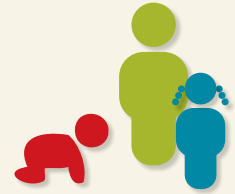
Do not worry if you have more questions than when you started! Do not be discouraged. Keep reading and ask for help when necessary. Most importantly, have courage and do not give up hope!

DISCLAIMER: This manual is intended to help you better understand and navigate the child welfare system. It is not intended as legal advice. If you have questions about specific parts of your immigration or child welfare legal case, it is important that you talk with a lawyer.

Protecting Your Rights as a Parent When You Are Detained or Deported

KEY POINTS

- **THIS CHAPTER HAS KEY INFORMATION—BE SURE TO READ IT!**
- **You have legal rights to make decisions about your children!**
- **Important information on what to do to protect those rights.**



This chapter provides information about parents' rights and explains many of the things you should do to stay involved in decisions being made about your children. Each state has its own rules and procedures, so after you have read this chapter you will need to do some work to find out what the rules and procedures are in the state or county where your children live. Be sure to look for information about child welfare practices in the state where your children live, even if this is not the state where you are living. See Chapter 10 for a list of people who may be able to help you get information and take action. You should also try to get a lawyer and ask relatives and friends for help.

[For information on how to get a lawyer, see Chapter 5.]

What are my rights and obligations as a parent?

Parents have a legal right to make decisions about their children's care and how they are brought up (this is called **Legal Custody**). Parents also have a legal right to live with their children (this is called **Physical Custody**). However, the government may temporarily or permanently take away a parent's children if they think they children are not safe with their parents.

Together, these rights will be referred to as **Parental Rights**.



Parents also have certain responsibilities when it comes to caring for their children. Parents must make sure that their children's basic needs are met, including food, clothing, shelter, affection, medical care and education, and that the children are protected from harm. Parents are also responsible for financially supporting their children. When a parent does not live with her or his children because of a court-related matter such as divorce, or serving jail time, a court or **child support** agency may require the parent to pay child support.

→ [For more information on child support, see Chapter 9.]

What happens to parental rights when children enter the child welfare system?

If children enter the **child welfare system**, parents may temporarily or even permanently lose their parental rights. But there are a lot of things that must happen **before** parental rights can be taken away. While you are separated from your children, there are steps you can take to exercise your rights and participate in decisions being made about your children's care. It is important to do these things in order to protect your parental rights for the future.

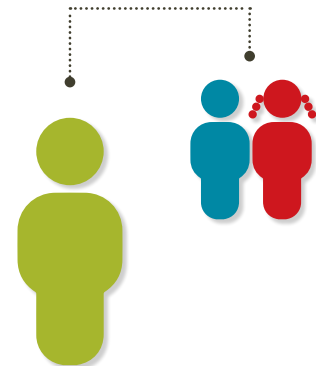
→ [See Chapter 4 for an explanation of the process that the child welfare system must follow before a parent's rights can be terminated.]



Be aware that it will be hard to do a lot of the things mentioned in this guide if you are detained or deported. But the steps and actions in this guide are your best tools for preserving and defending your rights to your children and for reuniting with them. You will have to work very hard and be very determined and persistent in getting help from others for the activities you cannot do alone.

What can I do to protect my parental rights if I am detained or deported?

The following pages contain some important things that will have a real impact on your ability to reunite with your children:



A HOW-TO GUIDE—KEY INFORMATION

Basic tips to protect parental rights



A summary of important steps you can take to protect your parental rights should be posted on the bulletin board in your housing unit and/or be available in the detention center’s law library. Look for a document called “[Detained Parents and Legal Guardians Frequently Asked Questions \(FAQ\)](#),” a two-page guide provided for those in immigration detention.

What is the ICE Detained Parents Directive?

ICE first released this directive in 2013 and then most recently in 2022 on “Interests of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults”^{*} This directive provides guidance to ICE officers on working with parents who may be involved in both the immigration and child welfare systems. The directive is not enforceable, and it may not be in place permanently. But if you are making requests related to release, visitation, or access to **family court**, or you are trying to make arrangements for what will happen to your children after you are deported, it may be helpful for you or your attorney, relative or friend to remind your Deportation Officer and other ICE officials about the directive.

^{*} <https://www.ice.gov/detain/parental-interest>

1) Try to get released

*First things first. If you are worried about who will care for your children, **tell Immigration and Customs Enforcement (ICE) that you have children and ask to be released so you can care for them.*** It may be helpful to mention the ICE detained parents directive when making this request (see box at left). Tell ICE about your children **if** they are US citizens or lawful permanent residents. **If your child or the person caring for them is undocumented, telling ICE may place them at risk of detention and deportation.**

Then do the following:

- If you are concerned about the welfare of your children, **tell ICE that you need to make a phone call right away to make sure they are being cared for properly.** If you need to make more than one phone call, ask ICE or detention center staff. ICE does not have to give you more than one free phone call when you arrive in detention, but they may be willing to help you, so it’s good to try. You can also ask to speak to a [Custody and Resource Coordinator](#) in case one is available at your detention center.
- **If you ask to be released but ICE will not release you, keep asking!** Tell all the officials you speak to that you have children and that you need to care for them. You may be told that you cannot be released because you are subject to mandatory detention, but don’t let that stop you!
- Tell the person who is processing you into the detention center (putting your information into the computer) that you have children, **especially if you are the only person who cares for them.**
- Make sure your Deportation Officer (sometimes called a Case

Officer) knows you have children, especially if you are a single parent or the main **caregiver** for your children. **Ask him or her to exercise discretion in your case** (discretion is a word that has a particular meaning for ICE, so use this word when asking). You should also ask your Deportation Officer how to request release on **Humanitarian Parole, Release on Recognizance, Supervised Release** or **Alternatives to Detention** and how to request a **bond** hearing.

- **If there are any changes with respect to the custody of your children or their safety, tell your Deportation Officer and detention center staff.** ICE may be willing to reconsider your request for release.



You should always ask ICE and detention center staff for assistance in doing the things you need to do to reunite with your children. If you are not satisfied with the response you get from them, or they are not providing you with the help you need, you may call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from inside detention), or have a relative or friend contact either the ICE Field Office in the area where you are being detained, or ICE Headquarters.



If ICE is considering your request for release, they may ask for proof that you are the parent or the main caretaker or caregiver of your children. They may also want proof that there is no other parent available to care for your children. ICE may require you to give them the address where you will live if you are released, and some proof that you will be able to live there, like a letter from a landlord or someone who lives in the house. Ask relatives or friends outside to help you get this information.

2) If ICE does not release you, follow these steps¹

Contacting & coordinating care of your children:

- If you do not know where your children are, **try to find out where they are as soon as you can.** Once you find them, ask relatives or friends outside to put money into your detainee account so you can call and talk to your children and the person taking care of them. If this is not possible, tell ICE you need to make

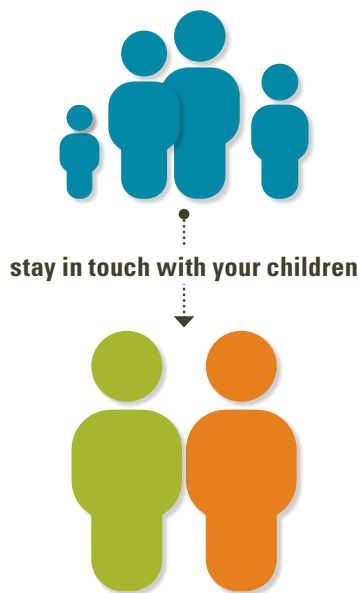
If you were separated from your children at the border, your children may be in the custody of the Office of Refugee Resettlement (ORR), a US government agency. ORR cares for immigrant children who enter the United States alone or who are separated from their parents or guardians. For help finding or contacting your children, you may call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from ICE detention) or ORR at 800-203-7001 (699# from ICE detention).

→ [For information about how to contact the Field Office or Headquarters, see Appendix A.]

If you were separated from your children at the border, you may be able to designate a relative or friend who is not detained to receive updates on when your location or your children's location changes. Ask your Deportation Officer for more information.

→ [For information on finding out if your children are in the child welfare system, see page 29.]

If you were separated from a US citizen or lawful permanent resident child at the border, your child may be in the care of a state child welfare agency. Follow the instructions beginning on page 29 to locate your child and to participate in state child welfare proceedings.



arrangements for your children and ask if you can make free calls to deal with child custody issues.

➔ Detention center phone systems are not typical phone systems; once detained, you cannot receive incoming calls. Your relatives and friends, your children’s caregiver, your lawyer, the child welfare caseworker and others involved in your children’s care or custody may need to call their phone company and arrange to be able to receive calls from a detention center, especially collect calls.

- Contact your **consulate** and let them know about your situation, unless there is a reason you do not want your government to know where you are. They may be able to help you with any child custody concerns. Contact information for consulates should be available in your housing pod, but if it is not, ask ICE or detention center staff. Calls to your consulate should be free, even if you do not have funds in your account.
- Stay in touch with your children. Your efforts to communicate with and visit with your children are very important evidence that you want to maintain a relationship with them.

➔ In order to keep your **parental rights**, you will need to show evidence of your relationship with your children and your commitment to their well-being. This is very important if you want to have input in decisions that are made for your children.

- If parent-child visitation is required by the **family court** or child welfare, show documentation of the requirement to ICE and ask them to facilitate visitation. It may be helpful to mention the ICE detained parents directive when making this request.

➔ In some cases, the child welfare system may not allow a parent to contact his or her children. If this is the case, you should not contact your children. Speak with your lawyer or child welfare caseworker first to find out what type of contact you are allowed to have under your **case plan**. In the meantime, you can write letters to send to your children once you have permission. This may also help to show the child welfare system that you want to be reunited with your children to care for them.

Your rights in a child welfare court case:

- Make sure that the family court judge, the child welfare caseworker and other people who are involved in your child custody case understand that you are in detention because of an immigration problem and not because of a criminal problem. Be sure to tell the family court and child welfare that immigration detention is civil/administrative detention and not criminal custody! You may need to repeat this many times, because the court may try to use the fact that you are detained to argue that you are not a good person.
- **Carefully review all the paperwork you receive from child welfare and the family court.** If any of the information is **incorrect, tell the child welfare caseworker, the family court judge and your lawyer** (if you have one) as soon as possible.
- You have the right to an interpreter in family court proceedings. ICE can also provide you with access to interpretation if you need help communicating with people in the immigration detention system. If you do not speak English or if you cannot read or write, do not be afraid to ask the family court, the child welfare caseworker, your lawyer(s) or ICE and detention center staff to provide you with an interpreter and/or other assistance.
- Ask about the deadline by which the family court judge has to issue a long-term placement plan for your children. Federal and state laws require the judge to order a long-term plan for your children with strict timelines. It is important for you to remember that you have only limited time, so remember the deadline date.
- Try to participate in all hearings related to the custody of your children either in person, by video (if available) or by telephone. Make sure you understand the purpose of each hearing in advance. Depending on the type of hearing, you may want to bring paperwork that shows you have completed a program (e.g., substance abuse, anger management, GED). It is also good to have a relative or friend attend hearings, especially if you cannot be there.

Communicating with child welfare:

- If your children are in the child welfare system, they will be assigned a child welfare caseworker. Stay in touch with the child welfare caseworker. Show him or her that you are interested in

Participating in a child welfare court case

If your children are in the child welfare system, state or local family courts will make decisions about their custody. It is very important that you become involved in the child welfare case as soon as possible and stay involved. Tell ICE you want to participate in the court proceeding and ask them how they can facilitate this. It may be helpful to mention the ICE detained parents directive when making this request.



If you were separated from your children at the border and have any questions about your potential rights to be reunified or deported with your children, you may contact the American Civil Liberties Union (ACLU) at 1-646-905-8892 or familyseparation@aclu.org.



your children's case. Tell her or him about any difficulties you are having getting access to court, visiting with your children or complying with your case plan. Ask him or her how your children are doing.

- Try to work *with* the child welfare caseworker and anyone else assigned to help your children. It is OK to disagree with them, but it will not help your case if you get angry or get into fights with them. If you disagree with something that they say or recommend, make sure your family lawyer knows that you disagree so that he or she can tell the family court judge. If you do not have a lawyer, ask a relative or friend to help.
- **Do not sign any documents related to your immigration or child welfare case if you don't understand what they say.**
- Make sure everyone involved with the child welfare case knows your current address and alien number (A#) at all times. If you are transferred to a different detention center or are released from detention, send them your new address immediately.
- Make sure you tell everyone involved in the child welfare case (including the child welfare caseworker, judge, lawyer(s), **guardian ad litem, court-appointed special advocate** and others helping your child) what you want for your children. If there is a relative who is willing to care for the children, let the child welfare caseworker know this right away.
- If your children are in the child welfare system, you may be assigned a case plan (also called a service plan or a reunification plan). Make sure you do what is asked of you in the case plan because this will impact the outcome of your case. If you cannot do certain things that the plan requires because you are detained or have been deported, make sure everyone involved in the child welfare case knows this. If certain programs that you are required to participate in are not available in the detention center where you are held, tell everyone involved in the child welfare case as soon as possible (especially the child welfare caseworker and family court judge).
- If you complete certain programs that are required by the case plan, ask for copies of any paperwork showing that you completed the program and give them to the child welfare caseworker and the family court judge.

- If there is a legal case in family court, your children will probably be assigned a lawyer (may be called a **law guardian**) and/or a **guardian ad litem**. Get in touch with your children’s lawyer or guardian ad litem and let them know that you are concerned for your children and want to be reunited with them.

Getting a lawyer to assist you with your family law case:

- If you have a family lawyer and/or an immigration lawyer, communicate with them regularly. Make sure you know the name, address and telephone number of your lawyer(s) because it is very important that you are in contact with them about your case. Also make sure your family lawyer and immigration lawyer know about each other and know how to contact each other.
- If you do not have a family lawyer or cannot afford one, ask the family court to appoint a lawyer to represent you in the case. Depending on the stage of the proceeding, you may not have the right to a lawyer, so the court may deny your request. But keep asking.

→ [For information about whether the state where your children are living provides a family lawyer to help you, see Appendix I.]

→ [For more information on how to ask for a court-appointed family lawyer, see Chapter 5.]

How to prepare for deportation and reunification:

- Ask ICE for accommodations for you to make arrangements for your children. If you have a final order of deportation and ICE is planning to deport you, ICE will do what it can to assist you in making arrangements for your children (as long as you have maintained your parental rights). Such arrangements may include facilitating your efforts to [arrange guardianship](#) for your children so that they may remain in the United States, or facilitating your efforts to obtain travel documents for your children so they can accompany you to your country of removal. It may be helpful to mention the ICE detained parents directive when making this request.
- Apply for a passport for your children as soon as possible. If you are deported and want to take your children with you, it will be much easier to do this if they have passports. You should also work with your consulate to obtain travel documents (passports and/or visas) and other necessary paperwork if you want your children to travel to your home country.
- Register your children’s birth with the consulate of your home country. This can be difficult to do while in detention, but it will help the consulate in assisting you if your children are in the child



welfare system and you are having difficulty reuniting with them. Your U.S. citizen children will keep their U.S. citizenship even if you register them with the consulate of your home country. Contact your consulate for more information.



[For a sample of the kinds of information you should track, see Appendix B.]

- Have a relative or friend help you gather your children’s birth certificates, school records and medical records. Your children will need these documents to get established in your home country if you are deported and wish to have them join you there.
- Be persistent. Don’t stop trying! If you do not receive a response to a letter you have written about your children or the child welfare case, try again. If you are still having problems getting a response, write to a supervisor or someone in a higher position and to the family court judge to ask for help.
- Keep good records. Make sure you keep a copy of everything you send to anyone involved in the child welfare case. The law library in the detention center should have printers and copiers, but each center has its own rules about using these tools. If you are denied use of the law library, you can file a grievance with the detention center.
- You may have to make handwritten copies. If you are handwriting the copies, be sure to sign your name and write “true and accurate copy of the original” and put your initials on each page. It may be helpful to keep a log or list of all communication related to your case.
- Make sure you keep a written log/list of all contact you have with your children (visits, phone calls and letters). If you do not have access to a copy machine, copy your letters by hand and write “true and accurate copy of the original” with your initials on each page.
- Get support if you need it. The focus of a child welfare case is on what your children need. However, being involved in a child welfare case can be very stressful, and it is also important that you get support so that you can stay actively involved. Talking to family, friends or a chaplain may help.

[See Appendix B for a sample log/list.]

How to be an active parent from detention:

Do your best to stay involved in your children's lives:

- Call your children, write to them, or send them drawings or pictures if they are too young to read.
- Ask the person caring for your children to bring them for visits as often as possible. If there is a formal arrangement through the courts, make sure visitation is part of the agreement.



➔ Only people who have immigration status in the United States should visit an immigration detention center. People without immigration status who try to enter a detention center risk being detained and put into deportation proceedings. Those who have legal status but have a criminal record especially for a violent or drug-related charge should check with an immigration lawyer before attempting to enter a detention center as they could be detained and, if they are not U.S. citizens, put into deportation proceedings.

➔ Family, friends, and service providers can locate you in detention through this online system:

<https://locator.ice.gov>

They will need either:

1. Your alien number (A#) and country of birth OR
2. Your First and Last Name, Country of Birth AND Date of Birth

The facility location and [visitation hours](#) can then be looked up at: **<http://www.ice.gov/detention-facilities/>**

- Stay in touch with the person who is caring for your children to find out how your children are doing. Be helpful to the caregiver and your children in any way that you can.
- Make sure to ask your children (away from the caregiver, if possible) how often they go to school, how the living arrangements are, who lives in the home and what they do in their free time.
- Ask to see report cards, reports from doctor visits or other important papers, and pictures of your children, their friends and their activities.

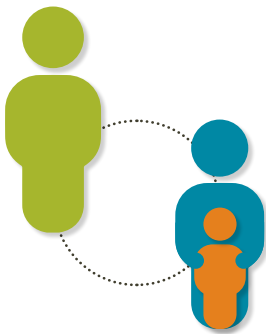
- Celebrate their birthdays and other important days with them if you can.

[See Chapter 9 for more information about child support.]

→ More information about how to participate in the child welfare process while detained can be found in the following chapters.

[[For information about how to contact the ERO (Enforcement and Removal Operations) Field Office, see Appendix A.]

→ If ICE or the detention facility stands in the way of your ability to reunite with your children (eg. prevents you from complying with your case plan, prevents you from participating in court proceedings), **you may call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention), or have a relative or friend contact either the ICE Field Office in the area where you are being detained or ICE Headquarters.** If you are being deported and your children are not in the child welfare system, ask your Deportation Officer if your children can travel with you. Although ICE is not responsible for your children's travel, it is still worth trying, and does not hurt to ask.



If you were separated from your children at the border and ICE or the detention facility stands in the way of your ability to reunite with your children, you may call the American Civil Liberties Union (ACLU) at 646-905-8892 or email familyseparation@aclu.org.

CHAPTER 2

Making Your Own Care Arrangements for Your Children



KEY POINTS

- You can arrange for the care and custody of your children (if they are not already in the child welfare system).
- There are three types of arrangements—figure out which one is best for you.

In order to avoid having your children enter the **child welfare system** while you are detained, try to arrange for them to live with a relative or friend. This way, you will have a greater chance of reuniting with your children after your release. However, this may only be possible if you are able to make such arrangements as soon as you are arrested or taken to detention. This chapter will discuss the different types of arrangements that may be possible.



Be aware that child welfare may already be involved with your children, especially if you were not permitted to arrange for someone to care for them immediately after your arrest or apprehension. **If your children are in the child welfare system, this chapter does not apply to you. Instead, you should carefully read Chapter 3.**

Note: If there is another parent involved in your children's lives, she or he has a legal right to custody of your children. If you do not want your children to live with this person, it is important to get advice from a family lawyer. If your children's other parent has abused you, you may be eligible for lawful immigration status in the U.S. For more information, see the text box about the **Violence against Women Act (VAWA)** and U Visas on page 36, and talk to an immigration lawyer.*

*For information on how to get a lawyer, see Chapter 5.

If you were separated from your children at the border, your children may be in the custody of the Office of Refugee Resettlement (ORR), a US government agency. ORR cares for immigrant children who enter the United States alone or who are separated from their parents or guardians. For more information about your children, you may call ORR at 800-203-7001 (699# from ICE detention).

How can I choose someone to care for my children while I am detained?

There are several ways that you can give permission for relatives or friends to care for your children. Each method has advantages and disadvantages. Some of these options will make it more difficult to get your children back, so be sure to read the advantages and disadvantages carefully in order to understand the decision you are making.

Different ways in which you can give a relative or friend permission to care for your children:

- 1) An informal arrangement without legal papers (no court involved).
- 2) An informal arrangement with legal papers (no court involved).
- 3) A **family court**-approved **custody** arrangement.

Option One: Informal arrangements without legal papers (no court involved).

Just as you can have your children stay with a baby sitter without signing any papers, you can choose to have your children live with someone for a longer period of time without signing any papers. You simply need to talk to the person and get his or her verbal agreement that they will care for your children. This type of arrangement may work well for you if you expect to be detained for only a short time. Make sure that the **caregiver** you choose does not need **public benefits** in order to care for your children (like Medicaid or food stamps). Be sure to choose someone whom you trust, and make sure that there is no reason why anyone would object to this choice of caregiver.

Advantages:

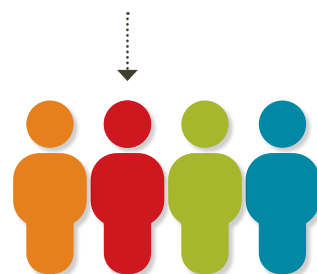
- Simple, no court involved
- You choose who you want to care for your children
- You keep all your **parental rights**
- You can easily reclaim your children when you get out of detention

Note: The laws regarding who can care for your children and how to make caregiving arrangements are different in each state. Try your best to find out about the law in the state where your children are living. Ask a lawyer, a relative or a friend for help.*

*For more information on how to find a lawyer, see Chapter 5.

Disadvantages:

- The caregiver has no paper to show authorities (like schools or doctors) that they have your permission to make decisions for your children. This is because they do not have “legal authority” — they only have “physical custody.”
- If law enforcement or child welfare is called, the caregiver will have no papers to show that they were authorized by you to care for your children.
- The caregiver will not be able to make decisions for your children about school, medical, special education or disability services.
- The caregiver has no power to either apply for, or collect, public benefits for the children (such as Medicaid or food stamps), even if the children qualify for them.
- If a conflict were to arise, either with another person or with authorities, regarding who has the right to care for your children, the caregiver would not have any legal power to keep physical custody of your children.



Option Two: Informal arrangements with legal papers (no court involved)

By preparing and signing a simple legal document that you have **notarized**, you can attempt to keep all the advantages of the informal arrangement described in Option One, but give a caregiver authority to make certain parental decisions on your behalf. In the legal document, you can delegate or assign some of your parental rights to another person. This document has different titles in different states. You may know it as a **power of attorney**, an assignment, a letter of designation or a “poder.”

If you are going to use this option, be sure to make the document as specific as possible, being clear about what powers and responsibilities you are giving to the caregiver. You can assign specific caregiving duties and legal decision-making authority.

It is important to use the right document for the state where your children are living so that schools, doctors and others would be more likely to accept it. Ask a lawyer, detention center staff or your children’s caregiver for help in getting the right document. If you cannot find the right document, write down the details of the arrangement you want (using Appendix J as a guide) and sign it. It might not be

→ [See Appendix J for a sample notarized letter designating custody.]

If you are detained, ask ICE or check the law library for the Delegation of Parental Authority Packet, which may have information about the type of legal document used in your state. You, a relative or friend may also be able to find this packet on the online [ICE Portal](#).

accepted for all official purposes, but it could be helpful for the caregiver. It might also help show the court that you made an effort if that becomes important later on.



Each state has different laws about what a valid legal document is. If possible, you should either speak with a lawyer first, or review the law in the state where your children are. For example, in some states, using an informal legal document instead of a legal **guardianship** order could result in a child welfare investigation at the caregiver's home.

Depending on the state, the arrangement may last for six months, 12 months or until canceled by you. Be sure to sign a new document for the caregiver if necessary. Generally, to end this kind of arrangement, you must give a letter to the caregiver stating clearly that you cancel the document, and that the caregiver's authority to act for you and your children is no longer valid. If there is a time limit on the arrangement, it will end when the time period expires unless you cancel it sooner. When canceling a power of attorney or similar document, have the letter notarized and make a copy for your records.



How to create a power of attorney or similar paper

1. If possible, use the correct legal form from the state where your children are living. Ask ICE or check the law library for the [Delegation of Parental Authority Packet](#), which may have the state's form. If the form is not available, write the details of the arrangement you want on a piece of paper. Make sure to number your pages.
2. If you want your children to join you in your home country in the event of you being deported, you should include this request in the document.
3. Make a copy or write another copy by hand for your records.
4. Sign both copies in front of a **notary** and two witnesses, and have both copies notarized. The detention center should provide access to a notary. If you have trouble getting access to a notary, ask **ICE**, detention center staff or your lawyer for help. If no one at the facility will help provide you with access to a notary, have a relative or friend contact ICE.*
5. If a notary is unavailable, you and your two witnesses should still sign both copies.
6. If possible, have the caregiver sign the document as well (in addition to the notary and two witnesses). This proves that the caregiver is aware of the arrangement, and agrees to take responsibility. If you are already in detention, send the original signed and notarized document to the caregiver, and keep the other copy for yourself.



*For information on how to contact ICE, see Appendix A.

This type of informal arrangement may work well for you if you do not expect to be detained for more than a few weeks or months. In addition, this type of arrangement works when you know who you want to care for your children, giving him or her official authority to make decisions for them while you are detained.

Advantages:

- You retain your parental rights, but your chosen caregiver has some authority to care for your children and make decisions about things like education and medical care.
- If there are any questions about the details of your arrangement, a formal document would give the caregiver some legal support in making sure your plans remain as you've requested.
- It does not require a court.

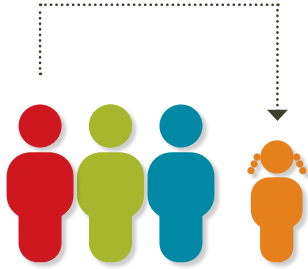
Disadvantages:

- Because this is not a court order, it is possible that some schools, doctors or others might dispute a power of attorney or similar document. This depends on each state's law.
- The caregiver may not be able to apply for public benefits for your children, such as Medicaid or food stamps.
- The caregiver will not be able to make any medical decisions, or requests about special education or disability services in school. If the caregiver has to re-enroll your children in another school, he or she may encounter obstacles that are difficult to navigate.



Using legal papers to authorize someone to care for your children is a serious step and will give that person legal authority over the care of your children. It is essential that you assign this privilege to someone you trust completely! It is also best to choose someone who is a U.S. citizen or who has legal status. Before asking someone without papers to care for your children, ask a lawyer or legal aid organization about the practices in the state where your children are living. In some states, child welfare caseworkers may report people without legal papers to immigration. This may lead to their arrest and detention, especially if the caretaker or children do not have papers. Be careful!

Note: In some states, the caregiver you choose can sign a legal document accepting certain kinds of child care authority (like permission to make temporary arrangements related to school, travel and medical needs). This is a good alternative if this option is available in the state where your children live and you are not able to sign a legal document yourself. But, a document created and signed by you will give the caregiver more authority (though likely not the power to get public benefits such as Medicaid or food stamps for your children).



Option Three: Formal Arrangement— Family court-approved custody

If you want an arrangement that gives your chosen caregiver more legal authority over your children, you may want to seek a family court-approved custody (or conservatorship) arrangement. These arrangements have different names in different states. You may hear them referred to as a temporary guardianship or something else.

→ Family courts deal with family matters, such as child custody issues. We will use the term family court throughout this guide for simplicity. However, the court that is involved in a custody or guardianship matter may be called a guardianship court, a juvenile court, a probate court or something else.

When you make court-approved arrangements, you may have two or three different options: 1) temporary custody (time-limited); 2) custody (also called conservatorship); or 3) guardianship. One option may provide greater parental rights than the other. These family court-approved custody arrangements provide greater stability for your children. They will give the caregiver the right to make decisions for your children, but be aware that they are more difficult to end. You should get advice from a lawyer to decide if this kind of arrangement is the right choice for you.

→ Giving someone custody of your children through a court is a VERY serious step and will give that person legal authority over the care of your children. It is essential that you assign this privilege to someone you trust completely! If possible, you should ask a close relative such as your sister, your brother or your children's grandparent. It is also best to choose someone who is a U.S. citizen or who has legal status.

→ In some states, a relative or friend who is fulfilling the role of a parent—a *de facto parent*—may go to court and get a court order giving them legal custody. In that case your presence and permission may not be necessary.

Not only may there be different court-approved custody options, but the rules and procedures for custody vary greatly depending on the state. For example, some states require the caregiver to be a close

relative. In some places, the caregiver must file the petition, while in other places, either the parent or the caregiver can make the request. If you want to consider this kind of arrangement, it is important that you find out about the types of court-approved custody options and the process in the state where your children are living. For this reason, we strongly advise you to talk with a lawyer if you want to pursue this option. If possible, the lawyer should handle the court proceedings.

→ If a petition for a family court-approved custody arrangement is filed, the court often conducts an investigation and background check of everyone living in the house. Problems could arise if members of the household are undocumented or have a serious criminal history. Some courts may be unwilling to approve a caregiver who is undocumented.

A family court-approved custody arrangement may work well for you if you expect to be detained for a longer time. It is also a good option if the caregiver would like to apply for public benefits for your children (like Medicaid or food stamps) or if the caregiver wants a more formal, stable arrangement.



What if the person caring for my children needs to apply for public benefits for them?

Court-approved custody arrangements may make it easier for your children's caregiver to apply for public benefits (such as Medicaid, cash assistance or food stamps) on your children's behalf. But, be aware that applying for public benefits brings with it the possibility of child welfare asking questions about the caregiver's circumstances, including

his or her immigration status. Child welfare workers may also inspect the caregiver's home. Also, if your children receive public benefits, you may be ordered to pay **child support**. You and the caregiver should think carefully about these possible consequences of using public benefits before deciding to apply. Receipt of public benefits can

have immigration consequences, and changes to public charge laws are possible at any time. Talk to an immigration lawyer before applying for public benefits for you or your children, even if they are US citizens, or if your children's caregiver plans on applying for public benefits.

Note: You do not have the right to a free lawyer when you ask a court for a custody arrangement. But, you or your caregiver may be able to get help or advice at little or no cost.*

*Contact information for State Bar Associations is available in Appendix H. See Chapter 5 for more information on how to get a lawyer.



How formal court custody arrangements can be canceled or ended

Family court-approved custody arrangements can be complicated and hard to reverse. However, it is usually easier to reverse than **foster care** placement. It is important to include in the document the ways in which you want the arrangement to end. For example, you may want to specify a date on which the family court will return custody to you as long as there is no reason why they shouldn't (such as evidence that you abandoned, abused or neglected your children). If family court-approved custody arrangements in your state have an expiration date, then you will automatically regain custody when the order expires without having to go back to court.



You can also write arrangements into the agreement about what should happen in the event that you are deported. For example, if you would like your children to join you in your home country, you can include words that say that if you are deported, the caregiver would work with you to reunite you with your children in your home country.

More permanent custody arrangements may be more difficult to cancel than a temporary arrangement because it requires the court to reverse its earlier decision about custody. The court will make decisions based on the best interests of your children. You will need to work hard to explain why and how you are ready to start parenting again, and why it has become in the best interest of your children to be with you, and not the caregiver.

When the time comes to ask for your children to be returned to you, you should be prepared to show the judge that you remained involved and in touch with your children while you were separated from them. Regular visitation with your children, or calling and writing to them, is the best evidence that you are a good parent, and that you care about your children's well-being. Do everything you can to show that you are involved, and that you care about them.

Advantages:

- Gives the caregiver authority similar to those that a parent has, and prevents anyone from taking your children away from the caregiver.
- Caregiver may be a relative or a non-relative.
- May allow caregiver to apply for public benefits for your children.

Disadvantages:

- Significantly limits your ability to make your own decisions for your children.
- Even if you take physical custody of your children, this will not be enough for you to be able to resume full legal rights over your children.
- Difficult to end the arrangement because it requires court involvement. You have to show that you are able to take back your parental responsibilities. Also takes a lot of time.
- Difficult to pursue without the help of a lawyer.

**Things to remember about any court-approved custody arrangement:**

- If you are submitting the request, attach a letter from the caregiver stating that she or he is ready, willing and able to accept custody of your children.
- If you are comfortable with the caregiver having custody of your children, give him or her a signed letter (if possible, notarized) from you to submit along with the application. This letter should say that you want them to have custody. This letter may help the court make a decision more quickly.
- If the caregiver submits the request, you have the right to disagree with it. Do not sign the papers if you do not want that person to have legal rights over your children.
- Ask the court to give you visitation rights.
- Be sure that your correct detention address is written out on the application. If you are transferred, send the court and the caregiver your new detention center address right away.
- If the custody arrangement has a set expiration date, be sure to renew or extend it if this is necessary.
- It is usually a good idea to include in the agreement an automatic date on which custody ends. It can be extended as needed.
- Include words that state that if you are deported, the caregiver will help to reunite you with your children in your home country, if that is what you wish.

What if I think my children are not safe with the person who is caring for them?

If you think there is a serious immediate threat to your children's life or health because of the actions of their caregiver, you can call the child welfare agency or **Child Protective Services (CPS)**

[See Appendix C for hotline numbers.] →

Childhelp: **1-800-422-4453**
(1-800-4-A-Child)
Ask to be connected to
CPS or child welfare



hotline in the state or county where the children are living. You can also call the nonprofit organization Childhelp at 1-800-4-A-Child (1-800-422-4453) and ask to be connected to CPS or child welfare in the place where your children are living. You can call the hotline even if the caregiver is another parent or relative.

It is important to understand that calling child welfare will get the authorities involved in what is happening to your children. The child welfare service will investigate and may decide that the safest thing for your children is to take them from your home into their care. If your children are placed in the care of child welfare services, it may be more difficult to reunite with them. However, depending on the circumstances, this may be the best option to ensure that your children are safe.

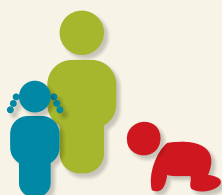
→ Calling child welfare services could have immigration consequences if the children or their caregiver are undocumented. But if your children's safety is really at risk, then it is very important to do something to protect them. If your children are in danger and you do not report it, you may be named in a petition for neglect or abuse, even if you were not involved in the abuse yourself.

If your children are not in immediate danger, but you think that the caregiver is not taking good care of them and is not keeping them safe and healthy, you can ask another relative or friend to take over the care of your children.

If your arrangement with the first caregiver was informal (option one or two), it is relatively easy to take permission away from that person and give it to someone else. If the first caregiver does not cooperate in giving up custody, you should choose a formal arrangement (option three) for the second caregiver that gives him or her legal power to take over the care of your children. This option allows the courts or law enforcement to intervene in the event that the first caregiver refuses to give up your children. If you had a formal arrangement involving a court, you must ask the court to change the custody. Again, this is a process where you may need to talk with a lawyer first.

CHAPTER 3

My Children Are in the Child Welfare System. Now What?



KEY POINTS

- Find out if your children are in the child welfare system.
- Find out how to participate in your child welfare case.
- Get a family lawyer.

If you were not able to choose your childcare arrangements, and your children have been placed in the **custody** of the **child welfare system**, you may be uncertain about where they are and what is happening to them. This chapter will provide basic information about the child welfare system. It includes information about how to find out if your children are in the system, and gives you practical steps that you can take to request that child welfare place your children with a relative or friend.

What is the child welfare system?

It is the child welfare system's job to protect your children. The child welfare system investigates cases of suspected child abuse, abandonment or neglect, and finds temporary and permanent homes for children if they are not safe with their parents. Child welfare also cares for some children who have been separated from their parents due to jail, detention or deportation.

Child welfare systems differ from state to state, and their policies and procedures vary. If you are working with the child welfare system to reunite with your children, you will need to find out the rules and requirements in the state where they are living.





If you were separated from your children at the border, your children may be in the custody of the Office of Refugee Resettlement (ORR), a US government agency. ORR cares for immigrant children who enter the United States alone or who are separated from their parents or guardians. It is part of the national government and not any state child welfare system. For more information, you may call ORR at 800-203-7001 (699# from ICE detention) or ask an immigration lawyer or presenters at legal orientation/Know Your Rights presentations if they have them in the detention center where you are held for more information. You can also call the American Bar Association (ABA) Detention Information Line at 202-442-3363 (or dial 2150# from detention).

The child welfare system has two parts: child welfare social services and child welfare courts.

Child welfare social services: Each state and locality has a child welfare agency. The name of the agency varies from state to state. It may be called Child Protective Services, the Division of Children and Family Services, the Department for Children, Youth and Families, or something else. In this guide we will call it the child welfare agency.

Child welfare caseworkers are employees of child welfare agencies, and are assigned to children's cases to make sure that children in the system are safe and well cared for. They investigate family situations and help parents regain custody of their children when it is temporarily lost. They also make recommendations to the court about where children should live and what services they need.

Child welfare courts: The child welfare system in each state and locality also has courts. This court may be called a Dependency Court, Juvenile Court, **Family Court**, Children's Court or another name, depending on the state. In this guide we will call the court involved with child welfare proceedings the family court. Judges in these courts decide whether or not parents should have custody of their children or someone else should have custody if they have been abandoned, abused, neglected or are not safe in their home for other reasons, such as a parent's arrest or detention. They will also decide where children will live if they cannot live with their parents.

In some states, children in the child welfare system are assigned a lawyer and/or a **guardian ad litem**. These people help children navigate the child welfare process and the family court. The lawyer or guardian ad litem will either advocate for your children's legal rights or advocate for what is in their best interest. Some states also give children a **Court Appointed Special Advocate (CASA)**. CASAs are volunteers who spend time getting to know your children and make recommendations to the court about what they think is best for them.

By law, the child welfare system's main goal is to see that children have safe and permanent homes. When the child welfare system finds children that are unsafe living with their parents, or finds that the parents are not available to provide care, it may remove the children from the home, taking them into its care. The law only allows children to stay in temporary care for a limited period of time before a more permanent home must be found. This is meant to prevent children from spending long years growing up without the care of

a permanent family. The law's goal is to ensure that children have permanent homes within approximately 6-12 months of entering the child welfare system, even if that permanent home is with someone other than the parents. For this reason, you must act quickly if you know or suspect that your children are in the child welfare system.

To be sure to meet the law's time limits, the child welfare system usually has two plans for children in place. These two plans are often referred to as the "**permanency plan.**" As proceedings progress, the family court may eliminate the first plan and choose the second plan.

- The first plan, "Plan A," tries to reunite parents with their children.
- The second plan, "Plan B," looks for a permanent home with someone other than the parents – often with a relative. If the parents do not qualify to be reunited with their children within the time allowed, the children may still be placed in the "Plan B" permanent home.



If you designate a relative or friend to take care of your children (see Chapter 2), remember that child welfare could still get involved if that **caregiver** is reported to be abusive, neglects or abandons your children, or becomes unable to provide care for them. Keep reading this guide to see what to do if this happens.

How do I find out if my children are in the care of the child welfare system?

If there was no one available to care for your children when you were detained, if you were not allowed to choose your care arrangements when you were taken into custody or if you are just not sure where your children are, they might be with the child welfare system. You should try to find out as soon as you can! The longer they remain in the system, the greater the risk is to your **parental rights**.

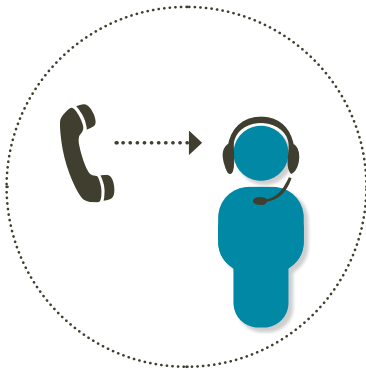
Note: Your children may be in the child welfare system even if they are living with a relative. If your relative mentions that there is a child welfare caseworker involved, or she or he has to go to court about your children, that is a sign that there may be a child welfare court case.



Be careful if you are charged with a crime!

If you plead guilty to a crime, or are found guilty of one (including child abandonment, abuse or neglect), or even if you are just arrested, it may impact your immigration status, your ability to stay in the U.S. and your chances of getting your children back. Inform your immigration lawyer and your family court lawyer immediately if you have been arrested, are asked to sign anything, or charged with a crime. Even signing a waiver to get out of jail could have harmful immigration effects. Criminal defense lawyers (and sometimes social workers) should tell you if there are immigration consequences to your crime, but they are not always aware of how steps that might be good for the criminal case can hurt immigration and family cases. Do not agree to do anything in your criminal case until you are very clear about how it will affect your other cases.


[See Appendix C for child welfare hotline numbers.] →




As soon as possible:

- Call the child welfare agency hotline for the state or county where your children are living, or have a relative or friend call. If that does not work, call the nonprofit organization Childhelp at 1-800-422-4453 and ask to be connected to child welfare in the state or county where your children are living. Hotlines usually take calls 24 hours a day, every day.
- Give your name and explain that you are calling to see if your children are in the child welfare system (your relative or friend can say that they are calling on your behalf).
- If you have more than one child, give each child's name because they may not be together in the same child welfare placement.
- Explain that this is an emergency situation because you are in immigration detention where they do not allow you to receive return phone calls, and you want to make sure that your children are safe.
- If child welfare has opened a case for your children, ask for the name, address and phone number of the child welfare office in charge of the case, and write it down.
- Also ask for the name, address and phone number of the assigned child welfare caseworker, and write it down.
- Ask for the contact information of all the lawyers, guardians ad litem and/or advocates on the case.
- Ask if case numbers are available for each child's case, and write them down.
- Ask the hotline worker to add these things to your children's case records if possible: your name, the name under which you are registered in detention (if different), your alien number (A#) and the detention center address.

Note: If you cannot do any of the following yourself, ask a relative or friend in your children's community to help you with these calls.

 Child welfare is required to notify you by letter that it has opened a case on your children. They may also send you information about steps you need to take to reunite with your children. However, they cannot follow this rule if they do not know where you are. Make sure that you, a relative, or a friend, gives your name(s), alien number (A#) and address to child welfare as soon as possible so that they know where to send letters, updates and notices for your children's case. If you are transferred to a different detention center, contact child welfare as soon as you can to give them your new address. If you do not know the phone number for child welfare, see Appendix C for the hotline phone number in the state where your children are living or call Childhelp at 1-800-422-4453. You should also tell **ICE** and staff at the new detention center that you have children and that you are their caregiver.

 Make sure you give your full name and any other names you are known by, as well as your alien number (A#). This will make it easier to track you if ICE transfers you to another detention center.

Why is it so important to contact child welfare?

It is often very hard for people outside the immigration detention system to find those detained inside the system. Some child welfare caseworkers do not know that immigration detention exists, and, even if they do, many do not know how to locate a parent who is detained or deported. You should assume that they do not know where

you are and should therefore try to make contact with them as soon as possible. If child welfare cannot find you and does not hear from you, the child welfare caseworker and the family court may think you do not care about your children or have abandoned them. If this happens, the family court will look for another family or placement for your children

and, over time, they will make it permanent. Your children could even be adopted. Do not be alarmed! This is the worst case scenario! It will not happen overnight. So if it takes you a few weeks, or a couple of months, to make contact with child welfare, your children should not be adopted during that time.



Where will my children live while they are in the care of the child welfare system?

Once the child welfare system becomes involved with your children, there is a very short period of time during which they might be willing to release your children to a relative or a friend without opening a formal case. The length of time varies depending on the state and the circumstances of the case. Most likely, they will only allow this if there is a legal custody arrangement already in place (through a court) or if you gave your relative a legal document arranging custody (**power of attorney** or “**poder**”). If you contact the child welfare agency quickly, you may be able to help them understand that you were unable to plan for your children’s care prior to being taken into custody. The agency may think you abandoned your children if they do not know that you are in immigration detention.

[For more information on these types of arrangements, see Chapter 2.]

Although child welfare may try to release your children to a relative or friend without opening a case, they may place your child in **foster care** instead. This is particularly likely to happen if a parent has been arrested or taken into immigration custody and there is no other adult in the home available to care for the children.

Note: If there is another parent involved in your children’s lives, he or she has a legal right to custody of your children and the child welfare system should release your children to him or her as soon as he or she contacts them. (Your children will not be released to the other parent if there is an allegation of abandonment, abuse or neglect against that parent, or if a prior case has suspended the other parent’s custody rights).



If the other parent has abused either you, or your children, you should tell the court and the child welfare caseworker. Make sure that they are aware of any concerns you have about the other parent’s ability to care for your children. (If your child’s other parent has abused you, you may be eligible for immigration status in the U.S. For more information, see the text box about the **Violence against Women Act (VAWA)** and U Visas on page 36.)

Child welfare generally uses three types of placements:

- Emergency shelters: facilities that care for children and meet their basic needs for a short period of time, usually up to 30 days. Many children stay there for only a few days.

- **Group homes:** usually smaller than emergency shelters and often located in a residential house in a residential neighborhood. Both shelters and group homes have staff on duty day and night to supervise and care for the children. Usually, it's only older children that are placed in group homes.
- **Foster homes:** in a foster home, children live in a house with a family that has been approved by the state or county. The parent(s) of the family take care of the foster children along with their own children. There are three types of foster homes:
 - » **Kinship/Relative:** a relative who agrees to have a background check and care for your children through the child welfare system. There may be a special kinship **foster care** program available to your relative.
 - » **Friend:** a person identified by either the children or the parent, and who agrees to have a background check. (Often this requires the children, the children's lawyer, the guardian ad litem or parent to make this request.) Some friends may be eligible for kinship foster care.
 - » **Stranger:** a person screened by the local child welfare agency and licensed by the State to take children into their home.

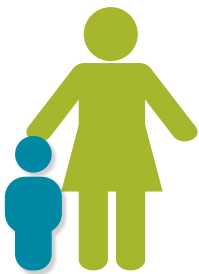


The child welfare system is required to look for kinship care options (placing your children in the care of relatives) when they are deciding where your children will live while they are in the child welfare system. If a relative or friend is available, and is approved as a safe and stable placement by the child welfare agency, they may be able to foster your children. Placement with someone your children know may help them feel more secure while they are separated from you. Placement with a relative may also help preserve the family relationship. If the child welfare system decides that your children cannot be reunited with you, they will consider the possibility of your children living more permanently with your relative.

Be aware that it can sometimes take several months for a new foster home to be approved by either a family court judge or the child welfare agency. Child welfare caseworkers can explain the application and training process needed to become a foster parent. While a relative or friend is being approved, your children will live in one of the other placements listed above.



In some states, a person without valid immigration papers cannot be a foster parent. In some states, child welfare caseworkers will report people without papers to immigration, which may lead to their arrest and detention, especially if the caregiver or the children are undocumented. Be careful! Before asking an undocumented person to care for your children, ask a lawyer or legal aid organization about the practices in the state where your children are living.



How do I increase the chance of child welfare placing my children with someone they know?

To increase the likelihood that your children will be able to live with a relative or friend while they are in the child welfare system, you should do the following as soon as possible:

- Give child welfare caseworkers the names and contact information of any relatives or friends who are able to care for your children (make sure these are people you trust). The child welfare system can only reach out to potential caregivers if it has their names and phone numbers. Child welfare caseworkers have many cases and are very busy, so be prepared to leave a voice-mail message when calling. When leaving a message, always mention that you are in detention and that you cannot receive a return call. Be sure to give the date and time when you will call again.
- Contact the relatives or friends you have chosen to care for your children. Tell the relatives or friends to contact the child welfare caseworker immediately to inform them that they are offering to be the caregiver. They should be prepared with papers to be able to prove their relationship to the children, such as a signed statement from you (**notarized** if possible), and the children's birth certificates. Birth certificates are especially important if the children and caregiver are related to each other but have different surnames.



Before agreeing to release children to a friend or relative, child welfare will conduct a criminal background check on that person along with any other adults living in the home. Child welfare will also check to see whether or not the caregiver or other adults in the home have ever been investigated for child abuse, abandonment or neglect. They may also visit the caregiver's home to make sure it is clean and safe.

- Be persistent. When contacting child welfare caseworkers, both you and any potential caregiver should call, leave messages and keep trying until you can talk to the child welfare caseworker who has authority in your children's case.
- Ask your relative or friend to go to the child welfare office in person to get a faster response.
- If you are unable to get a response, ask for a supervisor. Go up the chain of command, and write down everything you do, including all your efforts to make contact. You can also contact the state or county lawyer on the case and tell him or her that the child welfare caseworker is not responding, or that you cannot locate the child welfare caseworker. (The name and contact information for the state or county lawyer should be on the court papers.)
- If necessary, ask for a child welfare caseworker who speaks your language. If one is not available, ask for an interpreter.
- If you try everything on this list and do not get a response from child welfare, ask your lawyer, ICE, detention center staff, the chaplain or a relative or friend for help.

If there is no one that you trust to care for your children, or if you do not feel that your children would be safe with a relative or friend, a shelter or **foster care** may be the best option (better than having your children in danger or alone). If a trustworthy relative or friend becomes available later on, and you are confident that this person will not mistreat your children, you can ask child welfare to place your children with them.

My children's other parent is available to provide care, but I am afraid of this person

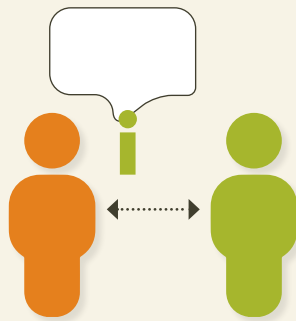
The Violence Against Women Act (VAWA)

If you have been a victim of domestic violence, you may be able to get legal immigration status in the United States. Domestic violence occurs in families when one person seeks to control and intimidate another. It may involve physical abuse, or other threats and behaviors that “frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound” the victim.*

A victim may apply for a visa under VAWA if the abuser is a U.S. citizen or lawful permanent resident (green card holder). A VAWA applicant can be the spouse (either wife or husband) of the abuser, the child of the abuser, the parent of an abused child (in this case you may apply for yourself and your children) or the parent of an abusive child. You do not need to tell the abuser or get permission from the abuser to apply. You do not need the abuser's signature on the application. A VAWA application is confidential! This means that the government is prohibited from telling the abuser about a VAWA application.

If your VAWA application is approved, you may be allowed to remain legally in the U.S., receive help from programs for domestic violence victims, work legally and apply for permanent residency (a green card). If you think you might be eligible for VAWA protection, talk to an immigration lawyer for more information.

In detention, you may also be able to request assistance from legal orientation/Know Your Rights program presenters or dial 2150# for the American Bar Association (ABA) Detention Information Line.



U Visa for Victims of Criminal Activity

If you have been the victim of certain serious crimes you may qualify for a U visa. A U visa gives you permission to live and work in the U.S. In order to qualify for this visa, a person must have been the victim of a crime that happened in the U.S. and must be helpful to law enforcement in the investigation or prosecution of the crime. The victim must have suffered serious mental or physical harm, must have information about the crime and must have helped or be willing to help U.S. authorities investigate the crime or prosecute the criminal(s). The immigration status of the criminal does not matter for a U visa. In order to apply for the visa, a law enforcement agent must confirm in writing that the victim was indeed helpful. More than 25 kinds of serious crimes fit the U visa rules. A few examples include domestic violence,

rape, assault and being held against your will. You can apply for a U visa at any time during your immigration case, even if you have already been ordered removed from the United States by an immigration judge.

If you qualify for and receive a U visa you will be able to stay in the U.S. legally, work legally, apply for visas for certain close family members and eventually apply for permanent residency (a green card). If you think you might be eligible for a U visa, ask an immigration lawyer or, if available at your detention center, presenters at legal orientation /Know Your Rights program presentations for more information. They can help you determine whether or not you qualify for a U visa and assist you in obtaining the written statement from the law enforcement agent.

If you think you may be eligible for VAWA relief or a U Visa, be sure to attend a [legal orientation /Know Your Rights presentation](#) in the detention facility where you are held if there are any or dial #2150 for the ABA Detention Information Line, and talk to a lawyer about your situation.

*National Domestic Violence Hotline. “What is Domestic Violence” webpage, accessed January 2025 at <http://www.thehotline.org/is-this-abuse/>.

What should I do once I know my children are in the care of the child welfare system?

No matter how long it took you to discover that your children are in the child welfare system, you can still participate in their case and request that they be allowed to live with a relative or friend. As soon as you know your children are in the child welfare system, you should:

- Follow the steps on pages 30 – 35 to make contact with your children’s child welfare caseworker, and communicate your wishes about where and with whom your children will live.
- Ask the child welfare caseworker where the case is in the family court process, what you have missed and when the next family court date is. Tell the child welfare caseworker that you want to participate in the court case, and ask him or her to send you all the documents related to the case.
- Ask the child welfare caseworker whether or not you have been given a family lawyer. If not, use the standard form from the state where your children are living to request that the court give you a lawyer (you can ask the child welfare caseworker, a relative or a friend for help in getting the form). If you do not have access to the form, send a letter to the court asking the judge to appoint a lawyer for you. Make sure to make a copy for yourself.
- Keep trying to have your children placed with a relative or friend if that is what you want. Even if your children are currently in a shelter or living with a foster family that you do not know, the judge may agree to let your children live with your relative or friend instead. Be aware that the longer your children live where child welfare has placed them, the more reluctant child welfare and the judge will be to move the children to another home, even a relative’s home. So do not wait to ask about placement with a relative or friend if at all possible.

→ [See Appendix D for a sample letter.]

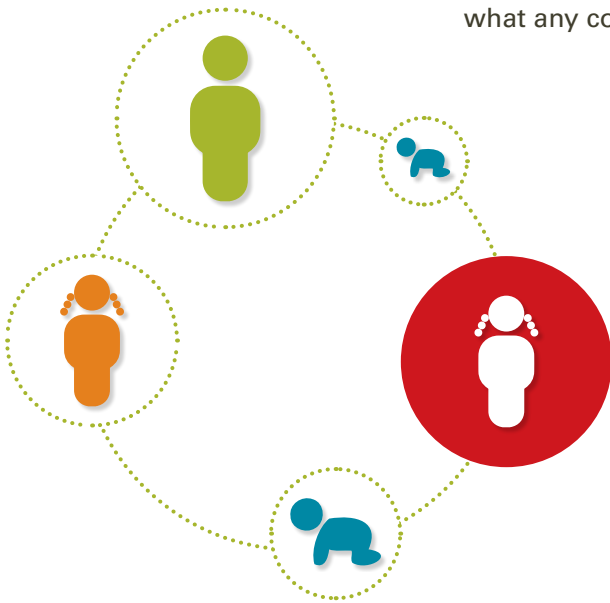
Note: Not all states provide family lawyers, but some do.*

*See Appendix I for more information about whether the state where your children are living provides a family lawyer to help you.

- Tell the caseworker, your lawyer, your relatives and friends, about ICE’s Online Detainee Locator System, which will make it easier to find you in case you are moved to a different detention center. They can access the locator at <https://locator.ice.gov> or they can do an Internet search for “online detainee locator.” To use the locator, they will need your Alien Registration Number (A#) or the name under which you are detained, along with your place and date of birth. Make sure everyone involved in your case has this information.

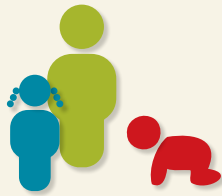
What if I think my children are not getting proper care or are being mistreated while in the child welfare system?

If at any point you think that your children are not getting the services they need while in the the child welfare system, or the child welfare-approved caregiver is either mistreating them or not taking care of them, you should tell your lawyer (if you have one) and the child welfare caseworker. If you are not satisfied with the way child welfare responds to your concerns, try to tell the children’s lawyer, guardian ad litem, Court-Appointed Special Advocate or the judge. Do not hesitate to advocate for your children—that is exactly what any concerned parent would do!



CHAPTER 4

What Happens in Child Welfare Proceedings?

**KEY POINTS:**

- Ask ICE to release you to be able to participate in the child welfare case.
- Participate in family court—there are ways to participate even from detention. Ask ICE!
- Get a lawyer and ask for help!

There are many different **family court** proceedings that will each have an impact on your ability to reunite with your children. This chapter will explain what will happen during these proceedings and will give you suggestions about how you can participate in them.

In most states, there will be several family court hearings. Each hearing has a different purpose. They may happen weeks or months apart, or several of them may happen at the same time. The names of these hearings, along with the required timeline for holding the hearings, differ by state. Sometimes the hearings happen very quickly, so be prepared ahead of time whenever you can.



The information in this chapter is intended to give you a general understanding of what may happen at the various stages in the child welfare process. **It is not legal advice.** Try to get help from a lawyer if at all possible. If you do not understand what is happening, **ALWAYS** ask a lawyer, the child welfare caseworker, the judge or someone else who has expertise in the child welfare process to explain it to you.





The court hearings that take place in the **child welfare system** are **EXTREMELY** important—they can result in the termination of your **parental rights** and the placement of your children with someone else for **adoption**. In the next paragraphs, we explain ways you can participate in the hearings even if you are detained.

Can I participate in child welfare proceedings even if I am detained?

YES! There are ways to participate even from detention! Make sure that you try to participate in all of the family court hearings. These hearings will decide whether or not you can get your children back when you are released from detention or have been deported. If you do not participate or show that you are trying to participate, the **child welfare system** and the family court may think that you no longer wish to care for your children. Participation is possible in many different ways. It is not just attending in person. You can also participate by phone or by writing letters to the court. Your efforts to participate do matter because they demonstrate your commitment to caring for your children—if you do not succeed at first, do not give up!

[For information on how to find a lawyer, see Chapter 5.]

— You can participate whether or not you have a family lawyer. But you should try to get a family lawyer. Your family lawyer understands all the proceedings and can help you express your wishes.

If you do not have a lawyer, read this guide very carefully. If you do not understand some of the recommendations, do not be afraid to ask your immigration lawyer, **ICE**, detention center staff, a relative or a friend to help you. You can also ask the detention center librarian, a relative or friend to look for more information about child welfare proceedings in the state where your children are living and have them print out the information for you.

[See Chapter 1 for information about how to maintain your relationship with your children.]

— Remember, your participation is not just limited to courtroom proceedings. One of the most important things you can do is show your love and support for your children.



In some instances, child welfare may not allow a parent to contact his or her children. If that is the case, do not try to contact your children. Speak with your lawyer or the child welfare caseworker first, before trying to contact your children, to find out what type of contact you are permitted to have.

How do I participate in child welfare proceedings?



Work with ICE or a detention center staff person to arrange to participate in family court. If you are not satisfied with the response you get from them, you may call the **ICE Detention Reporting and Information Line (DRIL) at 888-351-4024, (9116# from detention)**, or have a relative or friend contact either the Field Office where you are being detained, or ICE Headquarters.

→ [For information about how to contact the Field Office or Headquarters, see Appendix A.]

1-888-351-4024
ICE Detention Reporting and
Information Line (DRIL)

Your rights. You have the right to be notified of all hearings that affect the **custody** of your children. You also have a right to receive copies of the court documents and to attend all hearings. If you are in immigration detention, it can be very hard for you to arrange to go to court. However, it is worth the effort to try, even if there is little chance of success, because it shows child welfare and the judge that you did everything you could to attend in person. You will need to ask ICE for help and permission to attend. It may be helpful to mention the ICE detained parents directive when making this request

I cannot attend in person. If you cannot attend in person, ask to participate by video. If this is not possible, insist on participating by telephone. If you can only participate by telephone, ask ICE for a letter (and ask for 2 copies, one for yourself) stating that you are not able to attend in person. If you have a lawyer, send the letter to him or her. If you do not have a lawyer, send the letter to the family court and the child welfare caseworker.

Try to get released. If you asked for release but are still in detention, show ICE the notice of the family court hearing and ask them, once again, to be released. When you ask, explain that you need to attend and participate in family court proceedings so that you do not lose custody of your children. It may be helpful to mention the ICE detained parents directive when making this request. If you can afford to pay a **bond**, ask for a bond hearing. If you cannot afford to pay a bond or do not qualify for one, ask for release on **Humanitarian Parole, Release on Recognizance, Supervised Release** or **Alternatives to Detention**. You may not get released by any of these means, but it is worth asking.



Attending court in person:

- Show the hearing notice (letter) from the family court to ICE or detention center staff, and ask them to help arrange transportation for you to go to court.
- **Ask for permission** to go to court as soon as you get the hearing notice so that ICE and detention center staff have time to process your request. Detention facilities might refuse to arrange transportation if there is not enough time between the request and the court date, or if the family court is very far away. Some facilities need several weeks to make arrangements.

→ If you are able to attend court in person, you may be in handcuffs for the whole hearing, even if you do not have a criminal conviction. You or your lawyer can ask the judge to issue an order that your handcuffs be removed while you are in court.

→ ICE may tell you that you have to pay for transportation to the hearing.

- **If you need more time** to arrange transportation, call or write to the judge and ask that the hearing be postponed (delayed). The judge may or may not agree to do this.
- **If ICE does not agree to take you to court**, and you are detained within a reasonable distance to the court, **ask the family court judge to issue a request** for ICE to bring you to court. (You can do this yourself, through your lawyer, a relative or a friend.) The judge may or may not agree to do this.
- You will need to **ask ICE or detention center staff for permission to attend each hearing** individually. If they require a request from the judge, you will need to get a separate request for each hearing. As soon as you receive each notice or request, show it to ICE or detention center staff and ask again for transportation to court.
- If you are not able to go to court in person, **ask relatives or friends to go for you**. This will show the court that you and your family care about your children and want them back. If your relative or friend goes to the hearing, they should tell the court officer in the courtroom that they are there for your case.

Note: In some jurisdictions, friends or relatives may not be able to attend court hearings because they might be closed to the public.

- Make sure the child welfare caseworker and the judge **are aware of all your efforts** to get to court. Call them or write them letters saying that you have been trying to attend.
- If there is no way to go to the hearings in person, you should **participate by video or telephone**.

Attending court by video or telephone:

If you cannot attend court in person, you may be able to participate by video or telephone, if available. It may be helpful to mention the ICE detained parents directive when making any requests related to participation in family court.

- **Show ICE** or detention center staff the hearing notice (letter) from the family court and ask to participate in your hearing by video or telephone.



Each family court will have different ways of allowing you to participate. Some will have video and some will only have phones. Some will want you to call them and some will want a number where they can call you. Read the notice carefully.

- **Ask ICE** or detention center staff if there is a way to make free calls to government offices. Also ask if there is a telephone number where the court can call you.



If you are having trouble making phone calls, ask your lawyer or the child welfare caseworker to talk to ICE or detention center staff. They can help explain why it is so important for you to make these calls.

- **Give the name and phone number** for either ICE or a detention center staff person to your lawyer and the child welfare caseworker, so they can help arrange for your call with the court at the proper date and time.
- **Give ICE** or detention center staff the phone number for the specific courtroom where your hearing will be held (not the general number for the court house). If you only have the general number, make sure to give them the name of the judge as well.

- If ICE or detention center staff do not agree to help you participate by video or telephone, **ask the family court judge** to issue a request for ICE to let you participate by video or telephone. The judge may or may not agree to do this.



If the judge is unwilling to issue a request, make sure to write a letter to the judge explaining the problem, so that there is a record in the court case file. Send copies of the letter to your lawyer and your child welfare caseworker. Be sure to keep a copy for yourself. If you do not have access to a copier, copy it by hand and write “true and accurate copy of the original” and put your initials on each page.

- Once you have the request, **show it to ICE or** detention center staff and ask again to participate in the court hearing by video or telephone. It may be helpful to mention the ICE detained parents directive when making this request.
- Even if you are not able to get help from ICE to participate by telephone, try to get a telephone number for the family court, and make the **call from the detention center**. This will be expensive, but it is worth it.
- If the family court refuses to let you participate by video or phone, **write to the court and explain**. Tell the judge again that you need a lawyer appointed to you to advocate on your behalf.

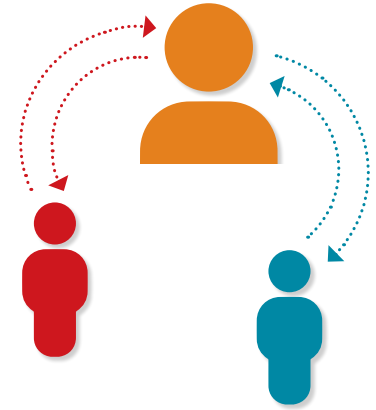
[See Chapter 5 for ideas on how you can try to find legal help.] →



Tell the child welfare caseworker and the judge about all your efforts to participate in your hearings. Send them each a letter saying that you tried to attend in person, and participate by video and telephone, but ICE would not allow it. This will create a record of your efforts that will help show that you are committed to being involved with your children. It will help in case you need to appeal.

How do I participate in child welfare proceedings if I do not speak or understand English, or if I cannot read or write?

Ask for an interpreter. You should always tell your lawyer, the child welfare caseworker, the family court and anyone involved in the child welfare process if you have trouble understanding or communicating with the court. Also, ask if there are forms available in your native language. Many legal forms are available in Spanish, for example. Even if you do speak and write English, you can always ask for an interpreter if you do not understand something. If you are writing to the court and are not sure you are explaining yourself clearly, write everything out in both English (if possible) and the language that you feel comfortable in.



If at any point you have trouble understanding this guide or doing something the guide recommends, ask ICE or detention center staff (such as medical staff or a chaplain) to help interpret, explain the guide or write down your wishes. You can also ask for forms in a language you understand.

Who are the people in a child welfare case?

There will be many people involved in the child welfare case:

- A family court judge
- The lawyer for the state or county who will represent the child welfare system
- Child welfare caseworker(s) from the child welfare agency
- Representation for the children (one or several of the following):
 - » A lawyer for the children (sometimes called a law guardian) who represents your children's legal rights, and/or
 - » A guardian ad litem who represents the children's best interests, and/or
 - » A **Court-Appointed Special Advocate (CASA)** who is not a lawyer, but also advocates for the children's best interests.



It can be very helpful to your case to communicate with your children's lawyer. You will want to show him or her that you care for and love your children. If you have a lawyer, always talk to your lawyer before you speak with your children's representative.

[For more information about whether the state where your children are living provides a lawyer to help you, see Appendix I.]
[See Chapter 5 for information on how to request a lawyer.]

- A lawyer for the parent (not guaranteed). Only certain states appoint a lawyer automatically. If there is no lawyer appointed to you by a judge, it does not mean that the court has refused to provide one to you free of charge. Always ask the judge.
- The other parent of your children and his or her lawyer.

What will happen at the various hearings?

This depends on the type of hearing. In this section, you will find a general description of the types and purposes of family court hearings that you will encounter if your children are in the child welfare system. The hearings may have different names, and may occur in different order and over different time periods, depending on the state. It is important that you find out the process in the state where your children are living.



It is impossible to describe all the things that might happen in this guide. This information is provided in order to give you a general understanding of what may happen at the various stages of the hearing process. It is not intended to provide you with legal advice. If you do not understand what is happening, ALWAYS ask for help from a lawyer, the child welfare caseworker, the judge or someone else who has expertise in the child welfare process.



You should try to get information on the various hearings in the state where your children are living so you understand what is happening at each stage of the process. Ask for help!

- Ask your child welfare caseworker or your family lawyer if there is a booklet or handbook that explains the child welfare process in the state or county where your children are living.
- If they cannot help you, try to have a relative or friend get information for you.
- The chaplain, librarian or someone else at the detention center also might be willing to print information for you from the Internet, so ask them for help.
- If you are not able to get the information you need, you may call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention). If you cannot make the call, have a relative or friend contact the ICE Field Office in the area where you are being detained or ICE Headquarters.

→ [For information about how to contact the Field Office and Headquarters, see Appendix A.]

Child welfare initially gets involved with children either because someone reports suspected child abuse, abandonment or neglect, or because the children are left without a parent to care for them (for example, because they are in jail or immigration detention, or have been deported). When the local child welfare agency is notified that children may be in an unsafe situation, they investigate to decide whether or not the children can stay in the home or need to be temporarily placed in the care of the child welfare system. If the child welfare agency thinks that children need to be placed in the child welfare system, they will file a petition with the family court. This petition is the first step in child welfare proceedings.

The petition will state the reasons why child welfare thinks the children have been abandoned, abused or neglected. The petition will also explain why they think that the children might need to depend on the child welfare system instead of the parent for daily care. You may hear this referred to as a dependency petition or a child protection petition, but different states call it different things.



You, as the parent, may be referred to as the **Respondent** in the child welfare court proceeding documents.

What does it mean if my children are declared dependent on the court?

If your children are declared dependent on the court, it does not mean that your parental rights have been terminated. If you do everything the child welfare system asks of you, and can prove that you are willing and able to care for your children when you are released from detention, you may be able to reunite with your children at a later date.



Case plans

An important part of the court proceedings is the case plan. The case plan will explain all the things you need to do to reunite with your children. The **case plan** is usually created early on in the child welfare proceedings. You can offer suggestions to the court about what will be

included in your case plan. Do your best to be involved in the process of writing your case plan. This way, the plan can include things that you will be able to do from detention. If you are having trouble participating in court proceedings or your case plan because of being detained, it is

important to mention this to the judge, your lawyer and the child welfare caseworker. You should also tell the judge or your lawyer if the caseworker is not helping you with the case plan.

[Case plans will be discussed in more detail in Chapter 6.]

Shortly after children are removed from the home and the petition is filed, there will be an initial hearing. This hearing is usually held within a few days after the children are removed from the home. At this hearing, the court will review the petition and decide whether or not there is an immediate risk to the children. It will also decide whether or not the children will remain in the care of the child welfare system, be allowed to return to parents (if parents are not in detention) or be allowed to live with other relatives.

If your children are still in the care of the child welfare system after the initial hearing, the family court will schedule many more hearings. These hearings are intended to provide an opportunity for you to be heard, to review the care of your children and to determine what is in their best interest. Toward the end of the process, the judge will make a long-term plan for your children at what is sometimes called a **Permanency Hearing**.



Because the first hearing can happen within a few days of the child welfare system getting involved with your children, it is quite likely that you will have missed it, especially if you did not know that your children were in the child welfare system. If you have already missed one or more hearings, call or write to the child welfare agency in the state where your children are living, the child welfare caseworker or the family court judge and ask if a lawyer was appointed for you. If one has been appointed, ask how to contact him or her, or if one has not been appointed, ask how to get one. You should also ask for information on when the next hearing will take place. When you write, be sure to include your mailing address so they can send you a copy of the case plan and notification of future hearings.

Over the course of the different hearings, the judge will make the following decisions:

- *Where your children will live while they are in the child welfare system.*
- *Whether or not you have abandoned, abused or neglected your children.*

→ [See Chapter 3 for more details.]



Just the fact that you are in detention might make child welfare think you have abandoned, abused or neglected your children, even though you have not purposely done this.

- *What the case plan will require from you in order for you to be reunited with your children.*

Being given a case plan is a good thing. It means that the court thinks it would be best for your children to be reunited with you, as long as you can show that you are willing and able to care for them.

- *Whether or not you are complying with your case plan.*

If you are given a case plan, there will be a deadline for fulfilling the requirements. If you have a case plan, the judge will schedule review hearings to see how you are progressing. It is very important that you show the court all you have been doing to prove that you should be reunited with your children.

→ [Read more about how to comply with a case plan in Chapter 6.]

- *How the case is progressing and whether or not the current placement is in the **best interest of the children** or needs to be changed.*

→ [See Chapter 3 for information about placements.]



Best interest of the child

is a legal phrase. It means different things in different states. You will hear this often throughout your hearings. Always communicate what you think is best for your children to the judge, your lawyer and the child welfare caseworker.

Example 1: If your children are placed in a home where only English is spoken, and you want them to be with someone who speaks your language, you can ask that your children be placed in a bilingual home. (This may be only possible for Spanish speakers or for other more common languages.)

Example 2: If you feel your children are being forced to practice a religion that is not their own, you can voice your objection.

Example 3: If a family member has become available to care for your children, and you prefer to have him/her instead of the current placement, you can ask the court to consider him/her.

- *Whether or not you can be reunited with your children.*

If you do everything that the child welfare system requires you to do and can prove that you are willing and able to care for your children when you are released from detention, there is a reasonable chance that you will be able to reunite with your children.

- *Whether or not to reject termination and continue with your case plan to let you work towards getting your children back.*

If the judge decides to do this, it is another opportunity for you to participate in your case plan, suggest changes to it and/or change your children's living situation.

- *Whether or not your parental rights should be terminated—permanently.*

The family court can terminate your parental rights if it believes that you have abandoned, abused or neglected your children, if you have failed to comply with the case plan and/or if they believe that you are not fit to regain custody of your children. Because of your detention, abandonment will most likely be one of the grounds for termination.

If your parental rights are terminated, you would no longer be considered to be the legal parent of the children. You would have no legal right to see them, no right to make decisions for them, nor would you be able to get any information about them.



The judge has to give you notice and a hearing before legally terminating your parental rights.



You have the right to be at this hearing and you should ask to be there. If you have been deported, you can ask the U.S. government for Humanitarian Parole to re-enter the U.S. so you can attend the hearing. This can be difficult to get, but if you are able to make the trip you should try to make the request. You can also ask to participate by telephone.

[For more information about how to request humanitarian parole, see page 76 of this guide.]



If your parental rights are terminated, you will have very little time to file an appeal. Talk to a lawyer if you can, or your **consulate** which may be able to help you find a lawyer, as soon as possible.

It is difficult to predict what long-term or permanent arrangement would be made for your children's care if your parental rights have been terminated or reunification is not possible. The judge will choose a long-term placement option that she or he thinks is in your children's best interest and gives them the most stable and permanent home. This might be different from the place they have been living up to now. The placement will depend on the age of the children, the circumstances and the availability of options.

The options may include:

- 1) Long-term **foster care**/independent living (if one of your children is close to 18 years old). → [See Chapter 3.]
- 2) Permanent legal **guardianship**. → [See Chapter 2.]
- 3) Adoption into a new family (only if your parental rights are terminated). [See below for more information.]

Will my parental rights automatically be terminated if a permanency hearing is held?

Not necessarily. Your parental rights are not terminated just because a permanency hearing is scheduled. If you were given a case plan and have made good progress, this hearing may result in an agreement that allows you to keep working towards get your children back. If there was no case plan, or the case plan has not gone well, the judge may hold off on terminating your parental rights, giving you more time to obtain and participate in a case plan.



→ In some states a separate hearing will be held with separate charges before your parental rights are terminated. You might have the right to a lawyer if this happens, even if the court did not appoint you one before. Make sure you ask for a lawyer.

→ **NEVER sign a document that voluntarily terminates your parental rights unless this is really what you want! Speak to a lawyer first. It is almost impossible to reverse.**

If my children are adopted, what can I do?

Adoption

Adoption is the placement that is the most final and that has the most serious effect on your relationship with your children. If the court chooses adoption, your parental rights will be completely and permanently terminated. Unless a family member adopts your children, your family will lose all rights to your children as well.



If you want to appeal an adoption, you should talk to a lawyer as soon as possible. You may be able to get your parental rights back. But be aware that a finalized adoption is nearly impossible to undo.

If your children are adopted, you can tell the child welfare caseworker that you want to write to the adoptive parents (through the caseworker) to ask them if they would give you updates on your children. You can also write to your children (through the child welfare caseworker) and ask the adoptive parents to share your letters with them. Be aware that the child welfare caseworker cannot tell you the name or address of the adoptive parents, but she or he may be willing to forward your letters to them.

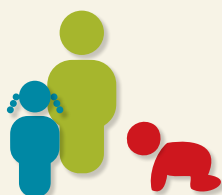


If you decide to send a letter to the adoptive parents, think carefully about what you write. If you seem desperate or demanding, the adoptive parents may be afraid of having contact with you. It is important to be polite and respectful, and to acknowledge them as the parents of your children, even if this is very hard for you to do. It might be best to start with a small request, such as asking if they would send you a picture of the children, or send you some basic information on how the children are doing. If they see that you are accepting and respectful of the adoption, they might be willing to give you more information or allow other access to the children over time.

You might also be able to be listed in an adoption registry so that your children can find you when they are 18 or 21, (depending on the state or country) if they choose to.

CHAPTER 5

How Do I Get a Lawyer?

**KEY POINTS:**

- Getting a lawyer is very important if you have a family court case.
- There are several ways you can try to get a free lawyer—try all of them, or ask others for help.

If your children are placed in the care of the **child welfare system**, you should try to get a family lawyer to help you. **Family court** hearings will begin as soon as your children enter the child welfare system, so it is important to find a lawyer quickly, if possible. If you cannot find a lawyer right away, do not give up. It might take time to find a lawyer. A lawyer can start working on your case at any time during the process. It is better to have one start late than not to have one at all.

A family lawyer will do the following:

- Help you understand what is happening in family court
- Represent your wishes in court
- Work with you and child welfare to help you protect your rights to your children

It is generally best if your lawyer is in the same location as your child welfare case (this may or may not be the same place where your children are living). It will be easier for them to attend court hearings, and they will know the specific child welfare laws in that state.





Your immigration lawyer will probably not be able to assist you in your child welfare case. However, it is important that you tell your immigration lawyer what is happening with your children.

If you do not have a family lawyer to assist you, you must work hard to do everything you can to represent yourself. Use the information in this guide to help you.

I cannot afford a lawyer: will the court provide one for me?

Maybe—it depends on the proceeding and the state. After the petition is filed with family court, some states will give you the right to a free court-appointed family lawyer if you cannot afford one. If you want a court-appointed family lawyer, ask the judge for one immediately. Some states will only provide a lawyer later on in the proceedings—such as during **termination of parental rights**. But you should always ask as soon as you can. You should keep asking if the judge does not give you a lawyer at first.

[For more information about whether or not the state where your children are living provides a lawyer to help you, see Appendix I.]



Before the court will give you a lawyer, it may ask you to show that you cannot afford to pay for one yourself. The court may ask you for information about your income. It is important that you provide the information as soon as possible. You may need to ask a relative or friend to help you gather the information and send it to the court.

[See a sample request letter in Appendix D.]

In some states, you must ask for a lawyer in writing. Many states have a form that you can use to make this request, and you should use this form if possible. Ask a relative or friend, the child welfare case-worker or the court to send you a request form if one is necessary. If you cannot get the correct form, you can also write the court a letter requesting that a lawyer be assigned to you. If you ask for a lawyer but do not get one, resubmit the form or ask again in writing.



Each time you attend a hearing without a lawyer, ask the judge to appoint one. This can be helpful later on (during an appeal). The judge may also change his or her mind after you explain what efforts you have made to try to get one yourself.

What if the court will not appoint a lawyer for me?

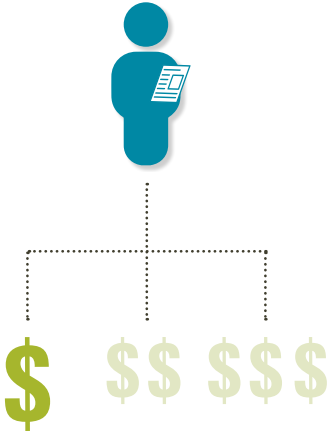
If the court decides that you are not eligible for a court-appointed lawyer, you still have a right to have a lawyer represent you in court. Try to find a low-cost or no-cost lawyer. Many states have legal aid providers who can represent those who cannot afford a lawyer, or can only afford to pay very little. You, or a relative or friend, can check with the bar association in the state where your child welfare case is taking place to see what resources are available in that area. They will have a list of family lawyers. Often, they also have legal referral hotlines. You can also have a relative or friend go to a local library to get help in finding a lawyer. Talk to any support networks you may have: immigration lawyers, churches, immigrant rights organizations, or neighbors. They may be able to help you find a lawyer.

→ [To find contact information for the bar association in the state where your child welfare case is, go to https://www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/ or see Appendix H.]

There are different types of low-cost or no-cost legal services:

- **Legal aid providers:** organizations that will use your income level to decide how much to charge. If you have no income, the service may be free.
- **Pro bono services:** lawyers who take extra cases at no cost, as a service to the community. You can find these lawyers through the State Bar Association, legal assistance hotlines or nonprofit organizations.
- **Law school legal clinics:** there are law schools in every state, often at the major state universities. Many of the law schools run clinics where law students provide legal representation. A lawyer supervises the students. Law school clinics may know about resources in other places if they are not able to assist you themselves, so it can be very useful to call them for help.
- **Your consulate:** if you want assistance from your consulate, contact them and ask if they can help you get a lawyer. They are not required to provide this service, but some consulates are willing to help, especially when children are in the child welfare system.

You can also attend a **legal orientation/Know Your Rights presentation** in the detention center where you are held. Tell the lawyer giving the presentation what your concerns are about your children and ask if she or he can recommend a no-cost or low-cost family lawyer who can help you.



What if I cannot find a no-cost or low-cost family lawyer to help me?

If you cannot find a no-cost or low-cost family lawyer through any of the resources listed above, and you can afford to pay for one, you can hire a lawyer to represent you. Call the State Bar Association in the state where your child welfare case is taking place or ask a relative or friend to call for you. If you live near a big city, you can also contact the local chapter of the American Bar Association, which is a national association of lawyers and is not run by the government.

Look for a lawyer with experience in your type of case—**custody**, child welfare proceedings or **adoption**.



There are lawyers and others who will take advantage of immigrants by promising results that they cannot achieve, or by charging a lot of money without providing good service. Sometimes these people are called “notarios.” Do your best to research a lawyer before you hire one. Ask people and organizations you trust—like a church, an immigrant services organization or your immigration lawyer, if they know a lawyer who they would recommend. A good lawyer should give you a free consultation and should be willing to answer questions about their fees.

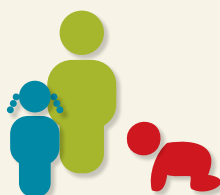
When you, or a relative or friend meet with a potential lawyer, ask for a free consultation. In this consultation, you or your relative or friend will meet with the lawyer to discuss the case and the cost of representation. Some family lawyers may lower the price of services based on your income. You or your relative or friend may want to go to several lawyers before choosing one.

If you try all of these things and still do not have a lawyer:

- Tell the court about your efforts and the difficulties you have had.
- Ask the judge once again to appoint a lawyer for you.

CHAPTER 6

What Is a Case Plan and How Do I Comply With It?



KEY POINTS

- Read and understand your case plan—the child welfare plan that makes goals and sets conditions for reunification with your children.
- Ask your lawyer, ICE and caseworker for help if there are conditions you have to follow.

If your children are in the **child welfare system**, there may be a long list of things you need to do to prove that you should keep or regain **custody** of them. Many of these things will be explained in your **case plan**. It is extremely important that you do everything the case plan requires, because if you do not, the child welfare agency and the court may think that you are unable or unwilling to care for your children in the future.

If you are given a case plan, you will have a certain period of time to fulfill the requirements. The judge will schedule review hearings to see how you are progressing. It is very important that you participate in these hearings and that you are prepared to show the court what you have been doing, to prove that you should be reunited with your children.

What is a case plan?

A document listing goals and steps for you and your children.

As part of the **family court** process, you may be given a case plan (also called a reunification plan or a service plan). This plan lists the requirements you must follow to prove that you are willing and able to reunite with your children.

The case plan will require you to complete certain activities. These may include things like regular visits and phone calls with children,



parenting classes, counseling, drug or alcohol treatment, drug testing or anger management classes. It may also require you to find housing and work if you are released.

If you are given a case plan, you will have to follow it if you want to get your children back, even if you think that some of the things it requires are unnecessary. You must work hard to comply with the plan, even if it is difficult or frustrating. It can be very hard to comply with a case plan from detention, but it is important to try your best. If you do not, you could lose custody of your children permanently.

What should I do when I find out that a case plan has been issued?



Get a copy! You have the right to see your case plan. If you do not receive a copy, ask the child welfare caseworker or family court for it. When you get the plan, read it carefully. You should ask the judge and the child welfare caseworker to change things in the plan that are:

- Incorrect. For example, you have never used alcohol, but the plan requires you to complete alcohol treatment.
- Difficult for you to do. For example, you are supposed to visit your children weekly, but they live 100 miles away from where you are detained.
- Impossible for you to do. For example, none of the classes you need to take are available in detention, or you do not have authorization to work in the U.S.

It is **extremely important** that you tell your lawyer, the judge and the child welfare caseworker about anything in the plan that you are unable to do. You can also suggest things that you can do that could be added to the plan, such as writing letters to your children or getting help from your **consulate** to make arrangements for your children if they join you in your home country. Be sure to tell everyone involved in the child welfare case that you are willing to comply with the plan, but that detention may limit your ability to participate in certain activities.

Be creative in finding ways to access classes or activities that are not available in detention. For example:

- If your plan includes parenting and anger management classes, ask the child welfare caseworker for the names of books used in

court-approved classes. Then, ask the detention center librarian to order the books (in different languages if possible) and put them in the library and housing pods. If the detention center has electronic tablets, see if any are available for free or purchase.

- Ask your lawyer, relatives or friends to look for parenting and other required classes that you could take by mail. You should also ask the child welfare caseworker to help you. In addition to classes required by the case plan, classes that would help you complete a GED (a series of tests that show you have the equivalent of a U.S. high school diploma) or improve your job skills would be helpful.
- Participate in work and other activities that are available in detention, and ask for certificates or letters that say you were a hard-working participant.
- Ask people who know you and your children to send you letters that state why you are a good parent. You can show these to the child welfare caseworker and the family court.

You might not have much time to complete the case plan. Some states only give you six months if your children are three years old or younger, and up to 12 months if your children are between four and 17 years old.

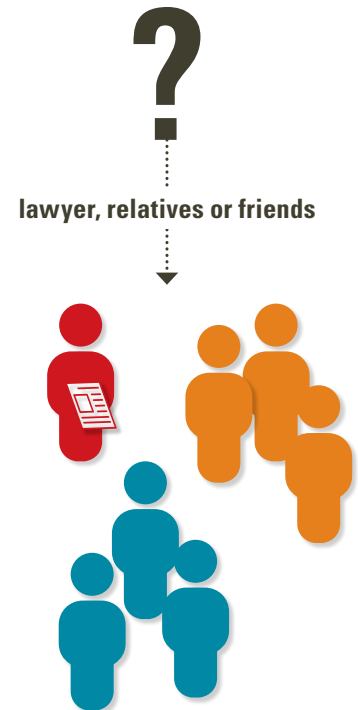
Sometimes, though not often, the time you have to complete the case plan may be extended if child welfare and the judge see that you have made every effort. You **MUST** work hard to complete these requirements so that you can prove to the court that you deserve the extended time.²

Does anyone help me comply with the case plan?

You are responsible for doing the things the case plan requires.

Child welfare caseworkers are supposed to help you get access to many of the activities and services needed to complete the case plan. But in reality, they may not be very helpful, especially to parents who are detained or deported.

Detention facilities typically do not provide access to the kinds of programs and classes that case plans require. If the classes you need are not available in your detention center, talk to **ICE and** detention center staff to see if they can help. They may be able to order some educational materials or bring in resources from the local community. If you are not getting help from detention center staff, you **may call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention)**, or ask a relative or friend to contact either the local Field Office in your area or ICE Headquarters.



→ [For more information about how to contact the Field Office and Headquarters, see Appendix A.]



When you receive your case plan, show it to ICE and explain the reasons why it will be hard for you to comply with it from detention. Ask ICE to release you so you can participate in the plan.



What do I do if it is impossible for me to comply with the case plan because I am detained or deported?

If you are having a hard time participating in the case plan, and the child welfare caseworker is not helping you, the family court judge may be able to order them to provide services to your family. Work with your lawyer (if you have one), or a friend, relative or detention center staff to request orders for specific services that will help you stay in touch with your children and help you complete your case plan.

The kinds of things a family court judge might order child welfare to do can include:

- Ensuring that children are available for phone calls and providing access to collect calls if necessary;
- Bringing children to see you if you are detained close enough to where they are living;
- Providing counseling for you and your children.


Court-ordered services should be provided to you at no cost. The family court judge may or may not agree to order the services, and you may not be able to receive most of the services if you are detained or deported. But it is worth asking for them as they will benefit your children and help your case. If a judge requires child welfare to provide services, it might encourage ICE to help you access those services, or even release you.


Can my children visit me?


Because parenting classes and other required programs are rarely available in detention facilities, visits and phone calls are even more important in demonstrating that you want to maintain a relationship with your children.

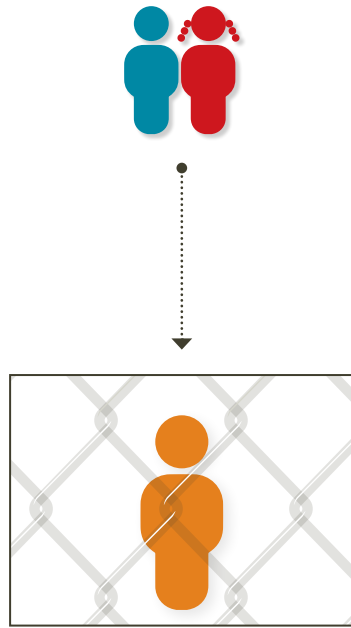
Detainees are allowed to have visits from their children in accordance with the detention center's visiting rules. Each center may have slightly different rules for visitation. Some may allow contact visits where you are in the same room with your children. Others may only allow non-contact visits, where you visit with your children through video or glass. Read the visitation section in your [detainee handbook](#) or ask ICE or detention center staff for assistance. If the facility where you are held does not normally allow contact visits, talk to ICE and detention center staff and tell them that visitation is an important part of your efforts to get your children back. Ask if they would make a special exception to allow you to have contact visits with your children. It may be helpful to mention the ICE detained parents directive when making this request. If you are not able to arrange these by working with ICE and detention center staff, you may call the **ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention)**, or have a relative or friend contact either the ICE Field Office in the area where you are being detained or ICE Headquarters.

→ [For information about how to contact the Field Office or Headquarters, see Appendix A.]

 In most detention centers, you have to write the name, date of birth and social security number of each visitor on a visitor request list. This includes the child welfare case-worker and anyone who may be escorting your children to visit you. The detention center then checks the names in its security system before approving them for visitation.

 **Only people who have immigration status in the U.S. should visit an immigration detention center. People without immigration status who try to enter a detention center risk being detained and put into deportation proceedings.** Those who have legal status but have a criminal record especially for a violent or drug-related charge should check with an immigration lawyer before attempting to enter a detention center as they could also be detained and, if not a U.S. citizen, be put into deportation proceedings.

 Make sure you allow enough time between requesting visitor approval and the day of the actual visit for the detention center to do its security check. It may take several weeks for the background checks to clear.



To arrange family visits when child welfare is not involved with your children, you can simply work with your children's **caregiver** to make visitation plans.


If child welfare is involved, you will need the help of the child welfare caseworker, as well as the caregiver. You will also need visitation to be included in your case plan. If visitation is included in the plan, you have the right to visits with your children (though visits might be supervised by a person chosen by the child welfare system).

➔ The case plan might name a specific place for the visits to occur. If it does not, the order is valid for visits anywhere, including the detention center. If the case plan names a place other than the detention center where you are being held, you will probably need to get a new order from the family court. If you have to get a new order, try to get one that does not name a specific place for the visits so that it will still be valid if you are transferred or released.

➔ If the detention center where you are detained does **not** allow contact visits, look at your case plan to see if it requires visits with your children to be contact visits. If it does, let the child welfare caseworker and the judge know that this is not possible, and ask for a new visitation order that allows non-contact visitation. You may also want to mention the ICE detained parents directive when making this request and ask ICE to facilitate court-ordered visitation with your children.

➔ If your case plan does not have a visitation order, ask your lawyer or the child welfare caseworker to help you get one. Visitation is supposed to be included in the case plan unless child welfare feels that it would result in a threat to your children.

If visitation is included in the plan and your children are living with a relative under child welfare supervision, the relative will need to get permission from the child welfare caseworker to bring your children to visit you. If your children are in **foster care** or a group home, it is the child welfare caseworker's responsibility to arrange for visits. Plan to work very hard and make many phone calls to the child welfare caseworker (and to your lawyer, if you have one) in order to make sure that you do have visits.

 If your case is progressing towards reunification, the child welfare caseworker should be supportive of visitation. But if your case plan has been stopped or your **parental rights** have been terminated, the child welfare caseworker is not required to help you visit with your children.


Be aware that child welfare caseworkers (and caregivers) may be reluctant to transport your children if the children live far away from where you are detained, because they do not have enough time or money for the trip. Child welfare caseworkers and judges may also be reluctant to approve children's visits to a detention center because they believe that the jail-like setting or the sight of the parent "in jail" would upset the children. Ask your lawyer, or a relative or friend, to fight for your right to visitation and remind child welfare and the family court that you are in civil detention, not in jail or prison.

 Be sure to keep a written record of all visits with your children.


→ [A sample contact log is available in Appendix B.]

Other ways to stay in touch with your children

If it is not possible for your children to visit, try to communicate with them in any way you can. It can be very helpful to write them letters. Even if they do not know how to read, a foster parent or child welfare caseworker can read your letters to them.

 Make sure you keep copies of all letters you send. Write "true and accurate copy of the original" and your initials on each page if you do not have access to a copy machine.

Phone calls are also a good way to stay in touch with your children. Each detention facility has its own policy on access to phones. Review the phone calls section of your detainee handbook for information on the rules in the detention center where you are detained.

 Detention center phone systems are not typical phone systems. Once detained, you cannot receive incoming calls. Your relatives and friends, your children's caregiver, your lawyer, the child welfare caseworker and others involved in your children's care or custody, may need to call their phone company and arrange to be able to receive collect calls from a detention center.

Phone calls from detention can be very expensive. If possible, ask a relative or friend to put money into your detainee account so that you can make regular phone calls to your children. If that is not possible, ask ICE or detention center staff if you can make free phone calls to your children so that you can comply with your case plan. You may also need to ask for free calls to communicate with the child welfare caseworker or the family court. If you need to make phone calls related to your child welfare case and you are not able to do so because you are detained, have a relative or friend contact the ICE Field Office in the area where you are being detained or ICE Headquarters and tell them you are having difficulty making phone calls.

[For information about how to contact the Field Office or Headquarters, see Appendix A.]

It may be hard to have regular phone calls with your children if you are deported. If your ability to make calls changes because of your deportation, tell the child welfare caseworker and the family court judge. They may be able to work with you to allow you to make collect phone calls or find some other way of talking to your children. The child welfare agency in your home country may also be able to help you comply with your case plan requirements. If you have access to the Internet, you may also be able to have regular calls or visits with your children by using an online phone (and video phone) call service like WhatsApp, Telegram, or Skype.

[For more information on reuniting with your children after deportation, see Chapter 8.]

What happens if my case plan stops?

If the court finds that you have not worked on your case plan, or that you have not finished everything in the plan within the time allowed, it might decide to end the plan (this is also called termination of services). This means that child welfare could stop trying to help you reunite with your children and will begin working with the court to find another permanent home for them.

[See Chapter 4 for possible permanent arrangements.]



Termination of services can happen even if the only reason you could not work on or complete your case plan is that you were detained and had no access to classes or other services.

CHAPTER 7

Getting Your Children Back After You Are Released from Detention

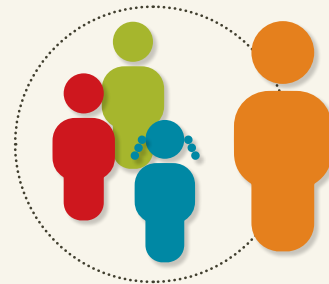
**KEY POINTS**

- How you get your children back depends on the custody arrangement in place.
- Get the help you need so you can reunite with your children.

If you are released from detention, you should act quickly to try to reunite with your children. This will be easier to do if they are not in the **child welfare system**. If they are in the system, you may still be able to reunite, but remember that you will need to participate fully in the **case plan** and hearings and act fast. This chapter will provide information on the steps you will need to take to live with your children again.

How do I reunite with my children if they are **not** in the child welfare system?

If your children are with a relative or friend and no court was involved in deciding who would care for them, you have full **parental rights** and can collect them as soon as you wish.



If you gave the **caregiver** a signed legal paper (like a **power of attorney**) giving him or her your permission to care for your children, you should now give this person a signed and **notarized** letter stating that you cancel the arrangement. Be sure to keep a copy of this letter for your records.

— [“If you do not have a family lawyer and are in a family court approved custody arrangement, you should try to find one to help you as soon as you are released. For more information on how to get a lawyer, see Chapter 5.]

If your children are in a **family court**-approved **custody** arrangement (but not in the child welfare system), you should ask the family court to return your children to you. Ending this kind of arrangement can be just as complicated as starting one, and you have the best chance of success if you have a lawyer’s help. Unfortunately, you are not entitled to a free lawyer unless your children are in child welfare proceedings and the state where your children are living provides one.

— [For more information on how these different arrangements affect your parental rights and ability to reunite with your children if they are not in the child welfare system, see Chapter 2.]

In deciding whether or not to end a family court-approved legal custody arrangement, the court will look very carefully at your situation. The court will probably arrange for an investigator to inspect your home and interview you. This process will take time. You will need to convince the judge that you are fully prepared to take care of your children, that the reasons for the legal custody arrangement are now completely resolved and that it is now in your children’s best interest to be with you instead of the caregiver.

Remember that until the court ends the arrangement, you cannot make any decisions for your children. If you take them without the permission of the caregiver or the court, you could be arrested for kidnapping.

How do I reunite with my children if they are in the child welfare system?

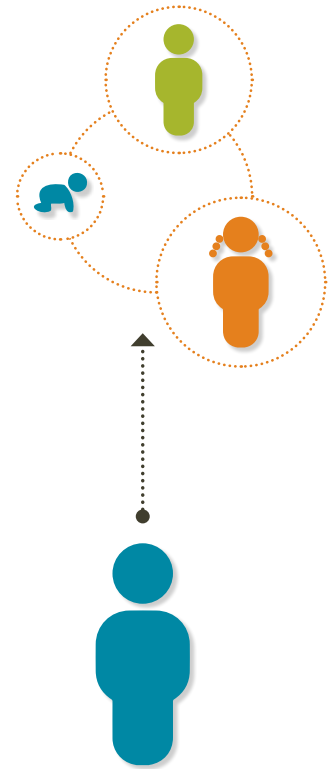
If your children are in the child welfare system, you must ask the family court to return custody to you. There is no guarantee that the court will grant your request, but it is possible (especially if you have been working hard to show you want to be involved in your children’s lives), and you should work very hard to make this happen.

If your case plan is still active, your family lawyer and the child welfare caseworker can help you work towards reunification with your children. If you are released:

- Let everyone involved in the child welfare case (child welfare caseworker, judge, lawyers and/or the guardian ad litem and court-appointed special advocate) know you have been released and that you are working hard to get your children back.
- Start immediately doing anything in your case plan that you were not able to do while you were detained.
- Ask for your visitation schedule to be adjusted to allow more visits with your children.
- Find out the date of the next hearing. Be ready to attend and show that you have made a lot of progress on your case plan.
- Find a safe home (this could be the home you had before you were detained) for your family.
- If possible, find a job.
- If you are unable to work, find a way to show that you have arranged for your family's support in another way, for example, living with relatives, caring for their children and keeping house for them while they are at work.

If you were not given a case plan, or services have been ended, it is even more important that you have a lawyer to help you. As long as your parental rights have not been terminated, you can still work toward getting your children back. It is really important to complete the case plan for this to happen. Do all the things described in the bulleted list above to show everyone involved in the case that you want your children back and are working hard to make this happen.

If you were separated from your children at the border, you may have the right to reunite with your children if the government's reason for separating you no longer applies or you are released from detention. Ask your Deportation Officer, call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention), or search the online ICE Portal for the form "[Notice of Potential Rights for Certain Detained Noncitizen Parents or Legal Guardians Separated from their Minor Children.](#)" For help or questions, you may contact the American Civil Liberties Union (ACLU) at 646-905-8892 or familyseparation@aclu.org.



What Happens to My Children If I Am Deported?

KEY POINTS

- There are steps you can take to get your children safely returned to you.
- This depends on what type of custody situation your children are in.
- You can ask your lawyer, ICE, friends, your consulate or the child welfare caseworker to help you in making travel arrangements.



If you are going to be deported, you will no doubt be afraid of what will happen to your children. You may or may not be able to take them with you when you leave the country. This will depend on how you are deported and whether or not your children are in the care of the **child welfare system**. If you plan ahead, working with your **consulate** to stay in touch with the person caring for your children and with child welfare, you can increase the likelihood that you will be able to reunite with your children in your home country—if that is what you want to do.

I am going to be deported. What decisions do I need to make?

First things first. If you know you are going to be deported, you should decide whether or not you want your children to live with you in your home country, or stay in the U.S. after you leave. If your children are living in an informal care arrangement and the child welfare system and courts are not involved, the decision is entirely up to you (and the other parent, if he or she is involved in the children's lives). Your children may be able to travel with you, or they may have to join you once you are back in your home country, depending on how you are being deported. If your children are in the care of child welfare services, you should still decide whether you want them to live in your home country. But realize that if you want them to join you, you will have to regain **custody** of them first.





The U.S. government does not have a legal claim on your children, even if they are American citizens. They are not the property of the U.S. government, and the only limitation on their ability to leave the U.S. is if they are in the child welfare system and the system has not agreed to reunite them with you. Even if they are in the child welfare system, your deportation will not affect your **parental rights** unless a **family court** legally terminates your rights.

Some parents prefer to take their children with them, and others will want their children to stay in the U.S. Both options have advantages and disadvantages, and you should make the decision that you think is best for you and your children. Realize, however, that if you want your children to join you in your home country and they are in the child welfare system, you will have to work hard and get help to try to make that happen.

If you decide that you want your children to remain in the U.S., you should understand that they may need extra physical, financial and emotional support so that they can be safe and healthy. Try to arrange for relatives and friends to be available to help them. Be aware, however, that they may only be able to have contact with your children if your children are not in the child welfare system.

My children are **not** in the child welfare system and **not** in a court-approved custody arrangement

If your children are living informally with a **caregiver** and no court is involved, then you are free to coordinate travel plans with the caregiver. But, it can be difficult to coordinate travel for you and your children to leave at the same time if you are being deported from detention. If you are detained prior to being deported, you should be prepared for your children to have to travel to your home country after you do. You should also be prepared to cover the cost of your children's travel yourself, or ask a relative or friend to help you with these expenses.



If your children are undocumented, there is a chance that **ICE** might put them in deportation proceedings once you bring them to ICE's attention. But this is unlikely if the reason for telling ICE about your children is so they can leave the country with you.



ICE will probably not tell you exactly when you will be deported or how you will be sent home. You might travel by bus or plane. You might fly on a commercial airline or on a flight that is operated by ICE. Talk to ICE. Ask if your situation would allow for family travel, and if the officer would help you coordinate your travel schedule with your children's. ICE may or may not agree to help you travel with your children. It is not ICE's job to help your children, but it does not hurt to ask. It may be helpful to mention the ICE detained parents directive when making this request. If you are not satisfied with the response you get from them, or they are not providing you with the help you need, you may call the ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention), or, or have a relative or friend contact either the ICE Field Office in the area where you are being detained, or ICE Headquarters.*

*For information about how to contact the Field Office or Headquarters, see Appendix A.

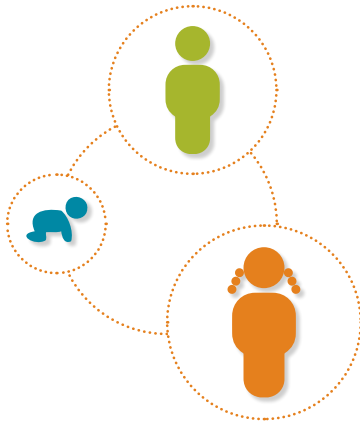
ICE may be willing to share your travel information with a neutral party, like your consulate or lawyer. For this reason, if you are not already in contact with the consulate of your home country, call them as soon as you know when your immigration proceedings are coming to an end (as long as you do not have any fears about your government knowing where you are). Contact information for your consulate should be available in your housing pod. If it is not, ask ICE or detention center staff.

→ In addition to helping you coordinate your children's travel, you may need to work with your consulate to get travel documents for your children.

My children are in one of the court-approved custody arrangements, but are **not** in the child welfare system

If your children have a court-approved caregiver but are not in the child welfare system, you will need permission from the family court for them to travel. If you take them out of the country without the permission of the caregiver and the court, you may be arrested for kidnapping.

[See Chapter 7 for information about the legal processes you will need to follow to reunite with your children.]



My children are in the child welfare system

If your children are in the child welfare system, child welfare will decide whether or not they will be allowed to join you in your home country. At a minimum, this will depend on how well you participate in the **case plan**, how well you demonstrate that you are willing and able to care for your children again and how far along in the child welfare process your case is when you are deported. It may also depend on whether or not the child welfare caseworker and the family court judge think it is in your children's best interest to join you in your home country.

→ If you think that the family court does not want to reunite you with your children because you are undocumented or are going to be deported, talk to your lawyer or have a relative or friend ask a legal aid organization for help. Immigration status alone should not be a reason for terminating your parental rights. The child welfare system should be willing to reunite your children with you in your home country as long as you can prove that you can provide them with a safe and stable environment.

Sometimes child welfare does not want to reunite children with a parent who has been deported because it is complicated to do so. This is not a good enough reason for child welfare to refuse reunification.

As soon as you know that your immigration case is ending, contact your family lawyer, the child welfare caseworker and the family court judge and inform them. Give them an approximate date when you think you will be deported and tell them where you plan to go. Make sure all of these people have a way of contacting you once you leave the U.S., such as a street address, email address and/or phone number. If you do not know where you will be living, ask a relative or friend if they will let you use their address and phone number to stay in touch with the court until you get settled. If your children are old enough and you have contact with them, let them know how to contact you too.

In preparation for deportation, ask the child welfare caseworker and the family court if your case plan can be revised to make it easier for you to participate in it from outside the U.S. For example, see if contact visits can be changed to telephone visits.

If you have not done so already and are comfortable doing so, you should also contact the consulate of your country to let them know about your situation and ask them to assist you in reuniting with your children. They may be able to advocate for you in family court and with child welfare, even if your children are U.S. citizens. Many countries recognize children born in the U.S. with foreign national parents as having citizenship in the parent's country as well.

The consulate may also be able to connect the child welfare agency that has custody of your children with the child welfare agency in your home country so that they can work together to find ways for you to participate in your case plan. The child welfare agency in your home country will have to investigate the conditions in your home and report back to the U.S. child welfare agency on whether or not you are able to provide your children with a safe and stable home before your children can reunite with you in your home country. So it is good to have the consulate's help in establishing this relationship early on.

Remember that there are no guarantees that child welfare will agree to reunite you with your children in your home country. Be prepared to work very hard. Ask for help from your lawyer, your consulate, the child welfare agency in your home country and your relatives and friends. You can also make it easier for reunification to take place by following the steps listed in the next bulleted section.

→ [For more information on how to comply with a case plan if you are deported, see page 72.]

If you were separated from your children at the border and are going to be deported, you may have the right to ask to be deported with your children. Ask your Deportation Officer for the form "Notice of Potential Rights for Certain Detained Noncitizen Parents or Legal Guardians Separated from their Minor Children." For help or questions, you may contact the American Civil Liberties Union (ACLU) at 646-905-8892 or familyseparation@aclu.org.

What happens to my case plan and the child welfare proceedings if I am deported?

If you are deported and your children are in the child welfare system, the family court will still have custody of your children. You will still be expected to complete the case plan before you can be reunited with your children, and the family court hearings will proceed just as if you were in the U.S.



If you are deported, you still have the right to help from child welfare in reuniting with your children as long as your case plan has not been stopped.

[See Appendix F for a list of child welfare agencies in Latin America that may be able to help you complete your case plan.]

It is important that you find ways to complete the case plan activities and services while in your home country. If possible, start working with the family court, the child welfare caseworker, your lawyer, your consulate and the child welfare agency in your home country before you leave the U.S. so you can develop a strategy for completing the case plan once you get home. If you are not able to get a strategy in place before you are deported, contact these people as soon as you get to your home country to work out your home country plan.

Once you are in your home country, let the child welfare caseworker, the family court judge and your lawyer know if you are having difficulty completing the plan, just as you would if you were still in the U.S. Child welfare is still responsible for helping you complete the case plan and solving problems that keep you from doing so.



In some countries, there are agencies or offices to help citizens who have been living abroad find a job and a place to live when they return home. A job and a safe home are essential to getting your children back. A judge will not give children to a parent who cannot support or house them. Your consulate may be able to tell you how to contact these agencies.

You must also try your best to participate in family court hearings and stay in touch with your children and child welfare. Be creative in thinking about ways to participate in the child welfare process and communicate with everyone involved in your case. Here are some ideas on how to do this:

- Find classes and activities run by local social service agencies that will satisfy your case plan requirements.

- Send the child welfare caseworker and your lawyer reports on your progress at least once a month.
- Find a safe home for your family and a job as soon as you can so the judge can see that you are ready to take care of your children.
- Stay in touch with your children at least once a week. If you have access to the Internet or a smartphone you may be able to use video calls via platforms like WhatsApp, Telegram or Skype to “visit” with your children, if the child welfare caseworker or the children’s caregiver is willing to do this.
- Participate in hearings by telephone or over the Internet using Skype.

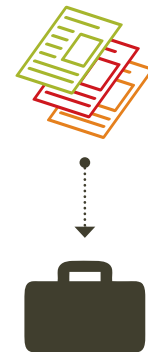
Since it will be more difficult and expensive to communicate with the family court and child welfare once you are deported, you can ask your lawyer or a relative or friend to contact them on your behalf if you are not able to make contact yourself. But you should always try to communicate with your children yourself, because this will help show that you are committed to maintaining a relationship with them. It will be more difficult to work through the steps to reunite with your children when you are far away. But be persistent and do not give up!

What papers and permissions do my children need to travel and live in my home country?

Your children will need passports. They may also need letters of permission from their other parent to leave the U.S. They may also need permission from your home country to enter and live there, such as a visa. If your children are U.S. citizens, make sure they have important documents like birth certificates, U.S. passports and social security cards before they leave the U.S. These documents are proof of U.S. citizenship that may be needed later. They should also have copies of school and medical records to help them get established in your home country.

Getting a passport for U.S. citizen children

To apply for a U.S. passport for your children, you must complete a form called the DS-11 Application for a U.S. Passport. The form is available at: <https://travel.state.gov/content/travel/en/passports.html>. A hard copy of the application must be submitted in person for each child and the children must be present. If you are detained, ask ICE or detention center staff to help you get a passport application. **When filling out a passport application, carefully read all instructions**



<https://travel.state.gov/content/travel/en/passports.html>
DS-11 Application for a U.S. Passport

<https://travel.state.gov/content/travel/en/passports/need-passport/under-16.html>
DS-3053 Notarized Statement of Consent for Special Circumstances

[For information about how to contact the Field Office or Headquarters, see Appendix A.]

Note: If you apply for U.S. passports for your children from your home country, do not follow the instructions on the application form. Each country has its process for submitting U.S. passport applications overseas. Contact the U.S. embassy or consulate where you are living and ask about the process for applying for a U.S. passport.

about how to show proof of your children's U.S. citizenship, your relationship to the children and your identity. **Be aware that instructions for how to apply for a passport differ depending on children's age.**

Usually both parents and the children must go in person to hand in the application. If you cannot go in person, you must complete another form called a DS-3053 Notarized Statement of Consent for Special Circumstances (available at <https://eforms.state.gov/Forms/ds3053.pdf>) which explains why you cannot go in person. Be sure to sign Section 4A of this form in the presence of a **notary**.



If you are in detention, the detention center should provide access to a notary. If you have trouble, ask ICE, detention center staff or your lawyer. Explain to ICE that you need a notary to arrange the travel documents for your children. You can also contact the **ICE Detention Reporting and Information Line (DRIL) at 888-351-4024 (9116# from detention), or have a relative or friend contact either the ICE Field Office in the area where you are being detained or ICE Headquarters.**

To hand in the forms if you are detained either:

- The other parent and the children go in person;
- The legal caregiver (or child welfare worker if your children are in **foster care**) and the children go in person; or
- Someone else goes in person with the children. In this case, the person must show that she or he has **notarized** consent from both parents to apply for the children's passports, or that one parent with sole legal custody has given notarized consent.

It usually takes 6-8 weeks to get a passport after the application has been handed in.

Getting a passport from another country

If your children are not U.S. citizens, you will need to contact the consulate of their birth country to find out how to apply for passports. You have the right to contact your consulate for free while you are in detention. Contact information for consulates should be available in your housing pod. If it is not, ask ICE or detention center staff. If they do not provide it, you may call the **ICE Detention Reporting and**

Information Line (DRIL) at 888-351-4024 (9116# from detention), or have a relative or friend contact either the ICE Field Office in the area where you are being detained or ICE Headquarters. Your children who were born in the U.S. may also be citizens of your home country through your citizenship. In this case, they can travel with a passport from either country. You should try your best to get a U.S. passport for your children because it is definite proof of U.S. citizenship and might be useful in the future. A passport from your own country will also be very helpful if they want to go with you now or in the future. It may help them to get access to education, medical care, etc., in your home country. If you cannot get a U.S. passport, they will need a travel document from your country. Talk to your consulate to find out how to register your children or get them a passport from your home country.

→ [For information about how to contact the Field Office or Headquarters, see Appendix A.]

Getting your children immigration papers for your country

It is a good idea to talk with your consulate before your children travel, to see if they need any kind of special permission to enter your home country or to live there for a long time, especially if they are U.S. citizens. Be sure that your children will be considered citizens or have another status allowing them to stay permanently and go to school, get medical care, work and fully participate in daily life.

Are there special rules for children traveling to another country?

Rules for children traveling with an adult

To protect children from kidnapping, any adult traveling out of the U.S. with children may need to show written permission (sometimes called a parental consent letter) from both parents or the court-approved legal caregiver (if there is one). If one parent is traveling with the children, she or he may need written permission from the other parent. Authorities may require these parental consent letters to be notarized. If your children's travel is going to be arranged by child welfare or if they are going to be on an ICE flight, these documents may not be needed, but it is good to be prepared just in case. Have a relative or friend check with the airline and the consulate of the destination country to find out the specific permission and visa requirements for your children's travel.





Rules for children traveling alone

Check with the airline to find out what its rules are for children traveling without an adult. Most airlines do not allow children aged 4 or younger to fly alone. Older children may be allowed to travel internationally on certain kinds of flights, but they may need to carry parental consent letters and other papers. If your children are going to travel to your home country alone, it is best to call the airline or ask a relative or friend to call the airline to find out these rules.

If I am deported, can I get a visa to come back to the U.S. to visit my children?

If you have an order of deportation from the immigration judge, it is unlikely that you will be able to legally return to the United States for 10 years. It may be easier to come back to the United States in the future if the judge gives you voluntary departure rather than a deportation order. Talk with an [immigration lawyer](#) or the immigration judge to see if you qualify for voluntary departure.

Also, in some very limited cases, it may be possible after leaving the U.S., to get a **special waiver, visa** or **humanitarian parole** to come back temporarily **for the purpose of participating in hearings related to termination of your parental rights**. An immigration lawyer can help you evaluate whether or not it would be likely that the Department of Homeland Security would give you permission to come back.

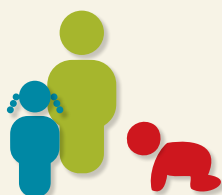
You, your immigration lawyer, a relative or friend should contact ICE Headquarters to discuss the possibility of temporarily returning to the United States under humanitarian parole. You will need to provide verifiable evidence of termination hearings and proof that the family court requires you to participate in person. You may be asked to provide a copy of your return plane ticket, agree to certain conditions, including routine reporting requirements, electronic monitoring and even detention, and agree to depart at the conclusion of the family court proceedings without seeking any immigration benefit or relief. Still, these conditions may be worth it if it means you would keep custody of your children. If you fear return to your country, speak with an immigration attorney about your right to seek relief while in the United States. Certain rights are protected under U.S. and international laws and you may be eligible even if you signed a paper saying you did not intend to apply.

For free or low-cost immigration legal services, consult the Immigration Advocates Network's National Immigration Legal Services Directory at <https://www.immigrationadvocates.org/legaldirectory/>

[For information about how to contact ICE Headquarters, see Appendix A.]

CHAPTER 9

Do I Owe Child Support?



KEY POINTS

- Find out if you owe child support.
- Learn how to communicate with the child support agency.
- Get a lawyer and ask for help when you need it.

There are a number of **child support** issues that can arise if you are detained or ordered deported, especially if your children receive **public benefits** after this happens. This chapter will give you some very basic information about **child support**. If you were paying or receiving child support before you were detained, if you are ordered to pay during the time you are detained, or if you are ordered to pay after being deported, contact the court or child support agency that manages your child support order to find out what your rights and responsibilities are. It is also a good idea to talk with a lawyer who specializes in family issues.

→ [For more information on how to get a lawyer, see Chapter 5.]

What is child support?

When biological parents live apart from their children, they may be ordered to pay money to their children's primary parent or other **caregiver**. For example, when a child is born to parents who are not married or living together, or when a couple divorces, it is very common for the parent who does not live with the child to pay child support to the other. Also, if your children receive certain public benefits like Medicaid or food stamps while living apart from you, or are placed in government-funded **foster care**, you could be ordered to pay child support to the state.



[Phone numbers for state child support agencies are listed in Appendix G.] → Contact either the court or the child support agency that manages your child support order if you need help with a child support issue.

I was receiving child support before detention. What happens to it now?

If your children's other biological parent was ordered to pay you child support at any time, those payments should continue even if you are detained. If your children are in the **child welfare system**, the **family court** may redirect the payment to the child welfare system. Otherwise, you can contact the child support agency to talk about the different options for sending your payments to your children's caretaker.



I was ordered to pay child support before being detained. Do I still have to pay?

Generally, yes. Your child support order does not stop because you are detained. Even if you were behind on your child support payments before being detained, you still need to pay. But, you can contact either the court that ordered you to pay child support or the child support agency handling your case, to request that the payment be reduced or suspended while you are in detention and are unable to work. This request or "modification" may be made whenever there is a "substantial change in circumstances," such as being taken into **custody**. Make the request for payment reduction as soon as possible because an early request will help you keep your child support debt as small as possible while you are detained. If your request is denied, you can usually appeal the denial. The court or child support agency in your state can tell you how to file an appeal, which is called a "request for review and modification."



If you are detained, it is very important that you contact the court or child support agency that manages your child support order regularly to ensure that you are either meeting your child support responsibilities or have a plan in place to do so.

I am not ordered to pay child support so none of this applies to me, right?

Wrong. Even if you have not had to pay child support in the past, this could change if someone else is caring for your children or they are in the child welfare system.

If you receive a new child support order or notice while in detention, you have the right to tell the court or child support agency whether or not you agree to owing child support, and whether or not you think the payment amount is fair. Be sure to respond to the notice quickly. The response deadline varies from state to state, but it is often only 30 days. If you do not respond in time, the court or child support agency will assume that you agree to pay and an amount will be set. Usually you do not have the right to a free lawyer in child support matters, but be sure to ask about this anyway. In some instances, the court or state legal service organizations may be able to locate a lawyer to help you.

Even if you do not receive a child support order, you may be required to pay child support. You should contact the local child support agency where your children live to verify if an order has been made without your knowledge.

→ [Phone numbers for state child support agencies are listed in Appendix G.]

Do I still owe child support if I am deported?

Yes. The U.S. government has agreements with a number of other countries to ensure that state child support agencies can work with them to find parents and collect child support payments. Once you are working, if your job pays less than what you made when your payment amount was set, you can ask the court or child support agency to consider lowering (review and modify) the payment amount.



Each U.S. state has different agreements with countries to facilitate child support payments. If you are deported to a country that does not have an agreement with the state where your child support order is in place, you will have to make your own payment arrangements. Be sure to contact the court or child support agency as soon as possible after you are deported to ask how you should make your child support payments from outside the U.S. You may need to make your own arrangements with the child, child support agency or your children's caregiver.

What happens if I do not make my child support payments?

If you do not make your child support payments, your debt will keep growing and the court or child support agency will try to find other ways to get the payments from you. They can take money from your bank account, paycheck and tax refund. They can put a “lien” on property you have in the U.S., such as furniture, cars, land or a house. This means that if the property is sold, they can take a portion of the profits. You can be given a jail sentence for not paying child support. It can also affect immigration relief.



A state only counts child support payments as having been made if they are made through the state. If you have made a private arrangement to make payments directly to the child’s caregiver (not through the state), be sure to notify the court or local child support agency and ask if you need to submit any paperwork as proof of payment.

CHAPTER 10 People Who Can Help³

There are many people who are involved in your immigration and child welfare cases. It can be difficult to figure out who all these people are, what role they play in what is happening to you, and whether or not information you give them is confidential (cannot be shared with others). Many of them can be helpful if you know what they do. This chapter will give you a brief explanation of the people you may meet while you are detained and if you have children in the **child welfare system**.

People who can help you

CHILD WELFARE CASEWORKER



Who does he/she work for?	The state or local child welfare agency
Is what I say confidential?	Not always
How do I get one?	If your children are placed into the child welfare system, a child welfare caseworker will be assigned to their case.
What is the caseworker's job?	To protect children from harm.
What can I expect the caseworker to do?	<ul style="list-style-type: none"> • Look for relatives who could care for your children in your absence. • Assess the safety of your children, protect them from harm and assess their living situation where they are placed while they are out of your care. • Notify you of your case plan, assist you in complying with the case plan and work with you to adjust the plan if needed. • Help you reunite with your children if the family court allows reunification. • Make another plan for the long-term safety of your children if reunification with you is not possible.



LAWYERS

	Immigration lawyer	Family lawyer	Defense lawyer
Who does he/she work for?	You	You	You
Is what I say confidential?	Yes	Yes	Yes
How do I get one?	By finding a volunteer lawyer who will work for free, or hire and pay for a one.	By finding a volunteer lawyer, by hiring a lawyer or, if you cannot afford one, by asking the family court to appoint one for you.	By hiring a lawyer or, if you cannot afford one, by asking the criminal court to appoint one for you.
What is the lawyer's job?	Your lawyer helps you understand your rights and options, works to accomplish your goals for your case and protects your legal rights.		
What can I expect the lawyer to do?	<ul style="list-style-type: none"> • Respond to your calls and requests for assistance and information within a reasonable amount of time. • Be prepared for and attend every hearing. • Talk with you before hearings to understand what you want and to help you prepare. • Help you understand what happens during hearings and what will happen next. • File all necessary documents and motions on time. • Be available to attend non-court meetings on your behalf. • Represent you and advocate for your position in court and other meetings. • Explain clearly all your options and the advantages or disadvantages of each one. 		

CONSULATE STAFF



Who does he/she work for?	The government of your country.
Is what I say confidential?	No. Check with your immigration lawyer before getting help from your consulate , especially if you are applying for asylum or trying to stay in the U.S. because of problems with your government.
How do I contact my consulate?	In detention you have the right to call your consulate for free. Contact information for consulates should be available in your housing pod.
What is the consulate's job?	To assist citizens of their country living temporarily or long term in the U.S. and to help protect their rights.
How can the consulate help me?	<ul style="list-style-type: none"> • Issue official documents like identification cards and passports. • Help to obtain other documents like birth or marriage certificates. • Register U.S. born children of its citizens. • Mediate with local authorities in some legal matters. • Help its citizens return to the home country. • Help identify a social services agency in the home country that can help with case plan compliance, home studies, etc. • May be able to help with logistics of children's travel to the parent's home country.

CHILD'S LAWYER OR LAW GUARDIAN



Who does he/she work for?	Your child or children.
Is what I say confidential?	No
How do I get one?	The family court may appoint a lawyer or law guardian for your children to help in obtaining a custody decision that is in your children's best interest. Not all courts appoint lawyers for children.
What is the children's lawyer's job?	<ul style="list-style-type: none"> • To protect your children's rights and their best interest. • To work for what the children want (when the children are old enough and mature enough to state their opinion).
What can I expect the children's lawyer to do?	This lawyer works for your children in nearly the same way that your lawyer works for you. If your children are young, they may represent their best interest.

GUARDIAN AD LITEM



Who does he/she work for?	Your child or children.
Is what I say confidential?	No
How do I get one?	The family court may appoint a guardian ad litem for your children. Not all courts appoint guardians ad litem for children.
What is the guardian ad litem's job?	To work for what she or he thinks is in the children's best interest. This may not be the same as what your children want. Most but not all guardians ad litem are lawyers.
What can I expect the guardian ad litem to do?	<ul style="list-style-type: none"> • Meet with the children. • Talk with others involved in the case. • Make recommendations to the judge about what should happen with your children's placement, services and visitation.

COURT-APPOINTED SPECIAL ADVOCATE (CASA)



Who does he/she work for?	Your child or children.
Is what I say confidential?	No
How do I get one?	The judge may assign a CASA volunteer to your children. Not all courts use CASA volunteers.
What is the CASA's job?	The CASA looks into the children's situation and reports to the court what she or he thinks is the children's best interest. CASAs are specially trained volunteers from the community. They are not usually lawyers.
What can I expect the CASA to do?	<ul style="list-style-type: none"> • Have frequent contact with your children and get to know them well. • Talk to others involved in the case, including parents, to learn about the children's life and needs. • Make recommendations to the court about what should happen in the case to serve your children's best interests.



FAMILY COURT JUDGE

Who does he/she work for?	The court.
Is what I say confidential?	No. There is a record and transcript of everything you say in court.
How do I get one?	The court assigns a judge to your case.
What is the family court judge's job?	To be in charge of hearings and make decisions about cases based on information from parents and their lawyers, caseworkers, children's lawyers, guardians ad litem, CASAs and review boards.
What can I expect the family court judge to do?	<ul style="list-style-type: none"> • Make decisions that are in the best interest of your children concerning their placement, services and visitation. • Be objective and neutral (not biased for or against anyone involved in the case). • Decide where your children will live temporarily during the case. • Decide the plan for your case so you can keep a relationship with your children and possibly regain custody. • Decide where your children can permanently live and whether or not you can keep your rights as their parent.



DEPORTATION OFFICER (SOMETIMES CALLED A CASE OFFICER OR JUST ICE)

Who does he/she work for?	U.S. Immigration and Customs Enforcement (ICE).
Is what I say confidential?	No
How do I get one?	You are assigned a Deportation Officer at the detention center.
What is the Deportation Officer's job?	To work with and support the U.S. law enforcement system to find, arrest and deport non-U.S. citizens who are undocumented, or who have broken immigration or criminal laws.
What can I expect the Deportation Officer to do?	<ul style="list-style-type: none"> • Consider requests from parents to be released from detention in order to care for their children. • Consider requests for parents to attend family court hearings in person or participate by phone. • Consider coordinating travel plans with child welfare services and consulates so that your children can travel with you if you are deported.



GUARD OR DETENTION CENTER STAFF

Who does he/she work for?	The detention center.
Is what I say confidential?	No
How do I get one?	You will interact with different guards and other detention center staff in the housing pods and other areas of the detention center.
What is the guard's job?	To keep day-to-day things running smoothly in the detention center and solve problems that may arise.
What can I expect the guard to do?	<ul style="list-style-type: none"> • Help to resolve daily issues before they become big problems. • Respond to problems, incidents and grievances. • Make sure that services and programs happen on time and are done properly.



CHAPLAIN

Who does he/she work for?	In some places he or she works for the detention center, in other places he or she works for an outside agency like Church World Service or Jesuit Refugee Service.
Is what I say confidential?	No
How do I get one?	You can talk to any chaplain at your detention center.
What is the chaplain's job?	To be a pastoral counselor and problem solver and provide religious activities that include opportunities for worship, prayer, scripture services and fellowship to people of all faiths.
What can I expect the chaplain to do?	<ul style="list-style-type: none"> • Provide spiritual and personal counseling. • Help solve crisis situations involving detainees, staff or their families. • Help solve daily issues and get special needs addressed, for example arranging for a special religious diet. • Advocate for your religious rights. • Provide religious services and meetings. • Teach staff to understand and respect cultural, social and religious differences.

APPENDIX A ICE Field Office and Headquarters Contact Information

If you have been unable to resolve an issue by working with ICE employees or detention center staff, you can contact the ICE Detention Reporting and Information Line (DRIL). The Detention Reporting and Information Line is toll-free and available at **888-351-4024 (9116# from detention)**. Trained operators are available from 8:00 am to 8:00 pm, Eastern Time, Monday through Friday, for individuals in the community and in ICE detention. Detention Reporting and Information Line (DRIL) information posters are posted in detention facility housing pods. Language assistance is also available.

Toll-free: **1-888-351-4024**
Mon-Fri, 8:00 am - 8:00 pm ET



You may call to:

- obtain basic immigration case information;
- report an incident of sexual or physical assault or abuse;
- report serious or unresolved problems at your facility;
- report that you are a victim of human trafficking; or
- let ICE know that your immigration detention separated you from your minor child who is dependent on you.

Concerns or questions regarding ICE practices, policies and/or programs should first be directed to your deportation officer. If the issue is not resolved or you are not satisfied with the resolution, you or your attorney, a relative or friend should contact ICE Headquarters through the DRIL line. You can also bring a problem or concern to the attention of the ICE Field Office that has jurisdiction over the facility where you are held, but you should be sure to notify your deportation officer and ICE headquarters too.

The names, responsibilities and contact information for the ICE Field Office and Headquarters departments may change from time to time. For the latest information on how to contact ICE Field Offices and Headquarters staff, have your lawyer, a relative or friend go to <https://www.ice.gov/contact/field-offices> or <https://portal.ice.gov/detainee/legal-guardians>. Drop down menus and linked resources provide contact information for the appropriate staff person in each Field Office, and instructions for raising problems and concerns with Headquarters. You can also email questions or concerns related to the well-being of your children to ICE headquarters at: parental.interests@ice.dhs.gov.

For information on ICE's Detained Parents Directive, go to <https://www.ice.gov/detain/parental-interest>, <https://portal.ice.gov/detainee/legal-guardians> or search for the Directive at www.ice.gov/.

It is a good idea to keep a written record of all the things you do to resolve an issue by working with ICE employees at your detention center and detention center staff. Be sure your written record includes dates, a description of your request and the response you received. That way, you can show the Field Office and ICE Headquarters that you tried to solve the problem and have not been successful.

When contacting the Detention Reporting and Information Line (DRIL), provide the operator with a detailed description of all your efforts to resolve your concern.

If you are detained in an immigration detention center, you have a right to report complaints and criminal activity. You can also contact many of these offices from the phones in your housing unit. Look at the directory for information. You can also have your lawyer, a relative or friend make the report for you. The following offices are responsible for investigating and responding to complaints and allegations of misconduct:

ICE Enforcement and Removal Operations Contact Form

For general inquiries and requests related to detention, removal, and returning to the US to attend court proceedings:
[https:// www.ice.gov/webform/ero-contact-form](https://www.ice.gov/webform/ero-contact-form).

Office of Inspector General

To report criminal and noncriminal misconduct by DHS employees and contractors, as well as theft or misuse of DHS funds, property or programs, contact the Office of Inspector General.

Tel: 800-323-8603

<https://hotline.oig.dhs.gov/#step-1>

Email: DHSOIGHotline@hq.dhs.gov

Mail: Attn: Office of Investigations – Hotline
Department of Homeland Security
Office of Inspector General/Mail Stop 0305
245 Murray Lane, SW
Washington, D.C. 20528-0305

Joint Intake Center

Complaints involving ICE may be sent to the Joint Intake Center (JIC). Allegations of misconduct received by the JIC are screened by the Office of Inspector General and, when warranted, are returned to the JIC for appropriate action by the ICE Office of Professional Responsibility or the U.S. Customs and Border Protection Office of Professional Responsibility.

Tel: 877-2INTAKE (877-246-8253)

Fax: 202-344-3390

Email: Joint.Intake@dhs.gov

Unaccompanied Children (UC) Office of the Ombuds

The UC Office of the Ombuds receives, investigates, and addresses concerns about government actions in the UC Program.

<https://www.acf.hhs.gov/uc-ombuds>

Email.: UC.Ombuds@acf.hhs.gov

Sample Contact Log

It is a good idea to keep clear and complete records of any contact you have with people outside the detention center with regards to your child welfare case (including your children). Below is a sample of the information you should keep for each type of contact.

PHONE CALL LOG

Date/Time	Length of call	Person called/ phone number	Voicemail	Summary of conversation
			Yes/No	

VISIT LOG

Date/Time	Length of visit	Visitor(s) name(s)	What happened during the visit, what was discussed, what was decided

SENT LETTERS LOG

Date Sent	Letter sent to who?	What was in the letter? Why did you send the letter?	Did you keep a copy?
			Yes/No

CASE PLAN CLASS AND ACTIVITY LOG

Date/Time	Name of Class or Activity	Description of Class or Activity

APPENDIX C Child Abuse Hotlines⁴

If you believe that your children are being abused or neglected, or that they have been abandoned by the person who is caring for them, you can make a report to the child abuse hotline in the state where they live. Contact information for the state hotlines is below. You can also call Childhelp and ask them to connect you to the child abuse hotline in the state where your children are living.

→ [For more information about reporting child abuse see page 26 of this guide.]

Childhelp
National Child Abuse Hotline
1-800-4-A-CHILD
24-hours a Day

State-by-State Listings

Alabama

Department of Human Resources:
1-334-242-9500

Alaska

24-hour hotline: 1-800-478-4444

Arizona

24-hour hotline: 1-888-767-2445

Arkansas

Department of Human Services:
1-800-482-5964

California

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-ACHILD (1-800-422-4453)

Colorado

24-hour hotline: 1-844-264-5437

Connecticut

24-hour hotline: 1-800-842-2288

Delaware

Reporting 24-hour in-state:
1-800-292-9582

District of Columbia

24-hour hotline: 1-202-671-7233

Florida

Abuse Registry: 1-800-962-2873

Georgia

24-hour hotline 1-855-422-4453

Hawaii

24-hour hotline: 1-808-832-5300
or 1-800-494-3991

Idaho

24-hour hotline: 1-855-552-5437

Illinois

In-state parents under stress and reporting 24-hour: 1-800-252-2873

Indiana

24-hour hotline: 1-800-800-5556

Iowa

24-hour hotline: 1-800-362-2178

Kansas

Reporting 24-hour hotline:
1-800-922-5330

Note: Childhelp can connect you to the main phone number for the child welfare agency in the area where your children are living, but cannot connect you directly to their caseworker.

Kentucky

24-hour hotline: 1-877-597-2331

Louisiana

24-hour hotline: 1-855-452-5437

Maine

Reporting 24-hour: 1-800-452-1999

Maryland

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

Massachusetts

24-hour hotline: 1-800-792-5200

Michigan

24-hour hotline: 1-855-444-3911

Minnesota

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

Mississippi

24-hour hotline: 1-800-222-8000

Missouri

Reporting: 1-800-392-3738

Montana

24-hour hotline: 1-866-820-5437

Nebraska

Reporting 24-hour: 1-800-652-1999

Nevada

Clark County: 1-702-399-0081

Washoe County: 1-833-900-7233

All other counties: 1-833-803-1183

New Hampshire

In-state hotline: 1-800-894-5533

New Jersey

24-hour hotline: 1-877-652-2873

New Mexico

24-hour hotline: 1-855-333-7233

New York

Reporting 24-hour: 1-800-342-3720

North Dakota

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

North Carolina

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

Ohio

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

Oklahoma

24-hour hotline: 1-800-522-3511

Oregon

24-hour hotline: 1-855-503-7233

Pennsylvania

24-hour hotline: 1-800-932-0313

Puerto Rico

24-hour hotline: 1-800-981-8333

Rhode Island

24-hour hotline: 1-800-742-4453

South Carolina

24-hour hotline: 1-888-227-3487

South Dakota

24-hour hotline: 1-877-244-0864

Tennessee

24-hour hotline: 1-877-237-0004

Texas

24-hour hotline: 1-800-252-5400

Utah

24-hour hotline: 1-855-323-3237

Vermont

24-hour hotline: 1-800-649-5285

Virginia

24-hour hotline: 1-800-552-7096

Washington

24-hour hotline: 1-866-363-4276

West Virginia

24-hour hotline: 1-800-352-6513

Wisconsin

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

Wyoming

No central statewide number; each county has its own number. Call the National Child Abuse hotline for assistance contacting the county you need: 1-800-4-A-CHILD.

APPENDIX D Sample Request for Appointed Counsel in Family Court

Note: If you want to ask the family court to give you a lawyer, you should try to get a copy of the *Request for Appointed Counsel* form that is used in the state where your children are living. (Ask your immigration lawyer, a relative or friend to help you get this form.) However, if you cannot get the correct form, you can write a letter to the family court, using the sample below:

Case Number

Name of the Court

Judge

Street Address

Respondent/Parent

City, State Zip Code

Request for Appointed Counsel

I, _____, respondent or parent in the above referenced case, request that the Court appoint counsel to represent me for the following reasons:

I am the parent of _____, date of birth _____,
 of _____, date of birth _____,
 of _____, date of birth _____,
 and of _____, date of birth _____,

about whom there is a pending family court action.

Check one of the following:

- I am indigent and have no means to pay for an attorney to represent me in this matter.
 I am currently in immigration detention, and have no immediate source of income with which I could make an agreement to pay an attorney.

OR

My total annual income is \$ _____.

Date: _____

Signature

Printed Name

Parent's Address: _____

I hereby certify that a copy of the foregoing was mailed by U.S. mail to the other party at the address listed below on this _____ day of _____, 20____.

ICE Field Offices⁵

See <https://www.ice.gov/contact/field-offices>

Atlanta Field Office

Area of Responsibility:
Georgia, North Carolina,
South Carolina
180 Ted Turner Dr. SW, Suite 522
Atlanta, GA 30303
Tel: (404) 893-1290

Baltimore Field Office

Area of Responsibility:
Maryland
31 Hopkins Plaza, 7th Floor
Baltimore, MD 21201
Tel: (443) 560-0640

Boston Field Office

Area of Responsibility:
Connecticut, Maine,
Massachusetts, New Hampshire,
Rhode Island, Vermont
1000 District Avenue
Burlington, MA 01803
Tel: (781) 359-7500

Buffalo Field Office

Area of Responsibility:
Upstate New York
750 Delaware Avenue, Floor 7
Buffalo, NY 14202
Tel: (716) 464-5800

Chicago Field Office

Area of Responsibility:
Illinois, Indiana, Wisconsin,
Missouri, Kentucky, Kansas
101 W. Ida B. Wells Dr., Ste 4000
Chicago, IL 60605
Tel: (312) 347-2400

Dallas Field Office

Area of Responsibility:
North Texas, Oklahoma
8101 N. Stemmons Freeway
Dallas, TX 75247
Tel: (972) 367-2200

Denver Field Office

Area of Responsibility:
Colorado, Wyoming
12445 E. Caley Avenue
Centennial, CO 80111
Tel: (720) 873-2899

Detroit Field Office

Area of Responsibility:
Michigan, Ohio
985 Michigan Ave., Ste 207
Detroit, MI 48226
Tel: (313) 771-6601

El Paso Field Office

Area of Responsibility:
West Texas, New Mexico
11541 Montana Ave., Ste E
El Paso, TX 79936
Tel: (915) 225-1901

Harlingen Field Office

Area of Responsibility: South Texas
1717 Zoy Street Harlingen,
TX 78552
Tel: (956) 389-7884

Houston Field Office

Area of Responsibility:
Southeast Texas
126 Northpoint Drive
Houston, TX 77060
Tel: (281) 774-4816

Los Angeles Field Office

Area of Responsibility:
Los Angeles Metropolitan Area
(Counties of Los Angeles, Orange,
Riverside, San Bernardino), and
Central Coast (Counties of Ventura,
Santa Barbara and San Luis Obispo)
300 North Los Angeles St.,
Room 7631
Los Angeles, CA 90012
Tel: (213) 830-7911

Miami Field Office

Area of Responsibility:
Florida, Puerto Rico, U.S.
Virgin Islands
865 SW 78th Avenue, Suite 101
Plantation, FL 33324
Tel: (954) 236-4900

Newark Field Office

Area of Responsibility:
New Jersey
970 Broad Street, 11th Floor
Newark, NJ 07102
Tel: (973) 776-3274

New Orleans Field Office

Area of Responsibility:
Alabama, Arkansas, Louisiana,
Mississippi, Tennessee
1250 Poydras Suite 325
New Orleans, LA 70113
Tel: (504) 599-7800

New York Field Office

Area of Responsibility:
The five boroughs (counties of NYC)
and the following counties:
Dutchess, Nassau, Putnam,
Suffolk, Sullivan, Orange,
Rockland, Ulster and Westchester
26 Federal Plaza
9th Floor, Suite 9-110
New York, NY 10278
Tel: (212) 436-9315

Philadelphia Field Office

Area of Responsibility:
Delaware, Pennsylvania,
West Virginia
114 North 8th Street
Philadelphia, PA 19107
Tel: (215) 656-7164

Phoenix Field Office

Area of Responsibility:
Arizona
2035 N. Central Avenue
Phoenix, AZ 85004
Tel: (602) 257-5900

Salt Lake City Field Office

Area of Responsibility:
Utah, Idaho, Montana, Nevada
2975 Decker Lake Drive, Suite 100
W. Valley City, UT 84119-6096
Tel: (801) 736-1200

Saint Paul Field Office

Area of Responsibility:
Iowa, Minnesota, Nebraska,
North Dakota, South Dakota
1 Federal Drive, Suite 1601
Fort Snelling, MN 55111
Tel: (612) 843-8600

San Antonio Field Office

Area of Responsibility:
Central South Texas
1777 NE Loop 410, Suite 1500
San Antonio, TX 78217
Tel: (210) 283-4750

San Diego Field Office

Area of Responsibility:
San Diego and Imperial County
880 Front Street, Suite 2232
San Diego, CA 92101
Tel: (619) 436-0410

San Francisco Field Office

Area of Responsibility:
Northern California,
Hawaii, Guam
630 Sansome Street, Room 590
San Francisco, CA 94111
Tel: (415) 365-8800

Seattle Field Office

Area of Responsibility:
Alaska, Oregon, Washington
12500 Tukwila International Blvd.
Seattle, WA 98168
Tel: (206) 277-2000

Washington Field Office

Area of Responsibility:
District of Columbia and Virginia
14797 Murdock Street
Chantilly, VA 20151
Tel: (703) 633-2100

Child Welfare Agencies in Latin America

Brazil

Ministério dos Direitos Humanos e da Cidadania
Secretaria Nacional dos Direitos das Crianças e dos Adolescentes

Conselhos Tutelares

Esplanada dos Ministerios Bloco A -- Terreo -- Zona Civico-Administrativa

CEP: 70054-906 -- Brasília, DF

Telefones: +55 (61) 2027-3197

E-mail: protocolo@mdh.gov.br

<https://www.gov.br/mdh/pt-br/navegue-por-temas/crianca-e-adolescente>

Colombia

Instituto Colombiano de Bienestar Familiar (ICBF)

Sede de la Dirección General

Av. Carrera 68 #64C - 75

Bogotá, Colombia

Código Postal: 111061

Tel: +57 601 437 76 30

Línea gratuita nacional ICBF: 01 8000 91 80 80

Línea 141: Línea gratuita nacional para protección, emergencia y orientación

<http://www.icbf.gov.co>

Ecuador

Ministerio de Inclusión Económica y Social

Subsecretaría de Protección Especial

Av. Amaru Nan, Quito 170146. Piso 5

Tel: 593-2 398-3100

<http://www.inclusion.gob.ec/servicios-deproteccion-especial>

El Salvador

Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia (ISNA)

Col. Costa Rica, Avenida Irazú y Final Calle Santa Marta, No. 2, San Salvador

Apartado Postal 2690

República de El Salvador, C. A.

Tel: (503) 2213-4700

Email: oficialdeinformacion@isna.gob.sv

<http://www.isna.gob.sv>

Procuraduría General de la República

Novena Calle Poniente y Trece Avenida Norte, Torre PGR

Centro de Gobierno

San Salvador, San Salvador

Teléfono de Recepción en Sede Central (503) 2231-9484

Email: sugerenciasparalamejora@pgr.gob.sv

<http://www.pgr.gob.sv/222/#gsc.tab=0>

Guatemala

Procuraduría General de la Nación (PGN)

Procuraduría de la Niñez y la Adolescencia

15 Avenida 9-69 Zona 13

Primer Nivel

Código Postal 01013

Tel: (502) 2414-8787

[procuraduria-de-la-ninez-y-adolescencia](http://www.pgn.gob.gt)

<http://www.pgn.gob.gt>

Honduras

Dirección de Niñez, Adolescencia y Familia (DINAF)

Tegucigalpa, Col. Humuya, Calle La Salud No 1101

frente a semáforo El Prado

Apartado Postal 3234

Tels: (504) 2239-9605, (504) 2239-8029

<http://dinaf.gob.hn>

México

Sistema Nacional para el Desarrollo Integral de la Familia (DIF)

Emiliano Zapata No. 340

Col. Sta. Cruz Atoyac

C.P. 03310

México D.F.

Tel: (52) 55-3003-2200

Web site: <https://www.gob.mx/difnacional>

Nicaragua

Ministerio de la Familia Adolescencia y Niñez

De ENEL Central 1/2 cuadra al sur

Managua, Nicaragua

Tels: (505) 2278-1620, (505) 2278-1842

<http://www.mifamilia.gob.ni>

APPENDIX G State Child Support Agencies⁶

Contact information for state child support agencies can change. If you are having trouble finding contact information for a state child support agency, you can also search by state at:

<https://www.acf.hhs.gov/css/resource/state-and-tribal-child-support-agency-contacts>

Alabama

Department of Human Resources,
Child Support Enforcement Division
50 Ripley Street, PO Box 304000
Montgomery, AL 36130-1801

Tel: 334-242-9300
Fax: 334-242-0606

Alaska

Child Support Services Division,
Department of Revenue
550 West 7th Avenue, Suite 280
Anchorage, AK 99501-6699

Tel: 907-269-6900
Fax: 907-269-6813

Arizona

Division of Child Support
Enforcement, Arizona Department
of Economic Security
PO Box 40458
Phoenix, AZ 85012

Customer Service: 800-882-4151
Metro Phoenix: 602-252-4045

Arkansas

Office of Child Support Enforcement,
Department of Finance
and Administration
PO Box 8133
Little Rock, AR 72203-8133

Tel: 501-682-6169
Fax: 501-682-6002

California

California Department of
Child Support Services
P.O. Box 419064, Mail Station—100
Rancho Cordova, CA 95741-9064

Tel: 866-249-0773
International cases: 866-901-3212 or
dcssigs@dcss.ca.gov

Colorado

Division of Child
Support Enforcement,
Department of Human Services
1575 Sherman Street, 5th floor
Denver, CO 80203-1714

Tel: 303-866-4300
Fax: 715-994-1036

Connecticut

Connecticut Department of Social
Services, Bureau of Child
Support Enforcement
55 Farmington Ave., 10th Floor

Hartford, CT 06105-3725
Tel: 860-424-4989
Fax: 860-951-2996
Call Center: 800-228-5437

Delaware

Division of Child Support
Enforcement, Delaware Health
and Social Services
P.O. Box 11223
Wilmington, DE 19850

Tel: 302-395-6500
Fax: 302-395-6733
Customer Service: 302-577-7171

District of Columbia

Child Support Services Division,
Office of the Attorney General
Judiciary Square
400 6th Street NW Ste 8300
Washington, DC 20001

Tel: 202-724-2131
Fax: 202-724-3710
Customer Service: 202-442-9900

Florida

Child Support Enforcement,
Department of Revenue
P.O. Box 8030
Tallahassee, FL 32399-7016

Tel: 850-717-7000
Fax: 850-921-0792
Customer Service: 1-800-622-5437

Georgia

Child Support Services,
Department of Human Resources
2910 Miller Road, Ste 200
Atlanta, GA 30035

Tel: 404-657-1130 or
1-844-MYGADHS
Fax: 404-463-7351

Guam

Office of the Attorney General,
Child Support Enforcement Division
590 South Marine Corps Drive
Suite 901, ITC Building
Tamuning, GU 96913

Tel: 671-475-3360
Fax: 671-475-3203

Hawaii

Child Support Enforcement Agency,
Department of the Attorney General
601 Kamokila Boulevard, Suite 207
Kapolei, HI 96707

Tel: 808-692-7000
Fax: 808-692-7134

Idaho

Bureau of Child Support Services,
Department of Health and Welfare
P.O. Box 83720
Boise, ID83720-0036

Tel: 800-356-9868
Fax: 208-334-5571

Illinois

Division of Child Support
Enforcement, Illinois
Department of Public Aid
607 East Adams Street
Springfield, IL 62701

Tel: 800-447-4278
Fax: 217-557-5538

Indiana

Child Support Bureau,
Department of Child Services
402 West Washington Street MS 11
Indianapolis, IN 46204-2739

Office: 1-800-840-8757
Constituent Services:
ChildSupportInquiry@dcs.in.gov

Iowa

Bureau of Collections,
Department of Human Services
400 S.W. 8th Street, Suite H
Des Moines, IA 50309-4633

Tel: 888-229-9223

Kansas

Child Support Services, Department
for Children and Families
P.O. Box 497
Topeka, KS 66601-0497

Tel: 888-757-2445
Fax: 785-296-8395

Kentucky

Child Support Program, Department
for Income Support, Cabinet for
Families and Children
730 Schenkel Lane—PO Box 2150
Frankfort, KY 40602-2150

Tel: 502-564-2285
Fax: 502-564-5988

Louisiana

Office of Family Support,
Support Enforcement
Services Division
P.O. Box 94065,
627 N. Fourth Street
Baton Rouge, LA 70802

Tel: 225-342-4780
Fax: 225-342-7397

Maine

Child Support, Division of Support
Enforcement & Recovery
11 State House Station
109 Capitol Street
Augusta, ME 04333

Tel: 207-624-4100
Fax: 207-287-6883

Maryland

Child Support Administration,
Department of Human Services
25 S. Charles Street
Baltimore, MD 21201

Tel: 410-767-7065
Fax: 410-333-6264
Customer Service: 800-332-6347

Massachusetts

Child Support Enforcement
Division,
Department of Revenue
P.O. Box 7057
Boston, MA 02204-7057

Tel: 800-332-2733
Fax: 617-887-7570

Michigan

Office of Child Support,
Department of Human Services
P.O. Box 30478
Lansing, MI 48909-7978

Tel: 877-543-2660
Fax: 517-373-4980

Minnesota

Office of Child Support Enforcement,
Department of Human Services
444 Lafayette Road,
P.O. Box #64946
St. Paul, MN 55164-0946

Tel: 651-431-4400
Fax: 651-431-7517

Mississippi

Division of Child Support
Enforcement,
Department of Human Services
P.O. Box 352
Jackson, MS 39205

Tel: 877-882-4916
Fax: 601-359-4370

Missouri

Missouri Department of Social
Services, Family Support Services
P.O. Box 6790
Jefferson City, MO 65102-6790

Tel: 866-313-9960
Fax: 573-751-0507

Montana

Child Support, Department of Public
Health & Human Services
2401 Colonial Drive, First Floor
P.O. Box 202943
Helena, MT 59620-2943

Office: 406-444-9855
Fax: 406-444-1370
Toll Free: 800-346-5437

Nebraska

Child Support Enforcement,
Department of Health and Human
Services
P.O. Box 94728
Lincoln, NE 68509-4728
Tel: 1-877-631-9973 Option 2
Fax: 402-471-7311

Nevada

State of Nevada Division of Welfare
and Supportive Services
1470 College Parkway
Carson City, NV 89706-7924
Tel: 775-684-0705
Fax: 775-684-0702
Customer Service: 775-684-7200
Customer Service: 702-486-1646
Toll Free: 800-992-0900

New Hampshire

Bureau of Child Support Services,
Dept. of Health & Human Services
129 Pleasant Street
Concord, NH 03301-8711
Tel: 800-852-3345 (In-State only)
Office: 603-271-4427
Fax: 603-271-4787

New Jersey

Office of Child Support,
Department of Human Services
P.O. Box 716
Trenton, NJ 08625-0716
Call Center: 877-NJKIDS1 (655-4371)

New Mexico

Child Support Enforcement Division,
Department of Human Services
P.O. Box 25110
Santa Fe, NM 87502
Tel: 505-476-7207
Fax: 505-476-7045
Toll Free: 800-585-7631

New York

New York State, Division of Child
Support Enforcement
40 North Pearl Street, 13th Floor
Albany, NY 12243-0001
Child Support Helpline: 888-208-4485

North Carolina

Child Support Services, Department
of Health and Human Services
P.O. Box 20800
Raleigh, NC 27619-0800
Tel: 919-855-4755
Fax: 919-715-8174
Customer Service Center:
800-992-9457

North Dakota

Child Support Enforcement Program,
North Dakota Department
of Human Services
P.O. Box 7190
Bismarck, ND 58507-7190
Tel: 701-328-5440
Fax: 701-328-5425
Toll Free: 800-231-4255

Ohio

Office of Child Support Enforcement,
Department of Human Services and
Job and Family Services
30 East Broad Street,
31st Floor
Columbus, OH 43215-3414
Tel: 800-686-1556
Fax: 614-752-9760

Oklahoma

Child Support Services, Department
of Human Services
P.O. Box 248822
Oklahoma City, OK 73124
OKC Metro: 405-522-2273
Toll Free: 800-522-2922

Oregon

Division of Child Support, Oregon
Department of Justice
1162 Court Street N.E.
Salem, OR 97301
Tel: 503-986-6166
Fax: 503-986-6158
Toll Free: 800-850-0228
Customer Service: 503-373-7300

Pennsylvania

Child Support Program, Bureau of
Child Support Enforcement,
Department of Human Services
P.O. Box 8018
Harrisburg, PA 17105-8018
Tel: 800-932-0211
Fax: 717-787-9706

Puerto Rico

Administration for
Child Support Enforcement
P.O. Box 70376
San Juan, PR 00936-8376
Tel: 787-767-1500
Fax: 787-282-8324

Rhode Island

Office of Child Support Services,
Department of Human Services
77 Dorrance Street
Providence, RI 02903
Tel: 401-458-4400
Fax: 401-458-4465

South Carolina

Child Support Services, Department
of Social Services
P.O. Box 1469
Columbia, SC 29202-1469
Tel: 803-898-9210
Fax: 803-898-9201
Customer Service: 1-800-768-5858

South Dakota

Division of Child Support,
Department of Social Services
700 Governor's Drive
Pierre, SD 57501-2291
Tel: 605-773-3641
Fax: 605-773-7295

Tennessee

Child Support Division, Department
of Human Services
15th Floor, Citizens Plaza Building
400 Deaderick Street
Nashville, TN 37243-1 403
Tel: 615-313-4880
Fax: 615-532-2791

Texas

Child Support Division,
Office of the Attorney General
P.O. Box 12017
Austin, TX 78711-2017
Tel: 800-252-8014
Fax: 512-460-6867

Utah

Child Support Services,
Department of Human Services,
Office of Recovery Services
P.O. Box 45033
Salt Lake, UT 84145-0033
Tel: 801-536-8500
Fax: 801-536-8636

Vermont

Office of Child Support
103 South Main Street
Waterbury, VT 05671-1901
Tel: 802-786-3214
Fax: 802-241-2319

Virgin Islands

U.S. Virgin Islands
Department of Justice,
Paternity and Child Support Division
8000 Nisky Center,
2nd Floor, Suite 500
St. Thomas, VI 00802
Tel: 340-778-5958
Fax: 340-775-3808
Fax/St.Croix: 340-779-3800

Virginia

Division of Child Support
Enforcement
7 North 8th Street, 1st Floor
Richmond, VA 23219
Tel: 800-257-9986
Fax: 804-726-7476

Washington

Division of Child Support Department
of Social & Health Services
P.O. Box 9162
Olympia, WA 98507-9162
Tel: 360-664-5000
Fax: 360-664-5444

West Virginia

WV Department of Health and
Human Resources,
Bureau for Child Support
Enforcement
350 Capitol Street, Room 147
Charleston, WV 25301-3703
Tel: 800-249-3778
Fax: 304-558-2445

Wisconsin

Bureau of Child Support,
Division of Economic Support
201 East Washington Avenue E200
P.O. Box 7935
Madison, WI 53707-7935
Tel: 608-266-9909
Fax: 608-267-2824

Wyoming

Department of Family Services,
Child Support Enforcement
122 West 25th, Herschler Building,
1301 1st Floor East
Cheyenne, WY 82002
Tel: 307-777-6948
Fax: 307-777-5588

APPENDIX H

Contact Information for State Bar Associations

State Bar Associations may be able to help you find a free or low-cost family lawyer in the state where your children are in the child welfare system. For a list of state bar associations, see the list below or have a relative or friend go to: https://www.americanbar.org/groups/legal_services/flhhome/

Alabama

Alabama Bar Association
415 Dexter Avenue
Montgomery, AL 36104

Tel: (334) 269-1515
Toll Free: (800) 364-6154
E-mail: info@alabar.org

Alaska

Alaska Bar Association
40 K Street, Suite 100
Anchorage, AK 99501-3353

Lawyer Referral Service:
Tel: (907) 272-0352
Email: LRS@alaskabar.org

Arizona

State Bar of Arizona
4201 N. 24th St, Suite 100
Phoenix, AZ 85016-6266

Tel: (602) 252-4804
Fax: (602) 271-4930

Arkansas

Arkansas Bar Association
1401 West Capitol Avenue,
Suite 170
Little Rock, AR 72201

Tel: (800) 609-5668 &
(501) 375-4606
Fax: (501) 421-0732

California

The State Bar of California
180 Howard Street
San Francisco, CA 94105

In-State: (800) 843-9053
Out-of-State: (415) 538-2000
E-mail: LRS@calbar.ca.gov

Colorado

Colorado Bar Association
1290 Broadway, Suite 1700
Denver, CO 80203

Tel: (800) 332-6736 &
(303) 860-1115

Connecticut

Connecticut Bar Association
538 Preston Avenue
3rd Floor
Meriden, CT 06450

Tel: (860)223-4400
Fax: (860) 223-4438
E-mail: ctbar@ctbar.org

District of Columbia

District of Columbia Bar Association
901 4th Street, NW
Washington, DC 20001

Tel: (202) 737-4700

Delaware

Delaware Bar Association
704 N. King Street, Suite 110
Wilmington, DE 19801

Tel: (302) 658-5279
Fax: (302) 658-5212

[https://www.dsba.org/
resources/public-resources/](https://www.dsba.org/resources/public-resources/)

Florida

Florida Bar Association
650 Apalachee Parkway
Tallahassee, FL 32399-2300

Tel: (850) 561-5831 &
(850) 561-5600
Fax: (850) 561-5827

Georgia

Georgia Bar Association
104 Marietta St., Ste 100
Atlanta, GA 30303

Tel: ((404) 527-8700
Toll Free: (800) 334-6865

Hawaii

Hawaii Bar Association
Alakea Corporate Tower
1100 Alakea Street, Ste 1000
Honolulu, HI 96813

Tel: (808) 537-9140
E-mail: LRIS@hsba.org

Idaho

Idaho State Bar
Lawyer Referral Service
P.O. Box 895
Boise, ID 83701
Tel: (208) 334-4500
<https://isb.idaho.gov/lawyerreferral-service/>

Illinois

Illinois State Bar Association
424 South 2nd Street
Springfield, IL 62701-1779
Tel: (217) 525-1760 &
(800) 252-8908 (toll-free in IL)
<https://www.isba.org/public/illinoislawyerfinder>

Indiana

Indiana State Bar Association
201 N. Illinois St., Ste 1225
Indianapolis, IN 46204
Tel: 317) 639-5465
<https://www.inbar.org/page/getlegalhelp>

Iowa

Iowa State Bar Association
625 East Court Avenue
Des Moines, IA 50309
Tel: (515) 243-3179

Kansas

Kansas Bar Association
1200 Harrison Street S.W.
P.O. Box 1037
Topeka, KS 66612-1806
Tel: (785) 234-5696
Fax: (785) 234-3813

Kentucky

Kentucky Bar Association
514 West Main Street
Frankfort, KY 40601
Tel: (502) 564-3795
Fax: (502) 564-3225

Louisiana

Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130
Toll Free: (800) 421-5722
Tel: (504) 566-1600

Maine

Maine State Bar Association
124 State Street
Augusta, ME 04332
Tel: (800) 860-1460
<https://mainebar.community.lawyer/>

Maryland

Maryland State Bar Association
520 West Fayette Street
Baltimore, MD 21201
Tel: (888) 388-5459 & (410) 685-7878

Massachusetts

Massachusetts Bar Association
20 West Street
Boston, MA 02111 -1204
Tel: (617) 654-0400
Toll Free: (866) 627-7577
E-mail: LRS@massbar.org

Michigan

State Bar of Michigan
306 Townsend Street
Lansing, MI 48933-2012
Tel: (800) 968-1442 &
(517) 346-6300
<https://lrs.michbar.org/>

Minnesota

Minnesota State Bar Association
33 South Sixth Street, #4540
Minneapolis, MN 55402
Tel: (612) 333-1183
E-mail: dinfo@mnbars.org

Mississippi

Mississippi Bar Association
643 North State Street
P.O. Box 2168
Jackson, MS 39225-2168
Tel: (601) 948-4471
Fax: (601) 355-8635

Missouri

The Missouri Bar
326 Monroe St.
P.O. Box 119
Jefferson City, MO 65102-0119
Tel: (573) 635-4128
Fax: (573) 635-2811
E-mail: mobar@mobar.org

Montana

State Bar of Montana
33 S. Last Chance Gulch, Ste 1B
P.O. Box 577
Helena, MT 59624
Tel: (406) 442-7660
E-mail: mailbox@montanabar.org

Nebraska

Nebraska State Bar Association
635 South 14th Street, Suite 200
Lincoln, NE 68508
Tel: (402) 475-7091
Toll Free: (800) 927-0117
<https://nefindalawyer.com>

Nevada

State Bar of Nevada
3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
Tel: (800) 789-5747 &
(702) 382-0504
Email: lawyerreferral@nvbar.org

New Hampshire

New Hampshire Bar Association
2 Pillsbury Street, Suite 300
Concord, NH 03301
Tel: (603) 224-6942
Fax: (603) 224-2910
Lawyer Referral Service:
(603) 229-0002

New Jersey

New Jersey State Bar Association
New Jersey Law Center
One Constitution Square
New Brunswick, NJ 08901-1500

Tel: (908) 249-5000
Fax: (908) 249-2815

New Mexico

State Bar of New Mexico
5121 Masthead St NE
P.O. Box 92860
Albuquerque, NM 87199-2860

Tel: ((505) 797-6000 & (800) 876-6227
Fax: (866) 767-7281

New York

New York State Bar Association
One Elk Street
ALbany, NY 12207

Tel: (518) 463-3200

North Carolina

North Carolina State Bar
217 East Edenton Street
Raleigh, NC 27601

Tel: (919) 828-4620
Fax: (919) 821-9168
E-mail: general@ncbar.org

North Dakota

State Bar Association of North
Dakota
1661 Capitol Way, Suite 104LL
Bismarck, ND 58501

Tel: (701) 255-1404
Toll Free: (800) 472-2685
Lawyer Referral & Information
Services: (866) 450-9579
Fax: (701) 224-1621

Ohio

Ohio State Bar Association
1700 Lake Shore Drive, Suite 100
Columbus, OH 43204

Tel: (800) 232-7124 & (614) 487-8585
<https://www.ohioabar.org/LegalHelp/>

Oklahoma

Oklahoma Bar Association
P.O. Box 53036
1901 N. Lincoln
Oklahoma City, OK 73152

Tel: (405) 416-7000
Toll Free: (800) 522-8065

Oregon

Oregon State Bar
P.O. Box 231935
Tigard, OR 97281

Tel: (800) 452-7636 & (503) 684-3763
Fax: (503) 684-1366

Pennsylvania

Pennsylvania Bar Association
100 S. Street
Harrisburg, PA 17101

Tel: (800) 932-0311

Puerto Rico

Puerto Rico Bar Association—
Colegio de Abogados de Puerto Rico
Ave. Ponce de León 808
San Juan, PR 00902-1900

Tel: (787) 721-3358
Email: abogados@capr.org

Rhode Island

Island Bar Association
41 Sharpe Drive
Cranston, RI 02920

Tel: (401) 421-7799
Fax: (401) 421-2703
E-mail: info@ribar.com

South Carolina

South Carolina Bar Association
P.O. Box 208
Columbia, SC 29202

Tel: (803) 799-6653
Lawyer Referral Service:
(803) 799-7100

South Dakota

State Bar of South Dakota
111 W. Capitol Avenue, #1
Pierre, SD 57501

Tel: (800) 952-2333 &
(605) 224-7554
E-mail: info@sdbar.net

Tennessee

Tennessee Bar Association
3310 West End Avenue #590
Nashville, TN 37203

Tel: (615) 383-7421

Texas

State Bar of Texas
1414 Colorado
Austin, TX 78701

Tel: (800) 204-2222 &
(512) 463-1463
Lawyer Referral Information
Services: (800) 252-9690

Utah

Utah State Bar
645 South 200 East
Salt Lake City, UT 84111

Tel: (801) 531-9077
Fax: (801) 531-0660
E-mail: info@utahbar.org

Vermont

Vermont Bar Association
P.O. Box 100
Montpelier, VT 05601-0100

Tel: (802) 223-2020 &
(800) 639-7036
Fax: (802) 223-1573

Virginia

Virginia State Bar
111 East Main Street, Suite 700
Richmond, VA 23219-0026

Tel: (804) 775-0500 &
Virginia Lawyer Referral Service:
800) 552-7977
E-mail: lawyerreferral@vsb.org

Washington

Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Tel: (206) 443-9722

Toll Free: (800) 945-9722

E-mail: questions@wsba.org

West Virginia

West Virginia Bar Association
2000 Deitrick Blvd.
Charleston, WV 25311

Tel: (304) 553-7220 &
(866) 989-8227 toll free

Wisconsin

State Bar of Wisconsin
5302 Eastpark Blvd.
P.O. Box 7158
Madison, WI 53707-7158

Tel: (state): (608) 257-3838

Tel: (nation): (800) 728-7788

Lawyer Referral Service:

(800) 362-9082 & (608) 257-4666

Wyoming

Wyoming State Bar
4124 Laramie Street
P.O. Box 109
Cheyenne, WY 820 03

Tel: (307) 632-9061

Fax: (307) 632-3737

APPENDIX I Will I Be Appointed a Lawyer in Family Court? (A State-By-State List)

In most states, you may have the right to a court-appointed (free) lawyer at some stage in a child welfare proceeding. Not all states provide court-appointed lawyers at the beginning of a child welfare proceeding. Some states only provide a lawyer if your parental rights are about to be terminated. Other states only provide a lawyer if you cannot afford to hire one yourself. Always ask the judge to appoint you a lawyer, and if you do not get one, keep asking. Some states will only appoint a lawyer to help you if you ask.

For detailed information about the law in the state where your children live, see:

https://www.americanbar.org/groups/child_law/project-areas/parentrepresentation/parent-know-your-rights-resources/

Alabama

Yes, you are entitled to a free lawyer in family court.

Alaska

Yes, you are entitled to a free lawyer in family court.

Arizona

Yes, you are entitled to a free lawyer in family court.

Arkansas

Yes, you are entitled to a free lawyer in family court.

California

Yes, you are entitled to a free lawyer in family court, but only if your child is being placed in out-of-home care or if your parental rights are about to be terminated.

Colorado

Yes, you are entitled to a free lawyer in family court.

Connecticut

Yes, you are entitled to a free lawyer in family court.

Delaware

Yes, you are entitled to a free lawyer in family court.

District of Columbia

Yes, you are entitled to a free lawyer in family court.

Florida

Yes, you are entitled to a free lawyer in family court.

Georgia

Yes, you are entitled to a free lawyer in family court.

Hawaii

Yes, you are entitled to a free lawyer in family court.

Idaho

Yes, you are entitled to a free lawyer in family court, but only if your parental rights are about to be terminated.

Illinois

Yes, you are entitled to a free lawyer in family court.

Indiana

Yes, you are entitled to a free lawyer in family court.

Iowa

Yes, you are entitled to a free lawyer in family court.

Kansas

Yes, you are entitled to a free lawyer in family court.

Kentucky

Yes, you are entitled to a free lawyer in family court.

Louisiana

Yes, you are entitled to a free lawyer in family court.

Maine

Yes, you are entitled to a free lawyer in family court.

Maryland

Yes, you are entitled to a free lawyer in family court.

Massachusetts

Yes, you are entitled to a free lawyer in family court.

Michigan

Yes, you are entitled to a free lawyer in family court.

Minnesota

Yes, you are entitled to a free lawyer in family court.

Mississippi

No, you are not entitled to a free lawyer in family court.

Missouri

Yes, you are entitled to a free lawyer in family court, but only if your parental rights are about to be terminated. The judge may or may not decide to provide a lawyer for you at an earlier point, based on the facts of your case.

Montana

Yes, you are entitled to a free lawyer in family court.

Nebraska

Yes, you are entitled to a free lawyer in family court.

Nevada

You are not entitled to a free lawyer, but a family court judge may decide to provide you with one based on the facts of your case.

New Hampshire

Yes, you are entitled to a free lawyer in family court.

New Jersey

Yes, you are entitled to a free lawyer in family court.

New Mexico

Yes, you are entitled to a free lawyer in family court.

New York

Yes, you are entitled to a free lawyer in family court.

North Carolina

Yes, you are entitled to a free lawyer in family court.

North Dakota

Yes, you are entitled to a free lawyer in family court.

Ohio

Yes, you are entitled to a free lawyer in family court.

Oklahoma

Yes, you are entitled to a free lawyer in family court.

Oregon

Yes, you are entitled to a free lawyer in family court, but only if your parental rights are about to be terminated. The judge may or may not decide to provide a lawyer for you at an earlier point, based on the facts of your case.

Pennsylvania

Yes, you are entitled to a free lawyer in family court.

Rhode Island

Yes, you are entitled to a free lawyer in family court.

South Carolina

Yes, you are entitled to a free lawyer in family court.

South Dakota

Yes, you are entitled to a free lawyer in family court.

Tennessee

Yes, you are entitled to a free lawyer in family court.

Texas

Yes, you are entitled to a free lawyer in family court.

Utah

Yes, you are entitled to a free lawyer in family court.

Vermont

You are not entitled to a free lawyer, but a family court judge may decide to provide you with one based on the facts of your case.

Virginia

Yes, you are entitled to a free lawyer in family court, but only if your parental rights are about to be terminated.

Washington

Yes, you are entitled to a free lawyer in family court.

West Virginia

Yes, you are entitled to a free lawyer in family court.

Wisconsin

Yes, you are entitled to a free lawyer in family court, but only if your parental rights are about to be terminated. The judge may or may not decide to provide a lawyer for you at an earlier point, based on the facts of your case.

Wyoming

You are entitled to a free lawyer in family court if your case involves the state's Child Protection Act. If it does not, you are not entitled to a free lawyer, but a family court judge may decide to provide you with one based on the facts of your case.

Sample Letter Designating Custody

Letter of Designation for Care of a Minor

I/We are the parent(s) or legal guardian(s) of _____, born on _____.
(name of child) (MM/DD/YYYY)

I/We designate, _____, to sponsor and care for my/our child.
(name of sponsor)

I consent that the above named care-giver/sponsor may:

- ____ (Initial) Have temporary care-giving authority for my child, until such time as my child is returned to my physical custody; or his/her custody status is altered by a Federal, State, or local agency; or changed by a court of law.
- ____ (Initial) Provide for medical, dental, and mental health care for my child.
- ____ (Initial) Provide for my child's physical and mental well-being, including but not limited to providing food, shelter.
- ____ (Initial) Enroll my child in school.
- ____ (Initial) Temporarily transfer physical custody of my child in the event of an emergency (serious illness, destruction of home, etc.) to another person.

Name of parent(s) or legal guardian(s) signing the form	(1) _____ (2) _____
If one of the child's biological parents or other legal guardian is unable to consent please check why	<input type="checkbox"/> Deceased <input type="checkbox"/> Mentally or physically unable to give consent <input type="checkbox"/> Abandoned child <input type="checkbox"/> No longer has legal custody of child <input type="checkbox"/> Child's other parent/legal guardian resides in another location/country <input type="checkbox"/> Other
Address of parent(s) or legal guardian(s) signing the form	_____
Parent(s) or legal guardian(s) signature*	(1) _____ (DATE) (2) _____ (DATE)

* Please note that by signing this form you are NOT terminating your parental or guardianship rights to your child. You maintain legal custody over your child pursuant to relevant Federal and State law. Stay in close contact with your child and the child's sponsor in order to help make decisions for the child's care and for medical, educational and other service.

NOTARY SEAL:

Endnotes

- ¹ Adapted from Bosley, B., Donner, C., McLean, C., and Toomey-Hale, E, (Eds.) (2002). *Parenting From Prison – A Resource Guide for Parents Incarcerated in Colorado*. Parenting from Prison Guide Committee. Denver, Colorado, p. 47. Available at <https://www.ccjrc.org/wp-content/uploads/2016/02/ParentingFromPrison.pdf>.
- ² Information in this section was informed by Fuentes, M., Johnson, S., Felix, R., Graham, A., and Sanchez, S. *My Life Chose Me: A Young Mother's Guide to Surviving the System*. A publication of The Center for Young Women's Development. San Francisco, CA. p. 6. Available at <https://youngwomenfree.org/my-life-chose-me/>.
- ³ Some material in this chapter was adapted from *Finding Your Way: Guides for Fathers in Child Protection Cases* (2011), American Bar Association and American Humane Association. Available at <https://www.fatherhood.org/findingyourway>.
- ⁴ <https://www.childhelpline.org/how-it-works/#hotline-map>
- ⁵ <http://www.ice.gov/contact/ero/index.htm>.
- ⁶ <https://acf.gov/css/contact-information/state-and-tribal-child-support-agency-contacts>.



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