Eight-Point Judicial Checklist

Promoting Adequate Child Welfare Services for Undocumented Child Immigrants

- ✓ Have I helped assure that child immigrants victimized by abuse, neglect, or abandonment, otherwise fleeing violence in their families, who have been trafficked, or who have been victims of other crimes *will be served by our child welfare agency* through an open child protection case, without any constraints on our agency, its caseworkers, or its providers offering all the services, placement resources, and referrals the child needs that would otherwise be available to a U.S. citizen child and family?

- ✓ Have I taken steps to assure that our child welfare agency serves both the immigrant child and their family, regardless of any child or adult's immigration status, and that they accept prompt custody (including foster care as needed) to assure the child's safety, permanency, and well-being?

- ✓ Have I helped assure that our agency provides culturally-sensitive support and language-appropriate services to immigrant children and families, using immigrant community resources?

- ✓ Have I helped assure, if an unaccompanied minor is being repatriated, an expeditious safety/suitability check of the out-of-country placement, coordinated with that other country's child welfare agency?

- ✓ Have I helped assure that, if a child's foster/kinship placement with an undocumented relative of the child is otherwise safe and appropriate, that our agency does not have policies or practices that would prohibit or disfavor such placements?

- ✓ Have I encouraged our child welfare agency's attorneys or children's attorneys – where appropriate – to promptly file motions or petitions (e.g., for SIJS predicate findings, for certifying crime victimization for a U visa, or for documenting family violence or trafficking) so as to help unaccompanied or separated children, and possibly their adult caretakers, remain in the U.S. legally?

- ✓ Have I helped our agency understand that the court will not favor TPR proceedings against deported or immigration-detained parents without previously giving them full opportunity to be present or otherwise adequately participate in the case, through competent counsel, that reasonable efforts to reunify still must be made, and that immigration law violation detention or deportation should never, alone, be used as a basis for TPR?

- ✓ Have I assured that our court and agency are promptly following the consular notice requirements of the Vienna Convention on Consular Relations as soon as a foreign national child is placed in care, or when the case affects a foreign national parent's rights?