

Immigration and Child Welfare

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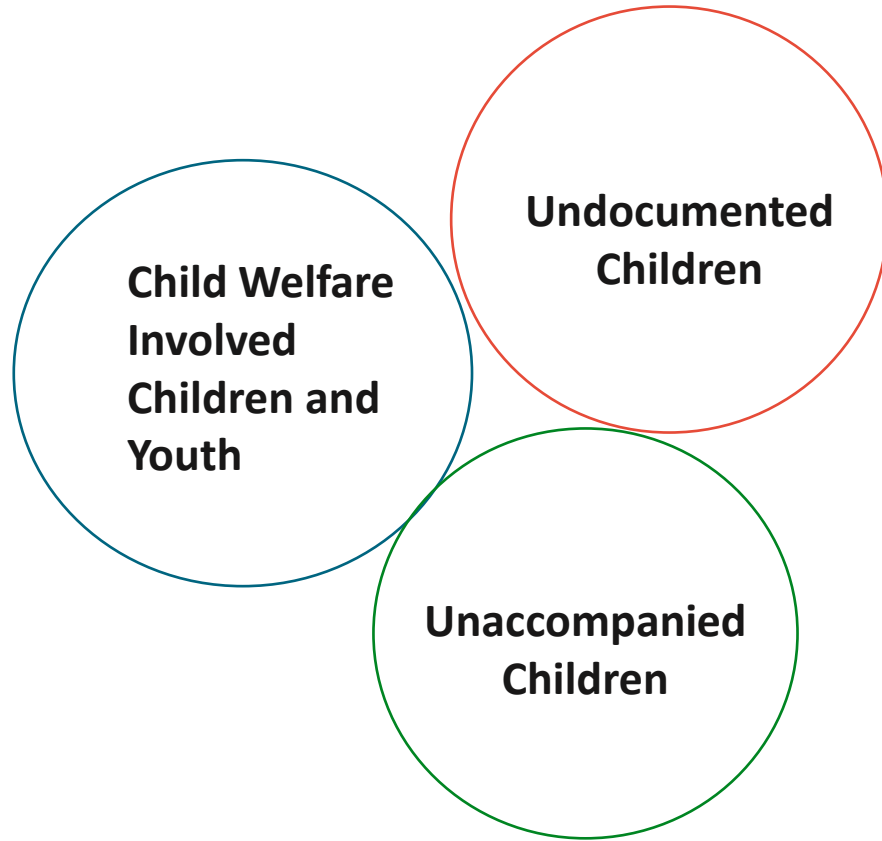


Washington State Department of
CHILDREN, YOUTH & FAMILIES

2/10/2025

Children and youth can have a variety of paths related to immigration

Children and Youth in Washington



An undocumented child is a child in the U.S. who:

- Has no lawful immigration status and may have entered the U.S. without authorization or overstayed their visa
- They are unmarried and under the age of 21
- May have parent(s), legal guardians, or caregivers in the U.S. or may be in the state's care

An unaccompanied child is a child who at the time they are picked up by immigration they:

- Have no lawful immigration status
- Are under the age of 18
- Have no parent or legal guardian in the U.S., or
- Have no parent or legal guardian in the U.S. who is available to care for them.

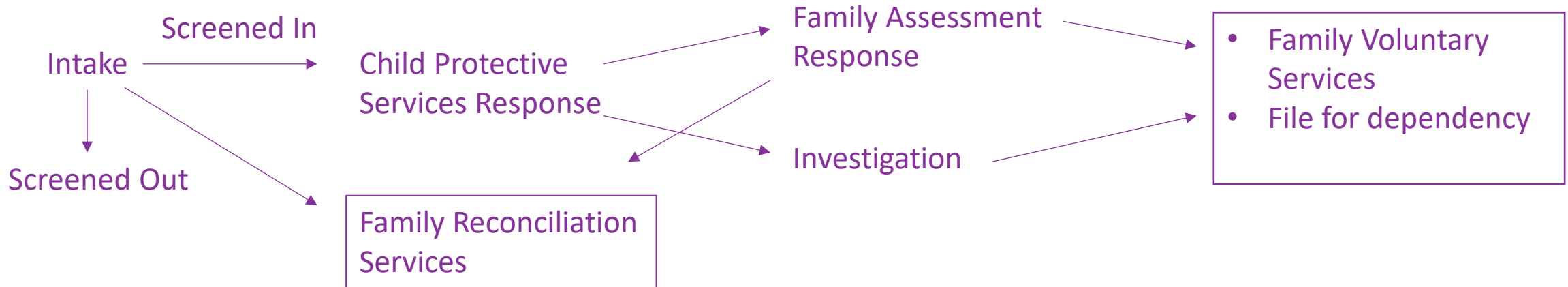


What is the role of Child Welfare if families are separated?

- If a parent is detained by Immigration and Customs Enforcement (ICE), ICE will first work with the family to determine if there is a safety plan in place. For example, finding friends or family who can care for the children.
- ICE only contacts DCYF/child welfare if the parents can't find someone to care for the children or if there are concerns about the people they've identified.
 - In these situations, ICE will notify local law enforcement, and the children will be picked up under protective custody. This is the same process law enforcement would follow for other children/youth in need of a child welfare intervention.



Child Welfare Process



- Cases where a parent has been or is in the process of deportation may not screen in because there is no child abuse or neglect, no imminent risk for serious harm, and no services or placement requested.
- DCYF does not provide information to ICE without a court order or judicial warrant, or the parent has signed a release of information identifying what information can be shared. Most often communication flows from ICE to DCYF through law enforcement at the time custody is transferred. It is rare for DCYF to engage with ICE.
- Because these are not abuse/neglect cases, DCYF gives great weight to who the parents want their children to be placed with. If the children are placed with appropriate caregivers, DCYF will close the case.

Foster Care Placement

There are a variety of situations in which these children may enter foster care:

- Protective custody transfer from law enforcement (for 72 hours)
- Voluntary Placement Agreement (VPA) signed by parents (Up to 90 days)
- Dependency Petition (indefinite pending case resolution)
- Child in Need of Services (CHINS) petitions (indefinite pending case resolution)

If the child's caregiver is absent due to immigration status, DCYF will make every effort to locate the parent by contacting family, emergency contacts, and consulates.



Unaccompanied Children

- DCYF does not currently play a role with unaccompanied children.
- Children who are picked up by the U.S. Customs and Border Protection are placed in custody with the Department of Homeland Security.
- Children are transferred into the custody of Department of Health and Human Services (HHS)'s Office of Refugee Resettlement (ORR).
- The children are then released to an ORR sponsor and referred for services and a legal process through immigration courts.



Questions?

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