

Reuniting Immigrant Families - CA Senate Bill 1064 (Senator de León)

What is the Goal of SB1064

The Reuniting Immigrant Families Act (SB 1064) introduced by Senator Kevin de León (D-Los Angeles) addresses the problems encountered when immigration enforcement and the child welfare system intersects. SB1064 prioritizes keeping children with their families and out of the public child welfare system whenever possible and ensures that separated families receive appropriate care and due process.

Why is SB1064 necessary?

Enforcement activities conducted by ICE and some law enforcement agencies too often result in unnecessary harm to children, families and communities. When a parent has a child in the foster care system either prior to or because of immigration enforcement, it is very difficult for them to fulfill their court requirements to either reunify with their children or for their children to be placed with their relatives. Once in the detention system, they have great difficulty communicating with their social worker and attorneys, visiting their children, participating in family court proceedings, fulfilling their required court mandated services or accessing supportive services. Eventually, many parents lose their parental rights and the children either remain in foster care or are adopted out.

What are the four basic components of SB1064?

- 1 Authorize the court to provide an extension in the family reunification period so that child welfare agencies can provide a more diligent search for parents who may be detained or deported, or help find a potential relative placement.
- 2 Affirm that immigration status per se is not a disqualifying factor in evaluating placement of a child with a relative (including their own parent). Authorize use of a relative's foreign consulate identification card or passport to be used to initiate fingerprint clearance so that a relative can be a placement for their relative child in the foster care system.
- 3 Require the California Department of Social Services provide guidance to social workers on referring children eligible for Special Immigrant Juvenile Status and other immigration relief options to receive assistance in

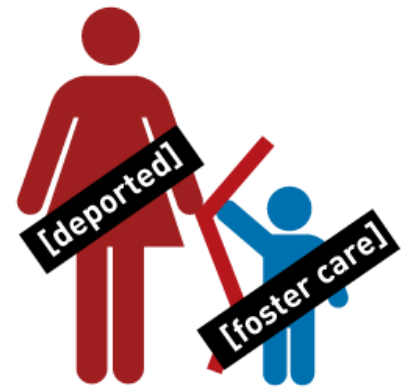
acquiring protective status. Case workers and court staff are sometimes the first and only person an immigrant child or family encounters who may be able to identify their eligibility for certain immigration relief options.

- 4 Require CDSS to provide guidance to counties and municipalities to establish Memorandums of Understandings with appropriate foreign consulates in child custody cases. Article 37 of the Vienna Convention on Consular Relations clearly states that consular officers

have the right to assist their nationals in cases of death, guardianship or trusteeships and that consular post shall be informed without delay. However, there is inconsistent and under-utilization of the consular offices.

What's the bottom line?

While many detained parents will not have their children entered the foster care system, there is an increased risk of unnecessary and expensive foster care involvement due to the lack of attention to this issue. Child welfare is a costly, public system, with immediate court and child welfare costs, as well longer-term costs with the increased likelihood of children in foster care accessing special education, juvenile justice, and mental health services. Given California's budget shortfalls, where counties are struggling to preserve core services like education, fire protection and park services, separating families, and unnecessarily placing children into a costly public child welfare system is not a wise way to allocate scarce resources.



At least 5100 children who are presently in foster care whose parents have been detained or deported

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Senators: Correa, Vargas, Yee/ Assembly Members: Alejo, V. Manuel Pérez, Swanson, Williams

Organization Supporters (partial list – over 50 agencies as of 8/1/12):

All Saints Church Foster Care Project • Alternative Family Services • American Civil Liberties Union of California • American Federation of State, County, and Municipal Employees, AFL-CIO • Applied Research Center • Asian Americans for Civil Rights & Equality • Asian Law Alliance • ASISTA Immigration Assistance • CAST - The Coalition to Abolish Slavery and Trafficking • California Catholic Conference, Inc. • California Child Welfare Directors Association • California Immigrant Policy Center • California Latinas for Reproductive Justice • California Partnership • California United for a Responsible Budget • California Rural Legal Assistance Foundation • California Youth Connection • Center for Community Alternatives • Central American Resource Center (CARECEN) • Children's Defense Fund – CA • Clergy and Laity United for Economic Justice, Los Angeles • Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) • Community Works West • Congregation of the Sisters of the Holy Cross • First Focus Campaign for Children • Franciscan Action Network • Guam Communications Network • Iglesia de la Comunidad, Presbyterian Church USA • Immigrant Legal Resource Center • Justice Now • Latino Policy Coalition • Legal Services for Children • Legal Services for Children • Legal Services for Prisoners with Children • Lutheran Office of Public Policy California • Mexican American Legal Defense and Education Fund • MomsRising.org • Mujeres Unidas y Activas • National Association of Social Workers – California Chapter • Restoration Project, Tucson/Arizona • Public Counsel • Safe Passages • San Francisco Board of Supervisors • Santa Clara Board of Supervisors • Services, Immigrant Rights & Education Network • Street Level Health Project • Tongan Community Service Center • Tucson Samaritans • The Young Center for Immigrant Children's Rights • 9to5 National Association of Working Women.

Media re: deported immigrant parents and child welfare (partial list):

Immigration and Keeping Families Intact (Los Angeles Times Editorial, July 31, 2012).

Mother who sold tamales outside Walmart faces deportation (Sacramento Bee, July 19, 2012). Undocumented single mother spent 12 days in jail for trespassing charges and faces deportation while her children are placed in foster care, despite many relatives who came to the scene of the arrest seeking to care for the children.

Children Bearing Brunt of Deportation (Latino Fox News, July 20, 2012).

Immigration Mom Loses Effort to Regain Son Given to US Parents (ABC News, July 18, 2012).

Deportation pyramid illustrates effects of deportation on children (Southern California Public Radio, July 17, 2012).

California Senate Moves to Protect Immigrant Families in Deportation (Colorlines, Mar 28, 2012). Nearly a quarter of the estimated 5,100 children are California residents. This bill (SB1064) is the first piece of state legislation to address the shattered family problem.

In California, an attempt to keep some deportee's children out of foster care (89.3 KPCC, NPR, Mar 28, 2012).

What about the kids – what can happen when parents are deported(89.3 KPCC, National Public Radio – Southern California, Feb 2012).

Pesadilla de hijos de padres deportados (Univision – video and story, May 19, 2012).

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