

Community Road Map for Child Well-Being

Decision-Making Guide: Supporting Children Separated by Immigration Enforcement



APHSA
American Public Human Services Association

Across the country, communities are increasingly tasked with responding when children are separated from their parents due to immigration enforcement actions. These situations are complex and can be emotionally charged—for children, families, and the professionals who support them. What remains clear and consistent is the shared responsibility to ensure child safety, support family continuity, and uphold the rights of parents, caregivers, and children under the law.

This road map was developed following a convening hosted by the American Public Human Services Association (APHSA). It emerged through a collaborative, bipartisan, and multi-jurisdictional process to support child welfare agencies in navigating these cases with clarity, consistency, and compassion. It reflects input from public agency leaders, legal and policy experts, frontline professionals, and national partners.

This tool is designed to help agencies assess risk, determine the appropriate response pathway, and ensure that actions are legally sound, trauma-informed, and family-centered. It provides practical guidance for prevention, placement, legal coordination, and case planning—whether a child can safely remain with kin or must enter foster care due to substantiated concerns. Ultimately, this guide serves as a resource to support consistent practice across jurisdictions while honoring the legal and ethical obligations that guide child welfare work. It reflects a commitment to protecting children and supporting families, even under difficult and uncertain circumstances.

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SECTION 1:

Planning Ahead — Foundational Knowledge for Child Welfare Agencies

This section provides critical baseline information to support appropriate and consistent responses when children are impacted by immigration enforcement actions.

A. Key Considerations

- Separation due to immigration enforcement is not, in itself, evidence of abuse or neglect; however, further assessment is warranted to determine whether the child faces any imminent risk.
- The primary goal is to maintain family unity whenever safely possible and prevent unnecessary entry into foster care.
- Many U.S. citizen children of immigrant parents live in mixed-status households; caregiver separation does not automatically require child welfare involvement.
- Placement with kin—including relatives who live out of state or outside the U.S.—is strongly preferred and must not be denied based solely on immigration status.
- Agencies must ensure that all interventions are culturally responsive, linguistically appropriate, and trauma-informed.

B. Legal Considerations

- Parental rights are not subject to termination or suspension due to immigration status, detention, or deportation alone.
- Deportation is not a sufficient reason to initiate termination of parental rights (TPR) if there is no imminent risk to the child and a safe permanency plan can be developed. Case law and state policy may require further jurisdiction-specific assessment.
- Agencies must make reasonable efforts to locate, notify, and engage parents—including those who are detained or living outside the United States—in all phases of the case, including safety planning, court proceedings, and reunification services.
- Due process protections apply regardless of a parent's location or legal status. Parents must be given the opportunity to participate meaningfully in legal and case planning processes, including through video, phone, written testimony, or legal representation.
- Consular notification is legally required under the Vienna Convention when a non-citizen parent is detained or involved in a child welfare proceeding. Consulates can assist in locating family members, facilitating communication, and supporting family preservation or reunification.
- Agencies must assess and prioritize placement with relatives or trusted non-relatives (fictive kin), regardless of their immigration status or physical location, in alignment with the child's best interest.
- When safe and appropriate, standby guardianship, power of attorney, and voluntary placement agreements should be used to support family stability and prevent unnecessary court involvement.

C. Practice Considerations

- Intake and screening staff must differentiate cases of true maltreatment from those involving only immigration-related separation, ensuring that removal or formal system entry is not pursued unless there is a substantiated safety concern.
- Family preparedness plans and legal custody documents (e.g., standby guardianship, power of attorney) should be honored and implemented.
- Child Welfare agencies should consider establishing a relationship and connect with the United States Immigration and Customs Enforcement (ICE) field offices or Community Relations Officers prior to a case requiring one.
- Engage legal advocates and community-based partners early, particularly in cases involving language barriers, cross-border communication, or undocumented caregivers. Explore the use of virtual appearance options should court involvement become necessary.
- School personnel may be key partners in identifying safe caregivers, maintaining stability for the child, and addressing emotional or behavioral changes related to separation.
- Faith-based leaders or institutions may serve as trusted supports for children and families, identifying fictive kin and providing emotional and logistical support during periods of instability.
- Ensure access to culturally responsive, linguistically appropriate, and trauma-informed services for children and caregivers, including translation and mental health care.
- Avoid assumptions about parenting capacity or risk based on immigration status, ethnicity, language ability, or cultural practices.

SECTION 2: Decision-Making Guide — Supporting Children Separated by Immigration Enforcement

Use this step-by-step guide to support referrals involving a child whose parent or caregiver has become unavailable due to immigration enforcement activities.

1. Is the only reason for referral the separation of a child from their parent/caregiver due to immigration enforcement? (e.g., arrest, detention, or deportation)

Yes → The child does not meet the criteria for foster care entry. Proceed to section 2A.

No → Follow regular child welfare assessment protocol.

2. Is there an allegation of abuse or neglect, or an imminent risk to the child's safety?

Yes → Proceed with a standard child protection investigation using trauma-informed, culturally competent practices.

No → Continue to Step 2A.

Section 2A: Prevention Path – Supporting Without System Entry

1. Determine the Parent/Caregiver's Situation and Location

If detained inside the United States (not deported):

Contact [ICE Field Office](https://www.ice.gov/leadership/ope) <https://www.ice.gov/leadership/ope> to:

- Confirm detention location
- Facilitate communication with the child
- Request parental participation in planning or court
- Ask about [Delegation of Parental Authority Packet](https://www.ice.gov/doclib/foia/policy/delegateParentalAuthorityPacket_Jun2021.pdf) https://www.ice.gov/doclib/foia/policy/delegateParentalAuthorityPacket_Jun2021.pdf
- Inquire about release or supervised custody alternatives

If deported:

Contact the [appropriate consulate](https://www.usembassy.gov) <https://www.usembassy.gov> to:

- Locate and connect with the parent
- Facilitate communication with the child and agency
- Explore family reunification or international kin placement

2. Assess Existing Family Planning

Has the parent established a legal or informal care plan (e.g., standby guardianship, power of attorney, designated caregiver)?

Yes → Implement and support that plan

No → Identify and engage known kin or fictive kin caregivers

3. Is there a known safe caregiver available?

Yes:

- Conduct home safety assessment
- Support voluntary placement or guardianship
- Offer stabilizing supports (child care, transportation, legal services)

No:

- Initiate family finding, including cross-border efforts
- Engage the parent's home country consulate (see Step 9)
- Use foster care only when no safe kin option exists

4. Are siblings affected?

Keep siblings together unless contrary to a child's best interest

Develop a visitation or contact plan if siblings are separated

5. Ensure Language Access and Cultural Support

Offer interpretation or translation as needed

Use culturally competent providers

Avoid assumptions based on immigration status or cultural norms

6. Engage Legal Supports

Refer families to:

- Immigration legal services
- Family law attorneys
- Consular legal liaisons
- Local legal aid organizations

7. Partner with Consulates When Appropriate

Consulates can:

- Help locate and verify family members
- Assist with documentation
- Coordinate reunification planning
- Support culturally appropriate services

8. Stabilize and Support the Family

- Engage the youth directly in care and planning conversations
- Facilitate regular visitation (phone, video, or in-person) with the parent
- Provide trauma-informed mental health services
- Connect caregivers to economic, housing, or legal resources
- Document all supports and communications clearly

9. Address the Child's Emotional and Physical Well-Being

- Trauma screening completed
- Health and medical screening completed
- Counseling or behavioral health services connected
- Caregivers educated on trauma and grief reactions

Section 2B: When a Child Must Enter Care Due to Verified Abuse or Neglect

If abuse or neglect is confirmed and removal is required, the following guidance ensures system involvement is legal and family centered.

1. Protect Parental Rights and Communication

- Ensure the parent is notified of the child's removal and legal proceedings, even if they are detained or deported.
- Provide opportunities for the parent to participate in hearings and case planning (via video, phone, or through legal counsel).
- Notify the appropriate foreign consulate as required under the Vienna Convention on Consular Relations.

2. Prioritize Placement with Relatives or Kin

- Conduct family finding for domestic and international kin; do not rule out caregivers based on immigration status.
- Collaborate with consulates and international partners to assess out-of-country relatives when appropriate.
- Place siblings together whenever possible.

3. Maintain Family and Cultural Connections

- Support ongoing visitation and communication with the parent, including written letters, supervised calls, or virtual visits.
- Document barriers to contact and actively work to remove them.
- Provide culturally and linguistically appropriate services to the child and caregiver.
- Engage cultural brokers, community liaisons, or advocates to support family engagement.

4. Develop a Trauma-Informed Case Plan

Complete trauma and behavioral health assessments for the child.

Involve the child, when age-appropriate, in case planning and permanency decisions.

Include actions to stabilize the current caregiver, especially kin placements, with concrete supports (e.g., housing, legal aid).

Build reunification strategies with the detained or deported parent as the primary goal unless court orders dictate otherwise.

5. Coordinate Legal and Immigration Advocacy

Connect the family with legal assistance for:

- Child custody or guardianship
- Immigration relief options (e.g., SIJS, U-visas)
- Repatriation planning (if applicable)

Provide court with documentation about the parent's detention/deportation and efforts to involve them.

6. Prepare for Reunification or Alternative Permanency

Explore reunification with the parent post-release or abroad, if safe and appropriate.

For international reunification, consult with:

- The consulate
- International Social Services (ISS-USA)
- Relevant foreign child welfare authorities

If reunification is not possible, document efforts and evaluate other permanency options with family voice at the center.



SECTION 3: Resource Guide

Federal Guidance and Tools

- [ICE Directive 11064.3 – Interests of Noncitizen Parents](https://www.ice.gov/doclib/news/releases/2022/11064.3.pdf)
https://www.ice.gov/doclib/news/releases/2022/11064.3.pdf
- [Fact Sheet for Child Welfare and Guardianship Stakeholders](https://www.ice.gov/doclib/detention-reform/pdf/factSheetDetainedParentsChildWelfareStakeholders.pdf)
https://www.ice.gov/doclib/detention-reform/pdf/factSheetDetainedParentsChildWelfareStakeholders.pdf
- [Facilitating Visitation for Detained Parents](https://www.ice.gov/doclib/detention-reform/pdf/facilitatingVisitationParents.pdf)
https://www.ice.gov/doclib/detention-reform/pdf/facilitatingVisitationParents.pdf
- [ICE Detainee Locator](https://locator.ice.gov/odls/#/search)
https://locator.ice.gov/odls/#/search
- [Federal Bureau of Prisons Inmate Locator](https://www.bop.gov/inmateloc)
https://www.bop.gov/inmateloc
- [Child Welfare Information Gateway](http://www.childwelfare.gov)
www.childwelfare.gov
- [Victim Information and Notification Everyday \(VINE\)](http://www.vinelink.com)
www.vinelink.com

Legal and Consular Resources

- [U.S. State Department Consular Directory](https://www.usembassy.gov/)
https://www.usembassy.gov/
- [Kids in Need of Defense \(KIND\)](http://supportkind.org)
supportkind.org
- [Immigrant Legal Resource Center](http://www.ilrc.org)
www.ilrc.org
- [International Social Services USA](http://www.iss-usa.org)
www.iss-usa.org
- [Center for Immigration and Child Welfare](http://www.cimmcw.org)
www.cimmcw.org
- [National Partnership for New Americans](https://partnershipfornewamericans.org/map/)
https://partnershipfornewamericans.org/map/



Scan to share how we can continue to support your work at the intersection of child welfare and immigration.

Practice and Policy Resources

APHSA + Migration Policy Institute:

- [Immigrant Families and Child Welfare Systems](https://www.migrationpolicy.org/sites/default/files/publications/ImmigrantFamiliesChildWelfare-FinalWeb.pdf)
https://www.migrationpolicy.org/sites/default/files/publications/ImmigrantFamiliesChildWelfare-FinalWeb.pdf
- [Best Practices for Child Welfare in Working with Immigrant Families](https://www.migrationpolicy.org/sites/default/files/mpi-aphsa-child-welfare-2021-final.pdf)
https://www.migrationpolicy.org/sites/default/files/mpi-aphsa-child-welfare-2021-final.pdf

Annie E. Casey Foundation

- [Immigration & Refugee Initiatives](https://www.aecf.org/topics/immigration-and-refugees)
https://www.aecf.org/topics/immigration-and-refugees

For more information or questions please contact Meg Dygert, at mdygert@aphsa.org.