



OLR RESEARCH REPORT

January 12, 2012

2012-R-0007

CHILDREN OF DETAINED, UNDOCUMENTED IMMIGRANTS

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You asked what the Department of Children and Families' (DCF) policy is regarding minor children of detained, undocumented parents. Specifically, you want to know (1) how DCF gets involved with these children and what actions they take and (2) if these children end up in foster care, whether federal Title IV-E money is available for foster care payments.

SUMMARY

DCF does not have a written policy that directly addresses its interaction with children of detained, undocumented parents. The agency's involvement depends on a number of factors, including whether there are relatives in the area who may be able to care for the children and whether there also is a potential abuse or neglect situation (e.g., if the parent is involved in unlawful activity other than immigration status). The department's involvement typically begins once it is contacted by local law enforcement or immigration officials.

When DCF is contacted, and assuming there is no concern that the children are being abused or neglected, it will meet with the detained parent to determine if there are local relatives, documented or not, willing to watch the children during the detention period. If so, DCF will place the children with them and DCF's involvement generally ends there. But if there are no relatives, and DCF is concerned for the children's safety given the absence of a supervising adult, DCF will ask

the court for temporary custody of the children and place them in a licensed foster home.

If DCF places the children in a licensed foster home, the foster care payments are generally eligible for Title IV-E reimbursement from the federal government. However, if the children are not in the country legally DCF will not claim the federal reimbursement. (Alternatively, a child's guardianship could be transferred to a relative and that relative, documented or not, could potentially obtain a child-only cash assistance benefit from the Department of Social Services to pay for the child's care while the parent is detained.)

If DCF learns that a parent will be deported to his or her country of origin, it will work with the family and that country to return the children to the parents, assuming there are no concerns about the children's safety.

DCF POLICY ON CHILDREN OF DETAINED IMMIGRANTS

DCF Placing the Children without Taking Custody

DCF's policy is to actively serve all persons who come under its purview, regardless of immigration status. This includes family preservation efforts to avoid family members being separated through incarceration due to violation of immigration status or deportation procedures (DCF Policy Manual, [§ 31-8-13](#)).

But the policy does not specifically address what happens when (1) a parent of a child is detained and (2) there is no other concern about the child's safety but for the parent's absence due to a lack of legal documentation. According to a DCF official, in practice, if the department is notified that children may be at risk due to a parent's detention, DCF will first consider facilitating the placement of these children with relatives, including those who are undocumented, as long as that is the sole purpose of DCF's involvement. If a relative is available, DCF places the child with him or her.

When DCF Takes Custody

If DCF cannot locate a relative with whom to place the child or if there are any issues of neglect or abuse that affect the child's safety that go beyond the problem of the parent's detention, DCF would likely seek to take custody of the child.

By law, DCF can seek temporary custody of a child when that child is considered to be in immediate danger from his or her surroundings, which would apply in the case of a child with no adult caretaker (CGS § [46b-129\(b\)](#)). In this case, DCF would file with the Superior Court for Juvenile Matters a neglect petition that alleges that the child is “uncared for” (e.g., homeless) and an affidavit that explains why the child is in immediate danger.

If Superior Court grants DCF custody, DCF will first seek to place the child with relatives. If there is a relative living in the area, DCF can temporarily place a child who is in its custody with that relative for up to 90 days even if the person does not have a foster care license (CGS § [17a-114\(c\)](#)).

DCF will consider placing the child with this relative beyond the 90 days if the relative wishes to become licensed (and meets the state licensing requirements (Conn. Agency Regulations, §§ [17a-145-130 through 17a-145-160](#)), and has a valid taxpayer identification number that would permit the department to make foster care payments). DCF would make foster care payments and after six months, if reunification with the parents is not likely, the court can transfer guardianship of the child to the relatives, who would continue to receive payments from DCF for the child’s care under the Subsidized Guardianship Program. Otherwise, DCF would typically place the child in a nonrelative licensed foster home.

ELIGIBILITY FOR TITLE IV-E REIMBURSEMENTS

Title IV-E of the federal Social Security Act provides for federal reimbursement of state foster care payments. In order for a state to be reimbursed for making a foster payment, the child must be in the custody of the child placing agency (i.e., DCF). Thus, if DCF places a child whose parents are detained informally with nearby relatives and never takes custody, there would be no foster care payment.

If DCF takes custody and places the child in a licensed foster home, DCF would make foster payments, which would be eligible for federal reimbursement if both the foster parents and child are in the country legally. If the foster parents are here legally but the child is not, DCF would make foster care payments but would not seek federal IV-E reimbursement for them, according to DCF officials. (DCF policy requires department social workers, upon learning of the undocumented status of any client receiving DCF services, to alert DCF’s Office of Legal Affairs if they have questions about the child’s immigration status and work expeditiously with legal staff to determine whether it would be

appropriate to help the child obtain proper documentation (DCF Policy Manual, [§ 31-8-13](#)).

DCF officials noted that it would be difficult to make foster care payments to undocumented relatives. When processing foster care payments, the department needs (1) a family member's valid taxpayer ID number and (2) to be able to perform criminal background checks. It is unlikely that DCF would be able to obtain either of these if the relative is not in the country legally.

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