

An Attorney's Guide to Representing Parents Who Have Been Detained and/or Deported in Child Welfare Proceedings

1. **Ensure Minimum Due Process Requirements are met:**
 - a. Client receives copy of notice of hearing and petition.
 - b. Client is appointed an attorney
 - c. Client's attorney is at hearing
 - d. Client has an opportunity to present evidence via deposition testimony.
 - e. Serve the appropriate consulate if cannot get personal service on parent. (See paragraph 3 Below)
2. **Locate Client.** If client is believed to be detained and/or deported you can use the following resources:
 - Polk County Jail: <http://apps2.polkcountyiowa.gov/inmatesontheweb>***
 - Iowa Dept. of Corrections: <https://doc.iowa.gov/offender/search>
 - Federal Bureau of Prisons: <https://www.bop.gov/inmateloc/>
 - U.S. Immigration & Customs Enforcement: <https://locator.ice.gov/odls/#/index> or call 1-800-898-7180 if you know the client's Alien Number (A#)

***Please note that if your client is in federal custody they will not appear on the website. You will need to contact the jail directly at 515-323-5400 and speak with staff.
3. **Contact Consulate.** If you are unable to locate your client, identify and contact appropriate consulate or to find the most common consulate contacts for Iowa families go to <http://www.drake.edu/law/clinics-centers/middleton/ipp/> under Resources for Transnational Families Separated by Deportation/Detainment.
 - a. Provide Notice to our clients
 - b. To obtain contact information of clients
 - c. To obtain contact information for local human services office
 - d. To obtain a home study of client and/or relative's home
4. **Communicate with client.** Be prepared to make a motion/order for interpreters and/or translators to ensure effective communication between yourself and your client. Please see An Attorney's Guide to Representing Incarcerated Parents in Child in Need of Assistance Proceedings. <http://www.drake.edu/law/clinics-centers/middleton/ipp/>
- 5.
6. **Explore concurrent planning** and identification of client's family members. Identify family members for placement and/or to facilitate visitation. Ensure compliance with Fostering Connections to Success Act of 2008.
7. **Explore visitation between the client and child.** It should *NOT* be assumed the client would like to have visitation with their child. There may be unintended legal consequences to the child's immigration status if visitation occurs.
 - a. **Help Prepare Parents, Caregivers and Child for Parent-Child Interactions.** If a parent does want visitation, provide the visitation facilitator and/or the child's caregiver information to support the child during the visit at the facility and to prepare the child for what will happen at the visit. A Caretaker's Guide to Visitation and a Parent's Guide to Visitation is located at: <http://www.drake.edu/law/clinics-centers/middleton/ipp>

- b. **Possible Immigration Consequences:** Discuss visitation with your client *PRIOR* to requesting visitation as there may be immigration ramifications for the client's family. Many children may qualify for Special Immigrant Juvenile Status (SIJS) due to their involvement in juvenile court. SIJS status would allow them to become a Lawful Permanent Resident despite unauthorized entry/presence in the United States. Unauthorized entry typically makes a child inadmissible to the US and creates bars to an Adjustment of Status for them. The key to obtaining SIJS status for a child is to be abused, neglected and/or abandoned by one or both parents. Parental visitation may prohibit a finding of abandonment.

- 8. **Explore Reasonable Efforts** available for client to support reunification and/or relative placement.

- 9. **Advocate for case plan recommendations that are realistic** and do not have barriers because of their undocumented status such as:
 - a. Undocumented parents are unable to obtain an Iowa Driver's License.
 - b. Undocumented parents are unable to access federal programs for themselves such as:
 - i. Title 19 Coverage (Which limits access to SA treatment, MH treatment, Medical Care, etc.)
 - ii. Food Stamps are reduced based upon the parent's income but the family size calculated and awarded only to family members who have citizenship, refugees status and/or Legal Permanent Resident status (post 5 year ban). Identify food banks and other food resources.
 - iii. HUD or FUP housing assistance
 - c. Undocumented parents are ineligible for General Relief services so will need to advise clients to take their General Relief denial letter to non-profit organizations such as St. Vincent de Paul, Salvation Army, etc.

- 10. **Create Safety plans** to help families plan for the event where one or both parents are detained/deported by:
 - a. Completing emergency contacts at schools if children are not picked up timely by parents.
 - b. Drafting and executing "Power of Attorney" or "Designation of Guardian" for children whose parents are at risk of being detained and/or deported by naming an appropriate and responsible adult to assume care and custody of the child. (Note: If the parents do not speak or read English, the document should be written and executed in both their native language and English)
 - c. Have a discussion on how a parent can obtain dual citizenship for their child while living in the United States from their country of origin.