January 16, 2018

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20016

**Urgent Appeal from Experts in Child Welfare, Juvenile Justice and Child Development to Halt Any Plans to Separate Children from Parents at the Border**

Dear Secretary Nielsen:

We, the below-signed organizations, have well-recognized expertise in the fields of child welfare, juvenile justice and child health, development and safety. We understand that your agency is considering plans to separate children from their parents when they arrive at or are found near the U.S. border. We fear these actions will have significant and long-lasting consequences for the safety, health, development, and well-being of children, and urgently request that the Administration reverse course on any policies that would separate families.

Countless reports have documented that these families are fleeing persecution and violence in their countries, and come here seeking protection. While many come from Central American countries, the parents and children arrive at our border from all over the world, including countries in Africa, the Caribbean, South America, Asia, the Middle East and Europe. According to recent reports, the proposed plan would require that parents be placed in adult immigration detention centers and/or summarily deported, while their children would be transferred to the custody of the Department of Health and Human Services in facilities across the country—as far away as Illinois, Washington, New York, Florida, and Michigan. HHS would bear the responsibility of caring for the traumatized children and finding suitable, alternative caregivers. These children could remain in government care for months or more than a year, during which time the continued separation from their parents would compound their trauma and the time it would take them to recover and return to a trajectory of good health and normal development. Nor would it make any sense to require those children to participate in a formal legal proceeding about their immigration case while separated from the parent who brought them here, who may have critical information—or the only information—about the child’s claim for protection.

There is overwhelming evidence that children need to be cared for by their parents to be safe and healthy, to grow and develop. Likewise, there is ample evidence that separating children from their mothers or fathers leads to serious, negative consequences to children’s health and development. Forced separation disrupts the parent-child relationship and puts children at risk.


increased risk for both physical and mental illness. Adverse childhood experiences—including the incarceration of a family member—are well-recognized precursors of negative health outcomes later in life.³ And the psychological distress, anxiety, and depression associated with separation from a parent would follow the children well after the immediate period of separation—even after eventual reunification with a parent or other family. We are deeply concerned that the proposed plan would formalize such harm by taking children from their parents as a matter of policy.

Family unity is a foundational principle of child welfare law. In order to grow and develop, children need to remain in the care of their parents where they are loved, nurtured and feel safe. Thus parents’ rights to the care and custody of their children are afforded particularly strong protection under the U.S. Constitution.⁴ While parent-child relationships are generally the province of state law, federal law also recognizes the principle of family unity by providing strong incentives for states to keep children with their parents and to provide services to families to prevent separation and maintain family unity.⁵ The proposed changes to your agency’s policies would eviscerate that principle.

For all of these reasons, we urge you to abandon any plans to systematically separate children from their families absent evidence that a specific parent posed a threat to the safety and well-being of his or her child, as required by the laws of all 50 states.

Sincerely,

National Organizations
Alliance for Strong Families and Communities
American Academy of Pediatrics
Campaign for Youth Justice
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Center for Children’s Law and Policy
Center for Law and Social Policy (CLASP)
Child Welfare League of America
Children’s Defense Fund

children arising from even short-term separation from a parent’s custody as a result of state action); and Zayas LH, Aguilar-Gaxiola S, Yoon H, Rey GN, “The Distress of Citizen-Children with Detained and Deported Parents,” J. Child & Fam. Studies, 2015; 24(11):3213-3223 (the arrest and separation of parents “serve[s] only to complete the trauma, and the certain detrimental impact on the children’s mental health.”).

⁴See, e.g., Santosky v. Kramer, 455 U.S. 745, 753 (1982) (a parent’s right to the care and custody of her child is a fundamental liberty interest).
⁵See U.S. Dep’t of Health and Human Services, Children’s Bureau, Child Welfare Information Gateway, Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children, (March 2016), available at https://www.childwelfare.gov/pubPDFs/reunify.pdf (“Federal law has long required State agencies to demonstrate that reasonable efforts have been made to provide assistance and services to prevent the removal of a child from his or her home.”).
Coalition for Juvenile Justice
Dorothy Day Catholic Worker
Every Mother is a Working Mother Network
Family Focused Treatment Association
Field Center for Children’s Policy, Practice & Research
First Focus
Foster Care Alumni of America
Jim Casey Youth Opportunities Initiative
Justice Policy Institute
Juvenile Law Center
National Alliance of Children's Trust Funds
National Association of Counsel for Children
National Center for Housing and Child Welfare
National Center for Parent Leadership, Advocacy, and Community Empowerment
National Center on Adoption and Permanency
National Crittenton Foundation
National Domestic Violence Hotline
National Juvenile Defender Center
National Juvenile Justice Network
Partnership for America’s Children
Robert F Kennedy Children’s Action Corps
School Social Work Association of America
UNICEF USA
W. Haywood Burns Institute
Youth Advocate Programs (YAP)
Youth Law Center

State and Local Organizations
ACTIONN (NV)
Advocates for Children and Youth (MD)
AIDS Foundation of Chicago (IL)
Alaska Children's Trust
All Faiths Children's Advocacy Center (NM)
Allendale Association (IL)
Alliance for Childhood Education (KS, MO)
Brooklyn Defender Services (NY)
California Department of Social Services
Center for Children’s Advocacy, Inc. (CT)
Center for Family Representation (NY)
Center on Halsted (IL)
Chicago Children's Advocacy Center (IL)
Child and Family Policy Center (IA)
Child Welfare Organizing Project (NY)
Children’s Action Alliance (AZ)
Children’s Advocacy Alliance (NV)
Children's Law Center (DC)
Children's Service Society (UT)
CHRIS 180 (GA)
Citizens' Committee for Children of New York, Inc. (NY)
Citizens for Juvenile Justice (MA)
Coalition for Asian American Children and Families (NY)
Community Behavioral Healthcare Association of Illinois (IL)
Community Chest, Inc (NV)
Connecticut Alliance of Foster and Adoptive Families, Inc
Connecticut Association for Human Services
Connecticut Voices for Children
Council of Family and Child Caring Agencies (NY)
County Welfare Directors Association of California (CA)
Duane Dean Behavioral Health Services (IL)
EverThrive Illinois
Family to Family Connection, ISD 13 (NV)
Forestdale, Inc. (NY)
Foster Adopt Connect (MO, KS)
Foster Care Alumni of America-Illinois Chapter
Foster Change (NV)
Foster Kinship (NV)
Heartland for Children (FL)
Heartland Human Care Services (IL, MI)
Hillsides (CA)
Hispanic Caucus (NV)
Illinois Collaboration on Youth
Illinois Partners for Human Service
Instituto del Progreso Latino (IL)
Interfaith Movement for Human Integrity (CA)
JCCA (NY)
Juvenile Protective Association (IL)
Juvenile Restorative Justice, Inc. (KY)
Kaleidoscope (IL)
Kansas Action for Children
Kansas Appleseed
Kansas Association for the Education of Young Children
Kansas Head Start Association
Kids Forward (WI)
Kids in Common, a program of Planned Parenthood Mar Monte (CA)
Loyola University Chicago Civitas Childlaw Center
Make it Work Nevada
Maryville Academy (IL)
Massachusetts Adoption Resource Exchange (MA)
MercyFirst (NY)
Methodist Children's Home Society (MI)
Metropolitan Family Services (IL)
Montgomery County Department of Health and Human Services (MD)
National Association of Social Workers (NASW) CT Chapter
National Association of Social Workers (NASW) IL Chapter
National Association of Social Workers (NASW) KY Chapter
National Association of Social Workers (NASW) NJ Chapter
National Association of Social Workers (NASW) NM Chapter
National Association of Social Workers (NASW) TX Chapter
New Jersey Parents Caucus, Inc
New Mexico Voices for Children
New York City Administration for Children's Services
One Hope United (IL, FL, MO, WI)
OneJustice (CA)
Pride Inc., Pride Manchester, Inc., Pride Wilton, Inc. (ND)
PromiseShip (NE)
Rhode Island Coalition for Children and Families
Rhode Island KIDS COUNT
Rincon Family Services (IL)
Schuyler Center for Analysis & Advocacy (NY)
SPAN Parent Advocacy Network (NJ)
Starfish Family Homes (IL)
Sunny Hills Services (CA)
Texans Care for Children
The Adoption Exchange (CO, NV, UT)
The Children’s Home Society of New Jersey
The Children’s Partnership (CA)
The Foster and Adoption Coalition of Nevada
The Gay and Lesbian Community Center of Southern Nevada
Treatment Alternatives for Safe Communities (IL)
United Community Services of Johnson County (KS)
Voices for Children of San Antonio (TX)
Voices for Georgia's Children
Voices for Illinois Children
VOICES Youth Centers (CA)
Wayfinder Family Services (CA)
Wisconsin Association of Family & Children's Agencies (WI)
Youth Employment Coalition (IL)
Youth Service, Inc. (PA)
Youth, Rights and Justice (OR)