

via electronic mail

January 23, 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 more than 50 national organizations and more than 150 additional organizations from 33 states and the District of Columbia, have well-recognized expertise in the fields of child welfare, juvenile justice and child health, development and safety. We first sent this letter to you on January 16, 2018, but are resubmitting it today to include additional organizations that wished to be listed in this appeal. We are also submitting it as part of the record of the oversight hearing before the Senate Judiciary Committee on January 16, 2018 at which you testified.

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.¹ Likewise, there is ample evidence that separating children from their mothers or fathers leads to serious, negative consequences to children’s health and development.² Forced separation disrupts the parent-child relationship and puts children at 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.

¹ See, e.g., American Psychological Assn, *Parents and Caregivers are Essential to Children’s Healthy Development*, available at <http://www.apa.org/pi/families/resources/parents-caregivers.aspx>.

² See, e.g., Sankaran, Vivek, Church, Christopher, “Easy Come, Easy Go: The Plight of Children Who Spend Less than 30 Days in Foster Care,” 19 U. Pa. J. L. Soc. Change 207 (2017) (identifying harms to 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.”).

³ See, e.g., Dube SR, Cook ML, Edwards VJ, Health-related Outcomes of Adverse Childhood Experiences in Texas, 2002, *Prev Chronic Dis.*, 2010; 7(3):A52, available at http://www.cdc.gov/pcd/issues/2010/may/09_0158.htm.

⁴ See, 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).

⁵ See 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.”).

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,

MaryLee Allen
Director of Policy
Children's Defense Fund
on behalf of:

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)
Center for the Study of Social Policy
Child Welfare League of America
Children's Advocacy Institute
Children's Defense Fund
Coalition for Juvenile Justice
Disability Rights Education & Defense Fund
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
First Star Institute
Foster Care Alumni of America
Futures Without Violence
Generations United
Healthy Teen Network
Jim Casey Youth Opportunities Initiative
Justice Policy Institute
Juvenile Law Center
National Alliance of Children's Trust Funds
National Association for Children's Behavioral Health
National Association of Counsel for Children
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Center for Housing and Child Welfare
National Center for Parent Leadership, Advocacy, and Community Empowerment
National Center for Youth Law
National Center on Adoption and Permanency

National Coalition Against Domestic Violence
National Crittenton Foundation
National Domestic Violence Hotline
National Indian Child Welfare Association
National Juvenile Defender Center
National Juvenile Justice Network
North American Council on Adoptable Children
Partnership for America's Children
RISE
Robert F Kennedy Children's Action Corps
School Social Work Association of America
The Children's Village
The Sentencing Project
UNICEF USA
Voices for Adoption
W. Haywood Burns Institute
Year Up
Youth Advocate Programs (YAP)
Youth Law Center

State and Local Organizations

A New Leaf (AZ)
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)
Arden Shore Child and Family Services (IL)
Bronx Defenders (NY)
Brooklyn Defender Services (NY)
California Department of Social Services
Catholic Charities Community Maternity Services (NY)
Center for Advanced Studies in Child Welfare at the University of Minnesota
Center for Children's Advocacy, Inc. (CT)
Center for Family Representation (NY)
Center on Halsted (IL)
Chicago Children's Advocacy Center (IL)
Chicago Survivors
Child and Family Policy Center (IA)
Child and Family Resources (AZ)
Child and Family Services (NY)
Child Welfare Organizing Project (NY)
Children's Action Alliance (AZ)
Children's Advocacy Alliance (NV)

Children's Defense Fund - Texas
Children's Law Center of Minnesota
Children's Place Association (IL)
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)
Committee for Public Counsel Services (MA)
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)
EPIC 'Ohana
Esperanza Health Centers (IL)
EverThrive Illinois
Families and Friends of Louisiana's Incarcerated Children
Families First (GA)
Family to Family Connection, ISD 13 (NV)
Family Violence Appellate Project (CA)
Forefront (IL)
Forestdale, Inc. (NY)
Foster Adopt Connect (MO, KS)
Foster Care Alumni of America-Illinois Chapter
Foster Change (NV)
Foster Kinship (NV)
Harriet Buhai Center for Family Law (CA)
Heartland for Children (FL)
Heartland Human Care Services (IL, MI)
Hillsides (CA)
Hispanic Caucus (NV)
Identity, Inc. (MD)
Illinois Childhood Trauma Coalition/
Illinois Collaboration on Youth
Illinois Partners for Human Service
Illinois PTA
Illinois Public Health Association
Illinois Public Health Institute
Instituto del Progreso Latino (IL)
Interfaith Movement for Human Integrity (CA)
JCCA (NY)

Juvenile Justice Initiative of Illinois
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)
Kingsley House (LA)
Legal Council for Health Justice (IL)
Legal Services for Children (CA)
Lower Roxbury Coalition (MA)
Loyola University Chicago Civitas Childlaw Center (IL)
Lutheran Social Services of the Southwest
Lutheran Social Services of Wisconsin
Maine Children's Alliance
Make it Work Nevada
Martin de Porres Group Homes (NY)
Mary's Center (DC)
Maryville Academy (IL)
Massachusetts Adoption Resource Exchange (MA)
MercyFirst (NY)
Methodist Children's Home Society (MI)
Metropolitan Family Services (IL)
Michigan's Children
Montgomery County Department of Health and Human Services (MD)
National Association of Social Workers (NASW) Connecticut Chapter
National Association of Social Workers (NASW) Illinois Chapter
National Association of Social Workers (NASW) Kentucky Chapter
National Association of Social Workers (NASW) Massachusetts Chapter
National Association of Social Workers (NASW) Michigan Chapter
National Association of Social Workers (NASW) Minnesota Chapter
National Association of Social Workers (NASW) New Jersey Chapter
National Association of Social Workers (NASW) New Mexico Chapter
National Association of Social Workers (NASW) Tennessee Chapter
National Association of Social Workers (NASW) Texas Chapter
NC Child
New Jersey Parents Caucus, Inc
New Mexico Voices for Children
New York City Administration for Children's Services
Northern River Family of Services (NY)
One Hope United (IL, FL, MO, WI)
OneJustice (CA)
Ounce of Prevention Fund (IL)

Prevent Child Abuse Arizona (AZ)
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)
San Diego Volunteer Lawyer Program (CA)
Schuyler Center for Analysis & Advocacy (NY)
Southwest Key Programs (AZ, CA, FL, NY, TX, WI)
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
The Hills Preschool (NV)
The Law Foundation of Silicon Valley (CA)
The Villages of Indiana, Inc.
Three Rivers Adoption Council (PA)
Thresholds (IL)
Treatment Alternatives for Safe Communities (IL)
United Community Services of Johnson County (KS)
Voice for Children in Nebraska
Voices for Children of San Antonio (TX)
Voices for Georgia's Children
Voices for Illinois Children
VOICES Youth Centers (CA)
Wayfinder Family Services (CA)
Whittier Street Health Center (MA)
Wisconsin Association of Family & Children's Agencies (WI)
Youth Employment Coalition (IL)
Youth Justice Coalition (CA)
Youth Service, Inc. (PA)
Youth, Rights and Justice (OR)