

*via electronic mail*

June 4, 2018

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

**Renewed 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 XX national organizations and more than X additional organizations from X 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. We resubmitted the letter on January 23, 2018 to include additional organizations that wished to be listed in this appeal. **We write today to renew our concern that your agency is targeting, and harming, children by taking them from their parents at the border to deter or punish parents and children who come to our border seeking protection.**

The separation of children from their parents to deter migration, or to punish migration, will have significant and long-lasting consequences for the safety, health, development, and well-being of children. We therefore urgently request that the Administration reverse course in its practice of separating families at the border.

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.<sup>1</sup> Likewise, there is ample evidence that separating children from their mothers or fathers leads to serious, negative consequences to children’s health and development.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> The agency’s current policies and practices eviscerate that principle.

---

<sup>1</sup> 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>.

<sup>2</sup> 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.”).

<sup>3</sup> 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](http://www.cdc.gov/pcd/issues/2010/may/09_0158.htm).

<sup>4</sup> 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).

<sup>5</sup> 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 current policies and practices that systematically separate children from their families absent evidence that a specific parent poses a threat to the safety and well-being of his or her child, as required by the laws of all 50 states. Should you have any questions about the serious concerns raised in this letter, or wish to respond to us directly, please contact MaryLee Allen, Director of Policy, Children's Defense Fund at [mallen@childrensdefense.org](mailto:mallen@childrensdefense.org).

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)  
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**

#### **Alabama**

#### **Alaska**

Alaska Children's Trust

#### **Arizona**

A New Leaf (AZ)  
Child and Family Resources (AZ)  
Children's Action Alliance (AZ)  
Lutheran Social Services of the Southwest  
Prevent Child Abuse Arizona (AZ)  
Southwest Key Programs (AZ, CA, FL, NY, TX, WI)

#### **Arkansas**

#### **California**

California Department of Social Services  
County Welfare Directors Association of California (CA)  
Family Violence Appellate Project (CA)  
Harriet Buhai Center for Family Law (CA)  
Hillsides (CA)  
Interfaith Movement for Human Integrity (CA)  
Kids in Common, a program of Planned Parenthood Mar Monte (CA)  
Legal Services for Children (CA)  
OneJustice (CA)  
San Diego Volunteer Lawyer Program (CA)

Southwest Key Programs (AZ, CA, FL, NY, TX, WI)  
Sunny Hills Services (CA)  
The Children's Partnership (CA)  
The Law Foundation of Silicon Valley (CA)  
VOICES Youth Centers (CA)  
Wayfinder Family Services (CA)  
Youth Justice Coalition (CA)

#### Colorado

The Adoption Exchange (CO, NV, UT)

#### Connecticut

Center for Children's Advocacy, Inc. (CT)  
Connecticut Alliance of Foster and Adoptive Families, Inc  
Connecticut Association for Human Services  
Connecticut Voices for Children  
National Association of Social Workers (NASW) Connecticut Chapter

#### Delaware

#### Florida

Heartland for Children (FL)  
One Hope United (IL, FL, MO, WI)  
Southwest Key Programs (AZ, CA, FL, NY, TX, WI)

#### Georgia

CHRIS 180 (GA)  
Families First (GA)  
Voices for Georgia's Children

#### Hawaii

EPIC 'Ohana

#### Idaho

#### Illinois

AIDS Foundation of Chicago (IL)  
Allendale Association (IL)  
Arden Shore Child and Family Services (IL)  
Center on Halsted (IL)  
Chicago Children's Advocacy Center (IL)  
Chicago Survivors  
Children's Place Association (IL)  
Community Behavioral Healthcare Association of Illinois (IL)  
Duane Dean Behavioral Health Services (IL)  
Esperanza Health Centers (IL)

EverThrive Illinois  
Forefront (IL)  
Foster Care Alumni of America-Illinois Chapter  
Heartland Human Care Services (IL, MI)  
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)  
Juvenile Justice Initiative of Illinois  
Juvenile Protective Association (IL)  
Kaleidoscope (IL)  
Legal Council for Health Justice (IL)  
Loyola University Chicago Civitas Childlaw Center (IL)  
Maryville Academy (IL)  
Metropolitan Family Services (IL)  
National Association of Social Workers (NASW) Illinois Chapter  
One Hope United (IL, FL, MO, WI)  
Ounce of Prevention Fund (IL)  
Rincon Family Services (IL)  
Starfish Family Homes (IL)  
Thresholds (IL)  
Treatment Alternatives for Safe Communities (IL)  
Voices for Illinois Children  
Youth Employment Coalition (IL)

#### **Indiana**

The Villages of Indiana, Inc.

#### **Iowa**

Child and Family Policy Center (IA)

#### **Kansas**

Alliance for Childhood Education (KS, MO)  
Foster Adopt Connect (MO, KS)  
Kansas Action for Children  
Kansas Appleseed  
Kansas Association for the Education of Young Children  
Kansas Head Start Association  
United Community Services of Johnson County (KS)

#### **Kentucky**

Juvenile Restorative Justice, Inc. (KY)

National Association of Social Workers (NASW) Kentucky Chapter

Louisiana

Families and Friends of Louisiana's Incarcerated Children  
Kingsley House (LA)

Maine

Maine Children's Alliance

Maryland

Advocates for Children and Youth (MD)  
Identity, Inc. (MD)  
Montgomery County Department of Health and Human Services (MD)

Massachusetts

Citizens for Juvenile Justice (MA)  
Committee for Public Counsel Services (MA)  
Lower Roxbury Coalition (MA)  
Massachusetts Adoption Resource Exchange (MA)  
National Association of Social Workers (NASW) Massachusetts Chapter  
Whittier Street Health Center (MA)

Michigan

Heartland Human Care Services (IL, MI)  
Methodist Children's Home Society (MI)  
Michigan's Children  
National Association of Social Workers (NASW) Michigan Chapter

Minnesota

Center for Advanced Studies in Child Welfare at the University of Minnesota  
Children's Law Center of Minnesota  
National Association of Social Workers (NASW) Minnesota Chapter

Mississippi

Missouri

Alliance for Childhood Education (KS, MO)  
Foster Adopt Connect (MO, KS)  
One Hope United (IL, FL, MO, WI)

Montana

Nebraska

PromiseShip (NE)

## Voice for Children in Nebraska

### Nevada

ACTIONN (NV)  
Children's Advocacy Alliance (NV)  
Community Chest, Inc (NV)  
Family to Family Connection, ISD 13 (NV)  
Foster Change (NV)  
Foster Kinship (NV)  
Hispanic Caucus (NV)  
Make it Work Nevada  
The Foster and Adoption Coalition of Nevada  
The Gay and Lesbian Community Center of Southern Nevada  
The Hills Preschool (NV)  
The Adoption Exchange (CO, NV, UT)

### New Hampshire

### New Jersey

National Association of Social Workers (NASW) New Jersey Chapter  
New Jersey Parents Caucus, Inc  
SPAN Parent Advocacy Network (NJ)  
The Children 's Home Society of New Jersey

### New Mexico

All Faiths Children's Advocacy Center (NM)  
National Association of Social Workers (NASW) New Mexico Chapter  
New Mexico Voices for Children

### New York

Bronx Defenders (NY)  
Brooklyn Defender Services (NY)  
Catholic Charities Community Maternity Services (NY)  
Center for Family Representation (NY)  
Child and Family Services (NY)  
Child Welfare Organizing Project (NY)  
Citizens' Committee for Children of New York, Inc. (NY)  
Coalition for Asian American Children and Families (NY)  
Council of Family and Child Caring Agencies (NY)  
Forestdale, Inc. (NY)  
JCCA (NY)  
Martin de Porres Group Homes (NY)  
MercyFirst (NY)  
New York City Administration for Children's Services  
Northern River Family of Services (NY)  
Schuyler Center for Analysis & Advocacy (NY)



Southwest Key Programs (AZ, CA, FL, NY, TX, WI)

North Carolina

NC Child

North Dakota

Pride Inc., Pride Manchester, Inc., Pride Wilton, Inc. (ND)

Ohio

Oklahoma

Oregon

Youth, Rights and Justice (OR)

Pennsylvania

Three Rivers Adoption Council (PA)

Youth Service, Inc. (PA)

Rhode Island

Rhode Island Coalition for Children and Families

Rhode Island KIDS COUNT

South Carolina

South Dakota

Tennessee

National Association of Social Workers (NASW) Tennessee Chapter

Texas

Children's Defense Fund - Texas

National Association of Social Workers (NASW) Texas Chapter

Southwest Key Programs (AZ, CA, FL, NY, TX, WI)

Texans Care for Children

Voices for Children of San Antonio (TX)

Utah

Children's Service Society (UT)

The Adoption Exchange (CO, NV, UT)

Vermont

Virginia

Washington

West Virginia

Wisconsin

Kids Forward (WI)

Lutheran Social Services of Wisconsin

One Hope United (IL, FL, MO, WI)

Southwest Key Programs (AZ, CA, FL, NY, TX, WI)

Wisconsin Association of Family & Children's Agencies (WI)

Wyoming

Washington, D.C.

Children's Law Center (DC)

Mary's Center (DC)

Puerto Rico

DRAFT