



U.S. Immigration  
and Customs  
Enforcement

# ICE Parental Interests Training for Custody and Resource Coordinators

January 30, 2023





Based on the Parental Interests Directive (PID), current detention standards, and applicable federal and state law regarding parental rights and child welfare, this training will assist you in understanding ICE's obligations regarding detained parents and the role you may play in Parental Interest cases.



- ✓ Understand parental rights are constitutionally protected and can only be limited or terminated by a family court or child welfare court proceedings.
- ✓ Know what to do when you learn a detainee is a parent or legal guardian of minor children or incapacitated adults.
- ✓ Understand ICE's obligations regarding some parents and legal guardians of minor children and incapacitated adults under the detention standards and Parental Interests Directive.





U.S. Immigration  
and Customs  
Enforcement

# Parental Rights and the Law



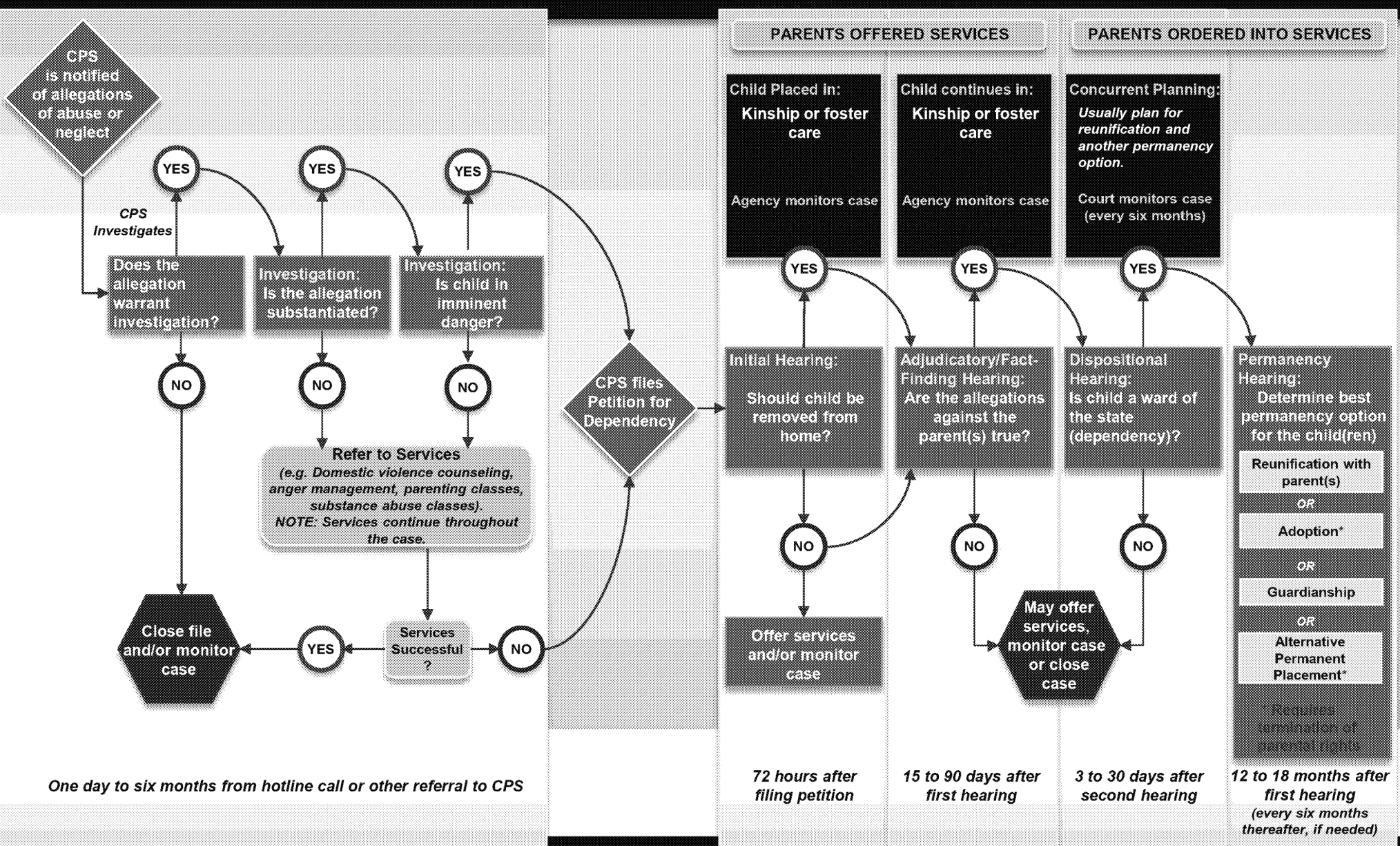


Parental rights are **fundamental rights** guaranteed by the Constitution.

Parental rights can **only be terminated** through **state court action** upon a finding of **parental unfitness**.

**All parents** in the U.S. have fundamental parental rights, **regardless of immigration status**.





One day to six months from hotline call or other referral to CPS

72 hours after filing petition

15 to 90 days after first hearing

3 to 30 days after second hearing

12 to 18 months after first hearing (every six months thereafter, if needed)

NOTE: This timeline may be accelerated in certain cases, such as when the child is under 3 years of age or if the parent has had parental rights terminated for another child in the past.





## Basics of State Child Welfare and Family Court Proceedings

TYPE OF CASE	COURT CASE FILED IN	WHO FILES?	EFFECT ON PARENTAL RIGHTS
<b>Dependency/Child Welfare</b>	Dependency or Juvenile Court*	County or State Child Welfare Authority	Possible Termination of Parental Rights
<b>Child Custody</b>	Family Court	Other Parent or Legal Guardian	Limitation on parental rights/custody
<b>Child Support</b>	Family Court	Other Parent or Legal Guardian	Possible limitation on parental rights/custody
<b>Guardianship</b>	Family or Probate Court	Party who wants to be child(ren)'s guardian	"Suspension" of parental rights by court order

*\* The exact name of the court may differ depending on the state.*





U.S. Immigration  
and Customs  
Enforcement

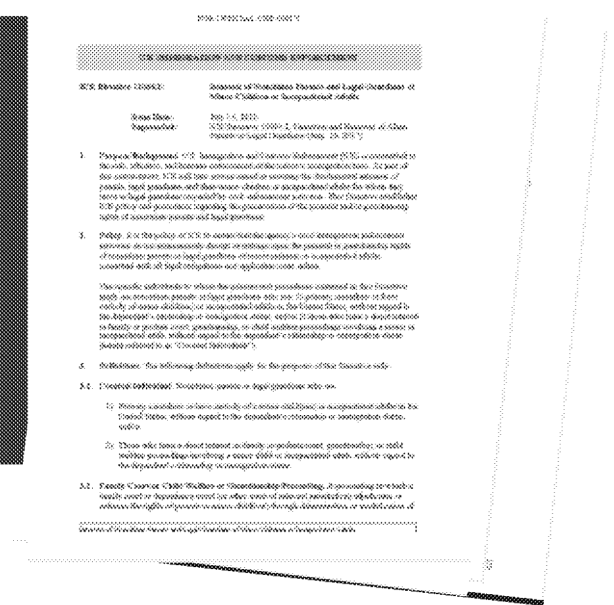
# ICE Policies, Procedures, and Roles Related to Parents and Legal Guardians





## ICE Directive 11064.3, *Parental Interest of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults*

- Covered Individuals
- ERO PI Coordinator & Field PI POC Roles
- Other new noteworthy provisions:
  - Identification of Parents & Legal Guardians
  - Custody Reviews
  - Facilitation of Participation in Court or CPS Agency Services Programs
  - Sworn statements before removing a Covered Individual
  - Centralized Tracking and Reporting







## Definitions

### **3.1 Covered Individual. Noncitizen parents or legal guardians who are:**

- 1) *Primary caretakers* or have custody of a *minor child(ren) or incapacitated adults* in the United States, without regard to the dependent's citizenship or immigration status; and/or
- 2) Those who have a direct interest in family or probate court, guardianship, or child welfare proceedings involving a minor child or incapacitated adult, without regard to the dependent's citizenship or immigration status.

**3.5 Incapacitated Adult.** An individual eighteen years of age or older whose ability to receive and evaluate information effectively or to communicate decisions is impaired to such an extent that he or she lacks the capacity to manage all or some of his or her financial resources or to meet all or some essential requirements for his or her physical health, safety, habilitation, or therapeutic needs without court-ordered assistance or the appointment of a guardian.

**3.7 Legal Guardian.** An individual who has been lawfully vested with the power, and charged with the duty of caring for, including managing the property, rights, and affairs of, a child or incapacitated adult by a court of competent jurisdiction, whether foreign or domestic.





The Parental Interests Team at ERO Headquarters coordinates and provides guidance to Parental Interest points of contact (PI POCs) in the field on child welfare issues or complaints as it relates to parents or legal guardians. The Parental Interests Team also coordinates with other ICE program offices, field offices, state or local family court or child welfare authorities, and consular officials in order to provide a timely response to inquiries.

Per the Parental Interests Directive, the PI Team provides Guidance on the following areas to ICE field POCs and Field Offices:



- a) Initial placement and transfer decisions for Covered Individuals;
- b) Participation in family court, child welfare, or guardianship proceedings for detained Covered Individuals;
- c) Visitation protocols for detained Covered Individuals;
- d) Facilitation of detained Covered Individuals' participation in child welfare services and programs;
- e) Ensuring that detained Covered Individuals are provided the opportunity to consult with counsel, consular officials, family courts and dependency courts, child welfare personnel, and family members or friends in order to arrange guardianship or care, or to obtain travel documents or make necessary travel arrangements, for their minor child(ren) or incapacitated adults for whom they serve as legal guardians; and
- f) Status and permanency goals in child welfare proceedings.





Under the Parental Interests Directive, PI POCs have the following responsibilities (Section 4.5):

1. Serving as specially trained coordinators at the supervisory or managerial level regarding parental and guardianship interests for their AOR or facility (as determined by the FOD);
2. Serving as the ICE point of contact, where necessary, with state child welfare agencies or relevant courts;
3. Participating in all relevant training required by ERO HQ on matters relevant to this Directive;
4. Facilitating detained Covered Individuals' participation in programs or training ordered or required by a state child welfare agency or relevant court, such as parenting or anger management classes, where feasible;
5. Ensuring that information regarding how to contact the Parental Interests Field POCs is posted in all detention facilities within the AOR; and
6. Collaborating and communicating with the ERO Parental Interests Coordinator regarding the implementation of this Directive.

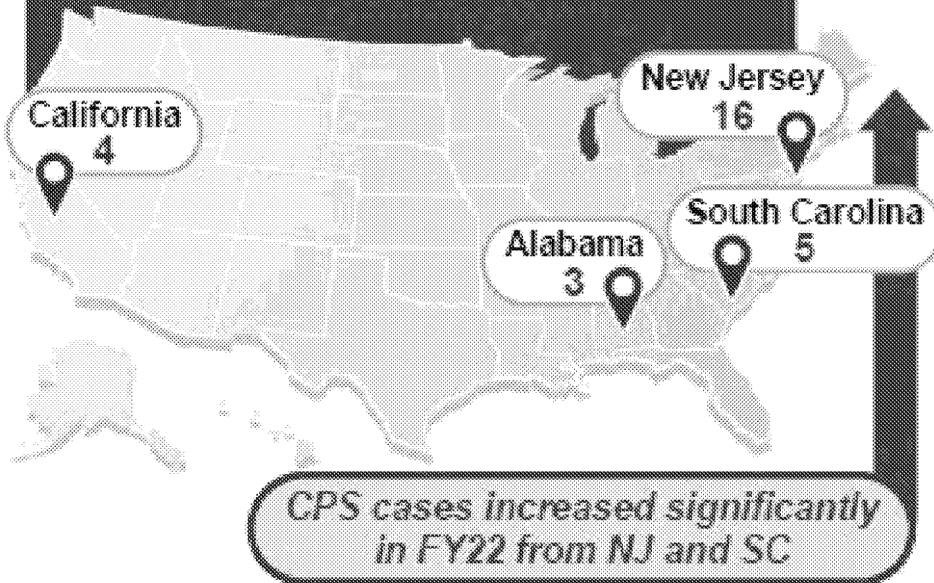




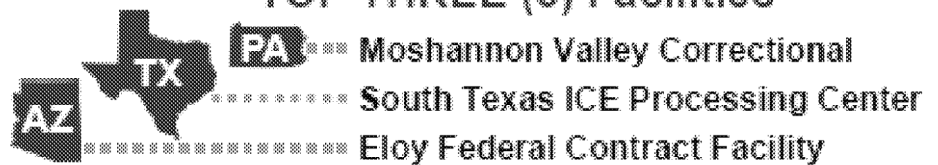
## FY 2022 Parental Interests Inquiries to HQ Parental Interests

50% fewer child welfare inquiries were received in FY'22 than in FY'21

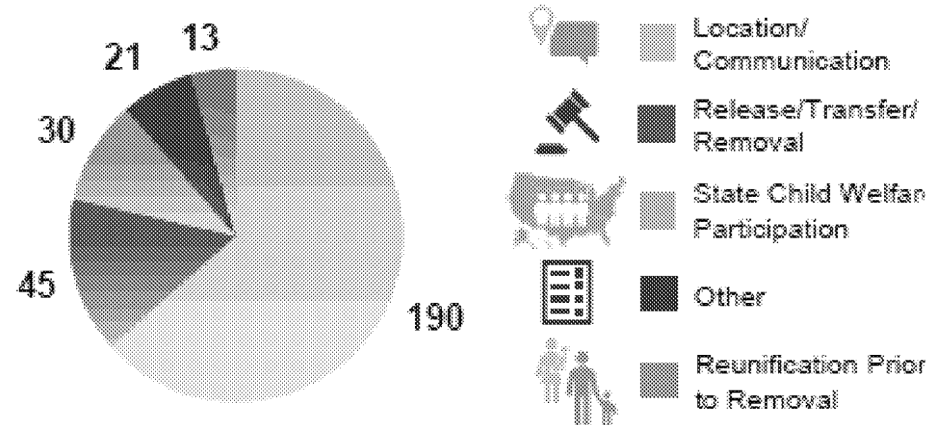
For state child welfare participation inquiries, the state jurisdictions with the most child protective service (CPS) cases were:



### TOP THREE (3) Facilities



### TOP FIVE (5) Issue Types:



Other includes: contact number for a detainee advocate helpline, info on Foundling Statue, MPP, DHS Family Reunification Taskforce, documents





## New Custody Review Requirements (Section 5.4.1):

- 1) Upon notification of child welfare or guardianship proceedings involving a detained Covered Individual, unless release is prohibited by law, the FOD [Field Office Director] must perform a custody review that considers the following:
  - a) Whether the **child welfare agency goal** is to reunify the child(ren) with the Covered Individual or to terminate custody, parental rights, and/or their guardianship status;
  - b) To the extent known or reasonably discoverable, whether the **likelihood of reunification or maintenance of guardianship status would change** if the detained Covered Individual were **released** from custody; and
  - c) Any **documentation** from a child welfare court or child welfare stakeholder making a **recommendation** that the custody and care of the **minor child(ren) be returned to or maintained by the detained Covered Individual**, or, in the case of an incapacitated adult, any documentation from a relevant court or stakeholder (e.g., a guardian ad litem) making a recommendation that guardianship of the incapacitated adult be returned to or maintained by the detained legal guardian.





## Parents and Legal Guardian's Access to Participation in Child Welfare Services and Programs (Section 5.6):

- 1) In certain instances, courts or state child welfare agencies ***may mandate that the detained Covered Individuals participate in services, programs,*** or trainings prior to being found fit to maintain or regain custody of their minor child(ren) or to continue to serve as a legal guardian of an incapacitated adult. ***ICE Parental Interests Field POCs must work and communicate with appropriate child welfare agencies or other stakeholders*** to the extent it is feasible to do so and legally permissible to obtain documentation or information regarding service plan requirements and options, if any, for remote service completion.
  
- 1) ***Parental Interests Field POCs shall coordinate*** the participation of Covered Individual in custody in their AORs ***who are required to participate in these programs.*** The detained Covered Individual is responsible for any fees associated with these programs or trainings. In all cases, if the detained Covered Individual does not wish to participate in a child welfare service plan, ICE will not interfere with the detained Covered Individual's decision. ICE personnel must document such decisions in the noncitizen's A-File and in EARM or any successor system of record.





## Removal of a Covered Individual Without Their Minor Child(ren) or Any Incapacitated Adult (Section 5.8)

- 1) Prior to the removal of a Covered Individual, *the FOD must review the Covered Individual's case to assess whether the Covered Individual has had the opportunity to request reunification before removal, make alternative care arrangements for their minor child(ren) or any incapacitated adult* for whom they serve as legal guardian, or if there are ongoing family court or child welfare or guardianship proceedings that may be adversely impacted by the Covered Individual's removal. In the case of a Covered Individual who decides that their minor child(ren) or any incapacitated adult for whom they serve as legal guardian will remain in the United States, *ICE personnel should attempt to secure a written statement from the noncitizen documenting this decision* (with assistance, if necessary). If the noncitizen parent or legal guardian declines to provide a written statement, ICE personnel should obtain a sworn statement documenting the same. The FOD should review any written statement or sworn statement in conducting their case assessment under this Section.
- 2) Where a Covered Individual is a *party to any ongoing family court or child welfare or guardianship proceeding*, the FOD (or designee not below the Deputy FOD (DFOD) level) must *review the status* of the family court or child welfare or guardianship proceedings prior to removal. FODs (or DFOD designee) *must consider under the totality of the circumstances whether continuing with removal is appropriate*, and whether the Covered Individual *may need to communicate with the child welfare agency*, court, any guardian ad litem, or their legal representative prior to removal [...]





## Centralized Tracking and Reporting (Section 5.12)

ERO must collect and maintain relevant data and information related to Covered Individuals. ERO must develop a system for maintaining this information in a manner that ***permits continuous monitoring and tracking*** of such individuals to ensure compliance with the Directive, and such information should be maintained in a format where it may be made available for reporting to the Office of the Director.





U.S. Immigration  
and Customs  
Enforcement

# CRC Assistance in PI Cases





CRCs as well as ICE officers have responsibilities under the Directive...

- 5.1. Identifying Parents and Legal Guardians.** FROs must ensure procedures are in place that require ICE personnel, upon ICE's first encounter with a noncitizen, to affirmatively inquire about parental or legal guardian status. As such status may be readily subject to change (e.g., birth of a new child, child reaching the age of majority), ICE any successor system of record).

ICE officers and agents must notify the FRO, through the chain of command, of the identification of any noncitizen encountered who is a Covered Individual.

- 3.4. ICE Personnel.** All ICE employees and **contractors**, designated immigration officers, and warrant service officers.





**Depending on the Field Office or detention facility planned scope of work for the CRC, CRCs may be able to assist with the following...**

### Communication:

- Upon identification of a parent or legal guardian of a minor child or incapacitated adult (who is living in the U.S.) ensure the DO and/or PI POC is aware so **ICE** can determine if a Covered Individual. (Check to see if there's an alert or comment in *EARM-alerts and new tracking profiles in development*).
- Communicating with external stakeholders (e.g., child welfare case workers, court clerks) regarding a pending CPS investigation, child welfare case, or family/guardianship court. (Note: An ICE Privacy form may be required for this.)
- Facilitating detainee completion of ICE privacy forms to permit discussion with external stakeholders.
- Flagging cases for the PI team when assistance or guidance is needed.
- Coordinating with PI team at HQ to determine if referral to other domestic or international support services is possible.





## Assisting with Documentation:

- Inputting EARM Comments/Information (as approved and requested by the Field Office):
  - Parental or legal guardian status (at all encounters) (5.1)
  - Alternative caregiver arrangements (5.2.1)
  - When local child welfare authority/law enforcement contacted (during enforcement actions involving CIs) (5.2.2)
  - All actions pertaining to detained CI's participating in family, guardianship, or child welfare courts, including CI's refusal to participate. (5.4.4-5)
  - All visitation between parent or legal guardians and children must be documented in EARM. (5.5.5)
  - CI's refusal to participate in child welfare service plan (if applicable) (5.6.2)
  - Factors considered regarding reunification before removal. (5.7.4-5)
  - CIs removed without minor child(ren)/incapacitated adult and relevant information as it pertains to termination of rights (5.8.3)
- Drafting summaries of conversations and actions taken in working with detained parents/legal guardians on PI cases.





### Child Welfare/Guardianship-related:

- Gathering information and/or any relevant documentation regarding child welfare or family law court cases from detainees or child welfare stakeholders.
- Gathering information relevant to the Parental Interests Custody Review (child welfare considerations).
- Facilitating service of court documents.
- Delivering, facilitating, or coordinating court-ordered services for a parent to comply with his/her family reunification/service plan.
- Investigating whether there is a civil or family court issued protective order.
- Delivering, facilitating, or coordinating court-ordered services for a parent to comply with his/her family reunification/service plan.





If a **CRC** learns of **possible CPS involvement or an ongoing child welfare or family court proceeding**, it is helpful to **have the following information** when reaching out to the Parental Interests team:

- Full name and *A#* of the detained parent/legal guardian
- Full names, DOBs, and COBs for all minor children
- Full name and DOB of any other parent or relative involved in the case
- County (if possible) and state of the case
- Last known address of the children
- Case number, if applicable
- Names of child welfare/family law attorney(s), child welfare case workers, or other individuals involved in the case
- Any court documents





Through the **ICE Read to Your Child Program**, ERO field offices obtain children's books in multiple languages for ICE detention facility libraries (through donation). With the books, detained parents may read to their children in person, over video-visits, or by phone. There are no additional responsibilities for ERO officers or facility staff. CRCs can assist with collecting donations to the facility.

Resources:

- Scholastic children's book list (bilingual English-Spanish)
- Read to Your Child Book List (selected books in common languages)
- Read to Your Child sample flyers (English/Spanish)
- Read to Your Child flyer (English/Spanish/French/Haitian Creole)
- Read to Your Child flyer (English/Spanish/French/Haitian Creole) – for facilities with Custody Resource Coordinators (CRCs)







U.S. Immigration  
and Customs  
Enforcement

# Resources





## Electronic Law Library (ELL)

The ELL, produced by LexisNexis includes the required resources listed under PBNDS 2011 (Appendix 6.3.A) as well as several other useful resources, such as:

- **LOP materials:** Scripts, handouts, and guides are available in thirteen additional languages to English (located on the I Speak...index). Additionally, some Law Library Coordinators have uploaded all EOIR LOP resources (over 30 languages) to the computer desktops. You can access these resources on [InSight Legal Access Resource Center](#) or through the hyperlinked [EOIR LOP Material List](#). *Note: LOP resources available to the field offices include indigenous language audio files and scripts.*
- **ABA Know Your Rights Handbooks:** in all available languages.
- **The ICE Privacy form** (also available by going to (b)(7)(E)) This form will authorize ICE to disclose certain information to non-immigration representatives.
- **Topical Handbooks** from UNHCR and LOP or other legal service providers.
- **Country Condition & Human Rights Reports**
- **EOIR and USCIS Forms**
- **ICE detention standards and policy information**
- **CRCL complaint information**
- **Parental Interests resources:** WRC *Detained or Deported* toolkit, Supplement, fact sheets, and Designation of Parental Authority forms (state and general forms).



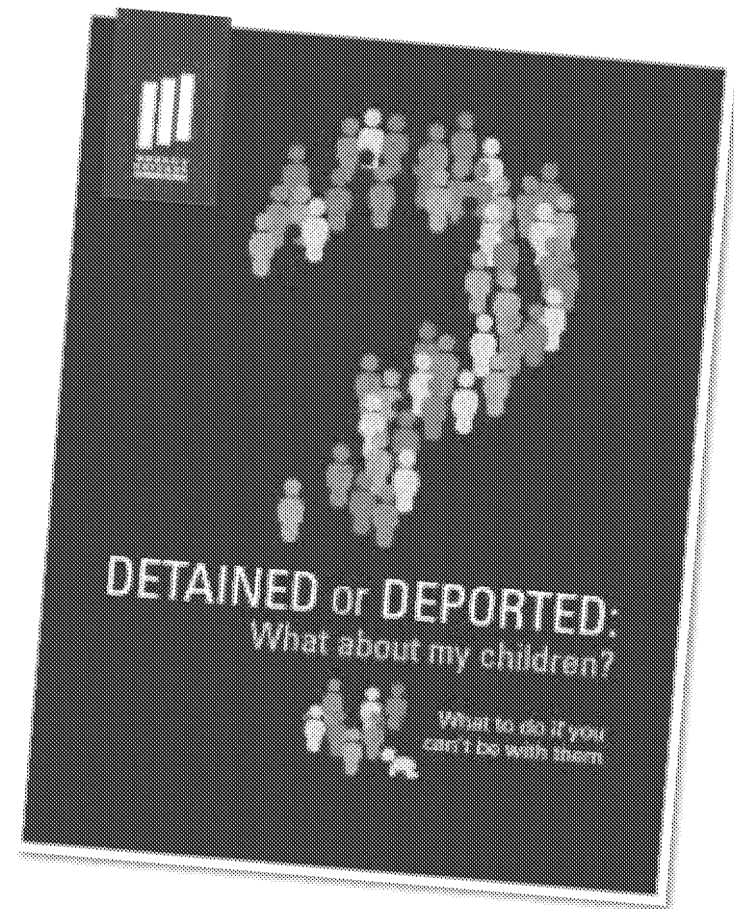


## The Toolkit for Detained Parents on Child Welfare Issues (English/Spanish)

This toolkit should be on the desktops of all Law Library computers in over-72 facilities

### **The toolkit includes information on:**

- Parental rights and responsibilities when detained or deported
- Making care arrangements for children
- Determining if a child is in the child welfare system
- Participating in Family Court Proceedings
- Complying with a child welfare ordered reunification plan
- Reunifying with children following release from detention or deportation



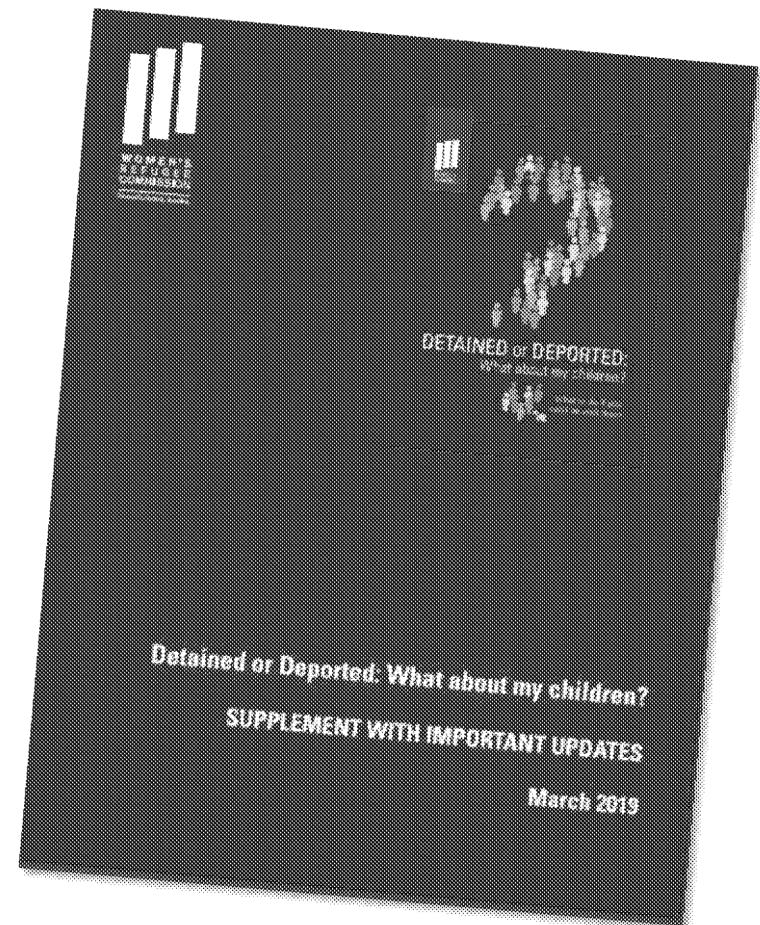




In addition to the original toolkit, WRC recently published a supplement (English only) to the toolkit that contains updated appendices.

**The updated supplement includes information on topics such as:**

- ICE field office locations and contact information
- Child Abuse Hotline numbers
- Child Welfare Agencies in Mexico and Central America
- US Passport Application information
- State Child Support Agencies
- State Bar Contact Information











# Parental Interests Resources & Required Postings can be found on the inSight Page: “ERO Parental Interests Resource Center.”

(b)(7)(E)

## This includes:

- The PI Directive & Fact Sheets
- Required Postings
- Detained or Deported Parent Toolkit
- Relevant Broadcasts
- Contact information for PI POCs, JFRMU, ORR, and CPS
- Other Training Materials

The Parental Interests Team within Special Populations and Program Unit provides guidance and assistance to the Field on the ICE Policy 11064.3, *Interests of Detained Parents and Legal Guardians of Minor Children or Unaccompanied Adults* (Jul. 14, 2022) in cases involving detained parents with minor children involved with the child welfare system, family courts, or who live in the United States.

**ERO Parental Interests Resource Center**

The Parental Interests Team within Special Populations and Program Unit provides guidance and assistance to the Field on the ICE Policy 11064.3, *Interests of Detained Parents and Legal Guardians of Minor Children or Unaccompanied Adults* (Jul. 14, 2022) in cases involving detained parents with minor children involved with the child welfare system, family courts, or who live in the United States.

**Child Welfare, Family Court, and other Domestic**  
**How the SPPU Parental Interests Team Can Assist**

Detaining authorities may place child welfare courts, family law, and domestic violence CPS agencies in relation to structure courts can be a challenging task and other state laws. The Special Populations and Program Unit (SPPU) provides assistance to assist SRO field offices in cases involving detained parents with child other Domestic: Welfare cases.

Here's how the PI team assists:

- Parental Plans with a Child Welfare, Family Law, or CPS:** The PI team works with detaining authorities to ensure that you have the best possible outcome for the child. This includes participating in court proceedings, providing information about the child's best interests, and helping to ensure that the child's needs are met.
- Guardianship Dependency or Family Court Attorney Representation:** The PI team works with detaining authorities to ensure that you have the best possible outcome for the child. This includes participating in court proceedings, providing information about the child's best interests, and helping to ensure that the child's needs are met.
- Detained Parent Requests: Representation Before a Federal or State Court:** The PI team works with detaining authorities to ensure that you have the best possible outcome for the child. This includes participating in court proceedings, providing information about the child's best interests, and helping to ensure that the child's needs are met.

**SPPU Parental Interests Team**

- Provides guidance in cases involving the child welfare system or family courts.
- Assists in arranging child welfare/family court participation for detained parents, obtaining court documents such as hearing notices or child protection orders, and communicating with Child Protective Services (CPS).
- Supports designated field office Parental Interests Points of Contact (PI POCs) with complex cases and forwards inquiries received from the ORR or public mailboxes.

For more information take a look at [How SPPU Can Assist in Child Welfare Cases](#).





# The HHS Child Welfare Information Gateway: 50 State Hotlines for Child Abuse and Neglect

The ERO Resource Center on Detained Parents also has Child Abuse and Neglect Hotlines that can be provided to Detainees or be utilized by Officers in situations where there is a mandated reporting obligation.

The screenshot shows the Child Welfare Information Gateway website. At the top left is the logo with the text "Child Welfare Information Gateway" and "PROTECTING CHILDREN • PROMOTING POSITIVE OUTCOMES". To the right are social media icons for Facebook, Twitter, and YouTube, and a search icon. Below the logo is a navigation menu with links: HOME, TOPICS, PUBLICATIONS, LIBRARY, STATE RESOURCES, MORE TOOLS & RESOURCES, and NEWS & EVENTS. The main content area features a large image of a smiling young girl. Below the image is a breadcrumb trail: HOME > STATE CHILD ABUSE AND NEGLECT REPORTING NUMBERS. The main heading is "State Child Abuse and Neglect Reporting Numbers". Below this is a sub-heading "State Child Abuse and Neglect Reporting Numbers" and a "Series: Related Organizations Lists" label. The author is listed as "Child Welfare Information Gateway". A paragraph of text states: "State toll-free numbers and websites for specific agencies designated to receive and investigate reports of suspected child abuse and neglect." Below this is the heading "Alabama" followed by the URL "http://dhr.alabama.gov/services/Child\_Protective\_Services/Abuse\_Neglect\_Reporting.aspx" and a note: "Click on the website above for information on reporting or call Childhelp (800-422-4453) for assistance." At the bottom left of the screenshot is the number "120441".





# The Best Practices for Family Members in ICE Custody—Reference Sheet

This reference sheet provides a quick guide to best practices, PID sections or standards that relate to the issue.

Internal ICE use only.

**Best Practices for Family Members in ICE Custody** August 2019

This is a general best practice guide. Determinations are made on a case-by-case basis considering the best interests of the child and on what is operationally feasible.

**DETAINED PARENTS/LEGAL GUARDIANS**

**DETAINED PARENT = Parent has constitutionally protected rights**

- Standards allow free phone calls.
- Best Practice

**OTHER DETAINED FAMILY MEMBERS**

**Other Family Member = Immediate family members include detained spouse, mother, father, step-parents, foster parents, brothers, sisters, stepbrothers, step-sisters, brothers and sisters, and biological or adopted children, stepchildren, and foster children.**

- Standards allow free phone calls and permit interfacility communications to be arranged for immediate family members.
- Best Practice 2x week 15 minutes and more time depending on circumstances. Permission from parent's or children's custodian should be obtained.

**COMMUNICATION**  
PENCE 2011 6.1.2  
6.1.2

**VISITATION**  
PENCE 2011 6.1.4  
6.1.4

- Standards allow visitation, facilitate contact visits when possible.
- Best Practice
- Allow Detainees to color or read books with minor child(ren) for activities.
- Visitation schedules should be flexible for minor child(ren) who attend school and provide generous time limits when possible (more than 30 minutes).

**CARE ARRANGEMENTS**  
PENCE 2011 6.1.5  
6.1.5

**Child is with Another Parent/Legal Guardian:** No additional action unless custody dispute or child safety concern.

**Child is in State Child Welfare Custody:** Ask the parent for any contact information regarding the child welfare case. CPD PI Team can assist and be consulted if there are on-going child welfare proceedings.

**Child is in ORR Custody:** Work with FDJIC, ORR and DRP Program Case Manager to allow screening interviews with ORR and signing of documents for care.

**Child is Not in a Permanent Care Situation:** Detainee may need additional phone calls to make alternate care arrangements. 50-state Delegation of Parental Authority Note: a notary may be required for these. Note if care arrangements cannot be made, CPS may need to be contacted.

**Best Practice**

**Child Welfare Proceeding:** Transfer detainee to a facility close to where in-person participation in court hearings can occur.

- ICE should transport parent to appear in person.
- State/country courts can also facilitate local law enforcement transport.

**Children Living Far Away:** Transferring detainee to another facility after 30 days that would make visitation more feasible.

- ICE Standards say this applies to children, stepchildren, and foster children of Detainees.

**Best Practice**

**Child Welfare Proceeding:** Transfer detainee to a facility close to where in-person participation in court hearings can occur.

- ICE should transport parent to appear in person.
- State/country courts can also facilitate local law enforcement transport.

**Children Living Far Away:** Transferring detainee to another facility after 30 days that would make visitation more feasible.

- ICE Standards say this applies to children, stepchildren, and foster children of Detainees.

**REINIFICATION BEFORE REMOVAL**  
PENCE 2011 6.1.6  
6.1.6

This will depend on a variety of circumstances, such as the status of the detained custodian. Consult CPD PI team if you have questions.

**Child is Living in U.S. Communities:**

- Facilitate parent obtaining a passport, school records, and other legal documents for children.
- Work to facilitate reunification if approved.

**Child is in ORR custody:**

- If ORR approves, coordinate with FDJIC and/or JFRMU for reunification.
- If ORR or children is/are requesting something different from the parent, OPLA may need to be consulted because of detainee's parental rights.

**Child is in State Child Welfare custody:**

- State or Country

**Best Practice:**

- Always include address asked
- State Parents/Legal Guardians

**Have questions?**

Email: [ParentalInterests@ice.dhs.gov](mailto:ParentalInterests@ice.dhs.gov)

1 / 1





# Overview Document of ICE Policies & Standards

This flyer summarizes ICE's policies and procedures related to detained parents and legal guardians.

It is internal to ICE only.

## Noncitizen Parents & Legal Guardians

### Overview of ICE Policies & Detention Standards

---

**Parental Interests Directive**  
ICE Directive 2008.3, entitled *Interests of Noncitizen Parents and Legal Guardians of Minor Dependents*, dated 11/20/07. The Executive Director, Parental Interests Director, or I/ICG policy and procedures regarding the preservation of parental and/or guardianship rights of non- and legal custodial (non-custodial "guardians") with respect to minor children (referred to as "dependents") without regard to the dependents' citizenship or immigration status.

**Identifying Covered Individuals under the Parental Interests Directive**  
Covered individuals under the Directive are noncitizen parents or legal guardians who are:

- 1) Primary caretakers or have custody of a minor child(ren), or incapacitated adults in the United States; and/or
- 2) Those who have a direct interest in family or probate court, guardianship, or child welfare proceedings involving a minor child(ren) or incapacitated adult.

ICE personnel have a responsibility at first encounter to affirmatively inquire about noncitizen parent and legal guardianship status and should generally inquire about the noncitizen's potential guardianship status during all encounters. Noncitizens determined to be Covered Individuals must be documented in EARM and notice elevated through the chain of command.

**Enforcement Actions Involving Covered Individuals (Parents/Legal Guardians)**  
At arrest, ICE personnel should accommodate a guardian's efforts to make alternative care arrangements for their dependents and document their decision in the A, B, E, and relevant data systems. If a noncitizen cannot make alternative care arrangements, or if there is indication the dependent may have been subject to abuse or neglect, ICE personnel should contact the local child welfare authority, local adult protective services agency, or local law enforcement to take custody of the dependent(s).

**Child Welfare, Family or Guardianship Proceedings**  
Custody Review: Upon notification of child welfare or guardianship proceedings involving a noncitizen, the

ICG must perform and document a C (Factors to consider are outlined in § 5.4(1)).

Court & Service Plan Participation: Where practicable, the Field Office must allow parent appearance at a noncitizen's in-welfare, or guardianship proceedings for in-person participation as directed. Where transport for in-person impracticable, reasonable steps shall ensure alternative means of participation.

**Visitation with Dependents**  
Minor Visitors: Where permitted, ICE as soon as possible and establish the visitation for guardians and their minor. Generous time allowances for visitation recommended.

Contact Visits with Minors: The PI permit contact visits. The PIID require be arranged within 30 days, upon receipt with no existing provision for contact.

Special Visitation: Parent-child visit facilitated if required by the family/child welfare authority absent safety concerns ("special visitation"). If in-person impossible or impracticable, special a made to facilitate video teleconference the guardian. Similarly, special visit accommodated between legal guards incapacitated adults where the noncitizen documentation of the need as a noncitizen's guardianship responsibility.

---

**Placement/Transfer of Detained Covered Individuals**  
If the guardian's dependent resides within the AOR of initial apprehension, or there is a family court or child welfare proceeding, initial placement must remain within that AOR, unless deemed operationally necessary. If the AOR or the detention facility is not the closest location to the dependency or the child welfare/family court proceedings, FICOs must consider transfers outside the AOR of initial apprehension or to a facility within the AOR that is closer (where operationally feasible and consistent with the noncitizen's express wishes).

**Coordinating Care or Travel of Dependent**  
Noncitizen Access to Essential Stakeholders: ICE personnel must accommodate a guardian's efforts to make arrangements for their dependents, including arranging temporary guardianship (if the dependency) will remain in the U.S., or obtaining travel documents so dependent(s) can accompany them to home country. Access to attorneys, consular, and family members in the washup/processing their removal must be facilitated so guardians can arrange care, sign documents, or make other necessary preparations. Guardians must also be afforded a reasonable opportunity to consult attorneys and other stakeholders when deciding about their dependent's care or travel.

**Pre-Removal Reviews**  
Parental Efforts: The FICO must review the guardian's case to assess if they had the opportunity to request reunification before removal, make alternative care arrangements, or whether ongoing family court or child welfare or guardianship proceedings may be adversely impacted by the noncitizen's removal. Where a guardian seeks to have their dependent remain in the U.S., ICE should attempt to secure a written statement.

**Removal Review** If there is a child welfare, family court, or guardianship proceeding, the FICO must consider under the totality of the circumstances whether continuing with removal is appropriate, and whether the guardian may need to communicate with the child welfare agency, court, any guardian advisors, or their legal representative prior to removal. Factors are outlined in FIC Section 5.0(2).

**Notice of Removal Itinerary**: Subject to security considerations, the FICO may provide written notice of the noncitizen's removal itinerary to the noncitizen's attorney or representatives to facilitate coordinated travel.

**Phone Access**  
Calls with Family: Detained noncitizens are permitted to make direct and/or free phone calls to immediate family members or others in personal or family emergencies, or when the noncitizen can otherwise demonstrate a compelling need--to the interpreted liberty.

**Immediate Family Reviews**: parents, step-parents, foster parents, siblings, spouses and common-law spouses, biological or adopted children.

**Calls with Attorneys**: Each facility shall permit legal calls as soon as possible after the request and the noncitizen will always be granted access within 24 hours. This includes dependency and family law attorneys, representing the parent or their child/children.

---

**Additional Information on In-Sight**

**ERD Parental Interests Resource Center**: Broadcasts, resources, required postings, weblogs, and contact information for HQ or Field FICOs.

ICE Field Offices may choose to utilize contact ERD Custody and Resource Coordinators (CRCs), where available, to assist with parental travel cases, such as assisting with obtaining information from a child welfare agency or court. ICE Field Offices may also reach out to the ERD Parental Interests Coordinator for assistance or with any questions.

**ERD HQ Parental Interests Team**: [ParentalInterests@ice.dhs.gov](mailto:ParentalInterests@ice.dhs.gov)

ICE Policy Standards. This and other documents are classified as For Official Use Only. For more information, visit [www.ice.dhs.gov](http://www.ice.dhs.gov)

ERD Parental Interests Resource Center: Broadcasts, resources, required postings, weblogs, and contact information for HQ or Field FICOs.

ICE Field Offices may choose to utilize contact ERD Custody and Resource Coordinators (CRCs), where available, to assist with parental travel cases, such as assisting with obtaining information from a child welfare agency or court. ICE Field Offices may also reach out to the ERD Parental Interests Coordinator for assistance or with any questions.

ERD HQ Parental Interests Team: [ParentalInterests@ice.dhs.gov](mailto:ParentalInterests@ice.dhs.gov)

ICE Policy Standards. This and other documents are classified as For Official Use Only. For more information, visit [www.ice.dhs.gov](http://www.ice.dhs.gov)

32

REL000034197





Fact Sheet for Child Welfare Stakeholder

This flyer summarizes ICE's policies and procedures related to detained parents and legal guardians.

This is public and available on ICE.gov

**U.S. Immigration and Customs Enforcement**

**Fact Sheet for Child Welfare & Guardianship Stakeholders: ICE Policies and Standards Related to Detained Parents & Legal Guardians**

Please visit [www.ice.dhs.gov](http://www.ice.dhs.gov) for the latest guidance and facility-specific information regarding COVID-19.

**Parental Interests Directive**

The ICE Service, subject to the Parental Interests Directive, Parents and Legal Guardians of Minor Children, or other interested parties, may request a child welfare proceeding in the United States, or in a state or territory, to resolve custody or visitation issues. ICE will facilitate the process, including providing information on the process, and will coordinate with the appropriate state or territorial child welfare agency to ensure the child's best interests are protected.

**Child Welfare, Family, or Guardianship Court Proceedings & Services**

ICE will facilitate the process, including providing information on the process, and will coordinate with the appropriate state or territorial child welfare agency to ensure the child's best interests are protected.

**Consent to Placement of Detained Covered Individuals**

If a Covered Individual is involved in a custody or child welfare proceeding in a specific state or territory, ICE will coordinate with the appropriate state or territorial child welfare agency to ensure the child's best interests are protected.

**Parent-Minor Child Interactions**

ICE will facilitate the process, including providing information on the process, and will coordinate with the appropriate state or territorial child welfare agency to ensure the child's best interests are protected.

**Facilitation of Return**

ICE will facilitate the process, including providing information on the process, and will coordinate with the appropriate state or territorial child welfare agency to ensure the child's best interests are protected.

**Contact Information and Additional Resources**

The ICE Online Detainee Locator System (ODLS) can be found at [www.ice.dhs.gov](http://www.ice.dhs.gov). Please try locating the detainee first.

**ERC Field Office Information:** To determine the appropriate ERC Field Office to address your inquiry, please contact your local Field Office at [www.ice.dhs.gov](http://www.ice.dhs.gov).

**Security Liaison Officer:** To determine the appropriate Security Liaison Officer to address your inquiry, please contact your local Field Office at [www.ice.dhs.gov](http://www.ice.dhs.gov).

**Parental Interests Team or ICE Headquarters:** [www.ice.dhs.gov](http://www.ice.dhs.gov)

**ICE Privacy Portal:** If you are requesting ICE to release information about a Covered Individual, it is recommended that you have the Covered Individual fill out the Privacy Waiver ICE Form 83-001.

**ICE Case Review:** After contacting your local ERC Field Office, individuals may also initiate the ICE Case Review (ICR) process by emailing the ERC Service Review Office at [erc.service.review@ice.dhs.gov](mailto:erc.service.review@ice.dhs.gov).

**ICE Information for attorneys:** [www.ice.dhs.gov](http://www.ice.dhs.gov)

**USCIS (SIJ): Anytime Interview:** Contact the local field office first. [www.uscis.gov](http://www.uscis.gov)

**USCIS (SIJ): Parole:** [www.uscis.gov](http://www.uscis.gov)

**ECR:** For case information go to [www.ice.dhs.gov](http://www.ice.dhs.gov)

**ECR engagement office:** [www.ice.dhs.gov](http://www.ice.dhs.gov)

**ECR Hotline:** 822-830-7182 or 1-800-314-1500

**24/7 Centralized Complaint Center (Joint Trade Center):** [www.ice.dhs.gov](http://www.ice.dhs.gov); 877-246-8255

**Office of Refugee Resettlement (ORR):** [www.orr.gov](http://www.orr.gov); 1-800-368-3868

**ORR National Call Center:** [www.orr.gov](http://www.orr.gov); 1-800-368-3868

**U.S. State Department Office of Children's Issues (International parental child abduction):** [www.state.gov](http://www.state.gov)





## Contacts:

### ICE HQ: Custody Management/Custody Programs Division

(b)(6),(b)(7)(C)

Parental Interests Coordinator and Senior Policy Advisor,

(b)(6),(b)(7)(C)

@ice.dhs.gov or 202-845

(b)(6),(b)(7)(C)

**Email the Special Populations and Programs Unit (SPPU) Parental Interests Team at (b)(7)(E) @ice.dhs.gov.**