

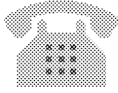


Best Practices for Family Members in ICE Custody

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

OTHER DETAINED FAMILY MEMBERS



COMMUNICATION

PBND 2011 5.6.V.E

Detained Parent = Parent has constitutionally protected rights

- Standards allow free phone calls.
- Best Practice**
 - 2x week 15 minutes and more time depending on circumstances. The older child(ren) may be able to handle longer calls and the younger child(ren) may require shorter calls, but with higher frequency.
 - Facilitate video calls when possible, especially for the non-verbal or tender age child(ren).

Other Family Member = Immediate family members include detainee's spouse, mother, father, step-parents, foster parents, brothers, sisters, stepbrothers, stepsisters, 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** 1x week 15 minutes and more time depending on circumstances. Permission from parent's or child(ren)'s custodian should be obtained.

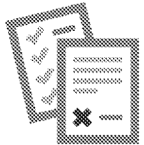


VISITATION

PBND 2011 5.7.V.I.
PID 5.4

- Standards allow visitation, facilitate contact visits when possible
- Best Practice**
 - Allow Detainee 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).

The same best practice for detained parents applies for immediate family members.



CARE ARRANGEMENTS

PID 5.5

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 FOJC, ORR and ORR Program Case Manager to allow screening interviews with ORR and signing of documents for care arrangements.

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 forms available on the law library computers can be used to formalize once made. Note a notary may be required for these. **Note if care arrangements cannot be made, CPS may need to be contacted.**

ASK: Who are your minor children with right now (U.S.) and do you need to make alternative care arrangements?



TRANSFERS/ TRANSPORT

PBND 5.7.V.I.
PID 5.2 and 5.3

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/county 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 Detainee.

ASK: Do you have an on-going child welfare proceeding?
ASK: Are your children living in city/town far from this detention facility?

NOTE: ICE Standards and PID require only that this be considered & when operationally feasible.



REUNIFICATION BEFORE REMOVAL

PID 5.5

This will depend on a variety of circumstances, such as the status of the detained parent's legal rights and the legal rights of child(ren)'s other parent, guardian, or 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 child(ren).
- Work to facilitate reunification if approved.

Child is in ORR custody:

- If ORR approves, coordinate with FOJC and/or JFRMU for reunification.
- If ORR or child(ren) 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 child welfare agency or court over dependency case will reunify if approved. Contact CPD PI Team to assist in ascertaining this (as needed).

ASK: Is the parent requesting the child to accompany them during removal?

Have questions?
Email: (b)(7)(E) ice.dhs.gov
to get your Field Office's PI POC and/or FOJC contact information.

BEST PRACTICE:

- Always notate actions taken or not taken regarding parents/legal guardians and their children in EARM.
- Refer Parents/Legal Guardians to the toolkit *Detained or Deported: What About My Children?* on law library computers.