

PRACTICAL GUIDANCE FOR THE JUVENILE DEPENDENCY PROCESS RELATED TO PARENTS DETAINED BY ICE

BACKGROUND INFORMATION: This guidance document was developed to improve access to parents detained at ICE–Eloy who have children involved in the state child welfare system, and may also serve as a model for similar communication involving other facilities. This guidance may be of benefit to consulates when working with immigrant parents whose children are in the custody of Arizona CPS.

PURPOSE OF GUIDANCE: Immigrant parents and their children involved in both child welfare and immigration proceedings are subject to timelines and requirements imposed by separate and sometimes disparate systems. This guidance document is provided to help practitioners better assist parents who are detained by Immigration and Customs Enforcement (ICE). It is intended to promote expedited and enhanced communication between parents detained by ICE– and their CPS team, juvenile court personnel, and their children in foster care. This guidance information is intended for:

- Employees of ICE;
- Employees of Arizona Department of Economic Security/Child Protective Services (CPS) when any of their duties impact a parent detained by ICE whose child or children have been taken into custody of the State of Arizona; and
- Attorneys and/or legal representatives assisting these families.

This guidance document reflects current ICE and CPS practice and is non-binding.

I. LOCATING A PARENT BELIEVED OR REPORTED TO BE DETAINED BY ICE

If ICE has custody of a parent she or he may be detained at the Eloy Detention Center in Eloy or one of four detention facilities in Florence. The location of a parent is not released publicly for security reasons. To locate a detained immigrant parent believed to be in the custody of ICE, CPS personnel and advocates need the following information:

- The correctly spelled first name and all last names used by the detained parent (e.g. use *Maria Lopez Garcia*, not simply *Maria Garcia*);
- Any aliases known to be used by the detained parent;
- The detained parent’s complete birth date and country of birth;
- If known, the detained parent’s Alien Registration Number (also called “A” number).

Personnel may try:

- Online Detainee Locator System (ODLS), <https://locator.ice.gov/odls/homePage.do>;
- ICE Detention-Eloy, 1705 E. Hanna Rd., Eloy, AZ 85231, tel. (520) 464-3000;
- Florence Service Processing Center, 3250 N. Pinal Parkway, Florence, AZ 85232, Tel. (520) 868-5862.

INTERNAL WORKING DOCUMENT – NOT FOR DISTRIBUTION OUTSIDE OF ICE, CPS OR COURT PERSONNEL

Currently, if the above options for locating a detained parent are unsuccessful, contact Supervisory Detention and Deportation Officer Klaas Hubert, (520) 464-3097, Klaas.M.Hubert@ice.dhs.gov, with the identifying information noted above. Officer Hubert is based in the Eloy Detention Center. Until guidance is in place for all Arizona ICE detention facilities, the Eloy facility personnel may be able to assist individuals in locating ICE detainees housed in the Florence detention facilities.

If the parent in question may have recently crossed the US border, he or she may be in the custody of US Border Patrol or ICE in a short term holding facility. ICE personnel state that a person may sometimes be detained by US Border Patrol (up to the Gila River, more or less) or by ICE (Gila River and north) for days before actually arriving at one of the designated detention facilities in Eloy or Florence where they will be housed for a longer period. Therefore, they suggest that CPS personnel make a call at the early CPS investigative stage and, if unable to locate the parent, two weeks later to the detention facility to see if the person has arrived.

A parent being held in ICE detention in Arizona may be housed in any one of the following five facilities:

Eloy, Arizona

Corrections Corporation of America (CCA) Eloy Detention Center

Phone: (520) 466-4141

Visiting Information: www.ice.gov/detention-facilities/index.htm

Florence, Arizona

The Florence Detention Center/Florence SPC

Phone: (520) 868-8377

Visiting Information: www.ice.gov/detention-facilities/index.htm

Pinal County Adult Detention Center/Pinal County Jail

Phone: (520) 866-5000

Visiting Information: www.ice.gov/detention-facilities/index.htm

CCA Florence Correctional Center

Phone: (520) 867-9095

Visiting Information: www.ice.gov/detention-facilities/index.htm

CCA Central Arizona Detention Center

Phone: (520) 868-3668

Visiting Information: www.correctionscorp.com/facility/central-arizona-detention-center/

The Mexican Consulate, (877) 632-6678, is also a useful option for locating a detained parent who is a Mexican national. Other consulates may provide similar assistance.

Conditions such as overcrowding may cause detained immigrant parents to be transferred to other facilities within Arizona, or outside of Arizona in limited cases. It is ICE practice to inform detainees of a pending transfer and to contact their immigration attorney of record. It is then the responsibility of the detained parent to initiate contact with family members and CPS.

II. PLANNING FOR INCLUSION OF DETAINED PARENT IN DEPENDENCY PROCEEDINGS

Because critical decisions are made early in the case, it is very important for CPS to be able to locate the parent as soon as possible. Child Protective Services regulations require that decisions regarding the temporary placement of a child who has been taken into temporary custody occur within a maximum of the first 72 hours of the time of initial investigation, and typically within the first 48 hours.

If a relative or other party knows the whereabouts of a parent detained by law enforcement or ICE, he/she may call the CPS investigation worker or the CPS hotline, (888) 767-2445, without placing themselves in jeopardy. If a parent is known to be in ICE custody but has not been located within two weeks of the arrest, CPS may call the contact numbers provided in Section I of this document to determine the location of the detained parent. If CPS is unable to locate the parent using the online detainee locator system (<https://locator.ice.gov/odls/homePage.do>), they can contact ICE–Eloy or ICE–Florence directly.

A detained immigrant parent or other party may also place a toll-free call to the CPS Hotline (888) 767-2445 to notify CPS of their detained status or regarding information about a minor child involved with CPS. If there is an open CPS report, the CPS Hotline will take the communication and send any relevant information to the assigned CPS Specialist, if applicable.

If the detained parent is successfully located, affirmative steps should be taken to engage the parent, either by telephone or in person, in initial child placement discussions (e.g. Team Decision Making, Preliminary Protective Hearing, etc). The parent has the right to fully participate in discussions regarding the child's placement.

Detainee Telephonic Appearance in a Juvenile Court Dependency Proceeding¹

¹ Placing immediate phone calls: A free three minute outgoing phone call is permitted each time an individual is transferred to another detention point. Phones inside the facility are subcontracted, and several are found in each pod. Phone cards are available for purchase within the facility at the commissary. Most detainees know how to access the phones and phone cards but may lack cash to pay for the phone cards.

The Assistant Attorney General representing CPS will notify the Court that a parent needs to appear telephonically for the initial Preliminary Protective Hearing (PPH). Similarly, for Juvenile Court Dependency Proceedings other than the PPH, the Court's Judicial Assistant or Bailiff will arrange for the phone line, and the CPS Specialist will share the telephonic information with ICE in accordance with the procedures outlined below.

Once the Court requests the telephonic appearance, the assigned CPS specialist will work with ICE to arrange for the telephonic appearance of the detained immigrant parent using the following procedures:

- CPS to fax or scan/email an official document or a court order, on letterhead, to the detained parent's Deportation Officer (DO) or, if unknown, to Supervisory Detention and Deportation Officer Klaas Hubert, fax (520) 466-2028, *Klaas.M.Hubert@ice.dhs.gov*;
- When the document/order is approved by the Deportation Officer (DO), facility personnel will assist the detained immigrant parent by allowing access to a telephone in a private area at the time of a scheduled meeting or hearing;
- A minimum of 48 hours advanced notice should be given to allow proper notification to ICE–Eloy and for arrangements to be made.

Note: ICE does not provide interpreters for detainees in non-immigration related matters. If an interpreter is required for the detained parent to participate in:²

- CPS meeting – CPS can provide if given a twenty four hour notice;
- Court Proceeding – Court will provide interpretation services as required.

III. ARRANGING VISIT OF A MINOR WITH A PARENT IN DETENTION

CPS, under approved circumstances, and sometimes with the permission of the Juvenile Court, can arrange for minors in CPS out of home care with a family member or with a non-relative foster parent, to visit a parent detained in an ICE detention facility. ICE will allow "approved adults" (e.g. CPS case manager, parent aide, foster parent, custodial grandparent or relative) to accompany a child on a visit. Visitors under the age of 18 **MUST** be accompanied by an approved adult.

The detained parent can initiate a visitation request by submitting the minor's name, the accompanying adult's name, and DOB and Social Security number for each. ICE will permit a minor child to visit even without the minor possessing a Social Security number as long as they are accompanied by an approved adult. A visitation form may also be submitted by CPS on behalf of the minor child.

² If an individual requires interpretation services in an indigenous Mexican language, the Mexican Consulate may be contacted.

Once a visitor's name and background are vetted and approved, they are added to a list of approved visitors maintained by the ICE contractor.

Normal visitation hours are between 8:00 am and 4:00 pm on Saturday, Sunday, and holidays. Outside of normal visiting hours, arrangements can be made with ICE to facilitate a special visit. CPS or the "approved adult" must accompany minors during special visits. Special visits must be requested by CPS in writing, and arrangements should be made through the assigned Deportation Officer. These visits will only be accommodated during hours that the visitation areas are normally staffed.

A minimum of 48 hours advanced notice should be given to allow proper notification to ICE–Eloy and for arrangements to be made. Special visits should be the exception, not the rule. Use of designated visitation hours should be the first option.

IV. ARRANGING PHONE CALLS BETWEEN PARENT AND A MINOR

Similar to visitation arrangements, as outlined in Section III above, phone call visitation between children in CPS out of home care and their parents are pre-scheduled and arranged by either the Court or the CPS Specialist, in accordance with the child's best interests.

Once the arrangements have been made for the phone call visit, the assigned CPS specialist will work with ICE to arrange for the telephonic appearance of the detained immigrant parent using the following procedures:

- CPS to fax or scan/email an official document or a court order, on letterhead, to the detained parent's Deportation Officer (DO) or, if unknown, to Supervisory Detention and Deportation Officer Klaas Hubert, fax (520) 466-2028, Klaas.M.Hubert@ice.dhs.gov;
- When the document/order is approved by the Deportation Officer (DO), facility personnel will assist the detained immigrant parent by allowing access to a telephone in a private area at the time of a scheduled meeting or hearing;
- A minimum of 48 hours advanced notice should be given to allow proper notification to ICE–Eloy and for arrangements to be made.

Detainees are permitted to use facility telephones from 6:00 am to 10 pm daily. If a detained parent is having difficulty with the connection or any other complications, the parent can ask for assistance from the CCA officers within the pod, the compliance officers, or their Deportation Officers. The parent can make calls to anyone they wish using the phone cards issued to them by CCA.

If the parent chooses not to make or receive a phone call, detention personnel cannot compel the parent to comply with a request or an order for an outside phone call.

Attorneys for the detained parent should be aware of the nature of the process whereby their clients make and receive phone calls within the detention facility. Please note that, since telephone calls require the purchase of a phone card, many parents do not have sufficient funds to make phone calls from detention.

V. MAIL TO DETAINED PARENTS

Mail being sent from a detained parent's child must go through the normal facility mail service. This type of mail will be handled the same as any other mail being received from a detained immigrant parent's family or friends. It will be inspected for contraband before being delivered to the detained parent.

Mail to a detained parent, from either their CPS case worker or the Juvenile Court system should be marked as "legal mail". Legal mail will also be opened and inspected, but it will be done in the presence of the detained immigrant parent, and then given to them. This type of mail **MUST** be in official agency envelopes **AND** clearly marked "legal mail" to be treated as such.

Due to the nature of the facility, delivery confirmation is not practical or possible. Delivery confirmation can be requested through the U.S. Postal Service, for a fee, but be aware that the USPS delivery confirmation will only confirm delivery to the facility mail room, not actual physical delivery of the mail to the detained immigrant parent.

VI. HOW FAMILY MEMBERS CAN HELP

Family members or other individuals involved with an ICE detainee who has a minor child involved with CPS can share information regarding the whereabouts of the detainee, by contacting the CPS Hotline, (888) 767-2445, with this information. The Alien Registration number ("A" number) and/or the full name of the detainee as well as information regarding the child is crucial information and will greatly assist CPS in engaging the parent in the dependency process as early as possible. The Hotline operator may not be able to immediately assist the caller; however, if there is an open CPS report, the Hotline operator can contact the minor's CPS case manager and relay the crucial information.