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WASHINGTON COLLEGE of LAW
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NIWAP

Community of Practice for Family Law Attorneys Working with Immigrant Survivors

COLLABORATING WITH CHILD WELFARE TO IMPROVE OUTCOMES FOR IMMIGRANT SURVIVORS AND CHILDREN

January 27, 2026

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The following slides are intended to be a guide to lead our discussion on this topic and to provide substantive material for your future reference.



PRESENTERS

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South Carolina Coalition
Against Domestic Violence
and Sexual Assault

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IMPROVING RESPONSES TO IMMIGRANT FAMILIES IN CHILD WELFARE CASES

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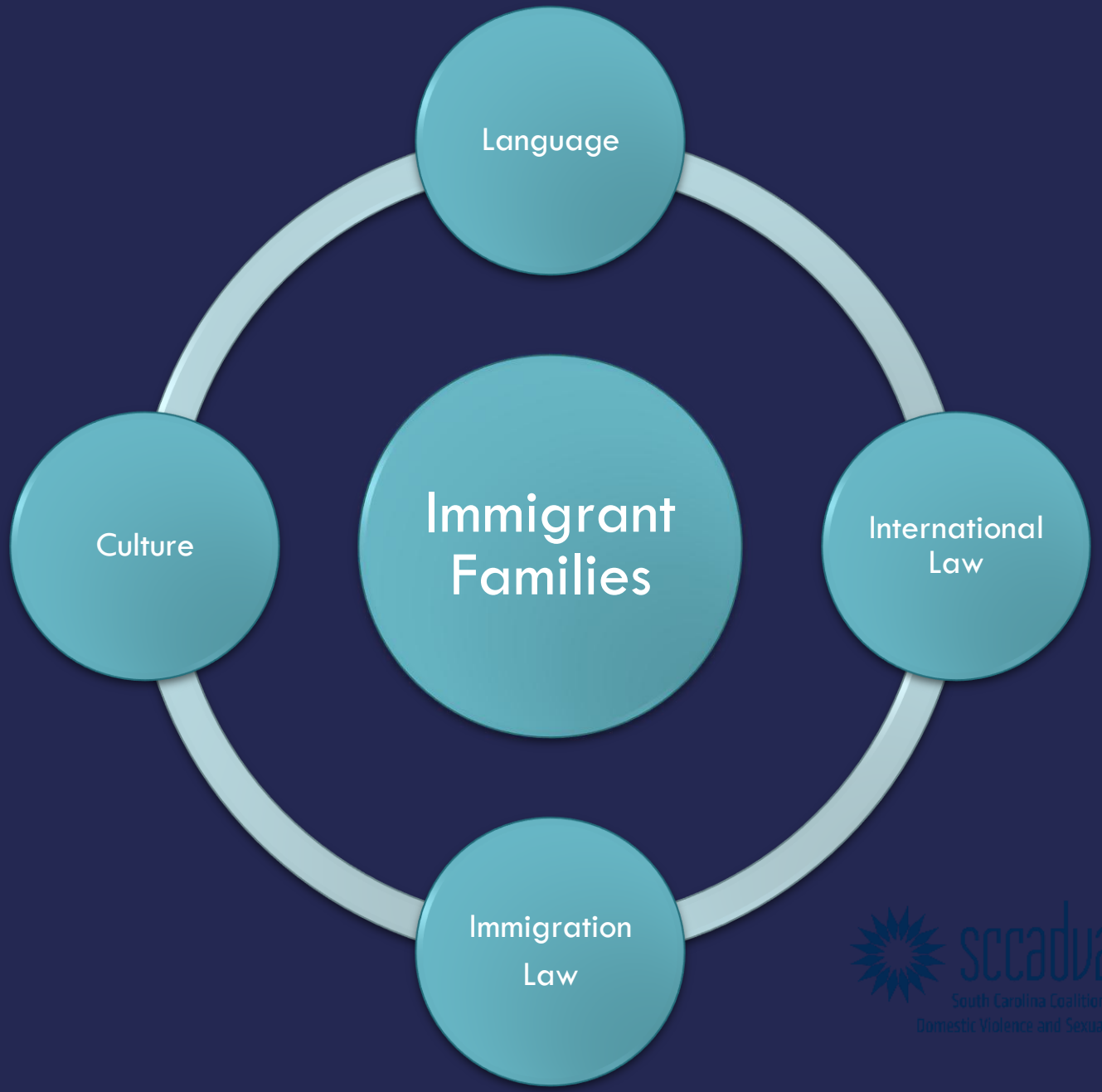
January 2026

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South Carolina Coalition Against
Domestic Violence and Sexual Assault

DSS
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES


SOUTH CAROLINA
IMMIGRANT VICTIM COALITION

ACCOUNTING FOR DIFFERENCES

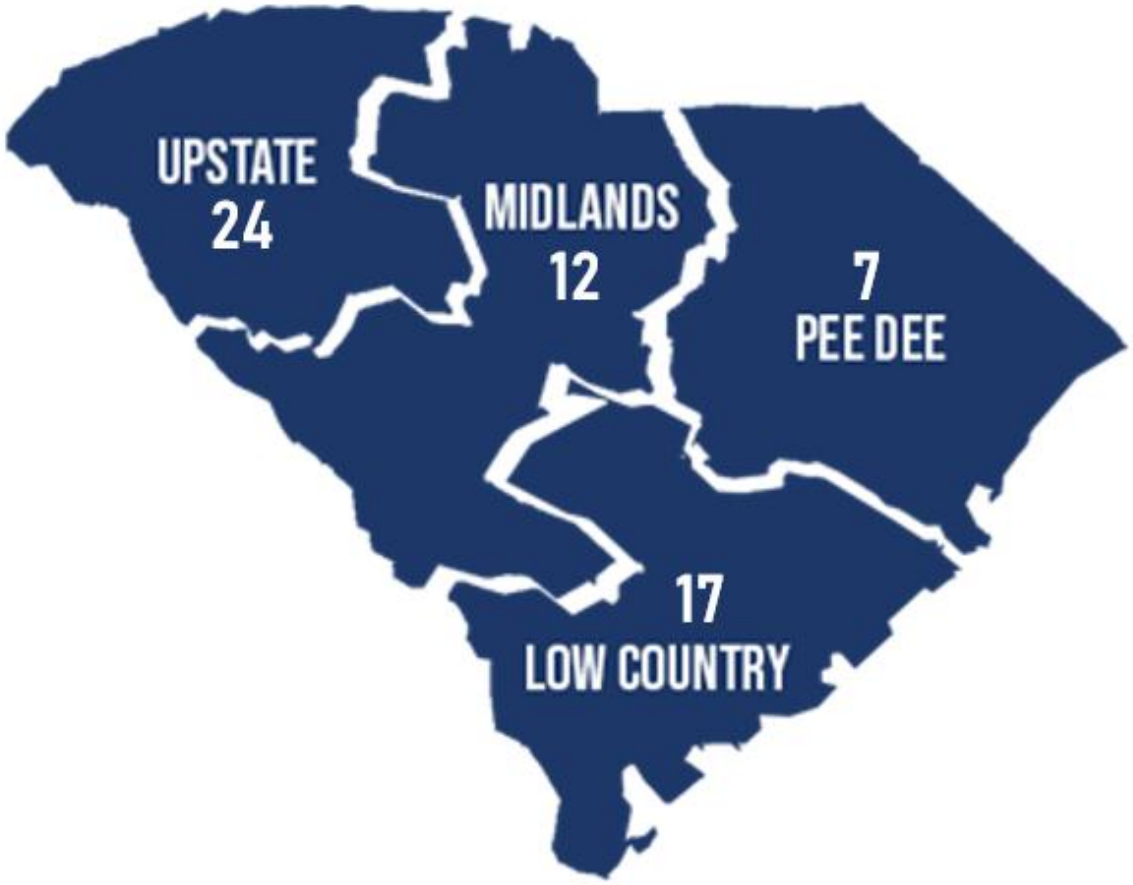


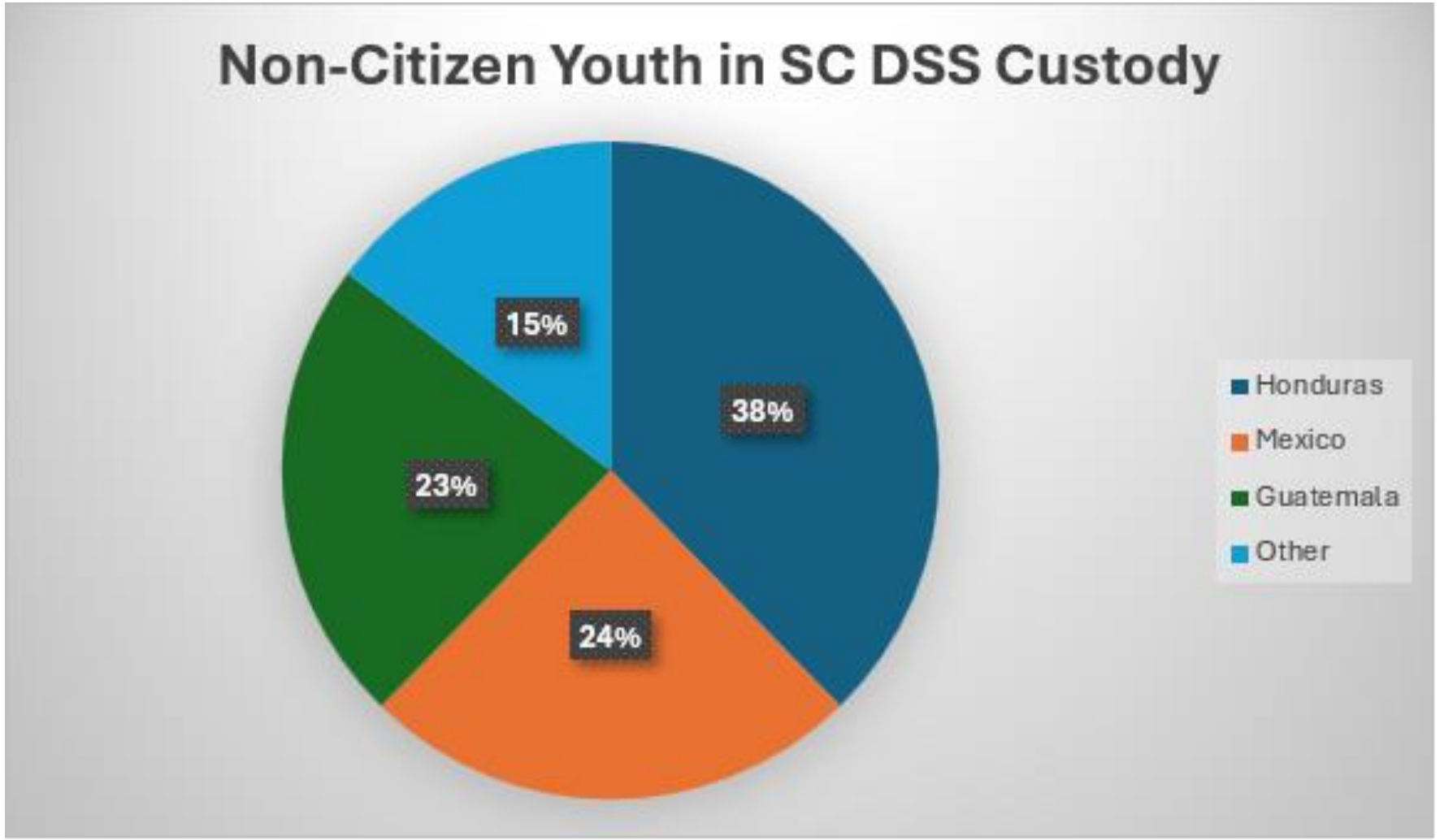
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Importance of Early Screening for Immigration Status & Victimization for Immigrant Children & Caregivers

- Eligibility for public benefits & other financial resources
- Possible protections from deportation
- Eligibility for affirmative immigration benefits
- Increases family stability & safety
- Improved identification of unique resources
- Reduces barriers & challenges in child welfare case plan

SC DSS Foster Care Immigration Statistics




Non-Citizen Youth in SC DSS Custody
38%
24%
23%
15%
Honduras
Mexico
Guatemala
Other

SC DSS Non-Citizen Advocate Team

LOWCOUNTRY

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Supervised by: Shana Charles, *Statewide Education & Non-Citizen Advocate*

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Role of SC DSS Non-Citizen Advocates

- Convene staffings when a non-citizen child enters foster care
- Identify an immigration attorney to represent the child & track progress of any immigration case(s)
- Ensure that the child has education Individualized Language Acquisition Plan & other language services
- Connect children to community resources
- Assist with requesting international home studies & vital records
- Reunify youth with families in home countries when deemed safe
- Coordinate services with Consulate & Embassy representatives
- Make referrals to HHS OTIP for trafficking victims to receive Eligibility Letter that grants benefits.

SC Child Welfare Policies and Procedures Chapter 16

The purpose of the Non-Citizen Policy is to ensure that SC DSS provides services to foster youth, under the 18, without regard to their citizenship or immigration status.

SC Child Welfare Policies and Procedures: Chapter 16

A. Verification of citizenship or immigration status

- Citizens: U.S. Birth Certificate, Certificate of Foreign Birth Abroad, Naturalization Certificate, Certificate of Citizenship, or U.S. passport
- Non-citizens
  - Permanent Resident Card (Green Card)
  - Temporary Status – Visa & Form I-94
  - Other?

If it is determined that the child is a Non-Citizen:

- Case manager should notify County Attorney & Non-Citizen Advocate to arrange an immigration staffing.
- Comply with the Vienna Convention on Consular Relations
  - Notify the closest consulate immediately, but no later than 5 Business days whenever there is reason to believe a foster child subject to removal from the home is a foreign national of the consulate's country.

Communicating with Embassies & Consulates

How Can They Help?

- Locating parents/relatives
- Communicating with parents/relatives
- Language access resources
- Home studies
- Service of Process
- Vital Records
- Repatriation services
- Interviewing the youth
- Assisting the parents in their home country
- Identification Cards, Passports, Special Travel Documents for an Emergency Trip

Other Resources for International Services & Home Studies

IOM UN MIGRATION



International Social Service USA

abclegal

CHALLENGES: LANGUAGE ACCESS & CULTURALLY-SPECIFIC NEEDS



DSS Role in Immigration Case - General

- Early & regular screening for eligibility & compliance
  - Non-offending parents & siblings may qualify even if child is a US citizen
- Referral of child/non-offending parent to immigration attorney(s)
  - Require & schedule regular case staffing with immigration attorney
  - Ensure that foster children can independently communicate & meet with immigration attorney; Children 14+ must sign forms themselves
  - Consider appointing attorney to represent child in the DSS action
  - Consider requiring parental & caseworker cooperation in Treatment Plan
- Ensure child has all vital records, photo ID & immigration records
  - May require coordination with consulate & parents
  - May require court orders

Early Assessment of Potential Pathways to US Citizenship

Born in the US or US Territories

Born to US Citizen Parent Abroad

Acquired from US Citizen Parent

Naturalization



Understand the Timelines: Child Citizenship Act

Automatic Acquisition of US Citizenship if:

- Under age 18 on or after February 27, 2001
- Satisfies ALL of the following before age 18:
  - Have at least one U.S. citizen parent by birth, naturalization, or adoption
  - Be a lawful permanent resident of the United States
  - Reside (or have resided) in the United States in the legal and physical custody of a U.S. citizen parent

Identify All Pathways to Lawful Immigration Status

Nonimmigrant/ Temporary Visas

Employer or School Sponsored

Family Sponsored

- US citizens → child, spouse, fiancé, parent, sons/daughters, siblings
- LPRs → child, spouse

Humanitarian Programs

- Refugee/Asylum
- Humanitarian Parole
- Temporary Protected Status
- Crime victims

DSS Role in Special Immigrant Juvenile Cases

- Early & regular screening for SIJS eligibility
- Aggressively ensure compliance with service of process
- Seek entry of a family court order confirming elements of SIJS eligibility AS SOON AS all requirements are met
  - TIP # 1 – Prepare to request at/after EVERY hearing or File a Motion
  - TIP # 2 – Seek finding re child's best interest to return to the home country
  - TIP # 3 – Seek order BEFORE close of case & BEFORE age 18 (if possible)
- Ensure SIJS Petition is filed BEFORE TPR &/or adoption
- Ensure child's enrollment in Medicaid

DSS Role in Other Immigration Cases

For victims of child abuse, sexual assault & domestic violence

- Sign U Visa Certification Form

For trafficking victims

- Refer to Trafficking Victim Assistance Program for cash assistance & case management services
- Contact UN International Organization of Migration (if needed)
- Obtain public benefits certification letter from HHS OTIP
- Coordinate with law enforcement to request Continued Presence
- Sign T & U Certification Forms

Adoptions by US Citizens & LPRs

- Finalize adoption before age 16
- Ensure compliance with Hague Convention
- Refer parents to immigration counsel
- Adoption alone does NOT give status

How can attorneys help the Child Welfare Team?

- Ensure both parents are properly served for court, serve by publication if needed.
- Request court order for parents to provide immigration documents, birth certificates, passports, adoption decrees &/or not to interfere with pending proceedings.
- Request initial immigration staffing with non-citizen advocates and frontline staff.
- Ensure that consular notifications have been completed.
- Timely request SIJS findings &/or U/T Certifications from the court.

Service of Process Challenges

- Concerns re legitimacy of birth records
- Parent outside the United States - International Law
  - Hague Convention on Service of Process
  - Inter-American Service Convention
- Parent in or at risk of being in ICE custody

ICE Parental Interest Directive: https//www.ice.gov/detain/parental-interest



U.S. Immigration and Customs Enforcement

July 2025

Fact Sheet for Child Welfare & Guardianship Stakeholders:

ICE Policies and Standards Related to Detained Parents & Legal Guardians

Detained Parents Directive

The ICE Directive entitled, *Detention and Removal of Alien Parents and Legal Guardians of Minor Children* (hereinafter "Detained Parents Directive"): It is ICE policy to ensure that the agency's enforcement actions do not unnecessarily infringe upon the legal parental or guardianship rights and obligations of Covered Individuals. ICE will continue to take a consistent and unified approach to identify Covered Individuals; carry out necessary and appropriate enforcement actions involving Covered Individuals; facilitate participation in family court, child welfare, or guardianship proceedings, and access to child welfare services and programs by detained Covered Individuals; follow visitation procedures in detention; and properly document all aspects of detention and removal of Covered Individuals. The Directive and this flyer may be found here: https://www.ice.gov/detain/parental-interest.

Covered Individuals: The specific individuals to whom the policies and procedures contained in this Directive apply are alien parents or legal guardians who are: 1) primary caretakers of minor child(ren) 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 (herein, referred to as "Covered Individuals").

Child Welfare, Family, or Guardianship Court Proceedings & Services

Participation: The Detained Parents Directive allows Covered Individuals to make in-person appearances in family court or child welfare proceedings when required to maintain or regain custody of minor child(ren). If transport presents security and/or public safety concerns, or negatively impacts mission needs, facility staff will identify alternative means of participation, such as telephonic or video or standard teleconferencing, when technologically feasible. In addition to court participation, ICE will facilitate remote participation in court or child welfare mandated services, programs, or trainings.



Introduction | Training & Webinars | Technical Assistance | Directory, Newsletters & Podcasts | Manuals | Dynamics, Culture, & Safety

Research | Immigration | VAWA Confidentiality | Family Law | Judges | Law Enforcement and Prosecutors | Victim Advocates

Legal Services | Public Benefits | Language Access | Statutes & Regulations | Amicus Briefs | Communities of Practice

https://niwaplibrary.wcl.american.edu/family-law-protections-training-materials/

Thank You!



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Questions



Contact NIWAP for Technical Assistance and Training

- **NIWAP's Technical Assistance and Training Requests**
  - Call (202) 274-4457
  - E-mail info@niwap.org
- NIWAP can design trainings
  - To meet your needs
- Web Library
  - www.niwaplibrary.wcl.american.edu

Next Community of Practice Call

- Tuesday, February 24, 2026
  - Using the ICE Parent Directive in Family Court



Post Evaluation Survey



https://www.surveymonkey.com/r/EvaluationFL2026