

Guidance for Immigrant and Refugee Families: The Child Welfare System

All families need help sometimes when life gets difficult. Immigrant and refugee families face additional challenges that can make it harder for them to stay safe and healthy. If these difficulties put the health and well-being of children at risk, the family might come to the attention of the child welfare system.

This factsheet aims to help immigrant and refugee families understand what the U.S. child welfare system is and how it can help keep their children safe. It also discusses some of the issues immigrant and refugee families may encounter if they become involved with the child welfare system and their rights in child welfare scenarios.

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COMMON CHILD WELFARE TERMS

Case plan	A document jointly developed by the family and the child welfare agency that describes the outcomes, goals, and tasks concerning a child's care while a child is in out-of-home care (like foster care or kinship care).
Caseworker	The person in the child welfare agency who will help a family manage their case and work through their case plan.
Child abuse and neglect	Any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse, or trafficking, or an act or failure to act that presents an imminent risk of serious harm. (Also sometimes called " child maltreatment. ")
Child protective services (CPS)	The social services agency designated (in most States) to receive reports, conduct investigations and assessments, and provide services to children and families in which child maltreatment has occurred.
Child welfare system	A continuum of services designed to protect children, strengthen families to care for their children, and promote permanency when children cannot remain with or return to their families.
Foster care	Substitute care for children placed away from their parents or guardians in which the child is placed by a State agency to live in a temporary home with kin or foster parents.
Foster parent	Adults who provide a temporary home and support for children who have been removed from their homes. The individual(s) may be relatives or nonrelatives and must be licensed to provide care for foster children.
Kinship care	An arrangement made by a child welfare agency for children to be cared for by other relatives while their parents or legal guardians are not able to care for them.
Prevention services	Services that support and strengthen families to prevent child abuse and neglect from occurring. These typically include methods or activities that seek to reduce or deter specific or predictable problems, protect the current state of well-being, or promote desired outcomes or behaviors.

WHAT IS THE CHILD WELFARE SYSTEM?

The child welfare system is not a single entity or organization. It is a group of services that works together to promote children's well-being. Your State or local child protective services (CPS) agency, which is responsible for receiving and investigating reports of child abuse and neglect and assessing child and family needs, is one part of this system.

The CPS agency also works with other organizations and agencies to make sure children and families get the help and services they need. This can include helping families access services like those provided in a family's home to help keep them together, foster care, mental health care, substance use treatment, parenting skills classes, domestic violence services, employment assistance, and financial or housing assistance.

The goal of the child welfare system is to make sure children are safe and living with a nurturing and legally permanent family and to strengthen families so that they can take the best care of their children. Here are some things the child welfare system may do:

- Investigate reports of possible child abuse and neglect
- Support families by providing prevention services to families that need help protecting and caring for their children
- Provide temporary safe shelter for children when they are not safe at home (for example, placing children in kinship or foster care)
- Seek to return children to their families when safety has improved or find other permanent arrangements to keep the children safe (for example, other permanent family arrangements or adoption)



Learn More: The U.S. Child Welfare System

To learn more about the child welfare system in the United States, read the following Child Welfare Information Gateway publications:

- [*How the Child Welfare System Works*](#)
- [*Understanding Child Welfare and the Courts*](#)

WHY IS MY FAMILY INVOLVED WITH THE CHILD WELFARE SYSTEM?

Usually, families become involved with the child welfare system because of a report of suspected child abuse or neglect. (This is also called "**child maltreatment.**") In these cases, the CPS agency may contact the family to find out more about the reported incident, assess whether a child is at risk of harm, and work with the family to make sure they have the help and services they need to guarantee the child's safety.

The child welfare system may also become involved if a child no longer has parents or legal guardians to care for them (for example, the death of their parents or guardians) or in immigration enforcement situations.

WHAT IS CONSIDERED TO BE CHILD MALTREATMENT?

Different cultures and countries can have very different beliefs about what it means to raise and care for children in safe and healthy ways and who is responsible for raising and caring for a child. What that means in the United States can be different than what you may have been used to in your country of origin.

In the United States, there are laws that define parents' legal responsibilities toward their children. There are also laws that define what is considered to be abuse or neglect to protect children from harm or maltreatment. These laws and definitions can vary according to the State in which you reside. But most States recognize four major types of maltreatment: **physical abuse, neglect, sexual abuse, and emotional abuse.**

Physical Abuse

A nonaccidental physical injury to a child. It can include punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (with a hand or other object), burning, or otherwise causing physical harm. Physical discipline, like spanking or paddling, is not considered abuse as long as it is reasonable and causes no bodily injury to the child.

Neglect

Not providing a child's basic needs, like food, clothing, shelter, hygiene, and medical care. It can also include other forms of endangering a child's welfare (like not regularly sending a child to school or not providing adequate supervision). **Note:** Not having enough **money** to meet basic needs is not considered abuse or neglect. But a child welfare agency might become involved if a family's failure to use available information and resources to care for their child puts the child's health or safety at risk.

Sexual Abuse

Includes activities by a parent or other caregiver (or by another adult with the parent's knowledge or lack of protection) such as fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

Emotional Abuse

A pattern of behavior that damages a child's emotional development or sense of self-worth. It is also sometimes called "psychological abuse." This may include extreme levels of criticism, threats, or rejection.

If a CPS agency is notified that your family may be at risk of these kinds of maltreatment, a CPS caseworker may contact you to find out more about what is going on. Your caseworker can be a good resource for finding healthy ways to deal with whatever problems your family may be facing. The following sections include more information about how caseworkers can help.



Learn More: Parenting in the United States

The following Information Gateway resources can help immigrant and refugee families learn more about parenting and parenting laws in the United States:

- [Guidance for Immigrant and Refugee Families: Parenting in a New Country](#) discusses issues immigrant and refugee families may face that could affect their child and family's well-being.
- [What Is Child Abuse and Neglect? Recognizing the Signs and Symptoms](#) offers more information about what is considered abuse or neglect in the United States.
- [Definitions of Child Abuse and Neglect](#) lists summaries of maltreatment laws for all States and U.S. territories.

You can also visit [USAHello](#), a free online information center for immigrants, asylum seekers, and refugees, to learn more about [raising children and parenting laws in the United States](#).

YOUR FAMILY AND THE CHILD WELFARE SYSTEM: WORKING TOGETHER

The child welfare system exists to keep children safe and make sure families get the help they need to stay healthy and united. Your caseworker can be a resource to help you and your family reach your family goals and meet the expectations of your case plan (if you have one). Below are a few things to keep in mind to help you and your caseworker meet your family's needs.

THE PRIMARY PURPOSE OF THE CHILD WELFARE SYSTEM IS TO HELP YOUR FAMILY STAY SAFE AND TOGETHER.

Understanding how social and government systems work in a new country takes time and can be confusing. It can also be very different than what you were used to in your country of origin. You may have come from a country in which government agencies might not often become involved in family situations. Or you may have learned to fear or not trust the systems and agencies to help and not hurt individuals and families. It can be hard to overcome these feelings and fears, even once you are in the United States. You may not trust or understand why the child welfare system is contacting you at first.

Working with a CPS professional to address family issues may not be something you're used to. But it might help to keep in mind that their primary goal is to make sure children are safe and your family has the help it needs. **Except in unusual and extreme circumstances, the plan for most families focuses on keeping the family together or bringing them back together once any situations that risk the safety of a child have been addressed.**

Ideally, you and your caseworker should establish a relationship where you feel comfortable being open about your needs and concerns. This will also allow your caseworker to understand you and your family better and find the best ways to help.

For example, it might be helpful for you to talk to your caseworker about any cultural concerns or preferences—like how to greet or communicate with each other or who should be present for family meetings (like grandparents, aunts or uncles, or other family members). Share with your caseworker how you'd prefer to be contacted (for example, by phone or email), whether you need help with transportation to meetings or scheduling meetings at specific times, and so on.

CHILD WELFARE AGENCIES ARE NOT REQUIRED TO REPORT YOUR IMMIGRATION STATUS.

Child welfare agencies may ask questions about your family's immigration status for their own records. But they are not required by Federal law to share this information with other government agencies, including immigration enforcement agencies. It's also important to know that your immigration status (for example, if you are undocumented or your immigration status is uncertain) is not in itself grounds for losing your parental rights.

If you are concerned about how your immigration status information will be used, ask your caseworker about the agency's confidentiality policies and how they will protect your information. You can ask for these policies in writing and in your own language.

There are several reasons why it may be helpful to share your immigration status with your caseworker. These can include making sure you are able to comply with your case plan and getting referrals to immigration legal help.

Compliance With Your Case Plan

You and your caseworker may develop a case plan for your family's situation. This plan may include goals and requirements that parents or legal guardians must meet in order to address the situation or incident that brought your family to the attention of the child welfare system. These goals could include requiring parents or legal guardians to access services like employment or housing assistance, parenting classes or substance use treatment, or other services.

But your immigration status might affect whether or not you are eligible to access these services. For example, the majority of Federal programs (like the [Supplemental Nutrition Assistance Program](#)) are available to children born in the United States but may not be available to their undocumented parents. If you are not able to meet the requirements of your case plan, it could affect whether or not your family can stay together.

A caseworker could help you figure out what services and assistance you can access, regardless of your immigration status or that of your child. For example, if you have had difficulty finding affordable health care for your child, there may be low-cost or free health-care services available in your community, even if you or your child are undocumented. Those with refugee status may be able to access services specifically for refugees, like refugee career assistance and the Refugee Cash Assistance Program. (See USAHello's [Public Benefits for Refugees and Asylees](#) for more information.)

Talk to your caseworker about your family's needs or services you are having trouble accessing to comply with your case plan. If you are undocumented, there may be other kinds of assistance available at your community level through religious institutions or other local organizations regardless of immigration status.

If you are a refugee, you may be receiving [refugee resettlement services](#) or have a resettlement case manager. Your refugee resettlement service provider might also be able to help you access the services and resources required in your child welfare case plan. They may even be able to coordinate with your child welfare caseworker to help your family meet its child welfare case plan goals.



Learn More: Accessing Physical and Mental Health-Care Services

The kinds of physical and mental health-care services you can access may vary depending on your immigration status.

The services listed below can help you find affordable or free health care in your community, including referrals to mental health services, whether or not you have insurance and regardless of your immigration status:

- [Free Clinic Directory](#)
- [Health Center Program](#)
- [National Association of Free and Charitable Clinics](#)

Families with refugee status can visit the Administration for Children and Families' Office of Refugee Resettlement website to find contact information for their [State's refugee health coordinator](#) or select their State of residence on a [map of refugee resettlement resources and contacts](#).

You can also visit the HealthCare.gov website for information on [health coverage for immigrants](#).

Referrals to Immigration Legal Assistance

If you are having issues with your immigration status, your caseworker may be able to connect you to low-cost or free immigration legal services. Stabilizing your immigration situation is part of creating a stable and healthy home environment for your children. It could also make it easier for your family to access the services that your case plan may require.

Depending on your situation, you or your child might be eligible for immigration relief that could allow you or your child to remain in the United States legally and possibly access helpful services. Your caseworker can help you find out if you or your child might be eligible for any of these relief options and connect you to an immigration legal professional who could help you with the application process. (Visit the U.S Citizenship and Immigration Services website to read about [humanitarian programs and protections](#) and [Green Card](#) options.)

A legal professional could also help you find out if accessing certain public services might affect your immigration status due to the public charge inadmissibility statute. See the U.S Citizenship and Immigration Services [public charge resources](#) for more information. The Immigrant Legal Resources Center also has a [Public Charge Safe to Use List](#), which details the public benefit services that do not count toward public charge assessment.



Learn More: Accessing Legal Services

If you would like to start looking for low-cost or free immigration legal help, visit the following websites:

- [American Immigration Lawyers Association: Find an Immigration Lawyer](#) (available in English and Spanish)
- [ImmigrationLawHelp.org](#) (available in multiple languages)
- [National Immigration Legal Services Directory](#) (available in multiple languages)

CHILD WELFARE AGENCIES SHOULD ACCOMMODATE YOUR LANGUAGE NEEDS.

It is of vital importance that you understand everything that is occurring in your family's case. Child welfare agencies may not always have interpreters or translated documents readily available for every language or dialect. **But agencies should provide you with language assistance to make sure you and your family understand what is happening, are aware of what you need to do to fulfill any requirements for your case, and can communicate effectively with everyone that is involved in your case.** This can include providing you with any written materials in your language of preference, having bilingual staff available, and providing an interpreter at no charge to you.

When possible, your caseworker should also make sure that any services you or your child are required to access are available in your preferred language. This can include things like making sure counseling or parent education services are available in your language. If your child is temporarily placed in another home (for example, with a foster parent), it can also include trying to place your child in a home where the caregivers speak and understand your child's primary language and culture. If you or your family have to appear in court, the court should provide you with language access services that will allow you to participate meaningfully in and understand the process.

Children as Interpreters

Children are often able to learn new languages more quickly than their parents. Like many immigrant and refugee families, you may be used to having your English-speaking child interpret for you when you are talking to someone who does not speak your language.

But having your child interpret for you, especially in complicated situations like meetings with a child welfare caseworker or at medical visits, could be harmful. It places a lot of stress on the child to interpret complex information correctly. It can also make the child feel like they are responsible for their parents' and family's welfare. In situations involving child welfare services, it could also mean that the child would have to interpret information about traumatic or difficult circumstances.

If you feel you are not able to communicate in English effectively with your caseworker, service provider, or other person involved in your case (for example, a doctor, counselor, lawyer, judge), the best option is to ask them to provide an interpreter. **No person involved in your case should ask for your child to serve as your interpreter.** By requesting an interpreter, you can avoid placing additional stress on your child during an already difficult time. An interpreter will be a professional who understands the topics you must discuss.

CHILD WELFARE AND IMMIGRATION ENFORCEMENT ISSUES

If you or your children have pending legal statuses or are undocumented, there are several things you should know and do to help ensure the well-being and unity of your family.

YOUR FAMILY'S RIGHTS

Your child has the right to attend public elementary and secondary school, regardless of your child's or your own immigration or citizenship status.

Every child in the United States has this right—even children who are undocumented and children with undocumented parents.

Public schools must make sure that children who don't speak or are learning English receive language assistance services so that they can participate in school lessons and activities and continue to learn English. Schools must also make sure that all parents have information about their child's school in a language they can understand, including information about enrollment, their child's classes, and school programs and activities.

The U.S. Departments of Justice and Education created a factsheet, [Confronting Discrimination Based on National Origin and Immigration Status: A Resource for Families and Educators](#), about the rights all children have in the United States related to their education. It also has information on what people can do if they feel their child's rights to education have been violated. The factsheet is available for download in [multiple languages on the U.S. Department of Justice website](#).

USAHello's webpage on [education law and rights](#) also has easy-to-read explanations about education rights in the United States.

You have the right to receive services and information related to your case in your language.

Agencies and organizations that receive funding from the Federal Government [must provide language assistance](#) for people who have limited English proficiency (that is, people whose primary language is not English and who have a hard time communicating in English).

Language assistance can include things like providing you with translations of important documents and information or providing you with an interpreter free of charge. The kinds of agencies and organizations that must provide you with language assistance include Federal courts and can include State and local courts, hospitals, social services and child welfare agencies, and schools, if they receive money from the Federal Government.

For a simple overview of your language access rights, visit the webpage [Your Right to Assistance in Your Language: Basic Information about Federal Language Access Rights](#) on the [LawHelp.org](#) website.

Your parental rights cannot be terminated simply for having an undocumented or uncertain immigration status.

Parents who become involved with child welfare services might be worried about their parental rights if their caseworker or CPS agency finds out that they or their child are undocumented. However, immigrant and refugee parents have the same parental rights as anyone else in the United States, regardless of their immigration status.

This means that, even if you are undocumented, you retain the parental rights and custody of your child. Parental rights can only be terminated involuntarily (that is, without the parent agreeing to it) if a court determines that the child cannot stay safely in their home because of the risk of harm by the parent or the inability of the parent to provide for the child's basic needs. But simply being undocumented is not grounds for termination of parental rights.

Your parental rights cannot be terminated because you are detained or deported.

If you are detained or deported by U.S. Immigration and Customs Enforcement (ICE), you still retain your parental rights and custody of your children. You also have the right to make decisions about what you want to happen to your children and who you want to care for them in your absence.

But parents who are detained or deported will have a harder time arranging for the care of their children if they are in ICE custody or another country. They will also have a harder time meeting requirements in a child welfare case plan if they can't access the services or meet the deadlines stated in the plan.

This could put detained or deported parents at risk of losing their parental rights.

ICE's [Parental Interest of Noncitizens Parents and Legal Guardians of Minor Children or Incapacitated Adults](#) (also known as the Parental Interests Directive) describes the procedures and policies that ICE must follow to make sure that parents who are detained or deported don't lose their parental rights. This includes allowing parents a phone call to arrange for someone to take care of their child (like a family member or immigration lawyer) and making sure parents can stay in contact with or visit their child, attend child welfare and custody court proceedings, and do the things required in a case plan to reunify the family.

If you are at risk of detention or deportation by ICE, it's important for you and your loved ones to become familiar with the Parental Interests Directive, know your rights as a parent, and have a plan for the care of your children (see the final section in this factsheet for information on family preparedness plans).



Learn More: Know Your Rights

The Women's Refugee Commission has several [resources for families](#) who are at risk of separation due to deportation. Many of these resources are available in both English and Spanish:

- [Know Your Parental Rights: If You Are Arrested by ICE Inside the United States](#)
- [What About My Children? Preserving Family Unity and Protecting Parental Rights When Facing Deportation: A Guide for Parents, Attorneys, and Advocates](#)

The following are other resources to help you know your rights and what to do if you are detained or deported:

- [Parent Know Your Rights Guides](#) (American Bar Association)
- [Know Your Rights](#) (available in English and Spanish from Informed Immigrant)
- [Know Your Rights: Immigrants' Rights](#) (available in English and Spanish from the American Civil Liberties Union)
- [Immigration Enforcement: Know Your Rights](#) (available in multiple languages from the National Immigration Law Center)
- [Resources for People Detained in the United States](#) (available in English and Spanish from Freedom for Immigrants)

If you are involved in a child welfare case and are unhappy with how your case is being handled, read Information Gateway's [From Complaint to Resolution: Understanding the Child Welfare Grievance Process](#). This factsheet is designed for parents and other caregivers who are looking for information about the best way to resolve their differences with a service provider or other child welfare professional.

YOUR FAMILY’S PREPAREDNESS PLAN

All families should have a plan to make sure their children are taken care of and everyone in the family stays safe in an emergency. This is especially true if there are members of your family who are at risk of detention or deportation because of their immigration status.

A family preparedness plan includes important information about family members, important family documents, and written plans for children's care if a parent or legal guardian is detained or deported. Here are some examples of what could be included in a plan:

- **Important family documents** like birth and marriage certificates, medical records, passports, immigration records, and other proofs of identification
- **Power of attorney or another legal document** that gives a trusted person the authority to take care of a child if their parents are not able to
- **Emergency contacts** for other family members or trusted friends
- **Health-care information and instructions for all family members**, including allergies, medical conditions, and any needed medications
- **Information about the children’s school**, like its location and pick-up and drop-off times, so a trusted adult can pick up the children if necessary

Parents should talk to their children about the family plan in an age-appropriate way. Children should learn the basic details of the plan, like who is allowed to pick them up from school and where the important documents are kept. Parents should also be sure that their children are comfortable with the plan and with who they are designating as the children's caregivers.

Parents also need to tell their children's school, day care, or other programs about who is allowed to pick the children up and who are their emergency contacts. Finally, parents should talk to their trusted family members, friends, or emergency contacts about the plan so everyone knows what to do.



Learn More: Make a Plan for Your Family

To learn more about family preparedness plans and how to create one for your family, see the following resources:

- [Family Preparedness Plan](#) (available in multiple languages from the Immigrant Legal Resource Center)
- [Steps to Take to Prepare Your Family](#) (available in English and Spanish from Informed Immigrant)
- [Make a Plan: Migrant Parents’ Guide to Preventing Family Separation](#) (available in [English](#) and [Spanish](#) from the Women’s Refugee Commission)
- [Emergency Preparedness for Immigrant Families: A 50 State Resource](#) (available in English only from CLINIC)
- [Protecting Assets and Child Custody in the Face of Deportation: A Guide for Practitioners Assisting Immigrant Families](#) (available in English and Spanish from the Appleseed Network)

CONCLUSION

Like any other family, immigrant and refugee families may face challenges that bring them to the attention of the child welfare system. But these families have unique needs and challenges because of their immigration or refugee status.

If your family becomes involved with the child welfare system, it's important to know your rights as a parent and plan for your family's safety. But it's also important to remember that the primary purpose of the child welfare system is to help keep your children and family safe and healthy. Your caseworker can be a good resource if your family is having a hard time finding the help it needs. Together, you can make sure your family reaches its case plan goals and grows stronger in your new home country.

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