

HELP SEPARATED FAMILIES ACT



The Help Separated Families Act (H.R.6128), introduced by Representative Lucille Roybal-Allard (D-CA), aims to keep families together and reduce the number of children in foster care as a result of immigration enforcement. The bill prioritizes keeping children with their families and out of the public child welfare system whenever possible and ensures that separated families receive appropriate care and due process.

WHY IS THE HELP SEPARATED FAMILIES ACT NECESSARY?

Immigration enforcement actions too often result in tearing families apart. In the first six months of 2011, over 46,000 parents of U.S. citizen children were removed from the United States, and it is estimated that over 5,000 children are currently in foster care due to a parent's detention or removal. Lack of coordination between the immigration enforcement system and the child welfare system can frustrate the reunification process, and child welfare agencies often refuse to place a child with an otherwise qualified relative caregiver if they are undocumented. Additionally, parents that have been detained or removed are often unable to participate in family court proceedings or meet case plan requirements which can result in the inappropriate termination of parental rights.

WHAT DOES THE HELP SEPARATED FAMILIES ACT DO?

- Prohibits immigration status alone from being a disqualifying factor in evaluating the placement of a child with a parent, guardian, or relative.
- Clarifies that states can accept certain forms of foreign identification for purposes of a background check for a child welfare placement.
- Allows for waivers of certain requirements that would prevent the placement of a child with a relative due to a minor legal infraction.
- Ensures that questions about caregivers' immigration status are limited to purposes of eligibility for relevant programs or services.
- Prevents child welfare agencies from filing for termination of parental rights in cases where a parent's involvement in immigration proceedings is the main reason a child is in foster care, unless the state has made a reasonable effort to locate and contact the parent of the filing, or if the parent is unfit or unwilling to be the child's parent.



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The First Focus Campaign for Children is a 501(c)(4) nonprofit affiliated with First Focus, a bipartisan children's advocacy organization. The Campaign for Children advocates directly for legislative change in Congress to ensure that children and families are a priority in federal policy and budget decisions.