



CALIFORNIA PSYCHIATRIC ASSOCIATION
921 11th Street, Suite 502; Sacramento, CA 95814
916-442-5196 ♦ calpsych@calpsych.org

RECOMMENDATIONS RE: SEPARATION OF FAMILIES BY U.S. GOVERNMENT*

The California Psychiatric Association (CPA) recommends that all decisions made in regard to the families which have been apprehended and detained by the U.S. Department of Homeland Security and other federal agencies policies align with the fundamental principle of meeting the best interests of children and families in a developmental framework. These recommendations derive from the scientific recognition that children and parents are traumatized by being separated from each other, and that trauma in childhood may have substantial health, developmental, and psychological impacts.

It is imperative to ensure that all children are treated with dignity and respect to protect their health and well-being and to eliminate any potential settings or conditions in which children may be re-exposed to either physical and/or psychological trauma. Therefore, the CPA recommends supporting policies in three relevant areas related to the treatment of families, of individual children and to the legal processes involving these children and their families.

In regard to the families, the CPA recommends support for policies that:

1. Allow for ongoing contact with relatives, if children must be separated from their parents
2. Eliminate the use of detention for the purpose of deterring future family migration or punishing families seeking asylum.
3. Eliminate the prioritization by federal authorities to arrest, detain, and deport parents of minor children in the U.S. Parents who have been placed into deportation proceedings should be considered for an “alternative-to-detention” program wherein parents are able to await deportation at home with their children as they to continue to care and provide for them and make arrangements for the future.
4. Eliminate the current practice of detaining families *en masse*, eg, Dilley, Karnes, and Barnes Family Residential Centers, and establish community-based alternatives.
5. Establish robust case management services for families thereby eliminating use of electronic devices for parents
6. Ensure that detained and deported parents are able to make decisions about their children’s care such as the policy, “parental interest directive”, which was implemented in 2013 aimed at upholding the rights of detained parents of minor children, including those involved in the child welfare system. Full and consistent implementation of such a policy is critical to the wellbeing of these children. Parents whose children are involved in the child welfare system should continue to be able to interact with caseworkers and participate in case plans and family court proceedings necessary to reunify with their children.
7. Allow for the development and funding of programs which are trauma-informed and include screening, assessment and treatment of symptoms of trauma, separation and loss, relevant to both immigrant children and their parents and who remain in detention.

8. Mandate releasing a family together and avoid gender-based disparate treatment, thereby applying equal treatment to mothers and fathers arriving with minor children, and neither fathers nor mothers should face separation from their minor children.

In regard to the children, the CPA recommends support for policies that:

1. Eliminate the detention of children who are in the custody of their parents.
2. Provide for comprehensive medical care which is culturally and linguistically relevant and includes standardized screening for trauma.
3. Provide for education, including special education, as necessary.
4. Mandate, if detention is necessary, especially for children who may have been exposed to trauma and violence, such children be placed in settings which meet basic standards for children's physical and mental health.
5. Provide for comprehensive post-release services for children who have been detained with the goals of promoting their safety and wellbeing.
6. In the event that enforcement actions are absolutely necessary in the presence of children, allow parents to designate a caregiver and to contact such. Children should neither be interrogated without the presence or consent of a parent nor be asked to translate for others, and parents or other family members should not be interrogated in the presence of children. Specialized training for federal agents should be mandatory.
7. Mandate that, when a child is to be released from a family detention center, that the child be released with her parent and siblings, absent extraordinary circumstances.

In regard to detention and immigration court proceedings, the CPA recommends support for policies that:

1. Mandate that, if detention is necessary, children not be separated from a parent, unless a family court, as opposed to an immigration court, makes that determination.
2. Especially in regard to families with mixed citizenship status, reinstate judicial discretion to allow judges to consider the impact of the potential hardship of a parent's deportation or ability to enter the country on their children, who are born in U.S., from both a developmental and psychological perspective.
3. Allow and encourage federal authorities to expand and consistently enforce a more robust "sensitive locations policy" to restrict enforcement actions from occurring at or near places, e.g., child care centers, schools, hospitals, that are fundamental to the health and wellbeing of children.
4. Provide for accessible legal counsel, including free or *pro bono*, throughout the immigration process, especially, when appearing alone before an immigration judge.

* approved by the Government Affairs Committee of the California Psychiatric Association, Oct. 23, 2018.