



Fact Sheet for Child Welfare Stakeholders: Overview of ICE Policies and Standards Related to Detained Parents

Please note that during times of quarantine or other public health crises, visitation with detainees may be limited or halted. Please consult <https://www.ice.gov/coronavirus> for the latest guidance regarding COVID-19.

Parental Interests Directive

The Directive entitled *Detention and Removal of Alien Parents or Legal Guardians (August 29, 2017)*: This Directive (hereinafter “Parental Interests Directive” or “PID”) establishes ICE policy and procedures to address the apprehension, monitoring, and removal of certain alien parents or legal guardians in the United States while safeguarding their parental rights. The PID and this flyer may be found here: <https://www.ice.gov/parental-interest>

Facilitating Participation in Family or State Court Proceedings

The Parental Interests Directive allows detained parents or legal guardians 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 is unduly burdensome on Field Office operations, or presents security and/or public safety concerns, facility staff will identify alternative means of participation, such as telephonic or video or standard teleconferencing, when technologically feasible. Evidence of the family court or child welfare proceeding, including a notice of hearing, scheduling letter, or court order, should be provided to the field office when making requests for the parent or legal guardian’s participation.

Parent-Child Visitation

Minor Visitors: Current detention standards permit a facility to allow visitation with minors as soon as possible and no later than 30 days after coming into ICE custody. However, each facility has its own rules regarding this, as well as all other visitation policies. Information for each ICE facility’s visitation rules and regulations, including whether contact visitation is permitted, may be found by looking up the specific facility online here:

<https://www.ice.gov/detention-facilities>. As an alternative, video visitation may be available at some facilities. Facilities should accommodate, to the extent possible, the scheduling needs of visitors who are unable to visit during set hours. Generous time allotments for visitation with minor children are recommended. Requests for visitation, and any special requests regarding visitation, may be made by a detainee or by a child welfare stakeholder (e.g. case worker, investigator, attorney).

Court Required Visitation: The Parental Interests Directive requires facilitation of parent-child visitation when mandated by the family/dependency court or child welfare authority, unless there are safety or security concerns. If in-person visitation is not practical, visitation may occur through video or standard teleconferencing, when technologically feasible. Child welfare stakeholders should inform ICE if special visitation, such as contact visitation, is required by a court or state child welfare agency.

Placement of Detained Alien Parents or Legal Guardians

If a detained parent has minor children or is involved in family court or child welfare proceedings it is recommended that you notify the ICE detention facility or Field Office as soon as possible to ensure they are aware of the situation. This informs ICE so they can take appropriate steps.

Coordinating Care or Travel of Child

Detainee Access: ICE personnel should facilitate, to the extent practicable, a parent or legal guardian’s efforts to make alternate care or travel arrangements for their minor child(ren). This may include access to consulates and family members in the weeks preceding their removal, so that parents and legal guardians can arrange care, sign documents, or make other necessary preparations. Coordination with the field office to allow access to detained parents and legal guardians for the purpose of executing signed documents, such as powers of attorney, passport applications, appointments of guardians, and other permissions, is also permitted.



Notice of Removal Itinerary: Subject to security considerations, the detained parent or legal guardian’s removal itinerary may be shared with child welfare stakeholders in order to coordinate travel arrangements for minor child(ren).

Phone Access

Calls with Attorneys: Each facility permits legal calls with attorneys or legal representatives and ensures privacy by providing a reasonable number of telephones in a setting where such calls cannot be overheard by staff or other detainees. Staff permits detainees to make such phone calls as soon as possible after the request and the detainee is granted access within 24 hours. (This includes calls to family or child welfare attorneys upon proof of representation.)

Calls with Child Welfare Stakeholders: Additional phone calls are permitted to allow a detained parent or legal guardian to make arrangements for their minor child(ren). This may include calls with immediate family members or others necessary to make alternate plans for care of minor children.

Minor Children Encountered During Enforcement Actions

At the time of apprehension, if an alien parent or legal guardian was not able to make alternative care arrangements, or if there was evidence that the minor(s) had been subject to abuse or neglect, ICE personnel may have contacted the local child welfare authority or local law enforcement to take custody of minor child(ren). ICE detention facility personnel may not be aware that the child(ren) are now in CPS custody. It is recommended that if a stakeholder is aware that the parent of a child in CPS custody is being detained by ICE, they notify ICE of the situation as soon as possible.

Contact Information and Additional Resources:

<p>To locate a detainee in an ICE Facility</p>	<p>The ICE Online Detainee Locator System (ODLS) can be found at https://locator.ice.gov/odls. Please try locating the detainee here first.</p> <p>If you cannot locate the individual using ODLS, please call the ICE ERO Detention Reporting and Information Line (DRIL) at 1-888-351-4024 Monday through Friday (excluding holidays) from 8:00 a.m. to 8:00 p.m. EST</p>
<p>Contact ERO Field Offices or Facilities</p>	<p>ERO Field Offices: https://www.ice.gov/contact/ero</p> <p>Facilities: https://www.ice.gov/detention-facilities</p>
<p>For questions related to the Parental Interests Directive or about specific cases</p>	<p>Email the Parental Interests Team at ICE Headquarters at Parental.Interests@ice.dhs.gov.</p> <p>The Parental Interests Team coordinates with all Field Offices on inquiries and provides guidance on the Parental Interests Directive.</p>
<p>ICE Detention Standards</p>	<p>To see which standard applies to a detention facility, see: https://www.ice.gov/doclib/facilityInspections/dedicatedNonDedicatedFacilityList.xlsx</p> <p>For specific standards related to communication and visitation, please see:</p> <ul style="list-style-type: none"> • National Detention Standards (NDS) 2019 Part 5 • Performance Based National Detention Standards (PBNDS) 2011 Part 5 • Performance Based National Detention Standards (PBNDS) 2008 Part 5 <p>https://www.ice.gov/detain/detention-management</p>