Serving Immigrant Families and Children in New York City's Child Welfare System

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This article describes the efforts and special initiatives of New York City's Administration for Children's Services to improve services to immigrant and English language learner populations. Children's Services convened an immigration issues advisory subcommittee, created special tools for child welfare staff, collaborated with legal agencies to assist foster children with immigration status adjustments, improved agency data collection, and launched an agency-wide training initiative on immigration issues. The challenges encountered by Children's Services offer important insight for child welfare agencies in other jurisdictions designing strategies to strengthen their services for immigrant communities.
Immigrants constitute approximately 12% of the United States’ current population (Center for Immigration Studies, 2004). New York City is currently the most ethnically diverse city in the United States. According to the 2000 U.S. Census, the number of foreign-born residents has increased by more than 800,000 in the past decade alone. The 2000 Census further reports that 35.9% of New York City residents, or 2,871,032, are foreign-born (Mayor’s Office of Immigrant Affairs, 2004). The increasing diversity in New York City, as well as throughout the United States, places new significance on the need for immigration-specific resources and culturally competent services.

New York City’s recent efforts to improve service delivery and access to immigrants and limited English-speaking New Yorkers included both Executive Order No. 41 and New York City Local Law 73, which protect immigration status as confidential information and enhance access to city services to people speaking languages other than English (Bloomberg, 2003; Council Int. No. 38-A, NY City Code, tit. 8, §1001–1010, 2003). Families whose primary language is not English pose a special challenge to child protective staff and the child welfare system in general. Inabilities of child welfare staff to communicate effectively with immigrant families who do not speak English may affect their capacity to conduct child protective investigations, assess safety and risk, and engage families in culturally relevant services. Advocacy groups historically have raised concerns about enhancing the city’s ability to meet the needs of immigrant communities, especially relating to child welfare services. This article describes the comprehensive efforts of New York City Administration for Children’s Services (Children’s Services, for short) and its successful partnership with immigrant advocacy organizations to develop the necessary tools, resources, and training for the child welfare system to serve New York City’s diverse communities in the best manner.
Background

Three years ago, representatives from Children’s Services and immigrant advocacy organizations formed a group to discuss concerns of the immigrant community. Recognizing the importance of immigration and language access issues in the child welfare system, Children’s Services later established this group as an official subcommittee of their Advisory Board. As a group, the advisory subcommittee created a set of tools to assist child welfare staff in working with immigrant and limited English-speaking children and families, collaborated with immigration advocates to facilitate processing of Special Immigrant Juvenile Status applications for foster children, analyzed various computer system qualifiers to identify improved mechanisms for collecting data on immigrant and limited English-speaking populations, and launched a training initiative on immigration and language issues to improve service delivery. Children’s Services also designed a comprehensive, citywide language access plan in accordance with Local Law 73 to improve access to child welfare services to all New Yorkers.

Children’s Services Subcommittee on Immigration and Language Issues

The Children’s Services Subcommittee on Immigration and Language Issues was cochaired by a senior official from Children’s Services and a member of an immigrant advocacy organization. The subcommittee met bimonthly and was comprised of immigration advocates and representatives from Children’s Services, the New York State Office of Children and Family Services (OCFS), the Mayor’s Office of Immigrant Affairs, legal offices specializing in child welfare and immigration law, and immigration advocacy organizations that participated on a regular basis. The
representation from various agencies and government offices was key to Children's Services' comprehensive strategy to explore ways in which service delivery to immigrant children and families could be improved.

Active discussion among the multidisciplinary group of child welfare and immigration professionals emphasized that immigrant families involved with the child welfare system face a myriad of obstacles in addition to possible language issues. First, benefit eligibility may compromise the availability of services because of a particular immigration status. Second, locating appropriate services in the language the family is most comfortable speaking can delay or appear insurmountable in a necessary service provision. Third, and perhaps the most challenging, is the fact that many immigrants are reluctant to interact with government officials or employees for fear of being reported to the U.S. Citizenship and Immigration Services (USCIS). Fourth, child welfare staff are often unclear about immigration status and agency policy concerning immigrants' eligibility for services.

The subcommittee discussed ways in which Children's Services could prepare staff to become more culturally competent and engage immigrant children and families. Drawing from the expertise of the subcommittee members enabled Children's Services to assess the service needs of growing New York City communities. It also provided a forum for effective collaboration with stakeholders to develop the tools necessary to address immigration and language issues.

### Tools to Assist Child Welfare Staff

The subcommittee recommended developing guidelines to provide child welfare staff with information on immigration status, clarify agency policy on eligibility for immigrants, and list important resources for immigrant and limited English-speaking children and families. The subcommittee also highlighted the need for
a language identification tool to assist staff in communicating more effectively and to remind staff that another family member should not be used as an interpreter, which could create conflicts of interest and prevent clear communication. As a result, Children’s Services, in collaboration with the advisory subcommittee, developed the Administration for Children’s Services Language Identification Card and The Immigration and Language Guidelines for Child Welfare Staff (Administration for Children’s Services, 2004).

The Language Identification Card

The Language Identification Card is one basic tool that helps child welfare staff quickly identify the primary spoken language of the child and families to coordinate services in that language. The card helps staff meet the requirements of Local Law 73. Also called “Equal Access to Human Services,” the law requires selected city agencies—including Children’s Services—to identify a client’s primary language at initial contact, seek interpretive services when necessary, record language services offered, and report language access efforts on an annual basis to the city council (Council Int. No. 38-A, NY City Code, tit. 8, §1001-1010, 2003). The Language Identification Card includes 27 different languages, as well as an offering for interpretive services for the hearing impaired. Reviewed by the subcommittee for translation accuracy, the languages on the card are the most commonly requested for interpretation and translation services at Children’s Services over the past several years. The card is in wide distribution at Children’s Services in a small, laminated format conducive to consistent use.

Speakers of any language may report abuse or neglect to the State Central Registry (SCR) in New York State, where operators have access to a 140-language, 24-hours-a-day interpretation service. Children’s Services also has 24-hour access to more than 100 languages for interpretation and translation services through a language access contract. It may not always be possible, however, to determine if a family needs an interpreter before making
the initial home visit. The Language Identification Card helps
determine the primary spoken language on initial contact, thus
expediting the arrangement of appropriate interpretation and
translation services. This is important when considering the man-
dates of Children's Services that must occur quickly.

For example, Children's Services is required to seek suitable
relatives for kinship care. Undocumented relatives can be con-
sidered as resources for children as long as they meet the require-
ments for prospective kinship resources. When kinship resources
are available to foster children, service providers can explore and
consider them more quickly when a communication gap is elimi-
nated through prompt language identification and arrangement
of language access services.

**Immigration and Language Guidelines**

*The Immigration and Language Guidelines for Child Welfare Staff* is a
comprehensive resource on immigration and language issues and
contains a copy of the Language Identification Card. It summa-
rizes key elements of local law relevant to immigration and lan-
guage issues, including the Mayor's Executive Orders Nos. 34 and
41 and Local Law 73, as well as the federal Special Immigrant Ju-
venile Status (SIJS) law (8 U.S.C. § 1101 [a][27][J], 2000; Aliens and
Nationality, 8 CFR § 204.11, 2001). The guidelines provide a brief
overview of immigration and language issues, clarify Children's
Services policies, define various immigration statuses available in
the United States, enumerate the rights of immigrants and English-
language learning New Yorkers, and contain internal and external
resources available for immigration-related assistance to facilitate
access to services.

The guidelines not only provide a synthesized review of com-
plex immigration policies at all levels of government, but also
serve as a directory with contact information of internal Children's
Services staff and many external resources. The agency's knowl-
edge of relevant work on current issues is continually growing
as a result of the advisory subcommittee, ongoing collaboration with local and national experts in the field, participation in meetings and conferences hosted by government or advocate organizations, membership in the New York City Mayor's Office of Immigration Affairs City Agency Taskforce, and staff's substantial practical experience with immigrant children and families at Children's Services.

Special Immigrant Juvenile Status

One important option discussed in the guidelines is SIJS status, which is sometimes available to immigrant children in long-term foster care. Unmarried, documented, or undocumented immigrants under the age of 21 are able to become lawful permanent residents of the United States in limited cases, such as when placed by the family court in long-term foster care or guardianship (Aliens and Nationality, 8 CFR § 204.11, 2001). For many foster children, this designation will be their only opportunity to obtain legal status.

Helping foster children obtain SIJS is crucial to their ability to work, attend school, and remain in the United States once they leave the foster care system. As such, Children's Services has a special responsibility to aid foster children in obtaining SIJS. The guidelines list attorneys who specialize in SIJS cases, work closely with Children's Services leadership, and know the most about the constantly changing policy and practice of USCIS.

Children's Services reinforces this fact by reminding child welfare staff to refer all foster children who are neither U.S. citizens nor lawful permanent residents to a legal service immediately. The legal services listed in the guidelines are expert in assessing foster children's eligibility for SIJS and can provide legal representation in obtaining this special immigration status. Because qualification depends both on foster care status and the timely filing of applications, social workers must bring any such
situation to the attention of the Children's Services court unit attorney promptly. Close consultation with Children's Services and immigration attorneys is necessary to obtaining legal status for foster children. Ongoing discussion with expert providers of free legal assistance for foster children that understand the nuances of immigration law can avoid delays that render a SIJS application invalid.

The meaningful collaboration with independent immigration attorneys paved the way for the exploration of more effective ways to assist undocumented children in foster care. Periodic meetings with legal organizations specializing in SIJS representation and the Mayor's Office of Immigrant Affairs developed unified advocacy for improving regional handling of SIJS cases in the federal system and led to the improvement of Children's Services' internal management of SIJS cases. While Children's Services first explored the fee payment process to ensure it was handled in the most time-effective manner, prompt identification of SIJS-eligible foster children became an additional priority. Children's Services created a centralized internal mechanism for managing immigration cases, which helps ensure timely referral and ongoing oversight across systems to facilitate successful processing of SIJS applications. It also provides consistent oversight of pending SIJS applications, individual consultation with child welfare workers about the SIJS process, and monitoring of changes in attorney resources. Understanding the universe of potential SIJS cases at Children's Services is imperative for guaranteeing that appropriate referrals are made for foster children and the necessary attorney resources are recruited for eligible children.

Language, Ethnicity, and Religious Computer Qualifiers

Attempts to identify the diverse populations served by Children's Services were limited by the language, ethnicity, and religion qualifiers in the multiple databases used for tracking children
and families in the child welfare system. The subcommittee recommended analyzing the existing qualifiers at local and state levels. The purpose was twofold: (1) to ensure that the most culturally sensitive terminology was used to identify ethnicity, language, and religion of children and families, and (2) to provide mechanisms for accurate data collection of children and families.

Accurate data about the populations served by Children’s Services shapes the service delivery to its diverse communities. Children’s Services divided the analysis into three categories: primary language, religion, and individual ethnicity. Staff-submitted suggestions for new and more culturally sensitive qualifiers to these categories were made, with further input from the Children’s Services Advisory Board Subcommittee on Immigrant Issues. Children’s Services continues to advocate for changes to the database structure at the local and the state levels. Improved qualifiers could achieve enhanced sensitivity to different cultures and a better system for providing informative statistics on service delivery to immigrant and limited English-speaking populations.

**Training on Immigration and Language Issues**

To educate staff, Children’s Services offers special training on issues particular to immigrants and limited English-speaking children and families, which compliments the common core curriculum required of new frontline staff. The training, facilitated by an expert in the field and a member of the advisory subcommittee, reviews Children’s Services policy and uses both *The Immigration and Language Guidelines for Child Welfare Staff* and the Language Identification Card as training tools. In addition, Children’s Services Division of Legal Services trains new attorneys about immigration law with an emphasis on SIJS with an internal legal expert and the use of the guidelines.

Identifying services and then making the appropriate referrals is a critical aspect of protecting and serving New York’s im-
migrant children and families. Training on immigration issues, therefore, has become a priority. First, Children's Services staff must be cognizant of the concerns that immigrant groups have about deportation and other sanctions when they interact with government systems. Second, staff must recognize the frustration and challenges associated with service delivery to children and families when there are no common languages in which to communicate. An important component of training is education about local and federal law related to immigration and language access. Mayor Michael R. Bloomberg's Executive Order No. 41, for example, includes immigration status on a list of issues that constitute confidential information. (Bloomberg, 2003). Therefore, the guidelines, Children's Services protocol, and training reinforce that city agencies, including Children's Services, cannot disclose immigration status unless special circumstances permit it. In addition, Local Law 73 encourages a revised protocol and training to address language access. While Children's Services already had interpretation and translation service available for use by child protection services, Local Law 73 requires additional efforts on the part of Children's Services to address language access, such as identifying the primary spoken language at the initial contact and conducting extensive tracking and reporting of language services provided to children and families.

Conclusion

The increased diversity in the United States and, in particular, New York City makes child culturally competent welfare services a clear priority. New York City's child welfare agency has made significant strides in developing strategies to improve service and language access to immigrant families and children. The successful collaboration of Children's Services with the immigrant advocacy community in the past several years has been crucial to these efforts. Children's Services established an internal task force
and developed an exhaustive plan to comply with recent legal mandates like the Mayor's Executive Order No. 41 and Local Law 73. The plan, which is published on the Administration for Children's Services website, includes resources for offering translation and interpretation services, initial steps toward a new database tracking the primary languages of the children and families served, and methods by which Children's Services staff will be trained to provide optimal language access. Children's Services is also planning to take additional steps in the near future to strengthen its capacity to serve immigrant families and children. These steps, combined with a strong collaboration with advocates for immigrant and limited English-speaking communities, offer a promising model for other jurisdictions seeking to design strategies to strengthen their child welfare services with diverse communities.

References


