

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: May 10, 2019

TO: Honorable Members of the Rules, Elections and  
Intergovernmental Relations and Neighborhoods Committee

FROM: Sharon M. Tso *SM* Council File No: 19-0002-S62  
Chief Legislative Analyst Assignment No: 19-04-0401

SUBJECT: Resolution relative to Unaccompanied Minors under the custody of the Office of Refugee Resettlement

CLA RECOMMENDATION: Adopt the attached revised Resolution to include in the City's 2019-2020 State Legislative Program, SUPPORT of Assembly Bill (AB) 163 which would require the State Department of Social Services to create a facilities liaison position within its immigration services unit to, among other duties, connect state-licensed group homes, Short-Term Residential Therapeutic Programs (STRTP), foster family agencies, and resource families that serve undocumented immigrant youth with appropriate support, including legal services, mental health assessments, and public benefits.

## SUMMARY

On April 10, 2019, a Resolution (Cedillo-O'Farrell) was introduced to support AB 163 (Garcia) which would require a group home or foster family agency that houses Unaccompanied Children, under the custody of Office of Refugee Resettlement (ORR), to report the number of unaccompanied undocumented minors and their length of placement, and arrange a meeting for those minors to meet with a specified organization providing legal and mental health services.

According to the Resolution, on April 6, 2018, the U.S. Attorney General issued a memorandum ("Zero Tolerance") which resulted in an increase in the number of Unaccompanied Children whom the Department of Homeland Security (DHS) detained and separated from their parents after attempting to cross the border without legal documents. DHS is responsible for the apprehension and the transfer of Unaccompanied Children to the Department of Health and Human Services (HHS) who coordinates their placement through ORR.

The Resolution states that the majority of Unaccompanied Children are cared for through a network of state licensed ORR-funded care providers which provide a continuum of care for children, including foster care, group homes, shelters, and residential treatment centers.

The Resolution further states that on January 7, 2019, Assemblywoman Cristina Garcia introduced AB 163 to require group homes or foster family agencies that house Unaccompanied Children, under the custody of ORR, to report the number of Unaccompanied Children and their length of placement, and arrange for those minors to meet with a specified organization providing legal services. AB 163 would also require county child welfare representatives to meet with each Unaccompanied Child, offer mental health services, and inspect the agencies at least quarterly.

The Resolution states that according to the ORR, nearly 2,000 unaccompanied minors were released in 2018 in Los Angeles County and many more remain detained.

The City of Los Angeles supports legislation to improve the living conditions of Unaccompanied Children housed in foster care and other agencies funded by ORR. Therefore, the Resolution supports AB 163.

BACKGROUND

On April 12, 2019, AB 163 was amended to require the State Department of Social Services to create a facilities liaison position within its immigration services unit to connect state-licensed group homes, STRTP, foster family agencies, and resource families that serve undocumented immigrant youth with appropriate supports and services, including legal services, mental health assessments, and public benefits. The bill would require the facilities liaison to arrange a meeting for each identified unaccompanied undocumented minor with a qualified organization to provide legal services.

Existing California Law

Existing law requires the State Department of Social Services, subject to the availability of funding, to contract with qualified nonprofit legal services organizations to provide legal services to unaccompanied undocumented minors who are transferred to the care and custody of the federal Office of Refugee Resettlement and who are present in the California.

Additionally, under existing state law, ‘unaccompanied undocumented minors’ are defined as children who have no lawful immigration status in the United States, who have not yet reached the age of 18, and who do not have a parent or legal guardian in the United States who is available to provide care and physical custody. This definition covers both youth who do not have parents or guardians present in the country and youth whose parents or guardians are present but unable to provide immediate care. This definition coincides with the definition of “unaccompanied alien children” under federal law.

Women’s Refugee Commission

On February 27, 2019, the Women’s Refugee Commission (Commission) testified before the House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies at a hearing entitled: “Reviewing the Administration’s Unaccompanied Children Program.”<sup>1</sup> According to the Commission, the Trump Administration has implemented three intentional policies that have led to extended lengths of stay in custody and lack of appropriate facilities for children: 1) the policy of Family Separation; 2) a Memorandum of Agreement (MOA) between DHS and ORR that provides for information sharing and permits ICE to detain and place in removal proceedings sponsors and other members of a household applying to sponsor a child; and 3) the decision to cancel the Central American Minors (CAM) Program. The Commission indicated that all three policies have led to an increased daily average number of children in ORR custody and an increased average length of stay in ORR custody, as well as the use of unlicensed facilities that house inappropriate numbers of children and do not meet child welfare standards.

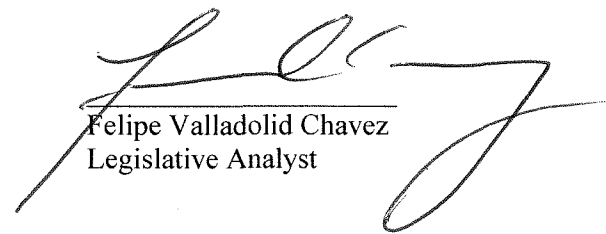
Council approval of the attached revised Resolution, which reflects recent changes to the bill, to support AB 163 would be consistent with the City’s intent to increase accountability and oversight of agencies housing unaccompanied minors.

AB 163 Bill Status

Introduced  
Amended  
Pending in Assembly Appropriations Committee

January 7, 2019

April 12, 2019



Felipe Valladolid Chavez  
Legislative Analyst

SMT:fv

Attachment: Revised Resolution

<sup>1</sup> The Women’s Refugee Commission is a nongovernmental, non-profit organization that works to identify gaps, research solutions, and advocate for change to improve the lives of crisis-affected women and children. For two decades, the Women’s Refugee Commission has monitored immigration detention facilities and migrant children’s facilities operated under the jurisdiction of Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and ORR.

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, on April 6, 2018, the U.S. Attorney General issued a memorandum (“Zero Tolerance”) which resulted in an increase in the number of minor children whom the Department of Homeland Security (DHS) detained and separated from their parents after attempting to cross the border without legal documents; and

WHEREAS, DHS is responsible for the apprehension and transfer of Unaccompanied Children to the Department of Health and Human Services (HHS) who coordinates their placement through the Office of Refugee Resettlement (ORR); and

WHEREAS, the majority of Unaccompanied Children are cared for through a network of State-licensed ORR-funded care providers which provide a continuum of care for children, including foster care, group homes, shelters, and residential treatment centers; and

WHEREAS, the Trump Administration and DHS Officials have released inconsistent data relative to the transfer, treatment, and release of Unaccompanied Children; and

WHEREAS, on January 7, 2019, Assemblywoman Cristina Garcia introduced Assembly Bill (AB) 163 to required group homes and foster homes to make available legal and mental health services to undocumented minors under the custody of ORR; and

WHEREAS, AB 163 was amended on April 12, 2019 to now require the State Department of Social Services to create a facilities liaison position within its immigration services unit to, among other duties, connect state-licensed group homes, short-term residential therapeutic programs (STRTP), foster family agencies, and resource families that serve undocumented immigrant youth with appropriate supports and services, including legal services, mental health assessments and services, and public benefits;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT of Assembly Bill (AB) 163 which would require the State Department of Social Services to create a facilities liaison position within its immigration services unit to, among other duties, connect state-licensed group homes, short-term residential therapeutic programs (STRTP), foster family agencies, and resource families that serve undocumented immigrant youth with appropriate support, including legal services, mental health assessments, and public benefits.