

File No. 180667

Committee Item No. _____
Board Item No. 64

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: June 26, 2018

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER

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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | United States Senate Bill 3036 - June 7, 2018 |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Jocelyn Wong
Prepared by: _____

Date: June 21, 2018
Date: _____

1 [Supporting United States Senate Bill 3036 (Feinstein) - Keep Families Together Act]

2
3 **Resolution declaring support for United States Senate Bill 3036, the Keep Families**
4 **Together Act, authored by Senator Feinstein, which prohibits an officer of a designated**
5 **agency from removing a child from his or her parent or legal guardian, at or near the**
6 **port of entry on the United States border.**

7
8 WHEREAS, On April 6, 2018, United States Attorney General Jeff Sessions released
9 an official memorandum and directive for federal prosecutors along the southwest border
10 entitled, "Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)"; and

11 WHEREAS, The memorandum outlines warnings of strict policies and harsh treatments
12 to deter prospective immigrants from attempting to cross the southern border with their
13 children; and

14 WHEREAS, Under this policy, adults suspected of crossing the United States border
15 illegally are detained in federal facilities or detention centers to await prosecution; and

16 WHEREAS, Under this policy, if it is found that children are in accompaniment, they are
17 forcibly and cruelly separated from their parents or guardians and placed in separate
18 detention centers run by the Office of Refugee Resettlement; and

19 WHEREAS, According to the United States Department of Homeland Security, 2,342
20 children have been separated from their parents and/or legal guardians after crossing the
21 Southern United States Board since early May 2018; and

22 WHEREAS, There is a severe lack of transparency and information about how
23 Customs and Border Protection physically tears children from their parents' arms, how or
24 whether parents are notified or kept updated on their children's conditions, or whether parents
25 and children are able to communicate; and

1 WHEREAS, According to the Texas Civil Rights Project, multiple parents reported that
2 after being traumatically separated from their children, they were not given any basic
3 information about where their children would go or for how long they would be apart; and

4 WHEREAS, This terrifying experience of being separated from one's child or one's
5 parent is traumatic and can lead to long-term physical and mental distress; and

6 WHEREAS, A chilling report revealed a father took his own life after the strain of being
7 separated from his three-year-old son and family after being detained in Texas; and

8 WHEREAS, The individuals and families who attempt to cross the United States border
9 to seek specialized relief and obtain asylum from life-threatening violence and persecution
10 experienced in home nations are incredibly vulnerable; and

11 WHEREAS, Further stress is inflicted on young children when they are forcibly
12 removed from their parents by federal law enforcement agents and such practices are
13 traumatizing, immoral, and unconscionable; and

14 WHEREAS, The High Commissioner for Human Rights of the United Nations, Zeid
15 Ra'ad Al Hussein, has referred to family separation as a "cruel practice" and has stated that
16 no nation should use family separation as a deterrent in the context of immigration; and

17 WHEREAS, These horrifying, inhumane, vicious practices completely violate American
18 values and are fundamentally unacceptable under the nation's ethics and global reputation as
19 a safe haven for immigrants; and

20 WHEREAS, San Francisco's representatives in Congress, including Senator Dianne
21 Feinstein, Senator Kamala Harris, and Congresswoman Nancy Pelosi have all condemned
22 the Trump administration's policy of separating families at the United States border; and

23 WHEREAS, Former United States First Ladies Rosalynn Carter, Hillary Clinton, Laura
24 Bush, and Michelle Obama, have all condemned the Trump administration's policy; and

25

1 WHEREAS, This destructive policy is not required under any level of
2 government in the United States; and

3 WHEREAS, This policy is unique to the Trump administration, and current officials,
4 including United States President Trump, Attorney General Jeff Sessions and Department of
5 Homeland Security Secretary Kirstjen Nielsen, can choose to end this practice, reunite
6 families, and release them together from detention facilities at any time; and

7 WHEREAS, On Thursday, June 7th, Senator Dianne Feinstein introduced United
8 States Senate Bill 3036 (S. 3036), the Keep Families Together Act; and

9 WHEREAS, This bill was drafted in consultation with the American Academy of
10 Pediatrics to ensure the protection and welfare of children and their families; and

11 WHEREAS, Senator Dianne Feinstein has gained the support of 48 other Senators
12 agree that the practice of ripping children from their families is inhumane, immoral, and un-
13 American, including Senator Kamala Harris; now, therefore, be it

14 RESOLVED, That the San Francisco Board of Supervisors urges the United States
15 Senate to approve Senator Feinstein's S. 3036, the Keep Families Together Act, to end the
16 Trump Administration's callous policy, protect the well-being of children, reunite families, and
17 uphold American principles, values, and ideals.

115TH CONGRESS
2D SESSION

S. 3036

To limit the separation of families at or near ports of entry.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2018

Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Ms. HARRIS, Mr. LEAHY, Mrs. MURRAY, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. NELSON, Mr. CARPER, Mr. MENENDEZ, Mr. SANDERS, Mr. CASEY, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. WARNER, Mr. MERKLEY, Mr. BENNET, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. MURPHY, Ms. HIRONO, Mr. KING, Mr. KAINE, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. HEINRICH, Mr. UDALL, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To limit the separation of families at or near ports of entry.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep Families To-
5 gether Act”.

6 **SEC. 2. LIMITATION ON THE SEPARATION OF FAMILIES.**

7 (a) IN GENERAL.—An agent or officer of a des-
8 ignated agency shall be prohibited from removing a child

1 from his or her parent or legal guardian, at or near the
2 port of entry or within 100 miles of the border of the
3 United States, unless one of the following has occurred:

4 (1) A State court, authorized under State law,
5 terminates the rights of a parent or legal guardian,
6 determines that it is in the best interests of the child
7 to be removed from his or her parent or legal guard-
8 ian, in accordance with the Adoption and Safe Fam-
9 ilies Act of 1997 (Public Law 105-89), or makes
10 any similar determination that is legally authorized
11 under State law.

12 (2) An official from the State or county child
13 welfare agency with expertise in child trauma and
14 development makes a best interests determination
15 that it is in the best interests of the child to be re-
16 moved from his or her parent or legal guardian be-
17 cause the child is in danger of abuse or neglect at
18 the hands of the parent or legal guardian, or is a
19 danger to herself or others.

20 (3) The Chief Patrol Agent or the Area Port
21 Director in their official and undelegated capacity,
22 authorizes separation upon the recommendation by
23 an agent or officer, based on a finding that—

1 (A) the child is a victim of trafficking or
2 is at significant risk of becoming a victim of
3 trafficking;

4 (B) there is a strong likelihood that the
5 adult is not the parent or legal guardian of the
6 child; or

7 (C) the child is in danger of abuse or ne-
8 glect at the hands of the parent or legal guard-
9 ian, or is a danger to themselves or others.

10 (b) PROHIBITION ON SEPARATION.—An agency may
11 not remove a child from a parent or legal guardian solely
12 for the policy goal of deterring individuals from migrating
13 to the United States or for the policy goal of promoting
14 compliance with civil immigration laws.

15 (c) DOCUMENTATION REQUIRED.—The Secretary
16 shall ensure that a separation under subsection (a)(3) is
17 documented in writing and includes, at a minimum, the
18 reason for such separation, together with the stated evi-
19 dence for such separation.

20 **SEC. 3. RECOMMENDATIONS FOR SEPARATION BY AGENTS**
21 **OR OFFICERS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary, in con-
24 sultation with the Secretary of Health and Human Serv-
25 ices, shall develop training and guidance, with an empha-

1 sis on the best interests of the child, childhood trauma,
2 attachment, and child development, for use by the agents
3 and officers, in order to standardize the implementation
4 of section 2(a)(3).

5 (b) ANNUAL REVIEW.—Not less frequently than an-
6 nually, the Secretary of Health and Human Services shall
7 review the guidance developed under subsection (a) and
8 make recommendations to the Secretary to ensure such
9 guidance is in accordance with current evidence and best
10 practices in child welfare, child development, and child-
11 hood trauma.

12 (c) REQUIREMENT.—The guidance under subsection
13 (a) shall incorporate the presumptions described in section
14 4.

15 (d) ADDITIONAL REQUIREMENTS.—

16 (1) EVIDENCE-BASED.—The guidance and
17 training developed under this section shall incor-
18 porate evidence-based practices.

19 (2) TRAINING REQUIRED.—

20 (A) All agents and officers of designated
21 agencies, upon hire, and annually thereafter,
22 shall complete training on adherence to the
23 guidance under this section.

1 (B) All Chief Patrol Agents and Area Port
2 Directors, upon hire, and annually thereafter,
3 shall complete—

4 (i) training on adherence to the guid-
5 ance under this section; and

6 (ii) 90 minutes of child welfare prac-
7 tice training that is evidence-based and
8 trauma-informed.

9 **SEC. 4. PRESUMPTIONS.**

10 The presumptions described in this section are the
11 following:

12 (1) **FAMILY UNITY.**—There shall be a strong
13 presumption in favor of family unity.

14 (2) **SIBLINGS.**—To the maximum extent prac-
15 ticable, the Secretary shall ensure that sibling
16 groups remain intact.

17 (3) **DETENTION.**—In general, there is a pre-
18 sumption that detention is not in the best interests
19 of families and children.

20 **SEC. 5. REQUIRED POLICY FOR LOCATING SEPARATED**
21 **CHILDREN.**

22 (a) **IN GENERAL.**—Not later than 180 days after the
23 after the date of the enactment of this Act, the Secretary
24 shall publish final public guidance that describes, with
25 specificity, the manner in which a parent or legal guardian

1 may locate a child who was separated from the parent or
2 legal guardian under section 2(a). In developing the public
3 guidance, the Secretary shall consult with the Secretary
4 of Health and Human Services, immigrant advocacy orga-
5 nizations, child welfare organizations, and State child wel-
6 fare agencies.

7 (b) WRITTEN NOTIFICATION.—The Secretary shall
8 provide each parent or legal guardian who was separated,
9 with written notice of the public guidance to locate a sepa-
10 rated child.

11 (c) LANGUAGE ACCESS.—All guidance shall be avail-
12 able in English and Spanish, and at the request of the
13 parent or legal guardian, in the language or manner that
14 is understandable by the parent or legal guardian.

15 **SEC. 6. REQUIRED INFORMATION FOR SEPARATED FAMI-**
16 **LIES.**

17 Not less frequently than once every month, the Sec-
18 retary shall provide the parent or legal guardian of a child
19 who was separated, the following information, at a min-
20 imum:

21 (1) A status report on the monthly activities of
22 the child.

23 (2) Information about the education and health
24 of the child, including any medical treatment pro-

1 vided to the child or medical treatment rec-
2 ommended for the child.

3 (3) Information about changes to the child's
4 immigration status.

5 (4) Other information about the child, designed
6 to promote and maintain family reunification, as the
7 Secretary determines in his or her discretion.

8 **SEC. 7. ANNUAL REPORT ON FAMILY SEPARATION.**

9 Not later than 1 year after the date of the enactment
10 of this Act, and annually thereafter, the Secretary shall
11 submit a report to the committees of jurisdiction that de-
12 scribes each instance in which a child was separated from
13 a parent or legal guardian and includes, for each such in-
14 stance, the following:

15 (1) The relationship of the adult and the child.

16 (2) The age and gender of the adult and child.

17 (3) The length of separation.

18 (4) Whether the adult was charged with a
19 crime, and if the adult was charged with a crime,
20 the type of crime.

21 (5) Whether the adult made a claim for asylum,
22 expressed a fear to return, or applied for other im-
23 migration relief.

1 (6) Whether the adult was prosecuted if
2 charged with a crime and the associated outcome of
3 such charges.

4 (7) The stated reason for, and evidence in sup-
5 port of, the separation.

6 (8) If the child was part of a sibling group at
7 the time of separation, whether the sibling group has
8 had physical contact and visitation.

9 (9) Whether the child was rendered an unac-
10 companied alien child.

11 (10) Other information in the Secretary's dis-
12 cretion.

13 **SEC. 8. CLARIFICATION OF PARENTAL RIGHTS.**

14 If a child is separated from a parent or legal guard-
15 ian, and a State court has not made a determination that
16 the parental rights have been terminated, there is a pre-
17 sumption that—

18 (1) the parental rights remain intact; and

19 (2) the separation does not constitute an af-
20 firmative determination of abuse or neglect under
21 Federal or State law.

22 **SEC. 9. CLARIFICATION OF EXISTING LAW.**

23 (a) **FEDERAL LAW.**—Nothing in this Act shall be in-
24 terpreted to supersede or modify Federal child welfare law,

1 where applicable, including the Adoption and Safe Fami-
2 lies Act of 1997 (Public Law 105–89).

3 (b) STATE LAW.—Nothing in this Act shall be inter-
4 preted to supersede or modify State child welfare laws
5 where applicable.

6 **SEC. 10. GAO REPORT ON PROSECUTION OF ASYLUM SEEK-**
7 **ERS.**

8 (a) STUDY.—The Comptroller General of the United
9 States shall conduct a study of the prosecution of asylum
10 seekers during the period beginning on January 1, 2008
11 and ending on December 31, 2018, including—

12 (1) the total number of persons who claimed a
13 fear of persecution, received a favorable credible fear
14 determination, and were referred for prosecution;

15 (2) an overview and analysis of the metrics
16 used by the Department of Homeland Security and
17 the Department of Justice to track the number of
18 asylum seekers referred for prosecution;

19 (3) the total number of asylum seekers referred
20 for prosecution, a breakdown and description of the
21 criminal charges filed against asylum seekers during
22 such period, and a breakdown and description of the
23 convictions secured;

1 (4) the total number of asylum seekers who
2 were separated from their children as a result of
3 being referred for prosecution;

4 (5) a breakdown of the resources spent on pros-
5 ecuting asylum seekers during such period, as well
6 as any diversion of resources required to prosecute
7 asylum seekers, and any costs imposed on States
8 and localities;

9 (6) the total number of asylum seekers who
10 were referred for prosecution and also went through
11 immigration proceedings; and

12 (7) the total number of asylum seekers referred
13 for prosecution who were deported before going
14 through immigration proceedings.

15 (b) REPORT.—Not later than 1 year after the date
16 of the enactment of this Act, the Comptroller General shall
17 submit to Congress a report that describes the results of
18 the study conducted pursuant to subsection (a).

19 **SEC. 11. DEFINITIONS.**

20 In this Act:

21 (1) AGENT; OFFICER.—The terms “agent” and
22 “officer” include contractors of the Federal Govern-
23 ment.

24 (2) CHILD.—The term “child” means an indi-
25 vidual who—

1 (A) has not reached the age of 18; and

2 (B) has no permanent immigration status.

3 (3) COMMITTEES OF JURISDICTION.—The term
4 “committees of jurisdiction” means—

5 (A) the Committee on the Judiciary and
6 the Committee on Health, Education, Labor,
7 and Pensions of the Senate; and

8 (B) the Committee on the Judiciary of the
9 House of Representatives.

10 (4) DANGER OF ABUSE OR NEGLECT AT THE
11 HANDS OF THE PARENT OR LEGAL GUARDIAN.—The
12 term “danger of abuse or neglect at the hands of the
13 parent or legal guardian” shall not mean migrating
14 to or crossing the United States border.

15 (5) DESIGNATED AGENCY.—The term “des-
16 ignated agency” means—

17 (A) the Department of Homeland Security;

18 (B) the Department of Justice; and

19 (C) the Department of Health and Human
20 Services.

21 (6) FINDING.—The term “finding” means an
22 individualized written assessment or screening by the
23 trained agent or officer that includes a consultation
24 with a child welfare specialist, formalized as required

1 under section 2(c) and consistent with sections 3, 4,
2 and 8.

3 (7) SECRETARY.—Unless otherwise specified,
4 the term “Secretary” means the Secretary of Home-
5 land Security.

○

Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS
SAN FRANCISCO

2018 JUN 28 AM 11:49
Time Stamp
for meeting date

BY



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Stefani, *Bohen*

Subject:

Supporting United States Senate Bill 3036, the Keep Families Together Act.

The text is listed:

Resolution supporting United States Senate Bill 3036, the Keep Families Together Act, which prohibits an officer of a designated agency from removing a child from his or her parent or legal guardian, at or near the port of entry on the United States border.

Signature of Sponsoring Supervisor:



For Clerk's Use Only

