

File No. 120805

Committee Item No. \_\_\_\_\_

Board Item No. 70

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date 07/31/12

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <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 Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

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| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Nicole Lyshorn

Date 7/25/12

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Supporting Reunification of Immigrant Families Divided By Deportation - Senate Bill 1064 and  
2 House Bill 6128]

3 **Resolution supporting the California Senate Bill 1064 – (Reuniting Immigrant Families**  
4 **Act) and Federal House Bill 6128 – (Help Separated Families Act) of 2012 that work to**  
5 **keep families united, and to reduce the amount of children placed in foster care as a**  
6 **result of immigration enforcement action, and urging State and Federal legislators to**  
7 **support these bills.**

8  
9 WHEREAS, Since June of 2009, the U.S. Immigration and Customs Enforcement  
10 (ICE) has deported over 75,000 residents of California through the “Secure Communities”  
11 program (“S-Comm”), which requires the sharing of fingerprint information at the point of  
12 booking by local or state law enforcement with the Department of Homeland Security/ICE;  
13 and

14  
15 WHEREAS, Since the implementation of S-Comm, about 70% of individuals deported  
16 as a result of the program have no criminal record, or have been found to have committed  
17 low level crimes; and

18  
19 WHEREAS, It is estimated that 22% of undocumented parents deported from the U.S.  
20 in 2010 have U.S. born children; and

21  
22 WHEREAS, According to a 2011 report by the Applied Research Center, in the first  
23 six months of 2011, the federal government deported more than 46,000 parents of U.S.  
24 citizen children nationwide; and

25  
WHEREAS, It is exceedingly difficult for immigrants who have been detained by ICE  
or who are in the deportation process to maintain contact with dependency courts or attend

1 custody hearings within the time frame required by law for the purpose of family  
2 reunification; and

3 WHEREAS, When parents fail to appear at custody hearings their children are  
4 deemed "abandoned," and the courts often terminate parental rights, very often leading to  
5 permanent separation of parent and child; and

6 ~~WHEREAS, When reunification is not possible, although child welfare policy~~  
7 prioritizes placing children with relatives, these placements often do not happen in immigrant  
8 families because undocumented relatives are deemed to live in unstable or unsafe  
9 situations; and,

10 WHEREAS, There are at least 5,100 children nationwide in the child welfare system  
11 as a result of their parents being placed in immigration detention or being deported, and this  
12 number is expected to rise to 15,000 in the next five years; and

13 WHEREAS, Most child welfare departments lack systemic policies to keep families  
14 united when parents are detained or deported; and

15 WHEREAS, The Reuniting Immigrant Families Act (SB 1064-De León) is a pending  
16 state bill that will eliminate family reunification barriers in the child welfare system for families  
17 that have been separated by deportation: on file with the Clerk of the Board of Supervisors in  
18 File No.\_\_\_\_, which is hereby declared to be a part of this resolution as if set forth fully  
19 herein; and

20 WHEREAS, Senate Bill 1064 will:

21 (1) Authorize the court to provide an extension in the family reunification period so  
22 that child welfare agencies can provide a more diligent search for parents who  
23 may be detained or deported, or help find a potential relative placement.

24 (2) Affirm that immigration status per se is not a disqualifying factor in evaluating  
25 placement of a child with a relative (including a child's own parents).

- 1 (3) Require the California Department of Social Services to provide guidance to social  
2 workers on referring children eligible for Special Immigrant Juvenile Status and  
3 other immigration relief options to receive assistance in acquiring protective status.
- 4 (4) Require the California Department of Social Services to provide guidance to  
5 counties and municipalities to establish Memorandums of Understandings with  
6 appropriate foreign consulates in child care custody cases; and

7 WHEREAS, The Help Separated Families Act of 2012 (HR 6128 – Roybal-Allard, D  
8 CA 34) is a pending federal bill that will eliminate family reunification barriers in the child  
9 welfare system for families that have been separated by deportation: on file with the Clerk of  
10 the Board of Supervisors in File No.\_\_\_\_, which is hereby declared to be a part of this  
11 resolution as if set forth fully herein; and

12 WHEREAS, House Bill 6128 will:

- 13 (1) Prohibit immigration status from being a disqualifying factor in evaluating  
14 placement of a child with a relative (including a child's own parent);
- 15 (2) Clarify that certain forms of foreign identification are sufficient for purposes of a  
16 background check on the relative placement;
- 17 (3) Ensure that questions about caregivers' immigration status are limited to purposes  
18 of eligibility for relevant programs or services;
- 19 (4) Allow for waivers of certain requirements that would prevent the placement of a  
20 child with a relative due to a minor legal infraction; and
- 21 (5) Prevent child welfare agencies from filing for termination of parental rights in cases  
22 where a parent's involvement in immigration proceedings is the main reason a  
23 child is in foster care, unless the state has made reasonable efforts to locate and  
24 contact the parent of the filing and made reasonable efforts to reunify the child;  
25 and

1           WHEREAS, San Francisco is a sanctuary-city that prevents City officials from  
2 inquiring about immigration status in the course of routine city service provision; and

3           WHEREAS, These bills would allow all residents of San Francisco, regardless of  
4 their immigration status, to apply for guardianship of a child and provide them a stable home  
5 in the wake of immigration detention and deportation; now, therefore, be it

6           RESOLVED, That the San Francisco Board of Supervisors supports passage of The  
7 Reuniting Immigrant Families Act (SB 1064-De León) in California and passage of The Help  
8 Separated Families Act of 2012 (HR 6128-Roybal-Allard) in the United States; and be it

9           FURTHER RESOLVED, That the San Francisco Board of Supervisors calls upon the  
10 California legislature, Governor Jerry Brown, and Attorney General Kamala Harris to support  
11 passage of SB 1064; and the U.S. Congress, Congresswoman Nancy Pelosi, California  
12 Senator Barbara Boxer, and Senator Dianne Feinstein to support passage of HR 6128-  
13 Roybal-Allard; and be it

14           FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the  
15 Clerk of the Board to send a copy of this resolution to California Senator Kevin De León,  
16 Assemblymember Fiona Ma, Assemblymember Tom Ammiano, Senator Mark Leno, Senator  
17 Leland Yee, U.S. Representative Lucille Roybal-Allard, U.S. Congresswoman Nancy Pelosi,  
18 Senator Barbara Boxer, and Senator Dianne Feinstein.

112TH CONGRESS  
2D SESSION

# H. R. 6128

To amend part E of title IV of the Social Security Act to ensure that immigration status alone does not disqualify a parent, legal guardian, or relative from being a placement for a foster child, to prohibit a State, county, or other political subdivision of a State from filing for termination of parental rights in foster care cases in which an otherwise fit and willing parent or legal guardian has been deported or is involved in (including detention pursuant to) an immigration proceeding, unless certain conditions have been met, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2012

Ms. ROYBAL-ALLARD introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend part E of title IV of the Social Security Act to ensure that immigration status alone does not disqualify a parent, legal guardian, or relative from being a placement for a foster child, to prohibit a State, county, or other political subdivision of a State from filing for termination of parental rights in foster care cases in which an otherwise fit and willing parent or legal guardian has been deported or is involved in (including detention pursuant to) an immigration proceeding, unless certain conditions have been met, and for other purposes.



*California*  
LEGISLATIVE INFORMATION

File No. 120805

**SB-1064 Child custody: immigration. (2011-2012)**

AMENDED IN SENATE APRIL 16, 2012

AMENDED IN SENATE MARCH 19, 2012

CALIFORNIA LEGISLATURE— 2011–2012 REGULAR SESSION

**SENATE BILL**

**No. 1064**

**Introduced by Senator De León**  
**(Coauthor(s): Senator Correa, Vargas, Yee)**  
**(Coauthor(s): Assembly Member Alejo, Mitchell,**  
**V. Manuel Pérez, Swanson, Williams)**

**February 13, 2012**

**An act to amend Section 3040 of the Family Code, to amend Sections 1510 and 1514 of**



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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 a different form.**

**Sponsor(s):**

Campos, Olague, Avalos, *Chid Cohen, Mr*

**Subject:**

Resolution Supporting Reunification of Immigrant Families Divided By Deportation – SB 1064 – De Leon and HR 6128 – Roybal-Allard

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: *David Campos*

For Clerk's Use Only: