



Detained Parents & Legal Guardians FAQ

This flyer is intended to answer commonly asked questions you may have regarding your minor children or incapacitated adults for whom you are a primary caregiver. Included are suggestions for steps you can take and resources that are available to you to assist in various situations.




Toolkits and other resources mentioned here can be located on the ICE Electronic Law Library (LexisNexis) under "Parental Rights". Look for the Electronic Law Library symbol:




What do I do if...


I suspect that my child(ren) are being abused or neglected or have been abandoned by their caretaker?

- Tell facility staff that you would like to report potential child abuse, neglect, or abandonment to a state child welfare authority or contact the Detention Reporting and Information Line (DRIL) 9116#.
- Provide as much information as possible about the incident(s), including the child(ren)'s full names, dates of birth, and last known location/residence, as well as information about the alleged abuser.
- Appendix C of the Supplement to the *Detained or Deported: What About My Children?* Toolkit  (in English only) has information and contact information for child abuse hotlines nationwide.

How do I make an alternative care agreement for my dependent (minor child or incapacitated adult)?

- *Delegation of Parental Authority* forms can be used to temporarily give permission to someone to take care of your minor children (available for most of the 50 states). Steps:
 1. Notify your case officer that you need to make an alternative care arrangement.
 2. For a minor child, complete the form for the state where the children will be living.
 3. Most forms need to be notarized, so fill out a Detainee Request form or tell your case officer that you need a notary.
 4. Once completed and notarized, mail the form to the person who will be caring for your child(ren). You may also ask for a copy to keep for yourself.
- For other care arrangements or for legal referrals, call the ABA Detention and Legal Orientation Program Information Line at 2150#.
- The *Detained or Deported: What About My Children* toolkit  (in English and Spanish) has information about protecting your rights as a parent or legal guardian when you are detained or deported (Chapter 1) and making care arrangements for your children (Chapter 2).

I have a pending Child Welfare/Family Law/Guardianship/Custody case or Child Protective Services (CPS) investigation?

- You can contact your child welfare case worker, legal representative, and/or child welfare agency. You can also ask for confidential phone calls or visits (in-person or virtual) with your child welfare or family law legal representatives.
- If you have an upcoming child welfare or family law hearing, ICE can assist with facilitating your participation in the hearing by phone, video, or possibly in-person. You or your attorney will need to provide information about the upcoming hearing, such as the date, time, and location or other participation information (such as the phone number to call or video conference link). Call the DRIL if you need assistance with obtaining this information.
- The *Detained or Deported: What About My Children* toolkit  has information about the child welfare system and child welfare proceedings (see chapters 3-8). The Supplement to the Toolkit also contains state-by-state contact information for various state agencies and services (Appendix G), state-specific handbooks and forms for parents with children in the child welfare system (Appendix E), and information about family court lawyers (Appendices D and N).




What do I do if...

I am being removed and want my child(ren)/dependent incapacitated adult to come with me?

Note: If your child(ren) are in the custody of a state child welfare agency or are wards of the court or under court supervision, it is up to the judge and/or child welfare agency whether you will be permitted to be reunified with your dependent prior to removal.

U.S. citizen children with legal status in the U.S.

- If your child is a U.S. Citizen, ICE can assist with getting you the special forms for minor children to obtain U.S. passports and getting the forms notarized once completed. Detained parents can call a U.S. passport center for assistance at: 1-877-487-2778/ 1-888-874-7793 (TDD/TTY) Monday through Friday 8 am – 10 pm EST.
- The supplement to the *Detained or Deported: What About My Children* toolkit  has sample applications for U.S. passports (see Appendix I) as well as supplemental forms (see Appendix J) that are needed in cases where a parent is unable to accompany the child to the passport office. If neither parent is able to accompany the child to get the passport, additional forms may be required, as well. Please contact your ICE officer or contact the DRIL if you have questions.


Alien children

- If your child(ren) are aliens, notify the ICE officer that is handling your case. You will complete a **Notice of Potential Rights form**, documenting your request to be removed with your child, and ICE will begin the process to assist with reunification. If your child is currently in the custody of the Office of Refugee Resettlement (ORR), then ORR will make the final decision regarding the reunification.

I am detained at a facility that does not allow in-person visitation with my dependent?

- Even if your facility does not allow for in-person visitation with minors or an incapacitated adult, you may request to arrange a visit. The request should be decided within 30 days. Visits may be facilitated through telephonic or video means if in-person visits are not possible.
- You may also request a transfer to a facility that does permit in-person contact visitation with minor children. These requests are usually decided within 30 days.
- **Note:** At times when in-person social visitation is discontinued for safety, health, or other reasons, requests for such visitation with minor children will not be able to be accommodated. However, telephonic and video visits may still be possible.

I am having an issue with communication, visitation, or custody of my child(ren) or other dependents who are in the care of their other parent or legal guardian?

- ICE can facilitate a call, but if the other parent or guardian objects to communication or visitation with the child(ren) or other dependent, ICE cannot otherwise assist.
- If the other parent is unwilling to cooperate in communication, visitation, or custody, consult the *Detained or Deported: What About My Children?* toolkit  regarding what your rights and legal options are.



If you need assistance with any matters involving your dependent child or incapacitated adult, tell an ICE officer or contact the Detention Reporting and Information Line (DRIL) at 9116# on the speed dial.