

The Reuniting Immigrant Families Act Overview

The Reuniting Immigrant Families Act (“SB 1064” or “The Act”), enacted September 30, 2012, is the nation’s first law addressing the reunification barriers faced by many immigrant families involved with the child welfare system. The law clarifies that maintaining children’s ties to their families remains the priority despite barriers imposed by immigration status, including immigration detention and deportation.

Reasonable Efforts

The Act clarifies that reasonable efforts must be provided to reunify a family after the court and child welfare agency consider the particular barriers a detained or deported parent faces in accessing services and maintaining contact with the child.



- The Act lists examples of ways the agency can help deported parents including helping them contact local child welfare authorities and obtaining services in their country.
- Parents detained by immigration authorities can be ordered to engage in counseling, parenting classes, or vocational training programs under the Act, but only where those services are actually accessible. The Act also provides examples of how the agency can assist detained parents, including with phone and in-person visitation, transportation, and services for relatives and foster parents caring for the child.

For more information see ABA/ILRC Reasonable Efforts handout

Extended Reunification Periods

The Act added immigration-related issues to the list of compelling reasons for which the court can extend the period of family reunification services. As with other listed special circumstances, extension of the service period is not automatic. In determining whether to extend a reunification deadline, the court will examine:

- Parental contact & visitation (taking into account any barriers posed by the parent’s immigration situation);
- The parent’s progress in resolving the issues that led to the child’s placement in foster care; and
- Whether the parent has demonstrated the capacity or ability to complete his or her case plan.

Under SB 1064, courts also have the authority to extend the time period in which the agency may pursue a diligent search for a parent who may have been detained or deported, or to find a potential relative placement.

For more information see ABA/ILRC Reunification Period Extension handout



Relative Placements

SB 1064 includes a number of provisions confirming equal treatment of relatives, regardless of immigration status. Recent changes to the law:¹

- Prohibit the disqualification of relatives (including parents) based on immigration status alone;
- Clarify that relatives receive preferential placement consideration regardless of immigration status;
- Allow certain alternative types of documentation for non-citizen relative records checks; and
- Describe how a child removed from the custody of his or her parents may be placed with a relative outside the United States if the court finds that placement to be in the best interest of the child.

For more information see ABA/ILRC Relative Placements handout

Immigration Relief Options

SB 1064 requires the California Department of Social Services to provide guidance to child welfare agencies on assisting children eligible to apply for Special Immigrant Juvenile Status (SIJS), T and U-visas, and Violence Against Women Act self-petitions.

For more information see ABA/ILRC Immigration Relief handout

Encouraging Agency/Consulate MOUs

SB 1064 requires the California Department of Social Services to provide guidance on establishing Memoranda of Understanding (MOUs) with appropriate foreign consulates in juvenile court cases in which a parent has been arrested and issued an immigration hold, detained by DHS, or deported.

Sample MOUs & relevant policies are available at
<http://research.jacsw.uic.edu/icwnn/state-specific-resources/#California>

For more information see ABA/ILRC Consulate MOU handout



¹ Most of these recent changes were made by SB 1064. The last, which addresses a child's placement outside the United States, was added by AB 2209, enacted July 17, 2012.