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Serving Immigrant and Refugee Families in the Child Welfare System

A Report and Recommendations to the Secretary of the Wisconsin Department of Children and Families

by

The Workgroup on Safety and Well-Being for Immigrant and Refugee Children and Families

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Introduction

In 2008, one in 11 children in Wisconsin (123,000 children) lived in an immigrant family.[1] Nationally, one in five children is either an immigrant or the child of an immigrant. Three quarters of children in immigrant families in Wisconsin are U.S. Citizens born in the United States. Wisconsin still has one of the lowest rates of growth of immigrant children in the Midwest, but that rate is increasing. Between 2000 and 2008, the number of children in immigrant families in the state increased by 30,000. In 2009, approximately 523 refugees entered the state, and in 2010 this number is estimated to be 844. According to the Department of Public Instruction, some 48,000 identified immigrant students or English language learners are attending K-12 public and private schools across Wisconsin.

In other words, Wisconsin's immigrant and refugee population is growing. This comes as no surprise to local public agencies across the state, that strive to provide quality services and to maintain best practices when serving Wisconsin families. As is evident by the changes in the state's minority populations, the increase in the number of immigrant and refugee children and families is not limited to one region of the state, or even to exclusively urban or rural regions. Immigrant and refugee families face unique challenges in accessing and benefiting from services to achieve safety and well-being. Caseworkers need specific training and expertise to adequately serve immigrant and refugee families, and to find specific options for permanence available for immigrant and refugee children. Furthermore, in order to engage immigrant and refugee families in the case process, caseworkers need specific policy guidance that refutes myths about immigration laws, provides cultural education, and helps explain the legal systems of child welfare and immigration law when they intersect.

To that end, the Workgroup on Safety and Well-Being for Immigrant and Refugee Children and Families has prepared this report with recommendations for the development of policy, programs, and education needed to serve Wisconsin's immigrant and refugee population. The Department formed and currently leads this workgroup, which is a collaboration of county agency representatives, state advocacy groups and local service providers, the Department of Justice, and the Department of Public Instruction. The mission of the Workgroup is "To assure that the goals

[1] From the Wisconsin Council on Children and Families 2008 WisKids Count Issue Brief: "Wisconsin Children in Immigrant Families."

of safety, permanence and well-being are given the same priority for immigrant and refugee children and families as they are for all those served by the Department of Children and Families and its contracted entities." The Workgroup first met in July, 2009 and has held 10 meetings, during which the workgroup heard from experts and discussed policy on topics such as immigration law, access to language interpretation in the civil and criminal justice systems, out-of-home care placement options for immigrant and refugee children, caseworker cultural competencies, and service accessibility.

This year, DCF included the Workgroup in its Program Improvement Plan (PIP) for the federal Child and Family Services Review. As part of the PIP, the Department must review a report to be issued by the Workgroup regarding recommendations for policy and program initiatives. DCF will prioritize those recommendations based on feasibility and projected impact on access to services, and develop an implementation plan to pursue policy and program objectives to improve access to bilingual and culturally-competent services statewide. This report fulfills the first requirement under the PIP initiative. In this report we have included background information to provide context to our recommendations. The report is not meant to serve as a comprehensive summary of all immigration laws or every policy consideration, but as a guide in the decision-making process as DCF takes the next steps in improving child welfare for immigrant and refugee families.[2]

[2] Please note that we have combined our study to look at issues affecting both immigrant and refugee families. Immigrants and refugees may enter the United States for different reasons, but many of the issues affecting both families in the child welfare system are the same. Refugee and other immigration statuses are discussed later in this report.

Findings and Recommendations

The Workgroup recommends the following actions for policy and program improvement, in no particular order:

The Need for Policy and Standards

Kyi and Tun are mother and father in a refugee (Burmese) family that arrived in Wisconsin about 6 months ago (they have five children ages 1-9). They have no relatives in Wisconsin, as they just moved there from Ohio. Kyi and Tun had been having disagreements about the need for Kyi to work. Tun also suffers from Post-Traumatic Stress Disorder (PTSD) from his experiences of persecution in Burma before fleeing to the United States. The disagreements led to isolated incidents of violence in the home, which culminated in Tun being arrested for attempted homicide – he used a knife to try to kill Kyi and himself. Kyi managed to call emergency assistance, and both Kyi and Tun were hospitalized for a week.

At the hospital, two interpreters were needed. Hospital staff called the local child welfare agency, and the five children were removed from their home and placed separately into three foster homes. Both children and parents speak very limited English. Kyi was unable to communicate with hospital and agency staff to determine where her children would be placed. The five children, having experience with instability, were not sure whether they would ever see their parents or siblings again. Now out of the hospital, Kyi wants to file for a divorce and is attempting to comply with court orders so that she can be reunified with her children. There are few resources available to help her achieve these goals. Interpreters are needed for this family wherever they seek service. The child welfare agency is unfamiliar with the history experienced by this family, and communicating with Kyi and case planning is a challenge. Interpreters are an expensive cost to the county, and Kyi is not aware of which public benefits she is eligible for as a refugee. Tun is now in jail, and a Burmese interpreter is needed every time he goes to court. The criminal justice system is not equipped to understand or adequately treat his PTSD to help him work towards release into the community. Even basic tasks like setting up visitation schedules with his wife and children is a challenge from the jail. The five children live with foster parents whose cultural habits and food are vastly different from what they are used to at home, and communication with their foster parents is difficult. Without the necessary resources, the family, court system, and child welfare agency are all struggling to ensure the safety and well-being of this family.

There is limited mention of issues specifically related to immigrant, refugee or bilingual families in the Department's child welfare policies. On page 37 in Chapter 12, the CPS Access and Initial Assessment Standards give some guidance regarding the caseworker's responsiveness to cultural practices. On page 38 the Standards require that the CPS caseworker assures that an adult interpreter or translator be available to assist with communication when applicable.

The unique needs of immigrant and refugee families require more than an awareness of cultural differences, or the brief mention of a need for translation services. Caseworkers need guidance to fully understand eligibility requirements for services, understand the basics of immigration law to gather relevant information and direct children to legal assistance, have guidelines to follow in

making placements with immigrant relatives, and more. The most common questions that arise in local agency contact with the Department regarding immigrant and refugee children and families are:

- I have found a placement with this child's relative, which would be in the child's best interest, but I do not believe the relative is a U.S. Citizen. Does the statute require that a relative placement be with a U.S. Citizen?
- There are no placements available for this child, and he or she is not a U.S. Citizen. Should I send the child back to his or her place of origin?
- This family is not from the U.S., are they eligible for public benefits?

As is clear with little further discussion, the answer to any of these questions can have a significant impact on a child's life. Placing a child with his or her family has proven to lead to the best outcomes for children nationwide, and Wisconsin's most recent federal Child and Family Services Review (CFSR) shows that relative placements is an area in which the state needs to improve. Before local agencies blindly eliminate relative placement options for children, further guidance should be issued to assist agencies in making those decisions. Further clarity is needed about both the legal requirements that must be followed for compliance, and the assessment process for placing a child with an immigrant relative, or a relative living outside of the United States.

As is discussed in the next section, even if a child has entered the United States without legal permission, or his or her visa expired while in the U.S., there are myriad options for that child to obtain legal immigrant status. In fact, there are several unique immigration options for children in the child welfare system. Furthermore, especially if a child has lived in the United States since a young age, sending the child back to his or her birthplace is not necessarily the best permanence option. As an example, many immigrant children are brought to the United States illegally by their parents or other adult family members when they are very young. They have no say in the matter and certainly did not form the intent to enter and reside in the country illegally or overstay their visa. Nevertheless, they grow up in the United States, they go to school here, the family they know is here, they text and use Facebook with their friends here, and they speak English fluently. They may not know anyone in their country of origin. Often they do not speak their "native" language well, if at all. Would it be in such a child's best interests to be returned to the country in which he or she was born? In many cases, the answer is clearly no. Guidance is needed to refute cultural myths

and provide caseworkers with better information to make placement decisions, especially when no viable options appear to exist in the United States.

Determining a family's eligibility for public benefits can be difficult, especially since there may be several different immigration statuses that apply to different family members, making them eligible for different programs. Better guidance is needed to help agencies navigate through the federal and state laws that apply to various groups.

These are only some of the general policy concerns identified by the Workgroup. Policy is also needed to give clear guidance and instruction on translation and interpretation under the Civil Rights Act, questions to ask (or not ask) during interviews, how to make referrals to immigration counsel, important findings to preserve on court record, and cultural sensitivity. Other policy areas, like responding to victims of human trafficking and cultural awareness when placing a child in out-of-home care, are discussed specifically in other sections of this report.

Another major gap in policy is agency preparedness for assisting children left homeless when their parents are deported, or detained for deportation proceedings. Some states are in the process of developing policy on how to respond when federal officials remove a large number of families to detain them for deportation proceedings (also known as "ICE raids"). Often in these circumstances, the children are left behind with no parents, or they are sometimes removed and detained with their parents, even if they are U.S. citizens. Iowa child welfare agencies were forced to respond to such a raid in 2008, when nearly 400 people were arrested by immigration officials in one night. Wisconsin has yet to experience such a large-scale raid, but some Wisconsin counties have already faced difficulty in knowing how to respond when just one or two families are removed from their homes for possible deportation. Other counties have experienced situations where families have moved suddenly, taking their children out of school and leaving their homes, because the threat of an ICE raid was rumored to be eminent. Both federal and state policy can influence the frequency of these types of removals. Case workers need guidelines for safety planning with individual families, strategies for reunification or finding placements for homeless children, and building community networks to prepare for serving multiple immigrant and refugee families at once.

Recommendations: We recommend that a subcommittee be formed with additional DCF consultants to develop and issue policy addressing these and other identified areas affecting immigrant and refugee children, to guide case practice for child welfare agencies serving immigrant and refugee children and families. Training must be a primary facet of the implementation of any such policy that is developed.

Immigration Status

Hugo was 14 years old when he came to the attention of a private practice attorney. He was brought to the United States from Honduras by his parents, and had been living in Wisconsin since the age of seven. Neither he nor his parents had lawful immigration status. While living in Wisconsin, Hugo was severely beaten and tortured by his parents. When the abuse came to the attention of county officials, he was removed from his parents' home and his parents were arrested and charged. Hugo's social worker had attended a seminar by a private practice attorney (who spoke for free at the seminar) regarding Special Immigrant Juvenile Status (SIJS). The social worker contacted the attorney, told her Hugo's story, and asked the attorney to help Hugo with his immigration status. Everyone in the case – the social workers, the guardian ad litem, the corporation counsel – agreed that it was essential to Hugo's best interests to remain in Wisconsin. Yet he did not have immigration status, the lawful right to be here. Hugo's attorney was told that the county could not pay for her legal services. The attorney was put in the position of either representing Hugo for free, or knowing that he would likely not have immigration representation at all.

Had an attorney not addressed Hugo's immigration status while he was a minor, he would have aged out of the foster care system without status. He would have no longer been eligible for SIJS, and he would not have been eligible at that time for any other type of visa or status. He would not have been able to attend college. In fact, he would have likely been removed from the country after living here for over a decade. Hugo spoke fluent English and Spanish, and he loved texting and using Facebook with his friends. Wisconsin was his home and he was an American child. To refuse Hugo the assistance he needed to stay in his home because of a lack of funding would have been a tragedy.

Hugo's case is typical of many where caseworkers do not have the knowledge base they need to identify a child's need for legal services early on, and local agencies do not have the funding to provide adequate representation for children to ensure their safety and well-being. Pro bono private practice attorneys and private non-profits are frequently forced to bear the burden of ensuring immigrant and refugee children in our system have the legal representation necessary for them to attain access to the resources or legal status they need to maintain their safety and well-being. The welfare of these children is the responsibility of the system whose charge it is to care for them, and agencies need policy, training, and resources to meet that responsibility.

A common misunderstanding regarding immigrant and refugee families is that they fall into two categories: U.S. citizens, and non-citizens. Often, this inaccurate understanding of immigration law is accompanied by the belief that any non-U.S. citizen living in the United States is doing so illegally.

To fully understand the complexities of immigration law and the various statuses of immigrants and refugees living in this country would require an expertise which caseworkers should neither be required nor expected to learn. However, a basic knowledge of how immigrants and refugees enter the United States and the various statuses they obtain in order to live here is essential to assure that immigrant and refugee children and families are given proper access to the services for which they are eligible, and to ensure that caseworkers do what they can to assist children to obtain the immigration status that will best meet their well-being needs. Finally and perhaps most importantly, knowledge about how a child came into the United States and their immigration status is highly relevant information for child welfare case planning.

For example, a child that is a victim of human trafficking might be eligible for a T Visa, U Visa, or SIJS (these options are described further below). Human trafficking is a serious crime, the victims of which will often need special services related to complex mental and physical health needs based on the harsh working conditions, and/or the physical and sexual violence to which they are subjected. Victims will also need legal assistance with their immigration status, if they or their primary care givers are foreign-born. U.S. federal law provides immigration relief and funding for services to victims of human trafficking. Victims are young children, teenagers, men, and women who are subjected to force, fraud or coercion for the purpose of sexual exploitation or forced labor. Traffickers can be pimps, factory or sweatshop owners, producers of raw materials, agricultural operations, business owners (especially in tourism and entertainment), or informal employers. Often, traffickers are relatives (such as a spouse, parent, aunt, or uncle), or someone else the victim knew and trusted. Traffickers betray their trust and keep victims in a climate of violence and fear, preventing them from escaping their situation.

Without proper training, many caseworkers will not have the tools necessary to identify a situation as one of human trafficking. Victims of human trafficking are often wrongly treated as criminals (charged with prostitution or put in deportation proceedings if they are mistaken for smuggled individuals or other individuals who remain in the country undocumented by choice), when in fact they need protection from traffickers and services to address the conditions of exploitation, abuse and manipulation under which they have lived. Often, it is up to the child welfare agency to direct the child's case toward organizations providing such services before law enforcement becomes the dominant agency guiding the community response. The Office of Justice Assistance Human

Trafficking Committee (of which DCF is a member), in collaboration with the Wisconsin Coalition Against Sexual Assault, is developing a Human Trafficking Protocol to provide individuals and agencies in Wisconsin with guidelines for responding to human trafficking. The Protocol addresses some of the educational and policy gaps discussed in this report, to provide direction to local agencies in facilitating a coordinated response to properly address the needs of human trafficking victims.

What follows is a brief summary of just some of the immigration relief options (or immigration statuses) available. Much of this language is taken from the publication, "A Social Worker's Tool Kit for Working with Immigrant Families," developed by the Migration and Child Welfare National Network.

U.S. Citizenship: While this status may seem obvious, many children do not realize that they are U.S. citizens. This may be because they do not know where they were born, do not realize that being born in the U.S. makes them a U.S. citizen, or because changes may have occurred (like their parents becoming citizens while the child was a legal permanent resident) resulting in the child becoming a citizen without the child realizing it. Training around this issue is necessary so that U.S. citizen children can be more easily identified.

Refugee: A refugee is someone legally admitted to the United States who cannot return to his or her country "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."[3] The population eligible for the services specified for "refugees" include refugees, asylees, Cuban and Haitian entrants, Iraqi, Afghani SIV, certain Ameriasians from Viet Nam who are admitted to the U.S. as immigrants, certain Amerasians from Viet Nam who are U.S. citizens, and victims of a severe form of trafficking who receive certification or eligibility letters from the Office of Refugee Resettlement (ORR). The term "refugee," used in this document for convenience, is intended to encompass persons who are eligible to participate in refugee program services according to ORR definitions.

VAWA Relief: A child is eligible for permanent residency under the provisions of the Violence Against Women Act (VAWA) if he or she has been "battered or subject to extreme cruelty"

[3] From the UN Convention Relating to the Status of Refugees 1951 and Protocol 1967.

(including purely emotional abuse) by a U.S. citizen or permanent resident parent or stepparent. This relief is also available to a child of a parent who has been a victim of domestic violence by his or her U.S. citizen or permanent resident spouse.

T and U Visas: Child and adult victims of certain serious crimes who cooperate with authorities in investigating or prosecuting the crimes may be eligible for visas designed to protect victims and provide them with lawful status. The U visa is available to noncitizens who suffer substantial physical or mental abuse resulting from a wide range of criminal activity including assault, domestic abuse, incest, etc. The applicant must possess information concerning the criminal activity and must help in the investigation or prosecution of the criminal activity.

The T visa is more specialized. It is available to victims of human trafficking. This includes (a) trafficked persons who were forced or defrauded into performing sex acts, or while under the age of 18 were induced to perform such an act (sex trafficking), or (b) trafficked persons who were coerced or defrauded into involuntary servitude (labor trafficking). Prior to filing an application for T or U visa, victims have the option to request "continued presence status" for 1 year, which allows them to stay in the country and start receiving necessary services right away, while the information for the T or U visa application is being collected or the case is being investigated or prosecuted.

Asylum and Temporary Protected Status: People who fear returning to their home country because of an individualized fear of persecution can apply for asylum or withholding of removal. A person who fears torture by the home government for any reason can apply for benefits under the Convention Against Torture. Juveniles applying for asylum or withholding are entitled to specific protections and evidentiary rules under the government's *Guidelines for Children's Asylum Claims*.

People from certain countries that have experienced devastating natural disaster or civil strife may be eligible for Temporary Protected Status, which provides temporary permission to be in the U.S. and temporary work authorization. In recent years the U.S. has designated countries such as Bosnia-Herzegovina, El Salvador, Kosovo, Sierra Leone, and Somalia for TPS or similar relief. Applicants need only prove that they are nationals of a country that is currently designated TPS, and have been in the U.S. since a required date.

Unaccompanied Child or Minor: This includes both children who are totally alone and those who are with some non-parental adult, related or not. Within this group, there are children with legal status to be eligible for immigrant relief such as children with U or T Visas. Some enter the U.S. with no legal status (often brought in by an adult) and are considered "undocumented." They have complex immigration legal needs and, if left without adult supervision or care, considerable social service needs.

SIJS: An important immigration status relevant to children being served by the child welfare system is Special Immigrant Juvenile Status, or SIJS. Created in 1990, SIJS offers undocumented children in out-of-home care the chance to become immediately eligible to file for legal permanent residency in the United States. To apply, the child must be under the age of 21, have a juvenile court order in place (CHIPS, JIPS, or delinquency), and must show that reunification with one or both parents is not viable due to abuse, neglect, or abandonment. Two major challenges have prevented the effective use of this type of relief for children: timing, and a lack of knowledge by both child welfare agencies and the courts.

Although the process to apply for SIJS can take less than a year, in some jurisdictions it takes longer, and a child loses his or her eligibility once the juvenile court order is terminated. This is especially a problem in Wisconsin, because a CHIPS order is usually terminated once the child turns 18. The issue of timing is directly tied to a lack of knowledge about the process, because child welfare agencies and the courts do not identify eligibility early enough (if ever) to refer the child to counsel for assistance in applying for SIJS. Immigration status is bestowed by the federal immigration courts, but the child must be under a juvenile court order in the state circuit court, and that circuit court must make specific findings regarding the child's best interests and the potential for reunification to lay the foundation for application to the federal court. Even when caseworkers are well-informed, or an immigration lawyer is involved, to request that these findings be made, the courts are often ill-informed about the process and thus not able to make the necessary findings. This problem is prevalent not only in Wisconsin but nationwide, resulting in a large number of eligible children who never obtain legal residency.[4]

[4] See the report, "Undercounted. Underserved." published by the Annie E. Casey Foundation.

Children who obtain legal residency status through SIJS become eligible for public child welfare services to meet their well-being needs, which is especially important to children who will be aging out of care. Once a child receives SIJS status, child welfare agencies are able to save significant costs by receiving federal reimbursement for the child's care. For these reasons, timely identification and application for SIJS is paramount.

Recommendations:

1. Train child welfare staff regarding the process for applying for SIJS, VAWA, T and U Visas, and other forms of immigration relief so that caseworkers have basic information they can use to spot issues and make timely and appropriate referrals. This training should include resource tools such as desk aids to assist caseworkers in issue spotting and recommended procedure. DCF should collaborate with the Director of State Courts Office (DSCO) to offer training to judges and the court system regarding the different forms of immigration relief, and the intersection of immigration and the children welfare system. Specifically, DCF should assist in identifying speakers and coordinating trainings for legal and judicial programming such as the "Through the Eyes of the Child" GAL conference and the Juvenile Law Seminar.
2. Provide training on human trafficking, domestic violence and mental health issues when working with immigrant communities.
3. Once the Human Trafficking Protocol (currently under development by the Office of Justice Assistance Human Trafficking Committee and the Wisconsin Coalition Against Sexual Assault) is completed and reviewed, DCF should adopt it as policy and encourage local agencies to do the same.
4. Implement a formal system for referring children to immigration attorneys to assist in applying for all forms of immigration relief. Develop specific policy and procedures for caseworkers to identify when legal representation is needed, how to make referrals, and how to assist legal counsel in obtaining certain documents and assisting the juvenile court in making specific findings. (California has developed comprehensive materials that could be used as a model.)
5. Collaborate with the legal community to develop a formal network of attorneys who are on-hand to receive referrals from the child welfare system.

6. Secure funding for state and local agencies to retain counsel for all children who are in the care and responsibility of the county or state. The number of children in need of counsel for legal immigration issues is simply too large for the state and counties to continue to rely on pro bono services. Attorneys' pro bono work is limited, and when a child's safety and well-being depends upon the child's access to adequate legal services, the state should provide those services for children in agency care.
    a. Research options for retaining counsel (for example, as an expert for the GAL; as an expert for the child's advocacy counsel; as the GAL; as a county independent contractor; or as a state employee).
    b. Research the cost-benefit analysis of using state funds to contract with attorneys directly. Recent federal legislation assures the federal reimbursement of foster care funds used to provide services to children who have obtained SIJS status. The state should assist local agencies to hire attorneys to help children obtain SIJS and other immigration relief when in the best interest of the child, which in the long term will save government funds spent on public assistance.
7. Introduce legislation expressly conveying subject matter jurisdiction on juvenile and probate courts to enter SIJS orders when appropriate. Currently, Wisconsin juvenile and probate courts appear to have such jurisdiction, but it is not express. Often obtaining a SIJS order is more difficult and time-consuming than it needs to be because Wisconsin courts are unfamiliar with SIJS and unclear about their role in the SIJS process. Extensive briefing and oral argument is then necessary to explain to the courts why they are being asked to participate in federal immigration proceedings.
8. DCF should support federal legislation (such as the Foster Children Opportunity Act, introduced in 2008), which would require that all children in foster care be screened for SIJS eligibility and assisted through the legal process to obtain SIJS and eventually Legal Permanent Resident Status.

Training & Resources

Maria was a 17-year-old child, born HIV positive and living with AIDS, when she came to the attention of a private practice attorney. Her mother had died in Guatemala, Maria's country of birth, when Maria was a young child, and her father abandoned her in Guatemala shortly thereafter. Maria's uncle brought her to the U.S. when she was eight, looking for better medical care as Maria's HIV turned into AIDS. Neither Maria nor her uncle had lawful immigration status. Maria attended middle and high school in Wisconsin. Through a non-profit organization, Maria received the medical treatment she needed to live. Her uncle obtained a minor guardianship of her but, after seeking help from the county for several months, he was eventually forced to file a CHIPS petition to directly access services to help him care for Maria.

A county social worker familiar with Maria found a private practice attorney to represent her with regard to her immigration status for free. Maria was in removal proceedings. The attorney had to scramble to file paperwork in state court necessary for Maria's federal immigration relief, which should have been filed years earlier, since Maria had been eligible since the day she came to the attention of New York and Wisconsin social workers after having been abandoned by her father. Maria was about to age out of eligibility for the only immigration relief she was eligible for at age 18. Maria's attorney was unable to get the necessary paperwork in time. Maria would have been removed from the United States, and lost access to the only medical treatment keeping her alive, had she not had an alternative asylum argument particular to her unique case. Had Maria's previous social workers been trained to identify these issues earlier on, Maria's safety and well-being would not have been in such jeopardy of being compromised.

Training and further professional development is essential to the implementation of any new programs and policy recommended in this report. The Professional Development System recognizes that training is something that can be implemented now, before new policy is even developed. For that reason, the Professional Development System (which is represented in the Workgroup) has decided to pursue the development of curricula for caseworkers regarding the fundamentals of serving immigrant and refugee families as a primary separate initiative. Several attorneys and local organizations have the capacity to provide training regarding the basic facets of immigration law, protocols for serving victims of human trafficking, eligibility for public benefits, and other topics. The Professional Development System has also identified a skills gap in caseworkers regarding these topics, and has indicated that funding is available to develop and provide such training. Through the Professional Development System, DCF should identify topics that should be covered in preservice and ongoing training. As more policy is developed and issued, a more advanced series of curricula should be developed as part of the implementation of those policies. Other states and organizations have developed curricula on specific topics affecting immigrant and refugee families in the child welfare system, such as training and guidelines to help families going through the deportation process (Appleseed) and a project to address systemic gaps in knowledge, policies and procedures within child welfare agencies to respond to victims of human trafficking (Illinois – *Building Child Welfare Response to Child Trafficking,* IOFA/LOYOLA Project).

Finally, the Workgroup has designed and posted a web page on the DCF website to provide information and resources for families and agencies:
http://dcf.wisconsin.gov/children/immigrant_refugee/default.htm
This website could become a valuable resource for families navigating their way through the child welfare system, and for agencies in search of information and resources to help them best serve immigrant and refugee families.

Recommendations:

1. Make training a primary initiative:
    a. Through the Professional Development System, identify topics to include in foundational and ongoing training to child welfare workers.
    b. Partner with local attorneys and organizations to provide training on various topics affecting service to immigrant and refugee children and families.
    c. Develop curricula to provide advanced training on certain topics.
    d. Pursue topic areas that should also be included in mandatory foster parent training.
2. Make training a key facet of any implementation plan for pursuing other programs and policies to improve service to immigrant and refugee children and families.
3. Continue to develop the DCF web page on child welfare for immigrant and refugee families and keep it updated to serve as a resource to both families and agencies.

Permanency Options

Luisa is an 18-month old baby – a U.S. citizen born in the United States – who is left homeless in a Wisconsin county after her mother's parental rights were terminated and her father's incarceration. Luisa has lived with her maternal aunt for several weeks successfully, but her aunt is living in the U.S. without lawful immigrant status. The judge presiding over Luisa's case, unwilling to continue placement with Luisa's aunt, has ordered the county agency to pursue placement with Luisa's paternal aunt in Mexico. The child welfare agency is struggling to take the next steps: conducting a home study (and monitoring a case) in Mexico will be difficult and expensive, and whether it is in her best interest to place Luisa – a U.S. citizen – in Mexico is not absolutely clear (even though her father is encouraging the move). Luisa's entire future may be altered by this single decision.

Immigrant and refugee children have the same options as children with U.S. citizenship when it comes to out-of-home care. They can be placed into foster care, Kinship Care, congregate care, or correctional placements. Children in out-of-home care have access to services such as Medical

Assistance and Free and Reduced meal programs in schools, regardless of immigration or citizenship status.

Questions arise regarding immigration status and how it affects an individual's ability to become a relative placement, obtain foster care licensure, or receive reimbursement for caring for a child. Even when the foster parent is a U.S. citizen, there are concerns about the reliability of local criminal background checks if the foster parent has only lived in the United States for a short period of time. Sometimes, relatives of immigrant children live in the United States without proper documentation, but this does not always mean that they are not appropriate placements for a child. In other instances, there may be a fit and willing relative living in another country. Local agencies need guidance and assistance to know how to make proper assessments, and to have the resources to seek relatives who may be living outside the United States. Under new federal and state legislation, agencies must make diligent efforts to locate and notify relatives regarding a child's removal from the home. This includes relatives living outside the United States, and agencies need training to know how to locate and contact those relatives. If guidance in these areas is not provided, immigrant and refugee children will be more likely than other children in the child welfare system to not be placed with a family member or permanent home.

For cases where placement with a relative is not possible, special efforts should be made to recruit foster parents who can provide a substantially similar cultural environment for the child as that of the child's home, and training for improved cultural competence and cultural sensitivity should be provided to all foster parents. Basic differences in acceptable behavior, such as sleeping arrangements or communication styles, can lead to undue friction between children and their temporary caregivers. Moreover, community members with cultures similar to immigrant and refugee children may not be naturally drawn to come forth as foster care parents, if the concept of foster care is not a part of their native culture. Child placing agencies should make special efforts to reach out to these community members who could provide loving homes in a culturally-nurturing environment for children. Collaboration with community organizations can assist in such recruitment, and assist in fostering cultural connections for children removed from their homes.

Finally and most importantly, guidance is needed for agencies assessing reunification with parents who have been deported. Some caseworkers or agencies will rule out options for reunification, even

when the parents are fit to care for their children and the only basis for the separation is deportation. When parents are deported, they retain the same rights to their children as any other parent. Separating immigrant and refugee children from their parents prevents them not only from the obvious advantages of a permanent home and family, but also from a cultural upbringing that is crucial to the identity, well-being, and mental health of the child. Many of these cultural considerations can be paralleled to cultural considerations made under the federal and state Indian Child Welfare Act. Research demonstrating the importance of a child's connection to his or her family's traditions, language, and culture is partly why the department worked diligently to codify the federal law into Wisconsin state statutes. The interest of preserving cultural connections for immigrant and refugee children must be equally protected by providing policy and guidance to agencies evaluating permanence options for those children.

Collaboration with other stakeholders can help caseworkers seeking permanence for immigrant and refugee children. Some states, like Florida, have established ongoing connections with foreign consulates to conduct a criminal background check overseas. It may be difficult for every county in Wisconsin to have access to those types of connections. However, DCF could take on the role of establishing those connections and providing information to local agencies when needed. Foreign consulates provide information not only for conducting foreign background checks, but also have many resources to assist in serving their nationals living in the United States. Training programs regarding policy in serving immigrant and refugee populations should include information about contacting consulates for background checks or assistance in providing services.

The Illinois Department of Children and Family Services (DCFS) entered into a Memorandum of Understanding (MOU) with the Mexican Consulate in 2001, and has kept it renewed and active. That MOU provides protection of Mexican minors involved with DCFS and ensures the delivery of services afforded by the Vienna Convention, the Bilateral Convention and other treaties and laws. It also provides a framework that allows DCFS staff and Mexican consular officers to coordinate activities of mutual interest and concern. The renewed MOU requires the exchange of more detailed case information with the Mexican consulate, and the delivery of a published guide for Mexican national parents who become involved with DCFS investigations. The Mexican Consulate in Chicago has approached Wisconsin DCF to enter into a similar MOU.

Collaboration with non-governmental international organizations is also critical, as these organizations offer services from an unbiased position and can help agencies connect with resources in several countries. Many of these organizations exist that can assist with transportation, reintegration and repatriation (e.g. the International Organization for Migration (IOM) repatriation program can cover costs for victims of crime who are willing to return to their home country, as opposed to being forcibly removed by ICE, in which case the federal government takes care of transportation).

Recommendations:

1. Research regulations on placement options with individuals of varying immigration status and develop a guide sheet to explain relevant rules for licensing immigrant and refugee families or providing payments.
2. Develop policy and provide training on assessing immigrant and refugee families as placement options, seeking relatives in foreign countries, conducting comprehensive background checks of such relatives, and finding unique alternatives for children to be placed with family.
3. Make special efforts to recruit foster parents from culturally and linguistically diverse backgrounds.
4. Provide cultural competence and sensitivity training to all foster parents.
5. Establish relationships with foreign consulates, international organizations, and local service centers to assist local agencies in finding placements and providing services to children removed from home. Enter into Memoranda of Understandings (MOUs) with the Mexican consulate, and other foreign consulates.

Services to Immigrant & Refugee Families

A Bantu refugee family of five (parents with 3 children) qualifies for W-2 programs and has been receiving monthly checks – just enough to cover the rent. A notification letter written in English and dated November 17 arrived in the mail to their home, stating that they must call their case worker to set up an appointment by November 30 or they will loose their W-2 benefits. With their limited proficiency in English, they did not understand the letter or recognize the urgency. (There is a notice at the top of the letter, written in English, providing a number to call for help with translation). On December 1, the family's W-2 check did not arrive and they missed their rent payment. The landlord sent a letter of eviction on December 5, giving them 10 days to pay or face eviction. An uncle came to visit shortly thereafter, and the husband showed him the letter for him to translate. Now the family is panicking about losing their W-2 benefits and becoming homeless.

The federal and state laws governing eligibility for public benefits for immigrant and refugee families can be overwhelming. These eligibility laws are even more daunting without a basic understanding of the various immigration statuses, because eligibility can vary based on an individual's status. Caseworkers with a high case load are already challenged to connect children and families with adequate services, especially when those services are not available. These challenges are compounded when eligibility is limited, or when services unique to the needs of immigrant and refugee families are not available. In the state's Round 2 CFSR, it was specifically noted that "there are insufficient services available for non-English speakers" and "there is a lack of Spanish-speaking or culturally competent services in most of the State." (Page 76, CFSR final report).

Although the availability of services for immigrant and refugee families can be highly dependent upon financial resources or public policy, the department should strive to ensure that connecting families with available services is never prevented due to a lack of knowledge about eligibility.

Recommendations:

1. Produce a guidebook that explains eligibility for services based on immigration status. This guidebook would be available as a resource for all local service agencies, as well as law enforcement. The department is required to produce this resource under the state's PIP. The guidebook should be provided electronically on the DCF web page and reviewed regularly to be kept up-to-date.
2. Collaborate with local advocacy centers to provide training to assist local service agencies and the Office of Crime Victim Services to understand eligibility (using the guidebook as a teaching tool), and to encourage collaboration in connecting families with services.
3. Collaborate with the Department of Health Services and other government entities to advocate for better access and eligibility for children and families.
4. Support public policy that supports enhanced services for children in the child welfare system who are victims of crime (such as the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010 that is currently being considered at the federal level).

Language Access

Real-life cases shared with the Committee to Improve Interpreting in the Wisconsin Courts*:*
• *A judge who asked a woman to interpret for her husband during their divorce trial.*
• *A defendant who victimized speakers of various Asian languages, but who faced trial only on those counts where an interpreter could be found for the victim's language.*
• *Judges who used the arresting officer or another prisoner as an interpreter.*
• *Children who were asked to interpret for their parents, including cases where sexual matters were discussed.*
• *An interpreter who encouraged a respondent at an injunction hearing to not contest the petition, despite the fact that she had brought 3 witnesses to testify on her behalf. This led to the court granting an injunction against the respondent without her being able to tell her side of the story.*
• *A judge who asked a sexual assault victim to interpret for the perpetrator at sentencing.*
• *Conflicts of interest because the particular linguistic community is so small and the interpreters know the families, e.g. a case in Milwaukee Children's Court requiring Thai interpreters*
• *Bilingual attorneys being told by the court that they have to interpret the proceedings for their client and that no interpreter will be provided*
• *A non-English speaking litigant being appointed the wrong language interpreter and it not being realized until trial.*

Without the ability to communicate with service providers, caseworkers, and in court, families navigating through the child welfare system can become powerless. Many immigrants and refugees living in Wisconsin are not proficient in the English language. These families speak a variety of languages such as Spanish, Hmong, Somali, Chinese, Russian and Polish. Many of these individuals may speak English fluently, but may not be able to read or write English, which becomes a significant point of misunderstanding when dealing with government systems. The state's Round 2 CFSR noted that "there are insufficient interpretation services." (CFSR final report, p. 76.) The challenge of improving language access for Wisconsin's families is both a policy and a resource issue.

The lack of proper interpretation services is not a problem unique to the state's child welfare system. The circuit courts, the justice system, private providers, and the education system are all struggling to provide adequate interpretation and translation services in a timely and effective manner. Interpreters can be scarce, especially in rural counties, and finding funding is always a challenge. State agencies should collaborate to develop solutions to this problem so that they are combining efforts, and not tackling this problem individually. The Workgroup's program recommendations to improve language access were submitted to the department in the Budget Paper analysis entitled "Language Access Issues Affecting Services to Children and Families." We have attached that paper as Appendix B to this report. We understand that the department has already submitted its budget request for the 2011-2013 biennium. Due to the timing of this report, we ask that the attached Budget Paper be submitted as a recommendation to the next executive administration.

The need for adequate interpretation services can never truly be met until specific resources are designated on a statewide level to address the problem cross-departmentally. This can be done in a more financially-efficient manner through the use of a centralized pool of interpreters that would be available to all local and state agencies, which is our recommendation in the attached Budget Paper. Currently, agencies statewide frequently use family members, neighbors, siblings, or child victims themselves to interpret for children who have been abused, or for parents who are accused of committing abuse. To ignore the lack of access to professional interpreters in these situations would be to condone this practice, which clearly compromises an agency's ability to properly ensure the safety and well-being of children.

While access to adequate interpreters raises programmatic concerns, there are policy changes the department can make now to assure that caseworkers are well-trained and prepared to follow best practice when serving families with limited English proficiency.

Recommendations:

1. Develop better, more detailed policy regarding when an interpreter is necessary under the law and best practice in providing interpretation services, and how to convey the need for interpretation services to the court system as early as possible.
2. Train caseworkers regarding the rights of families to interpretation services and agency responsibility to provide interpretation under specific circumstances. Information should also be provided regarding the importance of using certified interpreters.
3. Strengthen policy to emphasize that, because of conflict of interest issues, using a family member or other non-neutral party as an interpreter is never an acceptable option. The provision of resources, such as the program proposal in Appendix B, is absolutely essential in order to fully implement any such policy.
4. Develop policy to provide a hierarchy of preference for choosing an interpreter under exigent circumstances or when a professional interpreter is not available (and that a family member is never a viable option).
5. Create an assessment tool at initial contact to identify the language and literacy needs of the family. Require that information about oral and written language proficiency and non-English languages spoken by the family be documented in eWiSACWIS, and that it not be treated as optional information.

6. Initiate a program to audit departmental vital documents for compliance under the Civil Rights Act of 1964, and inform local agencies regarding the requirements to translate local vital documents. Recent guidance from the federal government indicates that federal agencies will continue to monitor compliance by state agencies with Title VI of the Civil Rights Act, and will continue to pursue sanctions in the form of loss of federal funding when necessary.
7. Encourage the hiring of bilingual staff, especially those in the role of first agency contact (such as office receptionists), and specify that bilingual staff should not be used as interpreters.
8. Create a central language office administered by the state that would provide interpreting and translating services for both state and local public service agencies. (See Appendix B)

The Big Picture: Ensuring the Safety and Well-Being of Immigrant and Refugee Children in Wisconsin's Future

The policy recommendations of this report are essential to ensure that the department is not ignoring the safety and well-being needs of a growing population in the state's child welfare system. In the summary section of this report we list the recommendations that should be acted upon immediately to remedy some of the more pressing issues with the greatest impact on children.

However, because of the growing rate of immigration to Wisconsin, the legal complexities of serving immigrant and refugee populations, and the unique service needs of immigrant and refugee families, long-term initiatives should also be implemented to ensure the safety and well-being of immigrant and refugee families for generations to come.

Recommendations:

1. Create an advisory board that would continue to research issues affecting immigrant and refugee families, and keep the department informed and up-to-date on policy developments, best practice, and national programs and grants. The board would also participate in training development, and provide ongoing recommendations and agency oversight.
2. Create a liaison position in the Division of Safety and Permanence to specialize in serving immigrant and refugee children and families in the child welfare system. The liaison would provide technical assistance, consultations on immigration law, and referrals to immigration

Summary

The Workgroup advises that DCF use the recommendations in this report as a long-term work plan to ensure that the goals of safety, permanence and well-being are given the same priority for immigrant and refugee children and families as they are for all those served by the Department. Most importantly, we recommend that the following initiatives be given immediate attention, as they are both the most feasible for prompt implementation, and address some of the issues that are of most urgent concern to the safety and well-being of children in the state's child welfare system:

Recommendations for immediate action:

- Develop and issue policy in the specific areas discussed above regarding information gathering, case planning, cultural sensitivity, and permanency options. This should include guidelines for pursuing reunification or placements for children left homeless when parents are deported, and agency preparedness for serving multiple families when parents of several families are removed from their homes simultaneously. Gaps in the state's child welfare policy that fail to provide guidance to caseworkers serving immigrant and refugee children and families can no longer be ignored.

- Provide training to caseworkers (and, where collaboration is possible, to attorneys and judges) regarding SIJS, VAWA, T and U Visas and other forms of immigration relief and instructions regarding how child welfare agencies should assist legal counsel in helping

- Develop a guidebook that clarifies eligibility for services to immigrant and refugee families. This guidebook will immediately improve access to services for families. This initiative is required under the state's PIP.

- Develop better, more detailed policy around legal requirements for interpreting and best practice in language access for families with limited English proficiency. Create a central language office administered by the state to provide interpreting services to all state and local public service agencies. (See Appendix B)

- Once the Human Trafficking Protocol is completed and reviewed, DCF should adopt it as policy and encourage local agencies to do the same. The Protocol addresses some of the educational and policy gaps discussed in this report, and adopting it as departmental policy would provide much needed information to child welfare agencies while more specific policy for the child welfare system is being developed.

Appendix A: Workgroup Members

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Appendix B

Department of Children and Families
Issue Paper

Topic
Language Access Issues Affecting Services to Children and Families

Program Area
Child welfare, domestic violence, and all public service areas affecting children and families

Personnel
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Timeframes
Date Submitted to Administrator/Secretary: October 26, 2010
Date Action/Decision Needed:

I. Problem/Issue Statement

Child welfare agencies and other state and county public service agencies do not have adequate access to interpreting services to effectively serve Wisconsin children and families and comply with federal law.

II. Background

In 2008, one in 11 children in Wisconsin (123,000 children) lived in an immigrant family.[5] Three quarters of children in immigrant families in Wisconsin are U.S. Citizens born in the United States.[6] Wisconsin still has one of the lowest rates of growth of immigrant children in the Midwest, but that rate is increasing. Between 2000 and 2008, the number of children in immigrant families in the state increased by 30,000.[7] Wisconsin's immigrant and refugee population is rising, and with it the need for improved access to interpreting services. This is especially important in fields such as child welfare, where adequate interpretation is needed to protect the safety of children, but it affects the provision of services to children and families in other public service areas as well. For example, according to the Department of Public Instruction, some 48,000 identified immigrant students or English language learners are attending K-12 public schools across Wisconsin.

All public service agencies receiving federal funds are required to ensure that access to public services is not limited based on English language proficiency. If the protection of children and families is not reason enough to pursue a better system to provide interpreting services, then it is important to note that the department (and all state departments) risks failure of an audit or lawsuit due to violations of the Civil Rights Act and the Americans with Disabilities Act. Title VI of the Civil Rights Act of 1964, which prohibits national origin discrimination by recipients of federal funds, disallows recipients from excluding Limited English proficient (LEP) persons from their programs and services, or imposing delays or denials of services.[8] Federal policy under Title VI requires recipients of federal funding to take reasonable steps to provide LEP individuals meaningful access to their programs and services, such as providing competent interpreters and translated documents to LEP individuals at no cost. This obligation extends to all of a recipient's programs and services, without regard to whether a specific service is federally funded. Recent guidance from the U.S. Department of Justice indicates that it will continue to monitor compliance with Title VI of the Civil Rights Act and pursue sanctions in the form of loss of federal funding when necessary.

The department's current policies on child welfare case process offer little guidance regarding the use of interpreters (and certified interpreters), leaving these policies vulnerable to the analysis that the use of family members or other non-neutral parties for interpreting services is condoned. Given the difficulty to obtain interpreters in certain situations, and the expenses associated with contracting such services, agencies are tempted to ignore further analysis that would lead them to

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[5] Wisconsin Council on Children and Families 2008 WisKids Count Issue Brief: "Wisconsin Children in Immigrant Families"
[6] Id.
[7] Id.
[8] 42 USC § 2000d, *et seq*. The regulations and important judicial decisions interpreting Title VI are summarized in detail in the Dept. of Health and Human Services Office of Civil Rights Policy Guidance, "Title VI Prohibition against National Origin Discrimination as It Affects Persons with Limited English Proficiency," www.hhs.gov/ocr/lep/guide.html.

conclude that such practices go against best practice recommendations to ensure the safety and well-being of children and families.

A lack of written policy and standards regarding the use of interpreters is not a problem limited to the child welfare system. Furthermore, the absence of adequate policy cannot be remedied if practical issues still exist that impede an agency's ability to access adequate interpreting services to properly serve its consumers.

Feedback from both county and state-level agencies has made it clear that many public service agencies in Wisconsin are struggling with the following problems:

- A failure to use interpreters when needed (the most egregious anecdote is the story of two deaf parents who went through an entire Termination of Parental Rights trial with no interpreter)
- A lack of available certified interpreters (leading to significant inconsistencies in quality of interpreting services)
- Family members, family friends, or even child victims being used as interpreters (this can significantly compromise the safety of a child, negatively affect a family's access to public services, or deny an individual his or her due process rights)
- A lack of interpreters for spoken languages not common in Wisconsin
- Significant costs for interpreting and translation services
- Confusion about agency responsibility for supplying an interpreter (for example, confusion about whether county-contracted interpreters hired to provide in-court interpreting services can be used by other agencies for pre-hearing discussions held inside the courthouse)

The state's Round 2 federal Child and Family Services Review noted that "there are insufficient interpretation services" (CFSR Final Report, p. 76). Discussions with federal representatives from the Children's Bureau emphasized the need for Wisconsin to address this problem. The challenge of improving language access for Wisconsin's families is both a policy and a resource issue. The lack of proper interpreting services is not a problem unique to the state's child welfare system. The circuit and municipal courts, the justice system, private providers, hospitals and clinics, the education system, and other public services agencies at both the state and local level are all struggling to provide adequate interpreting and translation services in a timely manner. It is imperative that the state be proactive in addressing this problem. This issue paper proposes two options that take a cost-efficient approach to pool resources, and focus state agency efforts to coordinate management, training, and contracting of interpreting services to best serve children and families and ensure compliance with federal requirements for all public service agencies that receive federal funds.

III. Options

Option 1. Establish a central language office that would contract and administer a pool of interpreters to be available to agencies statewide

Under this option, a central language office would contract with one or more private agencies that specialize in interpreting services, to provide interpreting and translation services for all public agencies in the state. This office would develop a management

system by which public agencies would have a "one-stop" contact for all interpreting services. These services would be available to all county agencies, for any agency-related purposes including interpretation during court hearings, child protection intake interviews, home studies, and meetings with court-appointed legal counsel.

The negotiated state contract would be more cost efficient than the cost of individual counties paying several different interpreting service companies on a case-by-case basis. Interpreting services could be more easily managed from a central office, which would be able to identify where specific language services are needed in various areas of the state. This option would include funding for the state to subsidize a portion of the costs. To be eligible for this subsidy, counties would be required to use the central language office for interpreting services (and no other provider), and adhere to policies and standards set by the central language office. Through this authority the state could raise the standards in practice and ensure compliance with federal laws. National models, such as those set by the Consortium for Language Access in the Courts, have shown that such pooling of resources is not only necessary under the current economic climate, but recommended as a successful model for ensuring access to language for due process and service provision. Interpreters under the state contract would be required to be certified interpreters whenever possible. The central language office would coordinate trainings for certifications needed in specific program areas. Efforts should be made by that office to recruit a diverse pool of interpreters, so that interpreters are not just qualified in interpreting and translation services, but are competent to provide services from unique cultural perspectives.

Counties would pay a prorated amount (based on a needs study) to the state every year regardless of how many times the service was used. Methods for reimbursement could be built into the system (such as incentives to hire bilingual staff, who could not be used as interpreters, but who would decrease the need for interpreting services in many situations). The central language office could also assist the state in taking advantage of federal incentives to improve language access. For example, the Children's Health Insurance Program Reauthorization Act (CHIPRA) gives states an incentive to improve access to health care-related translation and interpretation services for children for whom English is not the primary language. It provides an enhanced matching rate (75 percent for Medicaid and a minimum of 75 percent for CHIP) for reimbursement of states for the cost of translation and interpretation services when children enroll in coverage, renew coverage, or utilize coverage. Note that under current law, county circuit courts are reimbursed by the state for interpreters hired for court proceedings. This reimbursement would still be required, except that the reimbursement would cover more if not all of the costs of court interpreters because the state negotiated rate would often be much lower than what counties are currently paying for interpreting services.

Pros:

- Counties and state agencies would save time and money that is usually spent searching for interpreters
- State-negotiated contract would be more cost efficient than individual counties or state agencies hiring services on case-by-case basis

- Central language office would have capacity to ensure quality of interpreting services
- Subsidy would save counties money that could be used to better serve children and families
- Subsidy would give state authority to mandate high practice standards and compliance with federal law
- Central language office would have direct access to interpreters for rare languages, who could be sent to regions throughout the state
- Central language office would have the ability to provide remote interpreting services to more rural areas where the resources are more scarce

Cons:

- Cost of funding the central office
- Cost of providing subsidy to counties

Option 2. Provide funding to counties to regionalize interpreting services
Under this option, the state would provide funding to assist counties in pooling resources to contract for interpreting services on a regionalized basis

Pros:

- Working together counties would save some time and money that is usually spent searching for interpreters
- Counties working together might help to improve practice standards
- Funding would help counties save money that could be used to better serve children and families

Cons:

- Cost of funding to counties
- No benefit to state-level agencies that are also struggling to access interpreting services
- Not all counties would be administratively ready to take advantage of regionalized efforts
- Not as much cost saving to counties as Option 1, where state serves as administrative resource
- Would not give state authority to set practice standards, or have better control over compliance with federal law

IV. Stakeholders and Affected Individuals/Organizations

County agencies would be directly affected by the cost savings that would be realized by either of these options. State agencies would also benefit from the centralized office that would be developed under Option 1, which would markedly decrease the resources that are often spent by state agencies either directly contracting for interpreting services, or assisting county agencies in finding interpreting services or researching federal law and policy to set best practice and comply with legal requirements. For example, the Department of Justice (DOJ), Crime Victim Services Office, spends on average $345 per

month on Language Line, a telephone interpreting service. This cost includes interpretation for victims who call DOJ for help and also county victim/witness offices that use the service to help victims at the county level.

Representatives of four county agencies are active participants in the Workgroup on Safety and Well-Being for Immigrant and Refugee Children and Families, and all have advised that the state move forward with this proposal. The feedback received is clear that many counties are struggling to find funding to provide interpretation, need direction in the administration of the fiscal responsibility, and need further guidance and funding to help comply with best practice standards and federal law.

Advocacy centers would also support these proposals, as they seek to improve the quality of service to immigrant and refugee families, and work for the protection of the safety and well-being of children and families.

Finally, the children and families of Wisconsin are currently being underserved and often denied due process, because of the inability of local agencies to provide adequate interpreting services when it is needed. Collaboration with other agencies such as the Director of State Courts Office Interpreter Program, confirms that this is a cross-agency, cross-county dilemma. Whether the department pursues the options in this paper, or explores other options to address this problem, something must be done to ensure that families are not denied access to services or due process simply based on their English language proficiency.

V. Recommendation

The Workgroup on Safety and Well-Being for Immigrant and Refugee Children and Families recommends that Option 1 be pursued. This option will realize the most cost savings for counties and the state, and is also the best to ensure improved practice and compliance with federal law.

VI. Fiscal Impact

- Position needs:
  - 2 FTE to administer the central language office and issue policy
  - 1 LTE to assist in start-up of the initial implementation

  (The presumption is that the central language office would be housed at the Department of Administration, but it could be housed in any state agency)
- Funding:
  - Contract with interpreter providers
  - Subsidy to counties: subsidy would need to be calculated based on a study of current local and state expenditures