

# SYNERGY

The Newsletter of the Resource Center on Domestic Violence: Child Protection & Custody  
National Council of Juvenile and Family Court Judges

¡Bienvenid@s!<sup>1</sup> This issue of *Synergy* marks two important milestones: It is the first time that a partner organization is invited to guest-edit *Synergy*, and it is also the first issue ever translated into Spanish.

Casa de Esperanza is honored and proud to guest edit this excellent publication. For more than 30 years, Casa de Esperanza has mobilized Latinas separately and Latin@ communities collectively to end domestic violence. We work both at the local level in Twin Cities, Minnesota, and at the national (and international) level through the National Latin@ Network for Healthy Families and Communities, a U.S. Department of Health and Human Services (DHHS)-funded national resource center.<sup>2</sup> An overview of the full array of DHHS-funded national resource centers can be found in this newsletter and at <http://www.acf.hhs.gov/programs/fysb/content/familyviolence/centers.htm>.

This newsletter is coming out at a unique moment in the nation's history. The Latin@ presence and influence continue to grow steadily in the U.S. and, partly as a reaction to this growth, anti-immigrant sentiment and public policy are also on the rise. As a consequence, laws have been passed both at the federal and the state levels that have had dire consequences for the Latin@ and other immigrant communities in general, and for immigrant victims of domestic violence in particular.

This issue of *Synergy* is dedicated to immigration and child protection and custody issues in the context of domestic violence. In the lead article, Rosie Hidalgo, Casa de Esperanza's Director of Public Policy, articulates the effects that these anti-immigrant laws are having on the U.S.-born children whose victim parents of domestic violence have been detained or deported because of their immigration status. The article includes a series of recommendations that can greatly improve the present situation for many of those children and their parents. Also included is a companion piece on the obstacles that victims with limited English proficiency face in our judicial system and how to make things better for them and their families.

Amy Sánchez, Casa de Esperanza's Chief Executive for External Relations, highlights our *Líderes* program, a peer-education approach to raising awareness about domestic violence in Latin@ communities. The program originated in Minnesota and has been successfully replicated in Georgia, New Mexico, and California. A recent evaluation has elevated this innovative approach to the category of "Evidence-Based Practice."

The Court Corner of *Synergy* provides an overview of a case that looks at whether immigration judges are required to inform non-citizens of their potential eligibility for U-visas. NCJFCJ and Casa de Esperanza hope that you find this issue insightful and thought-provoking.

¡Muchas gracias!

Juan Carlos Areán

Guest Editor, *Synergy*

Director of the National Latin@ Network for Healthy Families and Communities

A Project of Casa de Esperanza

<sup>1</sup> Casa de Esperanza uses "@" in place of the masculine "o" when referring to people or things that are gender neutral or both masculine and feminine. This usage reflects our commitment to gender inclusion and recognizes the important contributions of both men and women.

<sup>2</sup> For more information on Casa de Esperanza's work, go to [www.casadeesperanza.org](http://www.casadeesperanza.org).

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# Crossroads: The Intersection of Immigrant Enforcement and the Child Welfare System

Rosie Hidalgo, Casa de Esperanza's Director of Public Policy



*Diana's children were placed in foster care when they were one- and three-year-olds. Their mother was arrested when she fought back to defend herself against an attack by her abusive boyfriend, Thomas. Thomas assaulted her in her apartment when she tried to end their relationship. A neighbor heard screams and called the police. When officers arrived, Thomas told his version of the events, but Diana was not able to communicate with the officers, since they did not speak Spanish and did not obtain the assistance of interpreters. The officers saw scratches on Thomas and a possible bite mark, in addition to bruises and scratches on Diana, arrested both of them, and called Child Protective Services (CPS) to take the children. Immigration and Customs Enforcement (ICE) soon issued a detainer when they obtained a copy of Diana's fingerprints through the Secure Communities program<sup>1</sup> in effect in her local jurisdiction. Upon further review of the circumstances, the prosecutor decided to drop the charges against Diana; however, ICE took custody of her. She was subsequently transferred to a different immigrant detention center 300 miles away.*

*The CPS caseworker placed Diana's children in temporary foster care with foster parents who did not speak Spanish, instead of with a willing aunt who had undocumented immigration status. Diana's children, born in the United States, are U.S. citizens. As the months passed, the children were no longer learning Spanish. The children did not visit with or talk with their mother for over six months because the CPS caseworker was unsure of Diana's whereabouts and how to communicate with her, despite that the original case plan called for reunification. As a result, the goal of the case plan was revised to pursue the termination of parental rights instead of family reunification.*

## Introduction

Around the country cases like Diana's, in which children are placed in foster care because of the detention or deportation of their parents, have become more common. The Applied Research Center (ARC), a national nonprofit founded in 1981 that uses strategic research and policy analysis to expose structural inequities, estimates that at least 5,100 children currently live in foster care because their parents have

been either detained or deported.<sup>2</sup> The ARC's recently published report entitled *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System (Shattered Families)*, estimates that if the same rates continue for new cases, at least 15,000 more children will be taken into foster care in the next five years.<sup>3</sup> Unfortunately, the thousands of children in foster care who are or may be separated from their parents as a result of the increasing intersection between the child welfare system and immigration detention policies have few protections in place to safeguard the goal of family unity. This article will highlight the nature and extent of the problem; demonstrate its impact on domestic violence victims; identify constitutional and human rights issues; and make recommendations for enhancing coordination between the child welfare and immigration systems.

## The Nature and Extent of the Problem

For the last decade and a half, there has been a significant and steady increase in the deportation of noncitizens in the United States. In 1992, the U.S. government deported 44,000 people, which was a historic number at the time. In less than two decades that number increased nearly tenfold, with a record-high 397,000 deportations in fiscal year 2011.<sup>4</sup> Nearly one million noncitizens have been removed from the U.S. in the past three years as a result of federal immigration enforcement policies and programs, such as Secure Communities and 287(g) programs implemented by ICE.<sup>5</sup> The result is an unprecedented entanglement of the state and local criminal justice systems with federal immigration enforcement.

There are an estimated 22 million noncitizens<sup>6</sup> living in the U.S. Of those noncitizens, 11 million have some form of immigration status that allows them to stay in the U.S. legally on a provisional basis, including individuals with legal permanent resident status (known as having "green cards").<sup>7</sup> The remaining 11 million noncitizens are undocumented, which means that either they came to the U.S. without legal paperwork or entered the U.S. with legal immigration status that subsequently expired.<sup>8</sup>

Many families have mixed immigration status. There are approximately 5.5 million children in the U.S. who have an undocumented parent, and about 82 percent of these children (approximately 4.5 million children)

are themselves U.S. citizens.<sup>9</sup> In the six months between January and June 2011, ICE removed 46,486 parents of U.S. citizen children from the United States.<sup>10</sup> If parent deportation continues at the current rate, ICE will deport more parents in just two years than it did in the previously reported 10-year period.<sup>11</sup>

These numbers may be the result of the increasing use of state and local police to enforce federal civil immigration laws, which can turn any interaction of a noncitizen with the police into a possible path to detention and deportation. For example, Secure Communities initially began in 2008 as a pilot project in 14 jurisdictions and is presently implemented in over 3,000 jurisdictions throughout the U. S. The Department of Homeland Security (DHS) has said it will be in effect in every jurisdiction by 2013. Concerns have been raised that programs, such as Secure Communities, have strayed from the stated goal of removing only those serious offenders who pose a threat to public safety. A recent investigative report found that Secure Communities has

resulted in the mass deportation of low-level offenders, such as people who violate traffic

laws and people without criminal histories.<sup>12</sup> In most cases, these arrests or convictions would be unlikely to sever parental rights were it not for the fact that the parent is then transferred to ICE custody and placed in detention.

Increased federal immigration enforcement through the use of local police and through programs such as Secure Communities, means interaction with the police that ordinarily would not separate children from a citizen parent can result in a long-term or permanent separation if the parent is not a U.S. citizen.<sup>13</sup> The *Shattered Families* report explores the extent to which children in foster care are prevented from uniting with their detained or deported parents.<sup>14</sup> It also highlights the barriers facing the child welfare system and the immigration system in working to reunify these families and to establish protocols and procedures that will allow them to meet those goals. As described in *Shattered Families*, ICE often does not protect the family unit at the time of detention or allow parents to make arrangements for their children. Furthermore, ICE generally places parents in immigration detention centers instead of releasing them on their own recognizance or using community-based supervisory programs.

**"...5,100 children currently live in foster care because their parents have been either detained or deported."**



Detainees are transported an average of 370 miles from the place of their initial detention.<sup>15</sup> Once detained, ICE usually denies parents access to programs and visitations that are required to complete CPS case plans.<sup>16</sup> Because immigrants do not have a right to representation in their deportation proceedings, most must proceed with their immigration cases *pro se*. Child welfare caseworkers and attorneys involved in the juvenile dependency proceedings struggle to locate and maintain contact with detained parents as a result of the isolation of detention centers and ICE's refusal to transport detainees to juvenile dependency hearings or to permit participation in proceedings by phone.<sup>17</sup> Although ICE has implemented a locator system, few child welfare caseworkers know about it or have received training on how to coordinate with ICE to locate parents.<sup>18</sup>

Although the goals of both the child welfare system and the immigration system are to foster family reunification whenever possible, the lack of explicit policies and guidelines to protect families under these circumstances is resulting in children being permanently kept from their parents at alarming rates.<sup>19</sup> Child welfare policies prioritize placing children with their own relatives when possible, yet many child welfare agencies will not place children with other undocumented relatives. At times, some relatives are too afraid to come forward for fear of revealing their own immigration status.

Child welfare agencies cite a severe shortage of staff with multilingual and multicultural skills and the detrimental impact that has on the handling of cases involving immigrant and refugee families.<sup>20</sup> A lack of meaningful access for immigrant parents with Limited English Proficiency makes it difficult for them to communicate with CPS caseworkers or the attorneys in the child welfare process and to understand and advocate for their rights as parents. The law provides that "When an alien-parent's child is a U.S. citizen and the child is below the age of discretion, and if the alien-parent is deported, it is the parent's decision whether to take the minor child along or to leave the child in this country."<sup>21</sup> The U.S. Supreme Court has affirmed that the Immigration and Naturalization Act "establishes that congressional concern was directed at 'the problem of keeping families of U. S. citizens and immigrants united.'"<sup>22</sup> However, when children of deported parents are in foster care, families are often at risk of extended and even permanent separation.

Despite the child welfare system's mandate to move toward family reunification, *Shattered Families* highlights a pervasive systemic bias (among CPS administrators, caseworkers, judges, and attorneys) against reunifying children with parents in other countries when the parents have been deported. They often believe that children are better off in the United States, even if those children are in foster care and separated from parents who were never found to be unfit.<sup>23</sup>

Many communities express concerns that these policies undermine community policing and public safety by creating mistrust among victims and witnesses too fearful to seek protection or report crimes to local law enforcement if the local police are perceived to be a branch of federal immigration enforcement. In particular, there are many concerns regarding the impact on victims of domestic violence and sexual assault.

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## Impact on Victims of Domestic Violence

Advocates who work with immigrant victims of domestic violence know that this vulnerable population faces increased barriers in obtaining assistance such as language barriers, limited knowledge of their rights, partners who often use their immigration status as a tool of abuse, fears that calling the police or seeking help will result in deportation, and fears of losing custody of their children to their abusers or the state. As a result of expanded detention and deportation policies, immigrant victims of domestic violence and sexual assault (immigrant victims) are at a particular risk of losing their children.

Congress recognized the importance of protecting immigrant victims when the Violence Against Women Act (VAWA) was enacted in 1994, creating special remedies for immigrant victims. The VAWA self-petition process was put in place to provide an important remedy for immigrant victims married to an abuser who is a U.S. citizen or Legal Permanent Resident and who has chosen to maintain his/her spouse in an undocumented legal status as a means of exerting power and control. Through the VAWA self-petition, a

married victim of abuse can submit a petition for legal status without having to rely on the abuser. When VAWA was subsequently reauthorized in 2000, Congress created the U-visa for victims of certain designated crimes, including domestic violence and sexual assault, who can apply for this visa if they obtain certification from law enforcement stating that they are willing to cooperate with the investigation or prosecution of a crime. Congress also created the T-visa for victims of trafficking.

*“Some child welfare caseworkers have been successful in advocating for the release of a parent from immigration detention by encouraging ICE to exercise prosecutorial discretion.”*

Unfortunately, as in the story of Diana, it is not uncommon for police to make a dual arrest in a domestic violence case involving immigrant victims, particularly where the perpetrator accuses the victim of using violence and where the immigrant victim faces a language barrier in communicating with the police. Even if it is ultimately determined that the victim used self-defense and no charges are brought against the victim in the underlying domestic violence situation, this can still result in the immigrant victim being turned over to ICE as a result of the Secure Communities program. Once an individual's fingerprints have been sent to the ICE database as a result of the arrest, ICE can issue a detainer or “hold” on that individual, and can subsequently take that person into custody, regardless of whether they are charged or convicted of any offense. In immigrant communities, this undermines trust in local law enforcement and results in greater fear for victims of crime to seek help. It also makes it easier for a perpetrator to bring false charges in order to have a victim arrested and turned over to ICE, leaving the abuser with the custody of the children. Many immigrant victims in this situation may not be aware of special protections under VAWA. Language barriers and lack of access to adequate and timely legal services greatly elevate the risk to victims and witnesses swept up in the process and increases the chances that their children will be placed in foster care or left in the care of the abuser.

In response to the concerns regarding the impact of Secure Communities and similar programs DHS issued

two memoranda on June 17, 2011, directing local ICE offices to exercise more “prosecutorial discretion” in deportation cases generally, as well as take special precautions to exercise appropriate discretion in cases involving victims or witnesses of crime, particularly victims of domestic violence or human trafficking.<sup>24</sup> The general prosecutorial discretion memo emphasized that given limited resources and detention space, ICE should focus its efforts on high priority cases, and that when weighing whether to exercise prosecutorial discretion, ICE should consider relevant factors such as whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative or whether the person or person's spouse is pregnant or nursing, among others. Additionally, the memo directs ICE officials to weigh factors such as length of time in the U.S., having U.S. citizen children, and other positive factors when considering whether to exercise prosecutorial discretion.<sup>25</sup> Training is required to ensure that CPS caseworkers, attorneys, and local ICE offices establish proper protocols to implement the goals of prosecutorial discretion.



Some child welfare caseworkers have been successful in advocating for the release of a parent from immigration detention by encouraging ICE to exercise prosecutorial discretion.<sup>26</sup> Often, child welfare caseworkers and departments are among the only voices that detained parents have to advocate for their discretionary release because they face so many challenges in advocating for themselves in dependency courts, and few have legal representation in immigration proceedings. Such efforts should be viewed as within the bounds of child welfare



mandates to make “reasonable efforts”<sup>27</sup> to reunify the family. Unfortunately, however, many agencies are not aware of these memoranda and proper training and protocols have not been put in place to ensure their implementation.

## Constitutional and Human Rights

One constitutional argument suggests that the government’s failure to establish procedural mechanisms to allow detained immigrant parents to meaningfully participate in the dependency proceedings of their children violates their due process rights.<sup>28</sup> “The Supreme Court has repeatedly held that the right to parent is of such a fundamental nature that the Constitution requires that a parent receive significant procedural protections when a state seeks to permanently sever the parent-child relationship.”<sup>29</sup> Undocumented immigrant parents involved in proceedings regarding their parental rights are entitled to these same due process protections. According to this argument, “A system that afforded them different rights in this context would be irreconcilable with the long-established precedent establishing that undocumented immigrants retain certain constitutional rights by virtue of their presence in the country. In particular, they have an equal right to protection from governmental violations of their fundamental rights.”<sup>30</sup>

*“Undocumented immigrant parents involved in proceedings regarding their parental rights are entitled to these same due process protections.”*

Recent reports demonstrate that the majority of immigrants in detention have not been convicted of any crime. When immigrant detainees have been convicted of a crime, the majority are for nonviolent offenses with little to no incarceration imposed. In most cases, these arrests or convictions alone would be unlikely to sever parental rights; however, in immigration cases, the parent’s interaction with local law enforcement and the corresponding transfer to ICE custody and placement in detention changes this. The subsequent perception by CPS may be that the parent is a serious criminal or that the parent has no interest in reunification as a result of her/his lengthy stay in an isolated immigration detention system, which creates a negative dynamic that undermines the parent’s rights in dependency proceedings.

## Recommendations



The situation facing immigrant parents and children demonstrates the critical need for enhanced cooperation and coordination between the child welfare system and immigration system in matters of critical importance to the welfare and liberty interests of immigrant families. Suggested recommendations that emerge from the various

studies and reports cited include recommendations for collaboration, training, protocol development, and services:

### Collaboration

- Create a key liaison position within ICE in each CPS region for caseworkers to contact when immigration issues arise and establish protocols for communication and coordination.
- Ensure that child welfare staff work closely with domestic violence advocates to support battered immigrant women and their children and make sure they receive assistance in pursuing VAWA immigration remedies for which they might be eligible. Encourage partnerships between child welfare agencies and community-based organizations with experience in serving immigrant families in order to ensure that information and assistance is provided in a culturally and linguistically appropriate manner, and to raise awareness within the immigrant community about how the child welfare system works.
- Develop working relationships and formal agreements, such as Memorandum of Understandings (MOUs), between child welfare agencies and foreign consulates to ensure that as soon as noncitizen parents are detained and have their children placed in foster care, consular involvement is initiated.<sup>31</sup>

### Training

- Establish mandatory and regular trainings for judges, attorneys, guardians ad-litem, domestic violence advocates, and CPS caseworkers regarding immigration-related issues, including immigration detention and deportation proceedings and the ICE prosecutorial discretion policies.
- Train deportation officers and immigration detention facility personnel to be familiar with the challenges facing

detained parents with children in the child welfare system and establish protocols to facilitate communication and reunification.

- Develop and disseminate resources on best practices for working with immigrant and refugee families in juvenile and family courts and in the child welfare system.

## Protocol Development

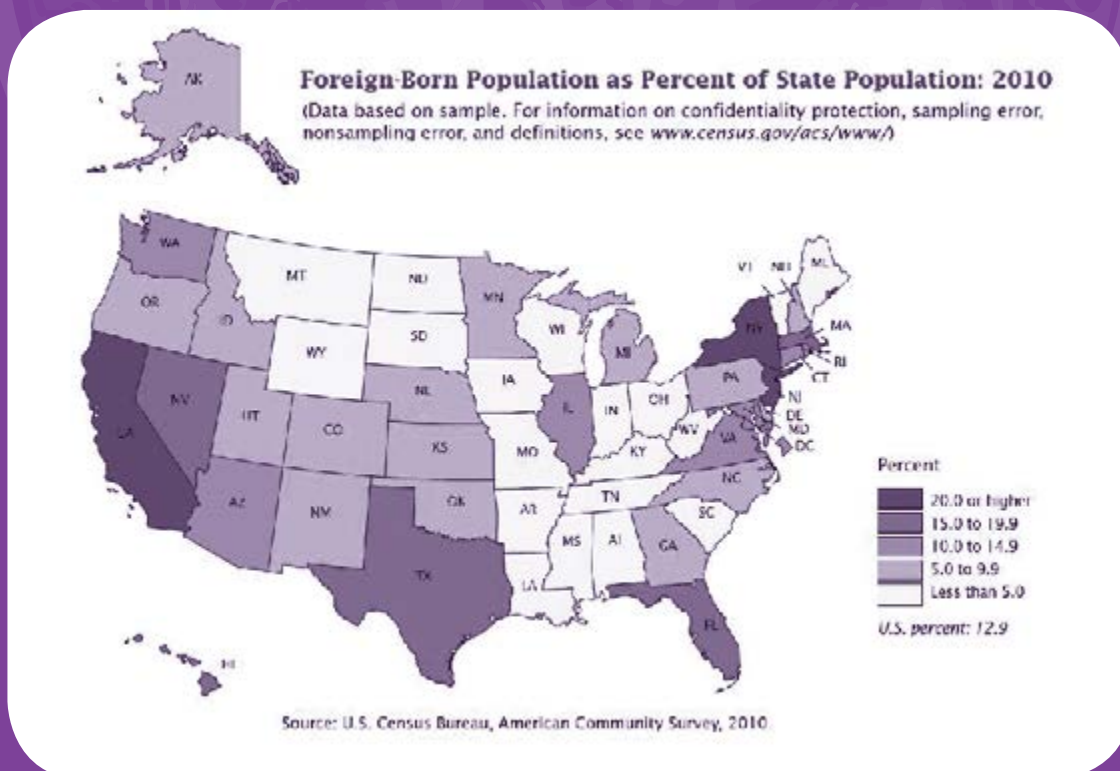
- Institute protocols to be used by local law enforcement agencies at the time of response to enable parents to decide who should take custody of their children.
- Create exceptions to the termination of parental rights timelines for detained and deported parents.
- Implement policies in child welfare agencies to provide culturally and linguistically appropriate services to immigrant families and ensure meaningful access to individuals with limited English proficiency.
- Ensure that caseworkers know about the ICE locator service and that protocols are in place requiring contact and inclusion of immigrant parents in the juvenile dependency process in order to effectuate the goals of reunification where possible.
- Establish a mechanism within ICE for early identification of cases in which immigrant parents in

detention and/or deportation proceedings have children in the child welfare system.

- Adopt clear policies ensuring equal treatment and due process for undocumented parents and families in the child welfare system, including clear guidelines on the rights of extended families to be treated equitably as viable caregivers for children who are otherwise placed in foster care.

## Services

- Increase the availability of services in immigration detention facilities to enable parents to comply with CPS case plans and establish statewide policies to improve the provision of reunification services to immigrants in ICE detention facilities.
- Provide alternatives to detention to caregiver parents, through the increased use of prosecutorial discretion by ICE officials for parents of minor children (particularly if their children are in the foster care system), parole, electronic monitoring, and other alternatives to detention for these cases.
- Improve immigration detention facilities' compliance with telephonic and video appearances and establish procedures and protocols for parents to appear in person in child welfare hearings.



## Conclusion

Devastating consequences can result from the interplay between the immigration, criminal justice, and child welfare systems for immigrant parents whose children end up in state custody and then face disproportionate risks of long term or permanent separation. In light of the harm done to families and the constitutional rights at stake, immigration detention agencies and state child welfare systems should take steps to ensure that appropriate protections are in place to prevent unnecessary detention of immigrant parents, particularly those who are primary caretakers or victims of crime. Additionally, parents in detention should meaningfully participate in their children's dependency proceedings and efforts should be undertaken by all involved systems, to the full extent possible, to preserve the goals of family reunification. ☼

## References

- 1 Under Secure Communities, when state or local law enforcement agencies arrest someone and fingerprint them, those fingerprints are sent to the FBI database and are also automatically sent to a database managed by ICE. ICE can then issue a detainer or "hold" on an individual so that they can take that person into immigration detention when they are released by law enforcement. The 287(g) program and CAP (Criminal Alien Program) are two other ICE-administered programs that have the same goal of screening individuals in local jails and state prisons for the purpose of identifying deportable non-citizens.
- 2 This projection was based on data collected from six key states and an analysis of trends in 14 additional states with similarly high numbers of foster care and foreign-born populations. See APPLIED RESEARCH CTR., SHATTERED FAMILIES: THE PERILOUS INTERSECTION OF IMMIGRATION ENFORCEMENT AND THE CHILD WELFARE SYSTEM 6 (2011), available at <http://arc.org/shatteredfamilies/>.
- 3 *Id.*
- 4 *Id.* at 10 (stating that "[o]f those deported in 2010, 282,000 were removed to Mexico, and another 93,000 to other Latin American countries and the Caribbean. The remaining 11,000 were deported to other countries around the world").
- 5 *Supra* note 1.
- 6 The term "noncitizen" does not include those foreign born individuals who subsequently become U.S. citizens and are then referred to as naturalized citizens.
- 7 Jeffrey S. Passel & D'Vera Cohn, Pew Hispanic Ctr., *A Portrait of Unauthorized Immigrants in the United States* (2009), available at <http://www.pewhispanic.org/files/report/107.pdf>.
- 8 *Id.*
- 9 RANDY CAPPS ET AL., THE URBAN INSTITUTE, THE HEALTH AND WELL-BEING OF YOUNG CHILDREN OF IMMIGRANTS (2004) (finding that "[a]lmost all children of immigrants under age 6 are U.S. citizens (93%) and 77% of children ages 6 to 17 in immigrant families are U.S. citizens").
- 10 U.S. CUSTOMS & IMMIGRATION ENFORCEMENT, DEPORTATION OF PARENTS OF U.S.-BORN CITIZENS: FISCAL YEAR 2011 REPORT TO CONGRESS SECOND SEMI-ANNUAL REPORT (2012).
- 11 APPLIED RESEARCH CTR., *supra* note 2, at 11.
- 12 Aarti Kohli et al., Warren Inst. on Law & Soc. Pol'y, U.C. Berkeley L. School Research Report, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process* (2011).
- 13 *Supra* note 1.
- 14 APPLIED RESEARCH CTR., *supra* note 2.
- 15 HUMAN RIGHTS WATCH, A COSTLY MOVE: FAR AND FREQUENT TRANSFERS IMPEDE HEARINGS FOR IMMIGRANT DETAINEES IN THE UNITED STATES (2011), available at <http://www.midwesthumanrights.org/costly-move-far-and-frquent-transfers-impe-de-hearings-immigrants-detainees-united-states>.
- 16 APPLIED RESEARCH CTR., *supra* note 2, at 8.
- 17 See also WOMEN'S REFUGEE COMM'N, TORN APART BY IMMIGRATION ENFORCEMENT: PARENTAL RIGHTS AND IMMIGRATION DETENTION (2010), available at <http://womensrefugeecommission.org/programs/detention/parental-rights>.
- 18 APPLIED RESEARCH CTR., *supra* note 2, at 39 (locator available at <https://locator.ice.gov/odls/homePage.do>).
- 19 APPLIED RESEARCH CTR., *supra* note 2, at 5.
- 20 YALI LINCROFT, ANNIE E. CASEY FOUND., UNDERCOUNTED. UNDERSERVED. IMMIGRANTS AND REFUGEES IN THE CHILD WELFARE SYSTEM (2006), available at [www.aecf.org/upload/publicationfiles/ir3622.pdf](http://www.aecf.org/upload/publicationfiles/ir3622.pdf).
- 21 *B & J Minors*, 279 Mich. App. 12, 20, n.5 (2008) (citing *Liu v. United States Dep't of Justice*, 13F.3d 1175, 1177 (CA 8 1994)).
- 22 *Fiallo v. Bell*, 430 U.S. 787, 795, n. 6 (1977) (quoting H.R. Rep. No. 1199, at 7 (1957), U.S. Code Cong. & Admin. News (1957), at 2016, 2020).
- 23 APPLIED RESEARCH CTR., *supra* note 2, at 45.
- 24 See Memorandum from John Morton, Director of Immigration & Customs Enforcement, U.S. Dep't of Homeland Security, *Prosecutorial Discretion: Certain Victims, Witnesses and Plaintiffs* (June 17, 2011), available at <http://www.ice.gov/doclib/secure-communities/pdf/domestic-violence.pdf> (stating that "to avoid deterring individuals from reporting crimes and from pursuing actions to protect their civil rights, ICE officers, special agents and attorneys are reminded to exercise all appropriate discretion on a case-by-case basis when making detention and enforcement decisions in the cases of victims of crime, witnesses to crime, and individuals pursuing legitimate civil rights complaints. Particular attention should be paid to victims of domestic violence, human trafficking, or other serious crimes").
- 25 *Id.*
- 26 APPLIED RESEARCH CTR., *supra* note 2, at 41.
- 27 APPLIED RESEARCH CTR., *supra* note 2, at 15.
- 28 Nina Rabin, *Disappearing Parents: Immigration Enforcement and the Child Welfare System*, 44 CONN. L. REV. 143 (2011), available at <http://uconn.lawreviewnetwork.com/files/2012/01/Rabin.pdf>.
- 29 *Id.*
- 30 *Id.* at 144.
- 31 For example, the Mexican Consulates facilitate visits with deported parents or relatives already residing in Mexico, arrange participation in CPS cases, and involve Mexico's social services [DIF] in arranging family reunification.



# Ensuring “Meaningful Access” to the Courts for Individuals with Limited English Proficiency

Rosie Hidalgo, Casa de Esperanza’s Director of Public Policy

When a victim of domestic violence calls the police, goes to civil court seeking an order of protection, is called as a witness in a criminal case, meets with a Child Protective Services (CPS) caseworker, or is in front of a judge in a hearing that will determine the custody of the children, one of the most critical aspects of those interactions is the ability to understand what is being said and to be able to communicate vital information to the people who will make important decisions about the lives of the victim and the victim’s family. As demonstrated by the story of Diana (see page 2), the lack of meaningful language access can result in a dual arrest for domestic violence or arrest of the victim due to miscommunication. This can then put the victim on the path to deportation and to the loss of the victim’s children.

While some suggest that providing language access is too expensive when providing the critical services mentioned above, it is important to recognize that when systems fail to provide meaningful language access, the costs to individuals, families, and society are high: innocent people may go to jail, children can enter foster care unnecessarily, and victims will find it difficult to get court orders to protect them from domestic violence. These consequences could be detrimental to a large number of U.S. residents who do not speak English as their primary language.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are considered Limited English Proficient, or “LEP.”<sup>1</sup> In 2010, LEP individuals accounted for

25.2 million, or nearly 9 percent, of the U.S. population over the age of five.<sup>2</sup> Of those, 11 million did not speak English at all or spoke it poorly; the remaining 14 million indicated that they did not speak English “very well.” The number of U.S. residents who are considered to be LEP has increased substantially in recent decades, growing by 80 percent between 1990 and 2010. While the majority of LEP residents are concentrated in traditional immigrant-destination states (California, Texas, New York, Florida, Illinois, and New Jersey), other states have experienced a significant increase in the percentage of LEP residents. For instance, Nevada, North Carolina, and Georgia saw sharp increases in their LEP populations, with growth rates of over 375 percent.<sup>3</sup>

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**“Facilitating access to justice is a fundamental part of the mission of the courts.”**

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While foreign-born residents presently make up 12.4 percent of the U.S. population, this compares to 15 percent of the population being foreign-born in 1910 at the peak of the immigration wave of the early 20th Century. As history has demonstrated, while those who immigrate to the U.S. may face substantial language barriers and have varying levels of language acquisition, their children and succeeding generations tend to learn English quickly. In the meantime, however, it is important for the justice system to ensure all individuals involved in the system have the ability to understand relevant proceedings.

## A National Response

Facilitating access to justice is a fundamental part of the mission of the courts. Several national organizations, including the Conference of Chief Justices and the Conference of State Court Administrators (COSCA), have adopted resolutions identifying language access as an immediate concern. COSCA issued a policy document that was adopted in 2007, which states:

“The United States is a country founded on the process of immigration. One of the great strengths of our country is its acceptance of immigrants. Many of our citizens’ ancestors traveled here without the ability to communicate in English. One of the fundamental rights we have recognized and an important reason why immigrants continue to come, is our country’s belief in equal justice for all. But, to have equal justice, every litigant, every victim, every witness must understand what is happening in the courtroom.”<sup>4</sup>

The National Center for State Courts has also directed attention and resources to address the problem.<sup>5</sup>

This year, the American Bar Association (ABA) passed a resolution officially adopting the *ABA Standards for Language Access in Courts (Standards)* and urged all courts and other adjudicatory tribunals to adopt a plan to accomplish implementation of the *Standards*. The ABA concludes that “A system of language access services is required as a fundamental principle of law, fairness, and access to justice, and

to promote the integrity and accuracy of judicial proceedings.”<sup>6</sup> The *Standards* were developed with the guidance of a large advisory group comprised of judges, court administrators, attorneys, advocates, and others. These *Standards* are intended to assist courts in designing, implementing, and enforcing a comprehensive system of language access services that matches the needs of the communities they serve. They are based on the fundamental principles of fairness, access to justice, and integrity of the judicial process; the principles of due process, equal protection, and judicial independence rooted in the U.S. Constitution; and the legal requirements of state and federal law, including the Civil Rights Act of 1964.<sup>7</sup>

**“The U.S. Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is a form of national origin discrimination prohibited by Title VI.”**

In an August 2010 letter sent by the Civil Rights Division of the U.S. Department of Justice (DOJ) to all the Chief Justices and State Court Administrations, the Assistant Attorney General reiterated the obligations of state courts to provide meaningful access to justice in order to be in compliance with long-standing civil rights requirements under Title VI of the Civil Rights Act of 1964.<sup>8</sup> Title VI and the corresponding regulations prohibit recipients of federal funds from administering programs in a manner that has the effect of subjecting individuals to discrimination based on their race, color, or national origin.<sup>9</sup> The U.S. Supreme Court has held that failing to take reasonable steps to ensure meaningful access for LEP persons is

a form of national origin discrimination prohibited by Title VI.<sup>10</sup>

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, was issued in 2000 and requires federal agencies and recipients of federal funds to implement policies and practices in compliance with Title VI of the Civil Rights Act.<sup>11</sup> Subsequent DOJ guidance and a technical assistance letter from the Civil Rights Division make it clear that court systems receiving federal financial assistance, either directly or indirectly, must provide meaningful access to LEP persons in order to comply with Title VI. It highlights the need for a comprehensive system with the expectation that meaningful access will be provided to LEP persons in all court and court-annexed proceedings, whether civil, criminal, or administrative, including those presided over by non-judges.

As reiterated in the recent technical assistance letter to the courts, the federal requirement to provide language assistance to LEP individuals applies regardless of conflicting state or local laws or court rules.<sup>12</sup> These same obligations under Title VI of the Civil Rights Act also apply to the

services provided through the child welfare system as recipients of federal funds. While DOJ acknowledges the budgetary constraints many courts operate under, the Assistant Attorney General clarified that, “Fiscal pressures, however, do not provide an exemption from civil rights requirements.”<sup>13</sup> As reiterated in the DOJ guidance, the passage of time since the issuance of the Executive Order on meaningful language access raises the bar of compliance.

## Developing a Language Access Plan

Important first steps in developing an effective language access plan include:

- **conducting a demographic assessment to determine the language access needs in your own jurisdiction or community,**
- **identifying resources, and**
- **establishing protocols to provide meaningful language access.**

As the number of LEP individuals has increased, so has the diversity of languages. Spanish-speaking individuals accounted for 66 percent of the total U.S. LEP population in 2010. The next two most commonly spoken languages were Chinese (6 percent) and Vietnamese (3 percent). Between 1990 and 2010, the makeup of the top five languages spoken by LEP individuals changed. While Spanish and Chinese remained consistent, in 1990, French, Italian, and German were among the top five languages most commonly spoken by LEP individuals in the U.S. However, by 2000, these three languages had been replaced by Vietnamese, Korean, and Russian, and by 2010, Tagalog moved into fifth place nationally, replacing Russian.



It is also important to note significant regional variety as well. For example, at the state level, Arkansas counted Laotian and Hmong among the top five languages spoken by LEP residents, whereas Nebraska and Tennessee counted Arabic and various African languages among their top five languages.<sup>14</sup> This demonstrates the importance for communities to be aware of the changing needs of its LEP residents and to be flexible with meeting those needs over time.

## Conclusion

While many courts are making laudable efforts to ensure meaningful access to justice for all, there are still many courts that fall short. The good news is that there are numerous resources available for the courts, including the ABA *Standards* which highlight best practices, as well as technical assistance projects to help court systems reach these goals. Courts and community stakeholders must work together to address these critical issues of meaningful language access in the courts. In doing so, they will advance fundamental principles of access to justice, promote the integrity and accuracy of judicial proceedings, and protect the lives and safety of vulnerable individuals. ☀

## Language Access Resources for Courts:

- Limited English Proficiency (LEP): Federal Interagency Website at [www.LEP.gov](http://www.LEP.gov).
- *ABA Standards for Language Access in Courts* available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_standards\\_for\\_language\\_access\\_proposal.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_standards_for_language_access_proposal.authcheckdam.pdf).
- Brennan Center for Justice publication on Language Access in State Courts at [http://www.brennancenter.org/content/resource/language\\_access\\_in\\_state\\_courts](http://www.brennancenter.org/content/resource/language_access_in_state_courts).
- National Center for State Courts - Consortium for Language Access in the Courts at <http://www.ncsc.org/education-and-careers/state-interpreter-certification.aspx>.

1 Limited English Proficiency Fed. Website, *Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals*, [http://www.lep.gov/faqs/042511\\_Q&A\\_LEP\\_General.pdf](http://www.lep.gov/faqs/042511_Q&A_LEP_General.pdf).

2 Migration Pol'y Inst., Nat'l Ctr. Immigrant Integration Pol'y, *LEP Data Brief, Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity* (2011), <http://www.migrationinformation.org/integration/LEPdatabrief.pdf> (compiled from U.S. Census Bureau and Census Bureau American Community Survey (ACS) data).

3 *Id.* at 4.

4 Conference of State Ct. Adm'r, *White Paper on Court Interpretations: Fundamental to Access to Justice* 3 (adopted Nov. 2007), <http://cosca.ncsc.dni.us/WhitePapers/CourtInterpretation-FundamentalToAccessToJustice.pdf>.

5 *Id.* at 2.

6 A.B.A., ABA STANDARDS FOR LANGUAGE ACCESS IN THE COURTS 12 (2012), available at [http://www.americanbar.org/content/dam/aba/uncategorized/20110511\\_ls\\_sclaid\\_aba\\_standards\\_language\\_access\\_in\\_courts.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/uncategorized/20110511_ls_sclaid_aba_standards_language_access_in_courts.authcheckdam.pdf).

7 A.B.A., *supra* note 7, at 12.

8 Civil Rights Division, U.S. Dep't Just., *Letter from Assistant Attorney General Thomas Perez to Chief Justice and State Court Administrators* (dated August 16, 2010), [http://www.lep.gov/final\\_courts\\_ltr\\_081610.pdf](http://www.lep.gov/final_courts_ltr_081610.pdf).

9 Title VI of the 1964 Civil Rights Act states that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." 42 U.S.C. § 2000d et seq. (Title VI); also prohibited under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3 789d(c) (Safe Streets Act).

10 *Lau v. Nichols*, 414 U.S. 563 (1974).

11 See 65 Fed. Reg. 50, 121 (Aug. 16, 2000).

12 Civil Rights Division, *supra* note 8, at 2.

13 *Id.*

14 Migration Pol'y Inst., *supra* note 2, at 9.

## Elements of an Effective LEP Plan:

- Doing a demographic assessment of language needs in your community
- Having a clear standard and guidelines for determining eligibility for language assistance
- Identifying ways in which language assistance will be provided (oral and written)
- Ensuring that interpreters and translators are qualified and follow ethics guidelines
- Training staff on the language access protocols and how to use interpreters
- Providing notice to LEP persons of their rights to receive language assistance
- Monitoring and updating LEP policy periodically





# Promoting the Development of Evidenced-Based Practice

## **Líderes: A Community-Led, Evidenced-Based, Peer-Education Curriculum**

Amy Sánchez, Casa de Esperanza's Chief Executive for External Relations

**In 2001**, community members in Minneapolis and St. Paul, Minnesota (Twin Cities) conducted a participatory action research study (PAR study) with the support of Casa de Esperanza in which they organized focus groups (listening sessions) to gather information from other community members. In the PAR study, over 160 Latinas in the Twin Cities reported isolation, lack of access to supports, disconnectedness, and lack of leadership opportunities as major problems they experienced in their communities. As a result, Latina women in the Twin Cities searched for a way to develop leadership skills and “give back” to their community. Their desire was perfectly aligned with the mission of Casa de Esperanza to “mobilize Latinas and Latin@ communities to end domestic violence.” These combined and concerted efforts led to the beginning of the *Líderes* initiative at Casa de Esperanza in 2003 when Casa de Esperanza invited women to begin a leadership program. *Líderes* is a peer leadership initiative grounded in a self-empowerment framework that taps into the natural leadership skills of Latinas and Latin@ community members to:

- **Share critical information and resources;**
- **Build community; and**
- **Promote healthy relationships.**

## **The Journey Towards an Evidence Base**

In 2006, Casa de Esperanza documented their process with the *Líderes* initiative by developing it into a leadership curriculum (curriculum). In the curriculum, participating women, called líderes (leaders), were trained and supported to give talleres (workshops) to their peers in the community. Neither the líderes nor their audiences were exclusively survivors of domestic violence; however, it quickly became evident that many positive outcomes related to domestic violence were resulting from the talleres, including breaking isolation, creating connectedness, and increasing self-esteem among participants.

As other organizations heard about the success of the *Líderes* initiative, they requested the curriculum. Casa de Esperanza distributed the curriculum to dozens of organizations who worked with Latin@ communities across the country. Casa de Esperanza invited these organizations not only to implement, but to adapt the *Líderes* program in ways that made sense to their local communities. For example, Enlace Comunitario in Albuquerque, New Mexico, adapted the curriculum to respond to their local context. This adaption led to the receipt of funding from the Robert Wood Johnson Foundation to test its effectiveness, which yielded positive results. Many domestic violence programs and state coalitions followed suit using the curriculum as a basis for effective leadership development with Latinas.

As the *Líderes* approach was replicated in different parts of the country, programs that implemented it reported that it was an effective tool to build leadership and to engage community members in meaningful conversations about domestic violence. This type of evidence is what Casa de Esperanza and other researchers and practitioners refer to as “Practice-Based Evidence.”

These apparent successes prompted Casa de Esperanza to pursue research on the *Líderes* approach. In 2010, Casa de Esperanza funded a study through their research arm at Georgia State University, the National Latin@ Research Center on Family and Social Change, to test whether the *Líderes* initiative qualified as an “Evidence-Based Practice” for leadership development and domestic violence prevention and intervention. The inquiry included a thorough literature review and evaluation of the study.

## **Literature review**

A comprehensive literature review on leadership models highlighted some interesting facts. An examination of many research studies from various disciplines including management, public health, nursing, and education, identified that the most common form of leadership intervention was the training or development of leaders.<sup>1</sup> Interestingly, researchers found that interventions were most effective when conducted by “lower level” leaders (as opposed to a more removed, highly professionalized individual).<sup>2</sup> This finding coupled with extensive literature

documenting the effectiveness of peer educator models (often referred to as the promotora model) provided supporting evidence for the effectiveness of utilizing peer leadership approaches in Latin@ communities.

The literature review, including extensive available research on peer leadership, supported the use of a peer leader approach in domestic violence intervention. The research showed that peer leaders are effective at influencing the people with whom they work. In addition, peer leader training has been found to impact the peer leaders themselves. However, one glaring gap in the literature was the absence of peer leadership studies with Latina survivors of domestic violence. Thus, studying the effectiveness of the *Líderes* curriculum was a necessary contribution to expand the body of research.

## The Research Study

Caminar Latino, a Latin@ organization based in Atlanta, Georgia, adapted the *Líderes* curriculum to train Latina domestic violence survivors to provide talleres in their community. Caminar Latino has 25 years of experience providing culturally relevant domestic violence intervention and prevention programming. The study used a mixed methods design, including both quantitative and qualitative methods. The quantitative component included a multiple baseline research design encompassing nine participants.

A survey measured variables related to leadership development including knowledge of leadership and sense of self as a leader and a facilitator rating was utilized to measure behavioral change of the participants. The qualitative component included analysis of journals written by the participants documenting their experience of the program. The data revealed positive results for the *Líderes* curriculum in emotional, cognitive, and behavioral domains, indicating that it is effective in influencing leadership development among its participants. The qualitative results supported this finding and provided evidence for the important role of a supportive environment for this change to occur. Because the adaptation that was studied centered on survivors of domestic violence, it required enhancements to address certain issues, such as dealing with difficult emotions. This adaptation was strongly related to participants' shared experience as trauma survivors, and their requests to develop coping skills to deal with possible triggering situations. This study, coupled with the expansive research on the utility of a peer leader model, provides documented evidence for this approach.

## Conclusion

The *Líderes* research study is the first evidence-based, trauma-informed training program for Latina community leaders. This research study begins to establish a body of literature about the positive effects of peer education for domestic violence survivors. It also expands the pool of evidence-based approaches in Latin@ communities, which is presently extremely limited, and provides support for an evidence-based tool that can be used by Latin@ communities, moving beyond the utilization of mainstream approaches in Latin@ communities.

The *Líderes* curriculum was developed by and for Latin@ communities and constitutes an example of a culturally-relevant, evidenced-based intervention, which continues to be rare in the field of domestic violence. ☀

*"This research study begins to establish a body of literature about the positive effects of peer education for domestic violence survivors."*



1 Bruce J. Avolio et al., *Leadership: Current Theories, Research, and Future Directions*, Management Department Faculty Publications, Paper 37 (2009), at <http://digitalcommons.unl.edu/managementfacpub/37>.

2 Bruce J. Avolio et al., *A Meta-analytic Review of Leadership Impact Research: Experimental and Quasi-experimental Studies*, 20(5) LEADERSHIP Q. 764 (2009).





# Court Corner

Survivors of domestic violence may have to navigate numerous hurdles on their path to safety, including those related to immigration. In 2000, Congress created an avenue to legal status for undocumented crime victims with the U-visa.<sup>1</sup> The U-visa gives victims of certain crimes temporary legal status and work eligibility in the United States for up to four years. Despite this, victims may fail to obtain the benefits of U-visa legislation often due to the lack of awareness of this type of relief. One recent court case, reviewed below, examines whether, in a removal hearing, immigration judges are required to inform noncitizens about their potential eligibility for U-visas and answers this in the affirmative.



## U.S. v. Resuleo-Flores, 2012 WL761701 (N.D.Cal., March 2012)

### Facts and Procedural History of the Case

Lisbeth Resuleo-Flores<sup>2</sup> was born in El Salvador in 1986. She came alone to the United States in 1998 at the age of 12 without legal authorization. In 2001, her paternal uncle tried to rape her. He was arrested and later deported. However, Ms. Resuleo's aunt, the wife of the perpetrator, convinced her to recant her version of events.

In 2002, Ms. Resuleo became a member of the 18th Street gang, and two years later she was arrested on gang-related charges, to which she pled guilty. After serving jail time and while on probation, Ms. Resuleo was arrested several times for a positive drug test, contact with gang members, and narcotics possession.

As a result, Ms. Resuleo was served a Notice to Appear for deportation proceedings, but the hearing was deferred because, among other things, she was actively working as an informant for Immigration and Custom Enforcement (ICE). Ms. Resuleo wore a recording device wire and provided information on local gang activity to ICE.

However, in June 2008, Ms. Resuleo was deported to El Salvador after a hearing where she represented herself. Her application for asylum status on the grounds of reasonable fear of persecution or torture was denied because the Immigration Judge found that Ms. Resuleo did not prove she had a reasonable fear of retaliation from a rival gang in El Salvador.

In September 2008, Ms. Resuleo was arrested in Texas, and she pled guilty, in federal court, to illegal entry into the United States. Subsequently, deportation proceedings were started in September 2009. The Immigration Judge denied Ms. Resuleo's application for asylum status for the same reason it was denied in June 2008. She was deported for a second time in February 2010.<sup>3</sup>

In July 2010, Ms. Resuleo once again entered the United States illegally and was arrested. A federal grand jury indicted her on a charge of illegal entry based upon her two previous removals. At a hearing on this charge, the court requested additional information about whether an Immigration Judge has to advise noncitizens of their potential eligibility for a U-visa. After receiving this information, the court answered this question in the affirmative.



## The Court's Legal Analysis and Reasoning

In its legal analysis, the court noted that Ninth Circuit precedent requires Immigration Judges to tell noncitizens that they may be eligible for a U-visa if the trial record contains facts that suggest the noncitizen is eligible for relief. Failure to do so is a violation of the noncitizens' due process rights.

Thus, an Immigration Judge has a legal obligation to advise noncitizens of their potential eligibility for a U-visa if it is apparent to the judge that the noncitizen may be eligible for a U-visa. To be eligible for a U-Visa, noncitizens must be a victim of a qualifying crime and must have been, is being, or likely will be helpful to law enforcement in the investigation or prosecution of the qualifying crime. If it is clear to the Immigration Judge that noncitizens are not eligible for a U-visa, then the judge does not have a legal obligation to advise the noncitizen of this relief.

In Ms. Resuleo's case, the trial records and facts from the 2008 and 2009 deportation proceedings established her potential eligibility for a U-visa. At age 14, Ms. Resuleo reported the attempted rape, a qualifying crime for U-visa eligibility purposes, which brought her uncle to the attention of law enforcement and for which he was arrested. Although Ms. Resuleo later recanted her allegation because of pressure from her aunt, she was found to be helpful to law enforcement, and her uncle was eventually deported, which may have been because she reported the attempted rape. Following her convictions for gang-related activities and probation violations, Ms. Resuleo also worked with ICE as an active gang informant. In applying the facts to Ms. Resuleo's case, the court emphasized that it is critical for Immigration Judges to inquire into all the relevant facts when determining whether a noncitizen may be eligible for a U-visa, particularly when the noncitizen is unrepresented as Ms. Resuleo was in her 2008 deportation hearing.

## Conclusion

Because domestic violence survivors may be eligible for U-visas or other removal relief, advocates and attorneys representing noncitizen domestic violence survivors should identify immigrant services and immigration attorneys in their community. These may be stand-alone organizations or be found in churches and other faith-based programs. Advocates and attorneys should refer noncitizens to those services in the community that best meet their needs. ☀

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*“... an Immigration Judge has a legal obligation to advise noncitizens of their potential eligibility for a U-visa if it is apparent to the judge that the noncitizen may be eligible for a U-visa.”*

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1 Pub. L. No. 106-386, § 2002, 114 Stat. 1464 (2000).

2 Hereinafter referred to as Ms. Resuleo, which is how she identified herself to the court.

3 It should be noted that while in El Salvador, after her 2010 removal, Ms. Resuleo was repeatedly threatened by and was stabbed by rival gang members.

# Resources

## National Latin@ Network New Website

The National Latin@ Network for Healthy Families and Communities (NLN) is excited to announce the launch of its new interactive website located at [www.nationallatinonetwork.org](http://www.nationallatinonetwork.org). The NLN, coordinated by Casa de Esperanza, is committed to providing timely and relevant information and resources to people working to prevent and eliminate domestic violence within Latin@ communities. The English/Spanish bilingual site features a resource library; public policy updates and action alerts; informative videos; training opportunities; and a blog among other culturally-specific information. You can also sign up for free monthly webinars on a wide range of topics, provided both in English and in Spanish. Advocates, organizers, practitioners, social workers, judges, activists, youth workers, survivors, and anyone working to promote safe and healthy Latin@ families and communities will find the site useful.

## Center for Immigrants' Rights New Tool to Help Immigrant Survivors

The Center for Immigrants' Rights has published "Immigration Relief for Victims of Abuse and Domestic Violence," a toolkit to help practitioners in representing immigrant victims of domestic abuse. This toolkit is available at [http://law.psu.edu/immigration\\_remedies/materials](http://law.psu.edu/immigration_remedies/materials).

The toolkit includes information about the following remedies: the U-visa, T-visa, the Violence Against Women Act's (VAWA) self-petition, VAWA cancellation of removal, and prosecutorial discretion. Specifically, it contains an analysis of the substantive materials on these subjects, including relevant statutes, regulations, agency memoranda, and secondary sources.

## ASISTA

ASISTA's purpose is to centralize assistance for advocates and attorneys facing complex legal problems in advocating for immigrant survivors of domestic violence and sexual assault.

The ASISTA website, located at <http://www.asistahelp.org/>, includes a clearinghouse which offers samples and best practices in the field. ASISTA's goal is to enable service providers to offer accurate and up-to-date help to immigrant survivors of domestic violence and sexual assault.

## Federal Interagency Work Group on Limited English Proficiency (Federal LEP Work Group)

The website of the Federal LEP Work Group, at [www.lep.gov](http://www.lep.gov), serves as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for federal agencies, recipients of federal funds, users of federal programs and federally assisted programs, and other stakeholders. ☼

## Family Violence Snapshots

Family Violence Snapshots provide an in-depth analysis of a child protection or custody issue that includes fundamental and practical information to promote co-occurrence collaboration, trauma-informed responses, and/or best practices and to address barriers in the domestic violence child protection and custody field at large. The first ever family violence snapshot on the Defending Childhood Initiative is now available at <http://www.ncjfcj.org/resource-library/publications/family-violence-snapshots>.

## State Law Charts

State law charts provide an overview of state-specific child protection and child custody laws in the context of domestic violence and are intended for educational and research purposes only. Ten new and updated state law charts on the Child Abuse Prevention and Treatment Act, child custody or visitation when domestic violence is present, child custody or visitation with a registered sex offender, mandatory domestic violence training for child protection services professionals and judges, and mediation where domestic violence is present are now available at <http://www.ncjfcj.org/our-work/state-laws>.

# The Domestic Violence Resource Network

The Domestic Violence Resource Network (DVRN) is funded by the U.S. Department of Health and Human Services to inform and strengthen domestic violence intervention and prevention efforts at the individual, community, and societal levels. The DVRN works collaboratively to promote practices and strategies to improve our nation's response to domestic violence and make safety and justice not just a priority, but also a reality. The DVRN includes two national resource centers, five special issue resource centers, three culturally-specific institutes, and the National Domestic Violence Hotline.

## National Resource Centers

### NATIONAL RESOURCE CENTER ON DOMESTIC VIOLENCE

**800-537-2238 • [www.nrcdv.org](http://www.nrcdv.org) and [www.vawnet.org](http://www.vawnet.org)**

The National Resource Center on Domestic Violence (NRCDV) provides a wide range of free, comprehensive, and individualized technical assistance, training, and resource materials. The scope of NRCDV's technical assistance is broad and includes domestic violence intervention and prevention, community education and organizing, public policy and systems advocacy, and funding.

### NATIONAL INDIGENOUS WOMEN'S RESOURCE CENTER

**855-649-7299 • [www.niwrc.org](http://www.niwrc.org)**

The National Indigenous Women's Resource Center, Inc. (NIWRC) is a Native nonprofit organization that was created specifically to serve as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women. NIWRC seeks to enhance the capacity of American Indian and Alaska Native tribes, Native Hawaiians, and Tribal and Native Hawaiian organizations to respond to domestic violence and increase the safety of Native women.

## Special Issues Resource Centers

### BATTERED WOMEN'S JUSTICE PROJECT CRIMINAL AND CIVIL JUSTICE CENTER

**800-903-0111, ext. 1 • [www.bwjp.org](http://www.bwjp.org)**

The Battered Women's Justice Project (BWJP) promotes change within the civil and criminal justice systems that enhances their effectiveness in providing safety, security, and justice for battered women and their families. BWJP provides technical assistance to advocates, civil attorneys, judges and court personnel, law enforcement officers, prosecutors, probation officers, batterers intervention program staff, defense attorneys and policymakers, and victims of domestic violence and their families.

### BATTERED WOMEN'S JUSTICE PROJECT NATIONAL CLEARINGHOUSE FOR THE DEFENSE OF BATTERED WOMEN

**800-903-0111, ext. 3 • [www.bwjp.org](http://www.bwjp.org)**

The National Clearinghouse for the Defense of Battered Women (National Clearinghouse) addresses the unique needs of battered women who, as a result of the abuse they have experienced at the hands of their intimate partner, end up charged with crimes. The National Clearinghouse strives to prevent the revictimization of battered women defendants by providing specialized technical assistance, resources, and support to battered women charged with crimes and to members of their defense teams.

### NATIONAL HEALTH RESOURCE CENTER ON DOMESTIC VIOLENCE

**888-792-2873 • [www.futureswithoutviolence.org/health](http://www.futureswithoutviolence.org/health)**

The National Health Resource Center on Domestic Violence (HRC) supports health care practitioners, administrators and systems, domestic violence experts, survivors, and policy makers at all levels as they improve health care's response to domestic violence. The HRC supports leaders in the field through groundbreaking model, education and response programs, cutting-edge advocacy, and sophisticated technical assistance.



## NATIONAL CENTER ON DOMESTIC VIOLENCE, TRAUMA & MENTAL HEALTH

**312-726-7020 • [www.nationalcenterdvtraumamh.org](http://www.nationalcenterdvtraumamh.org)**

The National Center on Domestic Violence, Trauma & Mental Health is committed to developing comprehensive, accessible, and culturally-relevant responses to the range of trauma-related issues faced by domestic violence survivors and their children; to promoting advocacy that is survivor-defined and rooted in principles of social justice; and to eradicating the social and psychological conditions that contribute to interpersonal abuse and violence across the lifespan.

## RESOURCE CENTER ON DOMESTIC CHILD VIOLENCE: CHILD PROTECTION AND CUSTODY

**800-527-3223 • [www.ncjfcj.org](http://www.ncjfcj.org)**

The Resource Center on Domestic Violence: Child Protection and Custody (RCDV: CPC) provides leadership and assistance to advocates, child welfare and professionals and agencies, domestic violence coalitions, researchers, judges and court personnel, attorneys, policymakers, educators, and victims of domestic violence and their families on the issue of child protection and custody in the context of domestic violence. The RCDV: CPC provides technical assistance, training, policy development, and other resources that increase safety, promote stability, and enhance the well-being of battered parents and their children.

## Culturally-Specific Institutes

### ASIAN & PACIFIC ISLANDER INSTITUTE ON DOMESTIC VIOLENCE

**415-568-3315 • [www.apiidv.org](http://www.apiidv.org)**

The Asian & Pacific Islander Institute on Domestic Violence is a national training and technical assistance provider and a clearinghouse on gender violence in Asian, Native Hawaiian, and Pacific Islander communities. It serves a national network of advocates, community members, organizations, service agencies, professionals, researchers, policy advocates, and activists from community and social justice organizations working to eliminate violence against women.

## CASA DE ESPERANZA: NATIONAL LATIN @ NETWORK OF HEALTHY FAMILIES AND COMMUNITIES

**651-646-5553 • [www.casadeesperanza.org/national-latino-network](http://www.casadeesperanza.org/national-latino-network)**

The National Latin @ Network for Healthy Families and Communities (NLN) exists to advance effective responses to eliminate violence and promote healthy relationships within Latino families and communities. The NLN addresses four primary issues: increasing access for Latinos experiencing domestic violence through training and technical assistance; producing culturally relevant tools for advocates and practitioners; conducting culturally relevant research that explores the context in which Latino families experience violence; and interjecting the lived realities of Latinos into policy efforts to better support Latino families.

## INSTITUTE ON DOMESTIC VIOLENCE IN THE AFRICAN AMERICAN COMMUNITY

**877-643-8222 • [www.dvinstitute.org](http://www.dvinstitute.org)**

The Institute on Domestic Violence in the African American Community (IDVAAC) is an organization focused on the unique circumstances and life experiences of African Americans as they seek resources and remedies related to the victimization and perpetration of domestic violence in their community. IDVAAC's mission is to enhance society's understanding of and ability to end violence in the African American community.

## Other DVRN Partners

### NATIONAL DOMESTIC VIOLENCE HOTLINE

**800-799-7233 • 800-787-3224 (TTY) • [www.thehotline.org](http://www.thehotline.org)**

The National Domestic Violence Hotline (Hotline) provides an immediate response to victims of domestic violence and their families, and a seamless referral system to community programs in response to the needs of the women, men, and children on the line. The Hotline, operated 24/7 and available in 170 languages, is the first step to safety for many callers whose unique situation is assessed and evaluated to meet short-term needs, with a local referral to assist the caller in dealing with the long-term effects of family violence.

## New Staff

During the past year, the Family Violence Department (FVD) said goodbye to several staff members, including Emilie Meyer, Priscilla “Pam” Russell, and Katheryn “Katy” Yetter. As such, the FVD welcomes the following new staff:



**Eryn Branch** joins the FVD as a Policy Analyst. Eryn has worked in the domestic violence field since 1999 when she joined the Nevada Network Against Domestic Violence to facilitate training, technical assistance, and curriculum development to Nevada advocates and a variety of allied professionals (including welfare systems and healthcare providers). She holds a Master’s degree in Literature from the University of Nevada, Reno.



**David Gamble, Jr., JD**, joins the FVD as an Attorney. Prior to joining the FVD, he practiced divorce and family law with a local law firm in Reno, Nevada. David received his JD from Thomas Jefferson School of Law in San Diego, California and has a BA in Journalism from the University of Nevada, Reno.



**Irene Gibson** joins the FVD as an Administrative Assistant. Irene transferred from the National Council of Juvenile and Family Court Judge’s (NCJFCJ) Permanency Planning Department for Children. Prior to joining the NCJFCJ, she worked as a human resources advocate and volunteered at the local food bank.



**Elaine Gustafson** joins the FVD as a Grants Analyst. Prior to joining the FVD, she worked as a budget analyst for the Desert Research Institute in both the Budget Office and Grant Management divisions. Elaine also worked for Microsoft Licensing as a contractor reviewing revenue contracts and at Anthem Blue Cross and Blue Shield as a Medicaid/Medicare Auditor. She graduated from the University of Nevada, Reno with a BS in Finance and a minor in Accounting.



**Nancy Hart, JD**, joins the FVD as an Attorney. She has been involved in domestic violence work for over 20 years as director of a volunteer lawyers program in Reno, as a deputy Attorney General involved in federal grant projects, legislative efforts, and other statewide policy development, and most recently as a policy consultant and legislative advocate for the Nevada Network Against Domestic Violence. Nancy received her BA in International Relations from Stanford University and her JD from the University of California at Davis.



**Jessica Singer, JD**, joins the FVD as an Attorney. Jessica recently received her JD from the University of California Los Angeles. She is originally from Truckee, California, and is happy to return to her home area after having spent several years abroad and in school. She received her BA in International Relations from Brown University in 2003.



**Amanda Widup**, joins the FVD as a Policy Analyst. She recently received her Master’s degree in Social Work with a concentration in Social Policy and Administration from Florida State University. Amanda has worked and volunteered in the field of social work since 2001, primarily in the areas of family violence and juvenile justice. She obtained her BA in Social Work from Weber State University in 2003.

# SYNERGY

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National Council of Juvenile and Family Court Judges

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NATIONAL COUNCIL OF JUVENILE  
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