Protecting Your Parental Rights

A Resource for Immigrant Detainees with Child Custody Issues in Arizona[1]

Introduction

This guide is designed to help parents detained by Immigration and Customs Enforcement (ICE) in Arizona who are having child custody issues. If any of these categories apply to you, this guide may be helpful:

1. You think your children may be in the custody of Child Protective Services (CPS)
2. You know your children are in CPS custody and are going through the child welfare (also known as dependency) court process
3. You have sole legal/physical custody of your children and you are detained

Since it was written for parents detained in **ARIZONA** only, this guide focuses on how CPS and the dependency court process functions in **ARIZONA**. Each state has different child welfare laws, which makes it impossible to provide specific information about other states in a small pamphlet like this. However, if you are having child custody issues in another state, this guide may give you ideas on how to start advocating for yourself and getting the information you need so that you may be a part of this important time in your children's lives.

Please note that every situation is unique! This guide is **NOT** intended to provide legal advice on either a dependency case or an immigration case. Rather, it is a general guide on procedures and practices in the Arizona child welfare system designed to help clarify the dependency court process for detained parents who are struggling to understand it and be a part of the decision-making for their children's future.

The guide is written in a question/answer format and has three main parts:

Part 1: The Arizona Child Protective Services (CPS) System (p. 2)
Part 2: The Dependency Court Process (p. 6)
Part 3: Child Custody Issues When Your Children are NOT in CPS Custody (p. 19)

We encourage you to read this **WHOLE** guide carefully because even if you think one part doesn't apply to you, it may have information about the child welfare system in Arizona that is useful for you.

GOOD LUCK!!!

[1] This self help guide was created to assist pro se respondents detained in Florence and Eloy, Arizona. The Florence Project's copyright protection permits dissemination and use of our pro se materials for educational and legal assistance purposes. We kindly ask that credit be given to the Florence Project when circulating our pro se materials or adapting them into your own materials for circulation.

PART 1: The Arizona Child Protective Services (CPS) System

What is CPS?

CPS stands for **Child Protective Services**. Each of the 50 states in the US has a separate governmental agency designed to protect children suspected of having been abused, abandoned, or neglected and to assist families whose children are at risk of being abused, abandoned, or neglected. CPS is the name of this agency in Arizona. If CPS is involved with your children it may be because of past incidents before you were taken into immigration detention or it could be that they think there is no one available to take care of your children because you are in immigration detention.

Why is CPS getting involved with my children?

CPS has a very broad definition of conduct that it considers abuse. The following incidents (from CPS's website[2]) are considered abuse and may trigger CPS to get involved with your children:

- **Physical abuse** includes non-accidental physical injuries such as bruises, broken bones, burns, cuts or other injuries.
- **Sexual abuse** occurs when sex acts are performed with children. Using children in pornography, prostitution or other types of sexual activity is also sexual abuse.
- **Neglect** occurs when children are not given necessary care for illness or injury. Neglect also includes leaving young children unsupervised or alone, locked in or out of the house, or without adequate clothing, food, or shelter. Allowing children to live in a very dirty house which could be a health hazard may also be considered neglect.
- **Emotional abuse** of a child is evidenced by severe anxiety, depression, withdrawal or improper aggressive behavior as diagnosed by a medical doctor or psychologist, and caused by the acts or omissions of the parent or caretaker.
- **Exploitation** means use of a child by a parent, guardian or custodian for material gain.
- **Abandonment** means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision, when such failure is intentional and continues for an indefinite period.

There are other incidents that CPS may label neglect or abuse and may trigger CPS to get involved with your children:

- **Leaving one of your minor children alone to babysit the others while you are out of the house.** While there is no Arizona law that requires a babysitter to be of a certain age, if you leave an 8-year-old to care for a 1-year-old, CPS may consider that neglect.

[2] https://egov.azdes.gov/cmsinternet/main.aspx?menu=154&id=2030&ekmensel=15074e5e_154_0_2030_2

- **Not meeting the children's educational needs**. For example, not registering your school-age children in school or having one of them miss many days of school to stay home and babysit the others while you are out of the home.
- **Not meeting your children's medical needs**. For example, not taking your children to the hospital if they are very sick, or not bringing them back to the doctor for follow-up appointments.
- **Statutory rape.** In the U.S. minors are not able to legally consent to sexual intercourse until they turn 18 so if one of your minor children has a boyfriend or girlfriend who is over 18 and they are having sexual intercourse (even if it is consensual), CPS could consider this abuse or neglect.

Why would CPS take my children out of my home and what should I do if this happens?

According to CPS's website, sometimes information gathered by CPS indicates that the risk of harm to a child is so great that s/he would be unprotected if allowed to stay in your home. When this happens, CPS removes children on an **emergency basis**. Children removed from their home may be placed with a relative or very close friend of the family. This is called a **Relative Placement**. When care by a relative or friend is not available or appropriate, CPS may place the children in a licensed shelter or a foster home. Relative placements, foster homes and licensed shelter care must be assessed and approved by the state and CPS monitors all placements.

If you are in Immigration detention and therefore cannot care for your children, CPS may take your children into custody on an emergency basis if they think there is nobody legally designated to take care of them. For example, if you went to the store and left your children alone at the house and you were then arrested and apprehended by ICE and never came home that night, sometimes CPS will find out and go pick up your children so they are not alone. Sometimes the police will call CPS. Sometimes a neighbor or babysitter who is caring for your children will realize that you never came back and call CPS. If this happens, CPS will probably put your children in an emergency shelter, unless they have contact information for your relatives or close friends right away.

If you learn that your children have been picked up by CPS and are in an emergency placement, you should consider having a relative or close friend call the Arizona CPS hotline at: **1-888-767-2445** ***immediately*** and offer to visit their office with proof of their relationship to your children (like their birth certificate, passport, or a signed letter from you or the other parent, for example). The operators on the hotline speak Spanish. **CPS will release your children to a parent, responsible relative, or non-relative caregiver who does not pose a risk or danger to your children**. CPS will conduct an emergency assessment of the caregiver that includes a criminal background check, verification of relationship to the children, and a visit to the home where the children will live.

- **NOTE – Under a new law in Arizona, undocumented people may be denied services by CPS or even be referred to Immigration. Therefore, it is probably not a good idea to have a family member who is undocumented try to get custody of your children. If you have other family members or close friends of the family who do have legal status in the U.S., ask them to consider helping your children instead.**

BE PERSISTENT: Ask your Deportation Officer, Pod Counselor, Chaplain, or medical staff for help if you have someone that can take care of your children and CPS is not being responsive.

If CPS has taken your children on an emergency basis and no one has come forward to care for them within 48 hours, CPS is required by law to file a petition to make your children dependents of the state court. Once this happens, you and your children will become part of a court process called Dependency that can be very long and complicated, and could end by terminating your parental rights to your children (we discuss the Dependency Court process in more detail in the next section). **If at all possible, try to contact a family member or friend to pick up your children within 48 hours of CPS taking them.**

How do I find out if my children are in CPS custody?

If you suspect your children are in CPS custody but don't know for sure you should call CPS' 24 hour, toll-free hotline right away: **1-888-767-2445**. This is the number people call to report suspected abuse of children. However, they also have access to case information all over Arizona. You should be able to choose Option 2 to be connected to a Spanish language operator.

When you call you should identify yourself as the parent, give your children's names and explain that you are in immigration detention and are trying to find out if your children are in CPS custody. Be calm but assertive and explain that you can not take return calls from detention and that this is an emergency situation and you want to do whatever you can to make sure your children are safe. If they tell you that CPS has opened a case for your children you should ask them (1) which **CPS office** is handling your children's case and what the address of the office is and (2) the name of the **CPS caseworker** assigned to your children's case. You should write this important information below:

My children's CPS caseworker is: _____

His/her phone number is: _____

His/her mailing address is: _____

_____

- **TIP –** If you are calling the CPS 24-hour hotline and you have more than one child who may be in CPS custody, be sure to give each child's name to check for each child. Sometimes children will be separated in an emergency situation.

If CPS has opened a case for your children and a CPS caseworker is handling the case...

You should ***immediately*** call the CPS caseworker and if you do not reach him or her you should leave a detailed message telling them who you are, who your children are and that you are being held in immigration detention. Tell him/her what facility you are in and give them the address. You should also give them your Alien number (which should be on your bracelet, facility ID, or immigration documents) so they can call the Immigration court to verify your case and perhaps visit you in the future. If you get their voicemail you should also tell them about what time you will call them back the next day in case they will be able to make arrangements to be there when you call. Explain that you cannot receive calls from detention so you will need to call them back. Some CPS offices will accept collect calls, if you are able to make them from the detention center you are in. Otherwise, if you don't have money for a phone card, write a letter to the caseworker with all of this information in it.

- **TIP –** CPS has limited resources and many caseworkers do not speak languages besides English. When possible, they assign Spanish-speaking caseworkers to Spanish-speaking families but this is not always the case. If you do not speak English well, you should try to have a friend who speaks English leave the message for you until you find out whether or not your caseworker speaks your language.

You may be very angry that your children are with CPS, but ***always*** be nice to the caseworker who is just doing his/her job and may be very overworked. When you talk to your caseworker, ***always*** make sure that you ask about how your children are doing and let him/her know you really want to get your children back. Ask your caseworker to send you pictures and letters from your children and ask them how you can send letters and cards to your children. If the caseworker doesn't answer when you call **ALWAYS** leave a message so s/he knows you are staying involved with your children's case as best as you can.

- **ALWAYS REMEMBER TO BE NICE!** CPS caseworkers have **A LOT** of power and are the people who get to decide in what direction they will push your Dependency case (of course the judge is the one who makes the final decision but they rely heavily on what the CPS caseworker tells them). If you are angry when you talk to the caseworker, they may assume that you are an angry parent and will want to keep your children away from you. So be nice!!

Part 2: The Dependency Court Process

What is Dependency?

Dependency refers to a decision by the Juvenile Court that a child is in need of "effective care and control" and that the parents are "unable or unwilling to provide proper care and control." This decision only happens after a court process, called the **Dependency Court process**. If a Juvenile Court judge makes this decision s/he is deciding that the children are **dependent** on the state for the time being and the state must care for them. A child could be dependent for a short period of time like a few weeks or several months until the judge thinks that a parent has become willing and able to provide proper parenting. Or, if the judge thinks that the parent continues to be unwilling or unable to provide proper parenting, the child could remain dependent until s/he turns 18 years old or until the Court changes or dismisses the dependency somehow. One example of changing or dismissing the dependency is adoption and termination of parental rights, which we will discuss later on.

The Dependency Court process begins when a **Dependency Petition** is filed by the state Attorney General's office on behalf of CPS 48 hours after they have taken custody of the children. The Dependency Petition is a document that details what kind of abuse, abandonment, or neglect the parent or parents are being accused of. It is filed when there is evidence of immediate danger to the children and it is based on what CPS has learned during its investigation of the children's circumstances at home. **Again, if a parent is detained by Immigration this can be enough to show immediate danger to the children if CPS found them alone in the house or if they were left with someone who wasn't the legal parent or legal, assigned guardian even if there was no evidence of physical or other kinds of abuse.**

What happens during the Dependency Court process?

The dependency court is not a criminal court. However, it has **VERY** real consequences for you and your children so you should take it very seriously. There are two possible outcomes of the dependency court process:

1. The parent participates in services and proves that they will be a good parent to their children and is reunified with his/her children; OR
2. The parent either doesn't complete services or the court is not happy with the parent's progress and the parent does not reunify with his/her children. If this happens, the dependency court may also move to terminate a parent's legal rights (there is more information on this on page 16).

The timeline and outcome for every Dependency case is different and depends on what CPS is accusing the parent of, how many times the parent has been involved with the dependency court before, and many other factors. However, below is a general timeline of a dependency case which includes all of the **important hearings** that the parents should attend, if they are scheduled:

- Preliminary Protective Hearing: Must be held **no more than 5-7 days** after the children are removed from the home; one continuance is allowed, for good cause only.
- Initial Dependency Hearing: Happens if the parents do not attend the Preliminary Protective Hearing. Must be set **within 21 days** of the filing of the dependency petition.
- Mediation, Settlement Conference, or Pre-Trial Conference: These happen before a contested Dependency Adjudication Hearing or Termination of Parental Rights Hearing (contested means that you are denying what CPS alleges you did).
- Dependency Adjudication Hearing: **No more than 90 days** from the filing of the dependency petition. This is where the Judge will decide whether or not to make the child dependent on the state court.
- Dependency Disposition Hearing: **No more than 30 days** from adjudication of the dependency.
- Foster Care Review Board: **No less than every 6 months**. This is where the court checks in to make sure the children are doing well in their placements and to make recommendations about a good permanent home for the children.
- Review hearings: Must be held **every 6 months** after the judge makes a decision on the dependency. At the hearing the judge may (1) order 6 more months of services; (2) order that family reunification services be terminated and set a Permanency Hearing; or (3) continue the case.
- Permanency Hearings: **No more than 12 months** after children's removal from the home if the children are over 3 years old **or within 6 months** of the children's removal if the children are 3 years old or under. This is where the Judge decides what the long-term plan for the children will be. There are several types of permanency hearings which will be explained more fully on page 16.
    - Guardianship Hearing: A type of permanency hearing where the judge dismisses the case and the child goes to live with a long-term guardian.
    - Alternative Planned Permanent Living Arrangement Hearing: A type of permanency hearing where the judge decides what will happen to a dependent child who is almost 18.
    - Termination of Parental Rights Hearing: A type of permanency hearing where the judge decides whether or not to terminate a parent's rights to their children so the children can be adopted.
    - Adoption Hearing: A type of permanency hearing where the judge dismisses the case and the child is adopted by a new family.

If you can't attend these hearings because you are detained, this guide tells you ways to be sure you are still involved. See *Appendix A* of this packet for 2 flow charts of the Dependency Court process.

Can I get an Attorney to help me?

As part of the Dependency Court process, you will be assigned an **attorney** to represent your interests as the parent if you do not have money to hire one for yourself. These people function like public defenders in criminal court, but here they fight for your right to keep your children. If you cannot attend the hearings it is important that you

communicate with your attorney so he or she knows your wishes and can represent you in court. You should ask your attorney to visit you at the detention center to discuss your children's case. Depending on how far away from your attorney and the dependency court you are being detained, your attorney may not want to come out to see you. Be persistent and keep asking them come. If they do not come visit you, make sure you stay in touch by calling them or writing them letters so they know what you want. More information about working with your attorney is on page 9.

How do I find out if a Dependency Petition has been filed for my children, what the case number is, and who my attorney is?

If you know that CPS has a case open for your children and you know who the CPS caseworker is you should ask the caseworker if a dependency petition has been filed. If you have not been able to find out whether CPS has a case open for your children (after trying the hotline number given in Part 1) you can call the juvenile court and give your children's name, tell them you are the parent, and ask if a Dependency Petition has been filed.

In Maricopa County (Phoenix and the surrounding area) there are two courts that hear dependency cases. What court your hearings are in usually depends on what court you lived closest to. The courts are:

Juvenile Court Center – Durango
3131 West Durango
Phoenix, Arizona 85009-6292
Telephone: (602) 506-4533

Juvenile Court Center –Southeast
1810 South Lewis
Mesa, Arizona 85210-6234
Telephone: (602) 506-2544

The juvenile court address and phone number for Pima County (Tucson and the surrounding area) is:

Pima County Juvenile Court
2225 E. Ajo Way
Tucson, Arizona 85713
Telephone: (520) 740-2000

You can call the court closest to where you lived before coming into detention to find out what the **case number** is for your children's dependency case. See *Appendix B* for a complete list of Dependency courts in Arizona and California.

It is very important that you get the case number. The case number starts with "JD," works like your Alien number does in immigration court, and is how the Dependency court and all the players keep track of all the dependency cases in the system. When you call, you will probably need to identify yourself as the children's parent and give them your children's names and birth dates. They should tell you whether or not the case is being heard there, who the judge is, and what the case number is. Sometimes, each child has a different case number so you'll need to get the case number for each of your children.

They should also tell you who your **court-appointed attorney** is. You should ask for your attorney's full name, phone number, and mailing address. If you don't have an attorney appointed to you yet, you should ask the operator why not.

The court phone operators only have access to certain information about cases, like the case numbers and the attorneys involved. They will not know any specific details about your case or the results of any recent hearing. If you want more information, you will need to talk to your attorney or your CPS caseworker. Circle the information above for which court your case is in. Write down the following information below:

Case number(s): Child's name_____ JD_____
Child's name_____ JD_____
Child's name_____ JD_____
Child's name_____ JD_____
Child's name_____ JD_____
Child's name_____ JD_____

Judge's name: _____

My attorney's name: _____

My attorney's phone number: _____

My attorney's mailing address: _____

Can my Consulate help me?

Yes. If you feel comfortable doing so, you can contact the Consulate of your country of citizenship while you're detained to let them know your situation and ask them to assist you in regaining custody of your children. They can help advocate for you and your children in the state court process even if your children are US citizens. If you will be deported you must speak with your consulate before you go so they can authorize you to travel back to your country of origin. You can bring up your child custody issues at this meeting or you can contact them at any point beforehand. You have the right to contact your consulate for free from detention whenever you want to. See *Appendix C* for a list of consulates and their phone numbers and addresses.

What can I do to be a part of the Dependency court process from immigration detention?

You need to understand how important it is to **regularly communicate** with all CPS caseworkers, attorneys, judges, and other people who are part of the Dependency Court process!! If you don't, they will assume that you don't care about keeping your children.

You should **IMMEDIATELY** call and write to your **court appointed attorney** and the **CPS caseworker** assigned to your children's case and let them know that you are detained by Immigration and tell them your mailing address so they can send you

documents for your case. You should tell them that you cannot receive phone calls and may only be able to place phone calls if you have enough money to buy a calling card. If you speak a language other than English, make sure to let them know that you will need to have a copy of all of the important documents in your case translated for you in your language. Give both the CPS caseworker and your attorney the names and phone numbers of all of your relatives on both sides of your children's family that might be able to take care of your children (remember that you should probably only reveal family members who have legal immigration status). **If you are going to be detained for more than a few months, the best chance you have of getting your children back is probably if they're living with a relative or close friend.**

Many people who work in the child welfare system are very busy and often don't answer their phones but they should always be checking their phone messages. If someone you are calling doesn't answer the phone, **leave a message and tell them what time you will try back the next day!** Speak clearly, loudly, and slowly. The detention centers often have very bad phone line connections so try your best to call during a quiet time and be clear. Give as many **details** as possible, including your name, Alien number, and address, so they can write back to you. Keep a **call log**. Every time you call someone, write down the date and time, the person you called, and what you talked about with them or what information you gave them in your message. A blank call log is attached as *Appendix D* to this guide. If you can't afford to make phone calls and are **writing letters** to people, make a copy of every letter you send and keep it in your records. If you can't afford to make a copy, re-write the entire letter out exactly as you wrote it with the date and write at the top in big letters: I DO NOT HAVE ACCESS TO A COPY MACHINE. THIS IS A TRUE COPY. This may be helpful for you if you need to prove to the court that you tried as hard as you could to be in touch with everyone. It may also help you remember what happened in your case as time goes on. If you can't afford stamps, see if another detainee will give you one of their own. If you can't read or write, have someone send a letter to your CPS caseworker and your attorney right away telling them that you cannot read or write and that they will need to visit you if they have to get information from you or tell you something.

If you get transferred from one detention center to another, or if you are released from custody, the *first thing* you should do is call your attorney and the CPS caseworker and let them know where you are and how they can be in touch with you.

Staying in touch is **THE MOST** important thing you can do if you are detained by Immigration. Do **NOT** assume that CPS and the Dependency judges understand what it is like to be detained by Immigration or what your chances are of staying in the US or being deported. The state Dependency court does not share information with the Immigration court and visa-versa. If the Dependency court or CPS do not know where you are and don't hear from you, they will assume that you don't care about your children and will probably push to terminate your parental rights by saying that you willfully abandoned your children. ***The more you are in touch with CPS and your attorney, the better your chances are of keeping your children.*** Remember, CPS is supposed to make reasonable efforts to find you, but they often don't. ***It is YOUR job to make sure everyone knows where you are and that you want to keep your children!***

Keep any and all forms and letters you receive in the mail, and take notes on everything you do. If you haven't seen your children, ask to see them. Write letters or draw pictures for your children and save copies of these letters. Ask to see your children's report cards or ask your children's caregiver to provide you with regular updates on them. Keep copies of certificates for anything positive you are doing in the detention center, including work, any reading and research about parenting or related issues such as drug rehabilitation if relevant, religious activity etc. Because there are no programs in detention you will have to try extra hard to find things to do to show that you care about the welfare of your children and are working on your reunification plan. Remember every effort counts.

How can I be present at the dependency court hearings?

Immigration detention is very different from criminal detention. Unlike criminal detention, if you are in immigration detention you will probably not be able to be physically present at your dependency court hearings. **BUT**, you may be able to be present **telephonically** (by phone). When you talk to your attorney and CPS caseworker you should tell them you will probably not be able to attend the court hearings in person while you're detained but that you very much want to be there telephonically. Ask your attorney to explain your situation to the Dependency judge and ask the judge to issue an order to ICE that they need to help you call the court during all of your dependency hearings. This is called a **telephonic appearance**. The judge can also issue an order that ICE bring you in person, but unless it's a Termination hearing, ICE will probably not want to bring you to your court in person. Lastly, if you ARE brought to the court in person for your hearing, you will probably be in handcuffs the whole time. Ask your attorney to see if the judge can issue an order that your handcuffs be removed during the court process since you are not in criminal custody. The judge or ICE may say no but it is worth a try. Always ask your attorney to send you a signed copy of the judge's order to give to ICE officials where you are detained in case they don't get their copy from the court for some reason.

Your **Deportation Officer or Pod Counselor** can help you appear telephonically in your dependency court hearings if you explain the situation and have an order from the judge. If you don't already know you should find out who your Deportation Officer is and who the counselor of your building or pod is, if you have one, and get their phone numbers. You should give their phone numbers to your Dependency Attorney so they can coordinate the telephonic presence with them. Your attorney will need to give your Deportation Officer the phone number of the courtroom (not just the main number of the court), and may need to send him/her proof that you have a court hearing, or the order of the dependency court judge saying that you need to be there telephonically. You should get this information from your attorney as well and write a request form to your Deportation Officer with all of the information (what the date and time of your next hearing is, and the phone number you need to call). Write down the name and phone numbers of your Deportation Officer and any Counselor or Chaplain in your unit. Write down the phone number of the Dependency court courtroom you will need to call:

Deportation Officer: _____ Number: _____

Counselor/Chaplain: _____ Number: _____

Courtroom Phone Number: _____

Some Deportation Officers don't like to give out their phone number. If this happens, tell your attorney to call **520-868-8383** if you are in Florence or **520-464-3000** if you are in Eloy. These are the main phone numbers for ICE. When someone answers, they should ask for the Deportation Officer of people with the last three digits of your Alien Number.

Do I have a right to visit with my children while I'm detained?

If visitation is written into your CPS case plan, you **DO** have the right to see your children while you're detained (if you don't know the case plan, ask your CPS caseworker to send you a copy of it. The case plan outlines whether or not CPS is trying to reunify you with your children and what you need to do in order to get your children back). However, whether or not you actually get to see them will depend on your children's particular situation. If your children are living with a relative, the relative may get permission from CPS to bring your children to visit you in detention. If your children are in foster care or a group home, it is the responsibility of the CPS caseworker to make arrangements for visitation with your children. If the caseworker is pushing to terminate your parental rights, they will not want to bring the children to see you. If the caseworker is trying to reunify the family, they should be open to you having visits with your children and it should be written into the case plan. However, some caseworkers and judges will not want to bring children to a detention center because they think it will be psychologically harmful for the children to be in a detention center or to see their parents detained. Ask your attorney to fight for visitation for you and remind them that you are in civil, not criminal, detention. Also, Arizona CPS has a very small budget and doesn't have a lot of extra money to pay for caseworker's time and gas to bring children out to see their parents. Because of all of this, ***you will have to work very hard and make many phone calls to the caseworker and to your attorney if you want to visit with your children.***

In order for your children to be able to visit you in detention, you will need to put everyone's name down on a list and get them cleared with ICE security. This includes CPS workers and anyone that may be escorting your children to visit you. Ask one of the guards in your pod or your Deportation Officer how to put someone's name on your visitation list. You may need to know everyone's date of birth and perhaps their social security number before they can be cleared to come visit you. It can take several weeks for someone's background check to clear. Ask the guard what days and times family can come visit you and be sure you tell the caseworker or the relative who is responsible for your children so they don't drive all the way out to the detention center during a time that they're not allowed to visit. Tell your caseworker or relative to call the facility and ask about dress code and other policies so they are not turned away at the door.

- **Important note**: Only people who have immigration status in the US are allowed to go into an immigration detention facility. Those who do not have immigration status and show up at the facility can risk being detained and put into removal proceedings. Those who have legal status but who have a criminal record should check with an immigration attorney before attempting to visit someone in immigration detention because sometimes criminal charges can make someone deportable, even if the charges are really old or are misdemeanors.

How can I be reunified with my children as part of the Dependency Court process?

After CPS has opened a case for your children and the Dependency Court Process has begun, the court will demand that you do some things in order to prove to them that you should keep custody of your children. These things the court asks of you are part of your **case plan**, and are **requirements of reunification**. This means that in order to get your children back, you must do every last thing that the court asks of you, even if you think you don't need it. If you do not do it all, you could lose custody of your children forever.

As part of your case plan, you will likely be ordered to complete certain **services** to show the court that you should keep custody of your children. Every case is different but some common CPS services include parenting classes, counseling, drug and alcohol treatment, and anger management classes.

Normally, you only have 6 months reunification time if your children are 3 years old or younger. If your children are between 4 years old and 17 years old, you may have up to 12 months. Sometimes, though not often, the time may be extended. **Every case is different so you should speak to your attorney and make an action plan that is specific to your case.** The court may only extend reunification time if they feel that you've already made good efforts and you can complete all of the requirements of reunification in the time given, and that at the end of that time, it is realistic that you will be able to have your children back living with you. The judge must be convinced that at the end of that 12 or 18 months you will have completed all of the requirements of your case plan to reunify with your kids (including parenting classes, drug programs, housing, etc) and that based on the facts of your case, you will be able to have your children back in your care and provide a safe and stable living environment for your children. You MUST be on top of your case plan to prove to the court that you deserve the extended time. We tell you this not to discourage you, but to let you know the reality. You should treat your reunification time like you only have **six months**. •

• Parts of this pamphlet proceeded by a "•" were adapted from: "My Life Chose Me: A Young Mother's Guide to Surviving the System," by Baby Mama's United, a Project of the Center for Young Women's Development, http://www.cywd.org/Brochure/MyLifeChoseMe.pdf.

I will be detained by Immigration for more than a few months and they don't offer any services here. What can I do?

Unfortunately, because you are detained, you are at a huge disadvantage in the dependency court because there are currently no services you can participate in while you're detained. Moreover, if you were previously detained in Maricopa County for a criminal charge and had an ICE Hold on you, you may not have been able to participate in services there either. This will likely affect your dependency case, since the court wants to see that you are making progress towards getting your children back and they are not very flexible, even if you're detained or deported and there are no services where you are.

It is VERY important that your attorney, the judge, and your children's CPS caseworker all understand that while you are willing to comply with any services or classes they might offer, you are detained by Immigration and cannot currently participate in anything.

It is also VERY important that they all understand that you are not currently serving time for a criminal charge. Remember that the dependency court probably does not understand Immigration law or Immigration detention. You can write a letter to the judge explaining that you are not being detained for violating a criminal law. Send this letter to your attorney and ask them to file it with everyone who is part of your case. In this letter, you can explain that Immigration detention is a civil procedure and you can give information about yourself. If you came to this country so that your children could have better lives and more opportunities, write that in the letter. If you were brought to this country illegally as a child and had no choice in the matter, write that in the letter. If you had your green card or any other kind of status for a long time or came to the US as a refugee, make sure the judge knows that. Remember, it's YOUR burden to present evidence to the judge that makes you look good. In *Appendix E* of this guide is a template letter to the judge that you can use to think about what you want to include in your own letter.

While you may not be able to do the services that are asked of you in the case plan because they are not offered in detention, there are other things you can do to show that you care about your children and are making your best efforts to show that you are a good parent. You can write letters or draw pictures for your children and save copies of these letters. Ask to see your children's report cards or ask your children's caregiver to provide you with regular updates of your children. Keep copies of certificates for anything positive you are doing in the detention facility. Involve yourself in any possible activities while in detention including work, reading and research about parenting or related issues such as drug rehabilitation if relevant, religious activity etc. You can try to obtain a letter from a counselor, chaplain, or detention officer stating that you have demonstrated good behavior while in detention. You can also obtain letters of support from anyone you know that can prove that you are a good parent and care about your children. Because there are no programs in detention you will have to be creative and try extra hard to find things to do to show that you care about the welfare of your children. Remember every effort counts. If you have family or friends that are not detained, ask them to order you some new self-help books from amazon.com and have

them shipped directly from Amazon to you. If you have criminal charges for drugs or alcohol, get self-help books that help people maintain sobriety. If CPS is alleging that you physically abused your children, get books on parenting or anger management.

- Remember, reunification is your first and ONLY chance to regain custody of your children so try your hardest to find ways to comply with the case plan. If you fail to reunify with your children within the time the court gives you, you may lose your parental rights forever.[•]

If you have money to pay a bond, you should ask for a bond hearing so you can get out of immigration detention and participate in the dependency court. If you do not have money for a bond or if you do not qualify for a bond, you can petition for your release from detention on humanitarian parole, recognizance, supervised release, or an Alternatives to Detention Program in order to participate in your case plan. See the Florence Project's pamphlet "How to Request Humanitarian Parole" for more information on how to ask ICE to let you go. Though ICE may decide that your situation is not an "urgent humanitarian" situation and continue detaining you, it is worth it to try.

I am going to be deported soon. What can I do to comply with the CPS services? Can I get custody of my children again if I am deported?

The dependency court process continues whether you're deported or not. Remember, it is **YOUR** responsibility to do all the services offered to you in order to get your children back even if you are deported. This means that you will probably have to work with CPS, with your consulate (while you're still detained in the U.S.), and with child welfare agencies in your country of origin to put together a reunification plan and locate services. You should make sure that your attorney, the CPS caseworker, and the judge all understand approximately when you'll be getting deported and where you will go. Give your attorney, CPS caseworker, and the court contact information for all of your family members if you don't know the address or contact information of the place you will be living at once you're deported so the court can stay in touch with you once you're gone. Also, you can try to get CPS to do a guardianship for your children with one of your family members in your country of origin. Just because CPS may send your children back to your country of origin, however, doesn't mean that you'll get your children back when you're deported. It does mean, though, that you'll be able to visit with them and have contact with them as you work to comply with everything CPS wants you to do. If you don't have family members that are able to care for your children in your home country, try to get CPS to do a guardianship for your children with a family member or close friend in the US. If your child is in a long-term, stable guardianship CPS will be less likely to push to terminate your parental rights and put your child up for adoption by strangers. A guardianship might give you more time to comply with the services once you've been deported. Talk with your attorney about this option.

Once deported, if you are having trouble complying with the services in your case plan, you should let CPS, the judge, and your attorney know why. It is part of CPS' job to ensure that you are able to comply with the case plan they put together and if there are

[•] Ibid

serious obstacles that are preventing you from being able to comply, you should notify everyone immediately. Don't just give up because then the judge will find that you are not willing or able to care for your children and may terminate your rights. **You have to be assertive and let people know what the obstacles are so they don't just assume that you are lazy!!**

I have a criminal record. How will my criminal case affect my children's dependency case?

This depends on how recent your case was and what you were accused of doing. Just having a criminal record is NOT enough grounds for CPS to open a case for a child. There has to be either a connection between your criminal record and some kind of risk to your children or the fact that you are incarcerated means that you are currently unable to care for your children. If you have been accused of some kind of violent crime, sexual crime, or a crime involving drugs or alcohol, it will definitely make it harder for you to keep custody of your children and CPS will require you to complete more services.

- **Note**: If you were serving time in prison or jail before coming to immigration detention and did participate in services like substance abuse counseling or parenting classes while you were in criminal custody, you should tell your attorney and caseworker about this and give them any evidence of these classes that you have, as this may be able to count towards your reunification case plan.

What happens if the court terminates reunification services?

If the court thinks you are not doing what they ordered you to do to get your children back, or if your time runs out in the reunification period, the court may order that the state does not have to provide any more services to you. This is called **termination of services**. This can still happen even if parents are detained by immigration and can't participate in services because they're detained. When the court terminates reunification services, it means that the time the judge has given you to reunify with your children has run out, and they need to figure out what to do with your children. ***This does NOT mean that your parental rights have been terminated.*** It means that it's time for a permanency plan.[•]

What is a Permanency Plan?

A **permanency plan** happens after the court terminates reunification services. This is when the court decides what to do with your children on a long-term basis. There are four main options for a permanency plan: family reunification, legal guardianship, long-term placement in foster care, or adoption. The last three are described below:

Legal Guardianship – A legal guardianship is when CPS places your children with a family member or very close friend of the family and gives them long-term (but

[•] Ibid

temporary) rights to your children to act as their parent. Legal guardianship suspends a parent's rights but does not terminate them. ***If your children are in a guardianship, there should be no reason to terminate your parental rights unless your family member decides that they want to permanently adopt your children.*** In a guardianship, the dependency court will continue to meet about every six months while the children are under 18 to check-in and make sure the children are safe and that the guardianship is still a good placement for them. If your children are in a legal guardianship with a family member or close friend, you may have the chance in the future to regain custody of your children by presenting evidence to the court during one of these six month check-ins that you have been complying with the old case plan and are now stable enough to regain custody of your children. Legal Guardianship may provide the **best chance** for you to regain custody of your children in the future if you are going to be in immigration detention for a long time.

Long-term placement in foster care – Long-term placement in foster care is probably the second-best option for parents who will be detained for a long time. If you don't think any of your family members would take good care of your children or if you don't have any family members that could take care of them, you can try to get the court to place your children in long-term foster care until you are released. ***Tell the court how much you do not want to lose your children. Explain that you should not have to lose your children just because you do not have anyone you can trust to take care of him/her.*** It is very difficult in Arizona to get the dependency court to place children in long-term foster care. However, long-term foster care is another long-term temporary option that would allow the parent to come back into court for one of the six-month reviews and petition to get their children back again. Like guardianship, parents whose children are in long-term foster care should not usually have their parental rights terminated.

Termination of Parental Rights and Adoption – Adoption is the most drastic, and a very common, option for the dependency court. CPS can move the court to terminate parental rights and put the children up for adoption if they feel that the parents haven't complied with the services, are not fit to regain custody of their children, and that there are no family members that could do a guardianship. If your children are going to be adopted, your parental rights **will** be terminated.[*]

What does it mean to have your parental rights terminated?

If your parental rights are terminated you are no longer legally considered the parent of the children and you have no legal right to see your children ever again. You have no right to make decisions regarding your children, and you have no right to any information about your children. Unless a family member adopts your children, your family has also lost all rights to your children.

[*] Ibid

If my children have been adopted, is there anything I can do to still be a part of their lives?

Unfortunately, there is not much you can do if your children get adopted. Your legal parental rights have been terminated, the people who adopted your children are recognized as the parents, and they have all the rights. You can speak to an attorney about the facts of your case and see whether you may be able to appeal the termination of your parental rights, but you only have 15 days to appeal a termination decision and most adoptions are final. If you want to appeal, you should talk to a lawyer as soon as possible – do not wait!

One thing you **CAN** do is contact your caseworker. Tell the caseworker you want to write to the people who adopted your children, to see if they will let you know how your children are doing. ***Be careful*** when writing this letter – you don't want to scare the adoptive parents. Be polite and acknowledge them as parents too, even if you don't feel that way.

The caseworker cannot release any information about the people who adopted your children, including their address. But you can send them a letter through the caseworker, who may or may not send it to them. In the letter to the adoptive parents, ask for an update on your children, pictures, anything they might be willing to send. Don't count on a response: the adoptive parents may not want anything to do with you and they don't have to respond if they don't want to. But it's worth a try.[•]

[•] Ibid

PART 3: Child Custody Issues When CPS is NOT Involved With Your Children

I have sole custody of my children. How can I legally designate someone to care for my children while I am detained?

- **NOTE -** If your children are already in the care of their other parent, an appointed legal guardian, or in the custody of CPS, this section should not apply to you.

If you are the sole caregiver or custodian for your children, you may want to consider appointing a **guardian** to temporarily care for your children. You can appoint a trusted friend or family member who has legal status in the United States to be the legal guardian of your children. This allows the person of your choice to be legally authorized to help your children in your absence. This includes helping your children get medical care, registering your children in school, and obtaining a passport for your children, if needed.

Appointing a legal guardian by filling out a **Power of Attorney** is a separate way to give limited, temporary authority to a person to care for your children and does not have anything to do with the Dependency Court or any other type of court. See *Appendix F* for a sample "Power of Attorney Over a Minor Child" that can be used to designate a person you completely trust to be your children's guardian. The form must be notarized and signed by a witness. The detention center should provide access to a notary. You should ask your Deportation Officer if you have trouble getting access to a notary. In Arizona, these types of Power of Attorneys last for six months so you'll have to rewrite it every six months if you're still detained. To revoke a Power of Attorney, you need to mail a letter to the person who has your Power of Attorney and let them know that you are revoking it. You should have this letter notarized as well, make a copy for your records, and send it certified mail so you can prove that you mailed it.

- **NOTE -** Appointing someone guardian of your children is a **VERY** powerful tool and an important responsibility. It is essential that you only assign this privilege to someone you completely trust!

If you are the sole caregiver for your children, make sure that your Deportation Officer is aware of your situation. You can request to be released from detention in order to care for your children through humanitarian parole, recognizance, supervised release, or an Alternatives to Detention program. Explaining your situation will not guarantee your release, but it is ALWAYS worth asking.♦ See the Florence Project's pamphlet "How to Request Humanitarian Parole" for more information on how to ask ICE to let you go. Though ICE may decide that your situation is not an "urgent humanitarian" situation and continue detaining you, it is worth it to try.

♦ Parts of this pamphlet proceeded by a "♦" were adapted from: "Detainees with Minor Children: Frequently Asked Questions," by the Florida Immigrant Advocacy Center

I am going to be deported. How can I bring my children with me?

If you are going to be deported, you should talk with your Deportation Officer and ask if it is possible for your children to return at the same time as you do. ***You should only do this if your children are U.S. citizens or Lawful Permanent Residents with no criminal history.*** It can be dangerous to reveal to an immigration officer that your children are undocumented. They may be placed in removal proceedings too. Your Deportation Officer is not your advocate and he or she is not obligated to help your children, but it is worth a try.

If your children were born in the U.S., make sure they have important documents like birth certificates, passports, educational records, medical records (including immunization records), and social security cards before they leave the country. If your children do not have a passport, you will need to complete a special form called a "Notarized Statement of Consent for Special Circumstances" in order for them to be able to request one without your presence. This form is attached in *Appendix G*. You must complete this form to explain why you cannot go with your children in person to apply for a passport. You need to sign Section 4A in the presence of a notary.

If your children are not U.S. citizens, you will need to contact the Consulate of your children's country of birth to find out how to apply for a passport from that country for them. You have the right to contact your consulate for free while you are in detention.[♦] See Appendix C for a list of consulates and their contact information.

If I'm deported, can I get a visa to come back to the U.S. to see my children?

The answer to this is probably no. You should speak with an immigration attorney about your chances of coming back to the U.S. in the future *before* you are ordered deported. If you have an Order of Deportation from an Immigration Judge, it is unlikely that you will be able to return to the US legally for ten years. You need to work with the consulate of your country in Arizona AND with the American Consulate in your country of origin once you're deported to see if Immigration will give you permission to come back. It may be easier to come back to the US in the future if you are granted Voluntary Departure. Talk with an immigration attorney to see if you qualify for Voluntary Departure.

[♦] Ibid

Conclusion

We hope this guide has answered some of your questions about your parental rights and given you strategies for dealing with CPS and navigating the dependency court system. If you have specific questions about your case that your court appointed attorney or CPS caseworker can't answer or if you are having difficulty being in touch with your attorney or CPS caseworker, please contact Deborah Bergman, Social Services Coordinator for the Florence Immigrant and Refugee Rights Project at: 520-868-0191 extension 123. If she doesn't answer, leave a message with your name, Alien number, where you are detained, and why you are calling. Or write to her at:

Deborah Bergman
Social Services Coordinator
The Florence Project
PO Box 654
Florence, AZ 85132

If you are a woman and are having child custody issues, you may also contact Patricia Manning at the University of Arizona Southern Institute for Research on Women, who may be able to assist you as well. She can be reached at: 520-626-9154 or by mail at:

Patricia Manning
SIROW, University of Arizona
PO Box 210438
Tucson, AZ 85721-0438

If you have family members caring for your children in Tucson, AZ you can contact the K.A.R.E. Family Center for more assistance. The K.A.R.E. center is a non-profit organization that assists non-parent caregivers. You can call them at: 520-323-4476 or write to them at:

KARE Family Center
4710 E. 29th St. Bldg 7
Tucson, AZ 85711

Arizona CPS also has a hotline called the Parent Assistance Program which exists to help parents or guardians with their questions and concerns about CPS. The hotline can educate parents about how to get legal assistance, about the dependency court process, and about their legal rights and responsibilities as parents in a dependency case. The hotline staff may also be able to provide crisis counseling as well.

The hotline number is: **602-542-9580**
Or you can reach it toll-free at: **1-800-732-8193**

Additionally, CPS runs the Family Advocate's Office and the DES Client Advocate's Office. Both offices are available to provide additional information or assistance to parents. They also both handle concerns or complaints about CPS. They can explain procedures to parents and try to resolve problems.

The Family Advocate's Office number is: **602-364-0777**
Or you can reach it toll-free at: **1-877-527-0765**
The Client Advocate's Office number is: **602-542-3581**
Or you can reach it toll-free at: **1-800-352-8168**

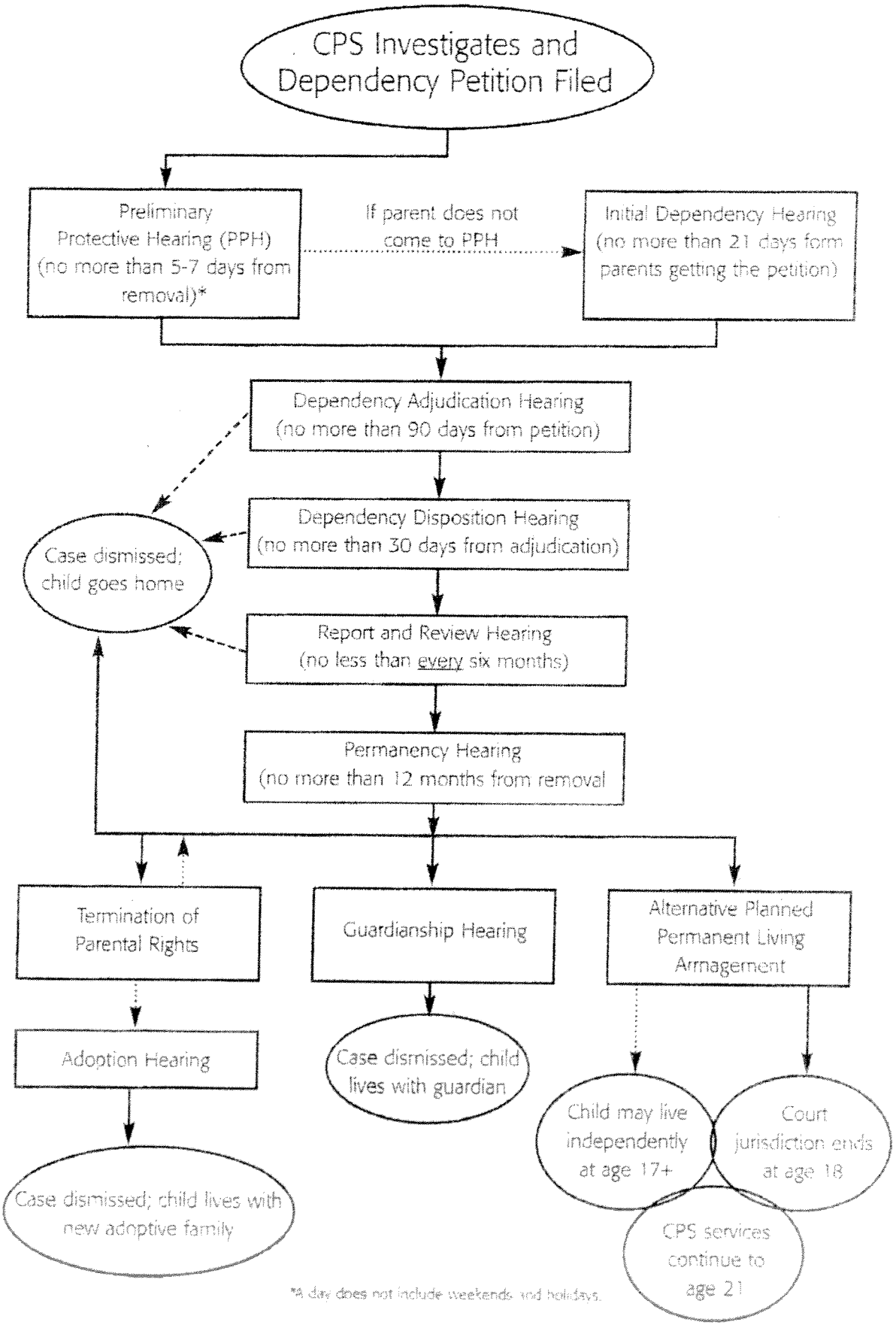
These three offices (the Parent Assistance Program, the Family Advocate's Office and the DES Client Advocate's Office) are all run by CPS, so be warned that whatever you say may be shared with your CPS caseworker and that the first thing the operator may do to try to help you is to reach out to your caseworker. Try resolving your problem with the caseworker or their supervisor before you call one of these three numbers.

The Florence Project wishes you the best of luck in resolving your child custody issues.

Appendix List

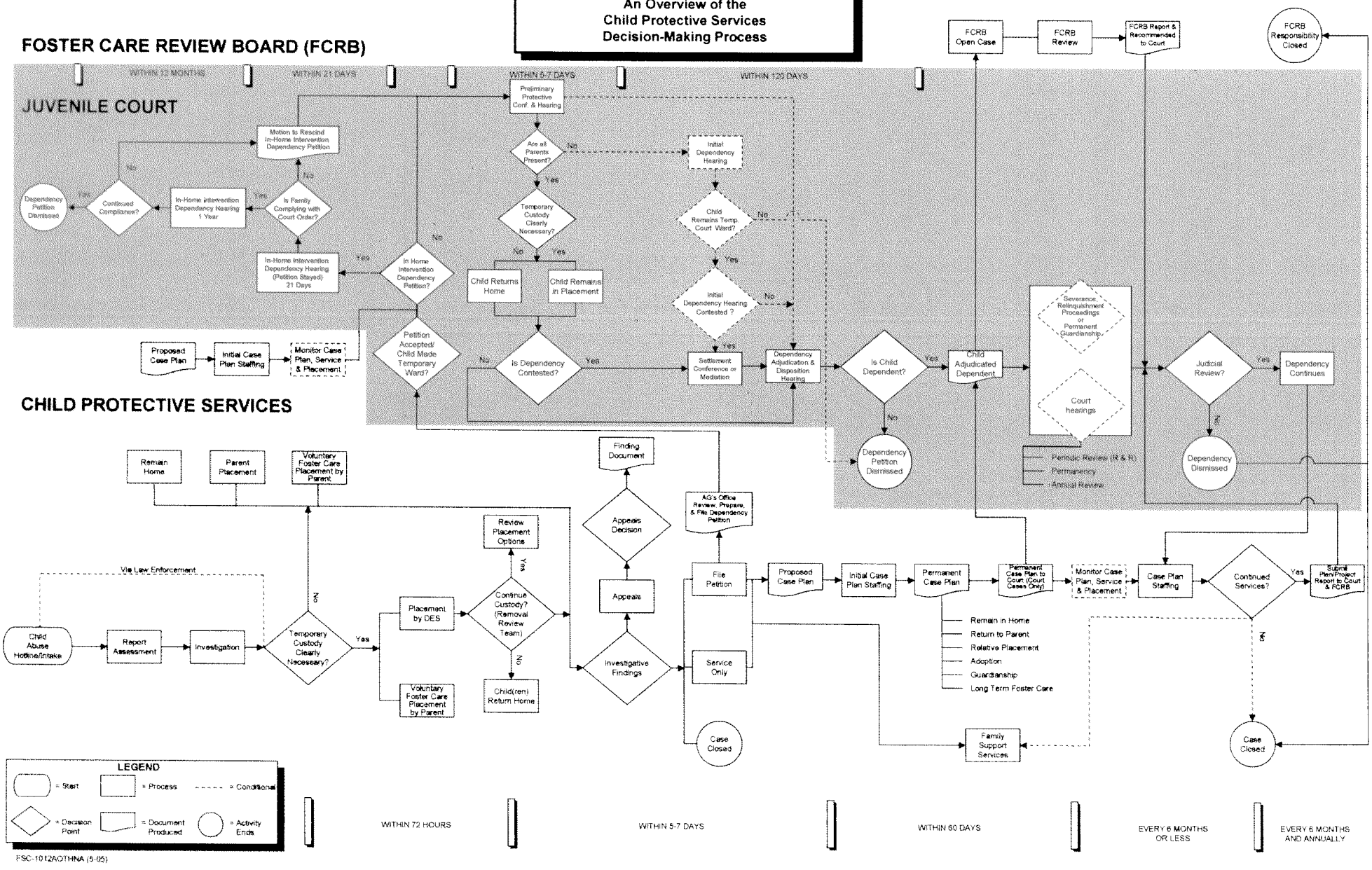
Appendix A	"Dependency Court Hearings" and "An Overview of the Child Protective Services Decision-Making Process"
Appendix B	List of Dependency Courts in Arizona and California
Appendix C	Consulates in Arizona and the US
Appendix D	Phone Call Log
Appendix E	Sample Letter to the Dependency Court Judge
Appendix F	Sample "Power of Attorney Over a Minor Child"
Appendix G	"Statement of Consent for Special Circumstances" Form

Dependency Court Hearings



*A day does not include weekends and holidays.

An Overview of the Child Protective Services Decision-Making Process



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Arizona Dependency Courts

County	Address	Phone Number
Apache	Apache County Juvenile Court PO Box 667 St. Johns, Arizona 85936	928-337-7555
Cochise	Chochise County Juvenile Court PO Box 4219 Bisbee, AZ 85603	520-432-7523
Coconino	Page Juvenile Court 549 South Navajo P.O. Box 579 Page, AZ 86040	928-645-3368
Gila	Gila County Juvenile Court 1100 E. Monroe St., Suite 200 Globe, AZ 85546	928-402-8686
Graham	Graham County Juvenile Court 800 Main St. Safford, AZ 85546	928-428-3985
Greenlee	Greenlee County Juvenile Court PO Box 1296 Clifton, AZ 85533	928-865-3872
La Paz	La Paz County Juvenile Court 1312 Kofa Ave. Parker, AZ 85344	928-669-6134
Maricopa	Juvenile Court Center- Durango 3131 W. Durango St. Phoenix, AZ 85009	602-506-4533
Maricopa	Juvenile Court Center-Southeast 1810 S. Lewis St. Mesa, AZ 85210	602-506-2544
Mohave	Mohave County Juvenile Court PO Box 7000 Kingman, AZ 86401	928-753-0724
Navajo	Navajo County Juvenile Court PO Box 668 Holbrook, AZ 86025	928-524-4217
Pima	Pima County Juvenile Court 2225 E. Ajo Way Tucson, AZ 85713	520-740-2000
Pinal	Pinal County Juvenile Court PO Box 1009 Florence, AZ 85132	520-866-5406
Santa Cruz	Santa Cruz County Juvenile Court PO Box 1929 Nogales, AZ 85628	520-375-7720
Yavapai	Yavapai County Juvenile Court 960 Division St. Prescott, AZ 86301	928-771-3156
Yuma	Yuma County Juvenile Justice Center 2440 W. 28th St. Yuma, AZ 85364	925-314-1900

California Dependency Courts

County	Address	Phone Number
Alameda	Alameda County Sup. Court Juvenile Justice Center 2500 Fairmont Dr, Dept 401 San Leandro, CA 94578	510-618-1100
Alpine	Alpine County Superior Court PO Box 518 14777 State Route 89 Markleeville, CA 96120	530-694-2113
Amador	Amador Superior Court 500 Argonaut Lane Jackson, CA 95642	209-223-6463
Butte	Butte County Superior Court One Court St. Oroville, CA 95965	530-532-7002
Calaveras	Calaveras County Sup. Court 891 Mountain Ranch Rd. San Andreas, CA 95249	209-754-9800
Colusa	County of Colusa Sup. Court 532 Oak St. Colusa, CA 95932	530-458-5149
Contra Costa	Superior Court of California Juvenile Dependency Division PO Box 911 Martinez, CA 94553	925-957-5600
Del Norte	Superior Court of California County of Del Norte 450 H St., Room 209 Crescent City, CA 95531	707-464-8115
El Dorado	Superior Court of California County of El Dorado Department 2, 495 Main St. Placerville, CA 95667	530-621-6426
Fresno	Superior Court of California County of Fresno Juvenile Dependency Facility 1255 Fulton Mall Fresno, CA 93721	559-457-4810
Glenn	Superior Court of California County of Glenn 526 W. Sycamore St. Willows, CA 95988	530-934-6446
Humboldt	Superior Court of California Humboldt County Courthouse 825 5th St., Room 305 Eureka, CA 95501	707-445-7256
Imperial	Superior Court County of Imperial El Centro Courthouse 939 Main St. El Centro, CA 92243	760-336-3581
Inyo	Inyo County Superior Court 168 N. Edwards St. Post Office Drawer U Independence, CA 93526	760-872-3038

Kern	Superior Court of California County of Kern Metropolitan Division- Juvenile Justice Center 2100 College Ave. Bakersfield, CA 93305	661-868-4270
Kern	Superior Court of California County of Kern Hanford Courthouse 1426 S. Drive Hanford, CA 93230	661-868-4270
Kings	Superior Court of California County of Kings 449 "C" St. Lemoore, CA 93245	555-924-7757
Lake	Superior Court of California County of Lake 255 N. Forbes St., 4th Floor Lakeport, CA 95453	707-263-2374
Lassen	Superior Court of California Lassen County 220 S. Lassen St. Susanville, CA 96130	530-251-8228
Los Angeles	Superior Court of California County of Los Angeles Alfred J. McCourtney Juvenile Justice Center 1040 W. Avenue J West, Lancaster, CA 93534	661-949-6503
Los Angeles	Superior Court of California County of Los Angeles Edmund D. Edelman Children's Court 201 Centre Plaza Dr. Monterey Park, CA 91754	323-526-6610
Madera	Superior Court of California County of Madera Borden Division Courthouse 209 W. Yosemite Ave. Madera, CA 93637	559-675-7786
Marin	Superior Court of California County of Marin Juvenile Dependenct, Dept A Civic Center, Hall of Justice PO Box 4988 San Rafael, CA 94913	415-444-7045
Mariposa	Superior Court of California County of Mariposa PO Box 28 Mariposa, CA 95338	209-966-2005
Merced	Superior Court of California County of Merced 2222 M St. Merced, CA 95340	209-725-4153
Modoc	Superior Court of California Modoc County Juvenile Dependency Division 205 S. East St. Alturas, CA 96101	530-233-6249

Mono	Superior Court of California County of Mono N. County Branch Mono County Courthouse PO Box 537 Bridgeport, CA 93517	760-932-5239
Monterey	Superior Court of California County of Monterrey Juvenile Dependency Division 240 Church St., Suite 318 Salinas, CA 93901	831-775-5400
Napa	Superior Court of California Napa County Historic Courthouse 825 Brown St., First Floor Napa, CA 94559	707-259-8363
Nevada	Superior Court of California County of Nevada 201 Church St. Nevada City, CA 95959	530-265-1293
Orange	Superior Court of California County of Orange Juvenile Dependency 341 The City Dr, PO Box 6000 Orange, CA 92863	657-622-5500
Placer	Superior Court of California Placer County 101 Maple St. Auburn, CA 95603	916-408-6000

Plumas	Superior Court of California Plumas County 520 Main St., Room 104 Quincy, CA 95971	530-283-6305
Riverside	Superior Court of California County of Riverside 9991 County Farm Rd. Riverside, CA 92503	951-358-4137
Sacramento	Superior Court of California County of Sacramento Juvenile Dependency, Dept 90 9605 Kiefer Blvd. Sacramento, CA 95827	916-875-3400
San Benito	Superior Court of California San Benito County Juvenile Dependency 440 5th St., Room 205 Hollister, CA 95023	831-636-4057
San Bernardino	Superior Court of California San Bernadino County San Bernadino Juvenile Dependency Court 860 E. Gilbert St. San Bernadino, CA 92415	909-387-7005
San Diego	Superior Court of California San Diego County Juvenile Dependency Division Dept. 1 2851 Meadow Lara Dr. San Diego, CA 92123	858-634-1600

San Francisco	Superior Court of California County of San Francisco Department 405 400 McAllister St. San Francisco, CA 94102	415-551-4000
San Joaquin	Department 12 Superior Court of California County of San Joaquin Juvenile Dependency Division 222 E. Weber Ave. Stockton, CA 95202	209-468-4280
San Luis Obispo	Superior Court of California County of San Luis Obispo 1050 Monterey St., Room 220 San Luis Obispo 93408	805-781-5164
San Mateo	Superior Court of California San Mateo County Juvenile Dependency Division 222 Paul Scannell Dr. San Mateo, CA 94402	650-312-5395
Santa Barbara	Superior Court of California Santa Barbara County Juvenile Dependency Division 4500 Hollister Ave. Santa Barbara, CA 93110	805-882-4576
Santa Clara	Superior Court of California Santa Clara County Terraine Courthouse Juvenile Dependency Division 191 N. First St. San Jose, CA 95113	408-491-4700
Santa Cruz	Superior Court of California Santa Cruz County Juvenile Court 701 Ocean St. Santa Cruz, CA 95060	831-420-2200
Shasta	Superior Court of California Shasta County Department 8 Juvenile Justice Center 2680 Radio Ln. Redding, CA 96001	530-225-5449
Sierra	Superior Court of California Sierra County PO Box 476 Downieville, CA 95936	530-289-3698
Siskiyou	County Court of Siskiyou PO Box 1026 Yreka, CA 96097	530-842-0183
Solano	Superior Court of California Solano County Department 14, Room 101, Hall of Justice 600 Union Ave. Fairfield, CA 94533	707-207-7345
Sonoma	Superior Court of California Sonoma County Juvenile Court 600 Administration Dr, Room 249J Santa Rosa, CA 95403	707-521-6728

Stanislaus	Superior Court of California Stanislaus County Juvenile Court 2215 Blue Gum Ave. Modesto, CA 95356	209-558-6000
Tehama	Superior Court of California Tehama County 720 Hoag St. Corning, CA 96021	530-527-3563
Trinity	Superior Court of California Trinity County 11 Court St., PO Box 1258 Weaverville, CA 96093	530-623-1369
Tulare	Superior Court of California Tulare County Juvenile Justice Facility 11200 Ave. 368, Room 201 Visalia, CA 93291	559-730-5000
Tuolumne	Superior Court of California Tuolumne County 60 N. Washington St. Sonora, CA 95370	209-533-6975
Ventura	Superior Court of California Ventura County 4353 Vineyard Ave. Oxnard, CA 93036	805-981-5977
Yolo	Superior Court of California Yolo County Juvenile Court 812 Court St., Dept. 11 Woodland, CA 95695	530-406-6725
Yuba	Superior Court of California Yuba County 215 5th St., Suite 200 Marysville, CA 95901	530-749-7600

Consulates in Arizona and the US

Country	Consulate Name	Address	Phone number(s)
Brazil	Mr. Brad Bardos, Honorary Consul	9721 E. Desert Cove Ave. Scottsdale, AZ	602-252-6056
Cambodia	Dr. Hay Yang, Honorary Consul	422 Ord St., Suite G Los Angeles, CA 90012	213-625-7777
Canada	Mr. Doug Paterson, Consul	2415 E. Camelback Rd., Suite 700 Phoenix, AZ 85016	602-508-3573
Costa Rica	Ms. Carmen Bermudez, Honorary Cónsul	3567 E. Sunrise Dr., Suite 235 Tucson, AZ 85718	520-529-7068
Ecuador	Mr. Marco Salcedo, Consulate General del Ecuador	8484 Wilshire Blvd., Suite 540 Beverly Hills, CA 90211	323-658-6020
El Salvador	Mr. Leocadio Jose Chacon Corado, Cónsul General	840 N. Grand Ave., Suite 3 Nogales, AZ 85621	520-287-9405
Ethiopia	Mr. Endalew Mitiku, Consul for Community Affairs	3460 Wilshire Blvd, Suite 308 Los Angeles, CA 90010	213-365-6651 ext. 107
Fiji	Winston Thompson, Ambassador	2000 M St, NW, Suite 710 Washington, DC 20036	202-466-8320
Guatemala	Julia Guzman, Cónsul General	4747 N. 7th St., Suite 410 Phoenix, AZ 85014	602-200-3660
Haiti	Lesly Condé, Consul General	11 E. Adams St., Suite 1400 Chicago, IL 60603	312-922-7122
Honduras	Mrs. Nora Isabel Montoya Torres, Cónsul General	4040 E. McDowell St., Suite 415 Phoenix, AZ 85008	602-273-0173
India	Mrs. Susmita G. Thomas, Consul General	540 Arguello Blvd., San Francisco, CA 94118	415-668-0662
Iran		Interest Section of the Islamic Republic of Iran Embassy of Pakistan 2209 Wisconsin Ave., NW Washington, DC 20007	202-965-4990

Iraq	Samir Sumaida'ie, Ambassador	1801 P St., NW Washington, DC 20036	202-483-7500
Jamaica		Ingraham Building 25 S.E. Second Ave, Suite 609. Miami FL 33131	305-374-8431
Mexico	Mr. Carlos Flores Vizcarra, Consul Mr. Juan Manuel Calderon Jaimes, Consul Deyanira Liset Quintana Noriega, Child Custody/Domestic Violence	1990 W. Camelback Rd., Suite 110 Phoenix, AZ 85015 553 S. Stone Ave. Tucson, AZ 85014 553 S. Stone Ave. Tucson, AZ 85014	602-249-2735 520-882-5596 520-882-5595 ext. 110
Pakistan	Syed Ibne Abbas, Consul General	10850 Wilshire Blvd., Suite 1250 Los Angeles, CA 90024	310-441-5114
Peru	Dr. Raul Alberto Osorio, Honorary Consul	560 W. Brown Rd., Suite 4001 Mesa, AZ 85201	480-834-3907
Philippines	Mary Jo Bernardo Aragon, Consul General	3600 Wilshire Blvd, Suite 500 Los Angeles, CA 90010	213-639-0980
Russia	Victor N. Lizun	2790 Green St. San Francisco, CA 94123	415-928-6878
Somalia	Dr Elmi Ahmed Duale, Ambassador	425 E. 61st St., Suite 702 New York, NY 10021	212-688-9410 212-688-5046
Sudan		2210 Massachusetts Ave., NW Washington, DC 20008	202-338-8565

Phone Call Log

Your Name: _____ A#: _____

Date / Time	Person Called / Phone Number	Voicemail?	Summary of Conversation or Voicemail
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	
		Yes / No	

SAMPLE LETTER TO THE JUDGE
(Send this letter to your attorney and ask them to file it with the judge. There are special procedures for filing paperwork with the state court in Arizona and if you do it wrong or if you file it on your own instead of going through your attorney, the judge will probably not accept it).

(**Date**)

Honorable (**Name of judge**)
Superior Court of Arizona
County of (**Name of county**)
Juvenile Division
(**Address**)
(**City, AZ, Zip code**)

Dear Judge (**Name**),

I am writing this letter to introduce myself and to provide you with updated information on my Immigration case, since I cannot be physically present at my child's dependency court hearings right now.

My **child/ren's name(s) is/are** (**Name**), **his/her/their date(s)** of birth **is/are** (**Date of birth**), and the case number is JD(**Case number**). I am very concerned about the welfare of my **child/ren** and I believe it is in **his/her/their** best interest to be returned to my custody. (**Talk about your relationship with your children and how much you care about them**).

I am currently being detained by Immigration and Customs Enforcement at the (**Name of Facility)** in (**City**), Arizona. My current address is:

(Your name)
(Your A Number)
(Name of Facility)
(Address)
(City), AZ **(zip code)**

(if you don't have any money to buy phone cards or stamps, include these sentences: Immigrants in custody can send and receive mail, as well as place outgoing calls. However, you must have money in your commissary to purchase the stamps and calling cards and, as I am indigent, I have not been able to be in touch with the court, with my court-appointed attorney, or with my CPS caseworker since my arrival here.) However, my Deportation Officer, who functions much like a Parole Officer, can help me be present at my future dependency hearings telephonically. His name is Officer (**Name**) and the court can reach him at: (**Phone number**).

I will be detained by Immigration here while I go through the Immigration Court process. I am eligible for (**explain the type of immigration case you will be fighting or explain that you will be deported**). My next Immigration court hearing is (**Date of hearing**) at (**Time of hearing**). (**Explain how long you think you might be in detention. If you will be deported soon, give information about where you will be going and how the court can be in touch with you there**).

My understanding is that Arizona law is harsh on parents who are incarcerated. However, I would urge you to consider the fact that I am not serving time for a criminal conviction. I am being held in Immigration detention while I go through the Immigration court process, which is a civil procedure. Immigration detention is also civil in nature. I came to this country when I was (**Age**) years old. (**Explain a little bit of your story here: did you come to the US to give a better life to your kids? Were you brought here as an infant? Did you come with a visa or a green card or as a refugee?**).

There are no services of any kind offered to immigrants in ICE detention in Arizona. As a result, I am not currently able to enter into a parenting class, drug counseling, or any other sort of program. However, I am already looking forward to my release date, and trying to find a program I can enter in to that would support me as I pursue my goals to (**name a few goals of yours like graduating from high school, getting sober, or learning English**), and get my **child/ren back**. (**If you have been looking into specific programs for when you are released, write about them here**).

Thank you very much for your attention to my case.

Sincerely,

(Signature) _____
(Your Name)
(Address of the Detention Center)
(City, AZ, Zip code)

POWER OF ATTORNEY OVER A MINOR CHILD
A.R.S. 14-5104 and 5501

(1) My Name: _____
My Address: _____
_____

I am the natural parent of the following children:

(2) Child's Name:	Birth date:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I authorize the following person to assume power of attorney over my children listed above, in accordance with A.R.S. 14-5104.

(3) Name of Person Authorized: _____
Address of Person Authorized: _____
_____

I further appoint the person named above as my true and lawful attorney for the purpose of performing the following responsibilities over my children listed above:

(4) [ ] All parental responsibilities I might perform myself
[ ] Only the following specific parental responsibilities:

_____
_____
_____
_____

(5) This Power of Attorney will begin on _____ and expire, not more than six months later, on _____, unless I revoke it earlier.

I, the principal, sign my name to this Power of Attorney, and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly, that I execute it as my free and voluntary act for the purposes expressed in it and that I am at least 18 years old, of sound mind, and under no constraint or undue influence.

(6) Parent's Signature: _____

State of Arizona)
)
County of ___)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____
Notary Expiration Date: _____

(7) Witness's Name: _____

I, the witness, sign my name to the foregoing power of attorney being first duly sworn and do declare to the undersigned authority that the principal signs and executes this instrument as his/her power of attorney and that he/she signs it willingly and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the pirnciapl's signing and that to the best of my knowledge the principal is at least 18 years old, of sound mind, and under no constraint or undue influence.

Witness's Signature: _____

State of Arizona)
)
County of: ____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____
Notary Expiration Date: _____

U.S. Department of State

STATEMENT OF CONSENT OR SPECIAL CIRCUMSTANCES: ISSUANCE OF A PASSPORT TO A MINOR UNDER AGE 16

OMB APPROVAL NO: 1405-0129
EXPIRATION DATE: 12-31-2010
ESTIMATED BURDEN: 60 Minutes

WARNING: False statements made knowingly and willfully on passport applications, including affidavits or other supporting documents submitted therewith, may be punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621.

FORM INSTRUCTIONS

1. **Complete items 1, 2, and 3.**
2. **Complete item 4a**, Statement of Consent, **only** if you are a non-applying parent or guardian consenting to the issuance of a passport for your minor child. **NOTE: Your signature must be witnessed and notarized in item 4b.**
3. **Complete item 5**, Statement of Special Circumstances, **only** if you are an applying parent or guardian and the written consent of the non-applying parent or guardian cannot be obtained.

1. MINOR'S NAME

Last		First		Middle	

2. MINOR'S DATE OF BIRTH (mm/dd/yyyy)

3. YOUR RELATIONSHIP TO MINOR

4a. STATEMENT OF CONSENT

To be completed by the non-applying parent or guardian when he or she will **not** be present at the time the applying parent or guardian submits the minor's application.

I, _____, give my consent to the issuance of a United States passport to my minor child
Print Your Name

named on this application.

OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.

_____ _____
Signature of Parent or Guardian — Date (mm/dd/yyyy)

4b. STATEMENT OF CONSENT NOTARIZATION

Name of Notary _____
Print Name

Location _____
City, State

Commission Expires _____
Date (mm/dd/yyyy)

Signature of Notary _____

NOTARY SEAL

Date of Notarization _____
Date (mm/dd/yyyy)

Identification Presented by Non-Applying Parent or Guardian:

☐ Driver's License ☐ Passport ☐ Military Identification
☐ Other *(specify)* _____
Place of Issue _____ Issue Date _____
ID Number _____

5. STATEMENT OF SPECIAL CIRCUMSTANCES

To be completed by applying parent or guardian when the written consent of the non-applying parent or guardian cannot be obtained. (Use back of form if additional space is needed.)

OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.

_____ _____
Signature of Parent or Guardian — Date (mm/dd/yyyy)

CONTINUATION OF STATEMENT OF SPECIAL CIRCUMSTANCES:

FOR INFORMATION, QUESTIONS, AND INQUIRIES:

Please visit our website at **travel.state.gov.** In addition, contact the National Passport Information Center (NPIC) toll-free at **1-877-487-2778** (TDD: **1-888-874-7793)** or by e-mail at **NPIC@state.gov**. Customer Service Representatives are available M-F, 6AM-12AM ET (excluding federal holidays). Hours and days may be extended in relation to call volume. Automated information is available 24/7.

PRIVACY ACT STATEMENT

AUTHORITIES: The information solicited on this form is requested pursuant to 22 U.S.C. 211a, 212, 213, and Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and 22 CFR 51.28.

PURPOSE: The primary purpose is to document the notarized written consent of a parent or legal guardian to the issuance of a U.S. passport to a child under sixteen years of age, or, alternatively, to document the existence of exigent or special family circumstances, when the parent or legal guardian is not present when an application is made for issuance of a U.S. passport for the child.

ROUTINE USES: The information solicited on this form may be made available as a routine use to other government agencies to assist the U.S. Department of State in adjudicating passport applications and requests for related services, and for law enforcement and administrative purposes. The information may be made available to foreign government agencies to fulfill passport control and immigration duties. The information may also be provided to foreign government agencies, international organizations and, in limited cases, private persons and organizations to investigate, prosecute, or otherwise address potential violations of law or to further the Secretary's responsibility for the protection of U.S. citizens and non-citizen nationals abroad. The information may be made available to private U.S. citizen 'wardens' designated by the U.S. embassies and consulates. For a more detailed listing of the routine uses to which this information may be put, see the Prefatory Statement of Routine Uses and the listing of routine users set forth in the system descriptions for Overseas Citizen Services Records (State-05) and Passport Records (State-26) published in the Federal Register.

CONSEQUENCES OF FAILURE TO PROVIDE INFORMATION: You are not legally required to provide the information requested on this form. However, failure to do so may result in Passport Services' refusal to accept your application or result in the denial of a U.S. passport.

PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. You do not have to provide the information unless this collection displays a currently valid OMB number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State (A/ISS/DIR) Washington DC 20520.