

The Reuniting Immigrant Families Act Reasonable Efforts

The Reuniting Immigrant Families Act (“SB 1064” or “the Act”), enacted September 30, 2012, is the nation’s first law addressing the reunification barriers faced by many immigrant families in the child welfare system. This fact sheet provides information on the provisions of SB 1064 clarifying that reasonable efforts must be provided to prevent removal and achieve permanency, regardless of a family’s immigration status.

Under California and federal law, courts must ensure that reasonable efforts are provided by the Department of Social Services to prevent removal of children and to reach permanency if children are removed from the home. For all parents, the law requires an individualized case plan – meaning one that is “well defined, specific, and tailored to provide services that will lead to the resumption of a family relationship.”¹ A plan must meet “the unique needs of each family.”²

The Act recognizes that deported or detained parents may have limited access to services, barriers to visitation, or difficulty completing other case plan tasks required by the agency or court.³ SB 1064 requires that reasonable services must be provided to help reunify a family after the court and agency consider the particular barriers a detained or deported parent faces in accessing services and maintaining contact with the child.⁴

Reasonable Efforts Must Be Provided for Deported Parents

Among other efforts that may meet the family’s individual needs, the Act indicates that the agency’s reasonable efforts to assist deported parents in reunifying with their children may include:

- Helping deported parents contact their country’s child welfare authorities;
- Identifying services in their country that can assist them in meeting case plan goals;
- Documenting the parents’ participation in those services; and
- Accepting reports from local child welfare authorities regarding a parent’s living situation, progress, and participation in services.⁵

¹ *In re Mario C.*, 276 Cal. Rptr. 548, 603 (Cal. App. 1990).

² *In re Precious J.*, 50 Cal. Rptr. 2d 385, 390 (Cal. App. 1996).

³ Cal. Welf. & Inst. § 361.5(a)(3).

⁴ Cal. Welf. & Inst. § 361.5(e)(1).

⁵ Cal. Welf. & Inst. § 361.5(e)(1)(E).



Reasonable Efforts Must Be Provided for Detained Parents

The Act specifies that for detained parents, among other efforts, the agency should, where appropriate, facilitate:

- Phone calls between parents and children;
- Visitation;
- Transportation; and
- Services for family members who could care for the child.⁶

The Act adds that a detained parent may be required to “attend counseling, parenting classes, or vocational training programs”⁷ but only if they actually have access to the services in the facility where they are detained.

Non-custodial/Non-offending Parents Are Entitled to Reasonable Efforts Regardless of Immigration Status

California law has long been clear that both parents are entitled to reunification efforts (if they are not given custody outright). Given SB 1064’s protections for custodial parents and relatives, no matter what their immigration status, it is clear that non-custodial/non-offending parents are entitled to placement or reunification efforts regardless of their citizenship status or foreign residency.⁸



⁶ Cal. Welf. & Inst. § 361.5(e)(1).

⁷ *Id.*

⁸ Cal. Welf. & Inst. § 361.2.