The Reuniting Immigrant Families Act
Reunification Period Extensions

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 specifying that courts may extend reunification periods for immigrant families due to barriers imposed by immigration detention or deportation.

Prior to passage of SB 1064, California courts could extend the statutory reunification period based on compelling reasons and allow the county agency to continue to pursue reunification. These reasons included certain listed circumstances of parents, such as incarceration, institutionalization, and court-ordered residence in a substance abuse treatment program. SB 1064 broadened this list of circumstances to include parents who have been detained or deported by U.S. immigration authorities.[1]

Initial Dispositions

The Act provides that in initial disposition orders, courts will ensure that:

- Reunification services are provided for **detained parents** unless evidence is presented that services would be detrimental to the child.[2]
- Reunification services are provided for **deported parents** including:
    - Efforts made to identify services in their home country; and
    - Acceptance of reports from foreign child welfare authorities regarding parental progress.[3]

These initial dispositional requirements reflect the reasonable efforts the agency must extend toward parents to help achieve the permanency goal of reunification. If the services included in the initial dispositional order or other reasonable efforts have not been provided by subsequent review periods, the court may extend the reunification period.

Up to 12 Months in Care*

Under California law, the reunification period is generally 12 months. Any party may move to terminate reunification services before the 12 month hearing if reunification seems significantly unlikely. The Act added that the court will consider any barriers imposed by deportation or

[1] Cal. Welf. & Inst. §§ 361.5(a)(3) & (4), 366.21(g)(2), 366.22(b).
[2] "[C]lear and convincing evidence" is required. Cal. Welf. & Inst. § 361.5(e)(1).
[3] Cal. Welf. & Inst. § 361.5(e)(1)(E).

ilrc Immigrant Legal Resource Center
ABA American Bar Association Center on Children and the Law Access to Justice for Children & Families

detention to visiting or completing case plan goals in hearing a motion to stop reunification services.[4]

**Note: Children who are under age 3 at the time of removal, or who have a sibling under the age of 3 may have a 6 month reunification service timeframe.* Cal. Welf. & Inst. § 361.5(a).

At 12 Months

At the 12 month permanency hearing, the court may extend reunification services for 6 months if there is a "substantial probability" that the child will be returned during the time period OR if "reasonable services have not been provided to the parent."[5]

To determine whether a "substantial probability" that the child will be returned exists, the court must find that the parent has:

- Consistently maintained contact and visitation;
- Made significant progress in resolving the reasons the child is in care; and
- Demonstrated a capacity to complete his or her plan and provide a safe home.[6]

However, the court may consider in this decision any immigration related barriers to completing case plan tasks as well as good faith efforts the parent made to maintain contact with the child.[7]

At 18 Months

If reunification services have been provided for 18 months and the child remains out of the parent's custody, the court may extend services for an additional 6 months if:

- The parent was recently discharged from detention or has been deported *and*
- Is making significant and consistent progress *and*
- There is a substantial probability the child will be returned during the extended period.[8]

[4] Cal. Welf. & Inst. § 388(c)
[5] Cal. Welf. & Inst. § 361.5(a)(3)
[6] Cal. Welf. & Inst. § 366.21(g).
[7] Cal. Welf. & Inst. § 361.5(a)(3) & 366.21(g).
[8] Cal. Welf. & Inst. § 366.22(b).