



In light of the volume of families seeking asylum in the United States precipitating a policy of separating children from parents and housing kids in places of congregate care, the Coalition for Juvenile Justice (CJJ) offers this statement to inform policymakers of research and studies to help inform anticipated revisions to this approach. The following Statement of Information is not offered to influence policy regarding immigration, but is narrowly tailored to lend our expertise involving youth at risk as it relates to children and youth impacted by the current policy of parental separation and being housed in congregate care facilities.

This is a federal matter and it is urgent to recognize that Congress has established a longstanding policy in cases involving children alleged to be dependent (i.e. abused and/or neglected), namely that no child shall be separated from their parents without first making reasonable efforts to prevent such separation, and that separation should only occur in circumstances in which it would be contrary to the best interest of the child to remain with the parents. Congress established this policy through the passage of the Adoption and Safe Families Act (ASFA), which was based on studies that show the harmful and traumatizing effects of parental separation may be more profound than the neglect perpetrated by the parents. We are concerned that if our own laws caution against separation in cases of neglect and abuse, the traumatic impact may be greater involving these children and youth who are not alleged to be abused or neglected. In fact, it may be argued that these parents are seeking asylum to protect their children and youth from neglect and abuse.

We also ask policymakers to consider our federal laws that relate to detention of those youth who are accused to have committed status offenses (conduct of children that if an adult would not be a crime such as stubbornness, running away and truancy), and forbid the detention of such youth for more than 24 hours. The Juvenile Justice Delinquency Prevention Act (JJDP) passed by Congress in 1974 prohibits detention of these youth because of the harmful impact that housing kids in facilities has on their psyche and on their life trajectories. If we seek to avoid detaining youth who are unruly, runaway or truant, why would we not give pause to the idea of detaining youth who are trying to stay with family.