

## MEMORANDUM

To: House Judiciary Committee

From: Aryka Radke, JD, Deputy Commissioner, DCF-FSD  
Dianne Jabar, Director of Centralized Intake & Emergency Services (CIES), DCF-FSD

Date: Thursday, May 8, 2025

Re: H. 98 and DCF/VLA Operating Agreements

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The Department for Children and Families (DCF) and Vermont Legal Aid (VLA) have operating agreements in place regarding immigration and minor guardianship. DCF and VLA believe that the well-being of children of immigrant parents who have been detained by U.S. Immigration and Customs Enforcement (ICE) is best promoted through efforts to establish safe and appropriate legal guardianship arrangements with people already known to the children whenever possible. DCF and Vermont Legal Aid aim to honor the intent of immigrant parents to establish powers of attorney and minor guardianships for their children whenever possible.

A summary of the operating agreements and what generally happens is articulated below. Please note there are additional details contained within the agreement, which has already been shared and is available here: [Operating Agreement Between the Department for Children and Families \(DCF\) and Vermont Legal Aid \(VLA\) Regarding Immigration and the Minor Guardianship Project](#).

### **If DCF Receives a Report About a Child Whose Parent Has Been Detained by ICE:**

#### **If the child is not in DCF custody:**

1. DCF contacts VLA to see if minor guardianship or power of attorney agreements exist.
2. If agreements exist, and the named guardian clears background checks (child abuse/neglect registry and court database), DCF coordinates with law enforcement and VLA to place the child with that guardian.
3. If there are no agreements, or safety concerns arise, DCF explores other caregivers.
4. If no suitable caregiver is found, DCF may initiate a child protection assessment and take custody as a last resort.

#### **If the child is already in DCF custody:**



1. DCF still contacts VLA to check for guardianship paperwork.
2. If a safe guardian is identified, DCF attempts to place the child accordingly, following policy.
3. If no guardian is available, DCF proceeds with the usual placement protocols.

**If DCF Has an Open Case with a Family and a Parent Is Detained by ICE:**

1. DCF informs the family about VLA's Minor Guardianship Project and offers assistance connecting with services.
2. If detention occurs:
  - o DCF supervisor contacts VLA.
  - o VLA checks for guardianship/power of attorney agreements.
  - o If appropriate agreements and safe guardianship are in place, DCF places the child accordingly.
  - o If not, DCF seeks alternative safe caregivers, and as a last resort, may take custody.
3. If a parent is detained during an open custody case, DCF refers the family to additional immigration-related services.

**Concluding Summary:**

- The priority is to avoid DCF custody by placing the child with a safe, known caregiver through guardianship or power of attorney.
- DCF will coordinate with VLA and law enforcement to facilitate safe placement.
- DCF custody is considered only after all other avenues are exhausted.
- Because of the partnership with DCF and VLA, VLA has helped over 40 families secure the safety and well-being of their children through these agreements.
- Additionally, DCF is in the process of developing a contract with [International Social Services](#) to support the completion of international home studies. This resource will help ensure that having a parent or relative residing in another country is not a barrier to assessing the safety and suitability of a potential placement.

**Additional Links & Resources:**

[FSD Policy 85: Minor Guardianships Through the Probate Division of the Superior Court](#)

[Vermont Structured Decision Making \(SDM\) Danger Indicators](#)

[Vermont Structured Decision Making \(SDM\) Procedures Manual](#)

[FSD Flow Chart](#)