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April 6, 2021

Honorable Lisa Calderon  
Chair, Human Services Committee  
California State Assembly  
1020 N Street, Room 124  
Sacramento, CA 95814

**RE: AB 1140 (RIVAS) as introduced February 18, 2021 - SUPPORT**

Dear Assemblymember Calderon:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 1140**, which will clarify the jurisdiction and responsibilities of the Foster Care Ombudsperson to provide oversight of the welfare of unaccompanied immigrant children in state-licensed childcare settings. This bill is scheduled for hearing before Assembly Human Services Committee on **April 7, 2021**.

Disability Rights California released a report in 2019 that showed unaccompanied immigrant children in California ORR facilities were being underserved compared to other children in California. The report found meager and cursory educational assessments and inadequate mental health and medical evaluations and care, all falling short of California state standards.

This bill would ensure children who come to the United States alone to seek safety receive the same care as other California children in state-licensed settings. To protect children while they are held in facilities licensed by the state of California, it is imperative that their rights under state law are clearly delineated and that clear mechanisms for oversight,

investigation, and enforcement of these rights exist.

Each year, thousands of unaccompanied children fleeing violence, war, and poverty enter the United States and are temporarily taken into federal custody in state-licensed childcare facilities. Unaccompanied children are held temporarily in the federal custody of the Office of Refugee Resettlement (ORR) while awaiting family reunification or an appropriate long-term foster care placement. More unaccompanied children are present in California than any other state in the country. On average, approximately 2,500 unaccompanied children are held in ORR custody annually in California-licensed facilities. The federal government as of September 2020 mapped at least 20 grantee facilities in California, of which 14 were actively serving unaccompanied children. Since the start of Fiscal Year 2014, approximately 39,000 unaccompanied children were released from ORR custody to sponsors and family members in California.

The federal government is required to provide care for unaccompanied children in state-licensed childcare settings. Unaccompanied children have a right to the same level of care and services as any other child in California licensed childcare settings. Negative or harmful experiences in such settings can affect a child's ability to heal trauma, reunite with their families, and integrate successfully into California communities. Yet unaccompanied children often do not have the ability to exercise their rights and ensure their safety and well-being in these facilities in the same way as other Californian children because they lack access to resources and advocates with both the training and authority to assist them.

The need to protect unaccompanied children in federal custody is more urgent than ever. As of March 14, 2021, there were extremely high numbers of approximately 4,200 unaccompanied children in US Customs and Border Protection custody--a 31% jump from just a week earlier. These children need a guarantee that their time in state-licensed ORR facilities will be appropriately monitored and have access to an independent third party with whom to file their complaints and hear their concerns.

California can set a national example by making explicit the state's role in exercising oversight of the treatment and care of children in state-licensed ORR facilities. AB 1140 would clarify the Ombudsperson's jurisdiction, as well as responsibility, to engage in this important oversight of children held in state-licensed ORR facilities.

For these reasons, DRC supports this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink that reads "Sawait Seyoum". The signature is written in a cursive, flowing style.

Sawait Seyoum  
Senior Legislative Advocate  
Disability Rights California

cc: Honorable Members, Assembly Human Services Committee  
Honorable Robert Rivas, California State Assembly