

115TH CONGRESS 2D SESSION

H. R. 6304

To direct the Secretary of Homeland Security to reunite alien children separated from their parent or legal guardian with such parent or legal guardian, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 3, 2018

Mr. Crist (for himself, Mr. Crowley, Mr. Huffman, Mr. Sean Patrick Maloney of New York, Ms. Norton, Mr. Soto, Ms. Wilson of Florida, Ms. Wasserman Schultz, Mr. Hastings, and Mr. Lawson of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Homeland Security to reunite alien children separated from their parent or legal guardian with such parent or legal guardian, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Reunifying Separated
- 5 Families Act of 2018".

SEC. 2. REUNITING SEPARATED FAMILIES.

2	(a)	In	GENERAL.	—Except as	s provided	in	subsection
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- 3 (b), on the date of the enactment of this Act, the Secretary
- 4 of Homeland Security, in consultation with the Attorney
- 5 General, the Secretary of Health and Human Services,
- 6 and the Secretary of State, shall reunite each alien child
- 7 who was separated from the child's parent or legal guard-
- 8 ian on or after April 6, 2018.
- 9 (b) Exceptions.—The Secretary of Homeland Secu-
- 10 rity shall not reunite a child described in subsection (a)
- 11 with such child's parent or legal guardian from whom the
- 12 child was separated if—
- 13 (1) a State court, authorized under State law,
- terminated the rights of the parent or legal guard-
- ian, determined that it is in the best interests of the
- child to be removed from the parent or legal guard-
- ian, in accordance with the Adoption and Safe Fam-
- ilies Act of 1997 (Public Law 105–89), or made any
- 19 similar determination that is legally authorized
- 20 under State law;
- 21 (2) an official from the State or county child
- welfare agency with expertise in child trauma and
- development made a best interests determination
- 24 that it is in the best interests of the child to be re-
- 25 moved from the parent or legal guardian because the
- 26 child is in danger of abuse or neglect at the hands

- of the parent or legal guardian, or is a danger to herself or others; or
 - (3) the separation was based on a finding of an officer or employee of the Department of Homeland Security that—
 - (A) the child is a victim of trafficking or is at significant risk of becoming a victim of trafficking;
 - (B) there is a strong likelihood that the adult is not the parent or legal guardian of the child; or
 - (C) the child is in danger of abuse or neglect at the hands of the parent or legal guardian, or is a danger to themselves or others, except that, in the case that a child is removed from his or her parent or legal guardian under this section, an independent child welfare expert licensed by the State or county in which the child was so removed, authorizes the separation not later than 48 hours after such removal, and if such expert does not authorize such separation, the child shall be reunited with his or her parent or legal guardian not later than 48 hours after such determination.

1 SEC. 3. CIVIL PENALTY.

- 2 Beginning on the date that is 30 days after the date
- 3 of the enactment of this Act, the Secretary of Homeland
- 4 Security may be fined not more than \$1,000 per child for
- 5 each day that a child described in section 2(a) is not re-
- 6 united with the child's parent from whom the child was
- 7 separated.

8 SEC. 4. INSPECTOR GENERAL REPORT.

- 9 Not later than 90 days after the date of the enact-
- 10 ment of this Act, the Inspector General of the Department
- 11 of Homeland Security shall submit a report to Congress
- 12 on—
- (1) whether the location of any children de-
- scribed in section 2(a) is unknown, and if so, an ex-
- planation of why the location of such children is un-
- 16 known; and
- 17 (2) whether the policy of separating children
- from their parents and processing them as unaccom-
- panied alien children was intended by the Depart-
- 20 ment of Homeland Security to deter unlawful border
- crossings.

22 SEC. 5. LIMITATION ON THE SEPARATION OF FAMILIES.

- 23 (a) In General.—An agent or officer of a des-
- 24 ignated agency shall be prohibited from removing a child
- 25 from his or her parent or legal guardian, at or near the

- 1 port of entry or within 100 miles of a border of the United
 2 States, unless one of the following has occurred:
- 1 (1) A State court, authorized under State law,
 terminates the rights of the parent or legal guardian, determines that it is in the best interests of the
 child to be removed from the parent or legal guardian, in accordance with the Adoption and Safe Famlilies Act of 1997 (Public Law 105–89), or makes
 any similar determination that is legally authorized
 under State law.
 - (2) An official from the State or county child welfare agency with expertise in child trauma and development makes a best interests determination that it is in the best interests of the child to be removed from the parent or legal guardian because the child is in danger of abuse or neglect at the hands of the parent or legal guardian, or is a danger to herself or others.
 - (3) The Chief Patrol Agent or the Area Port Director in their official and undelegated capacity, authorizes separation upon the recommendation by an agent or officer, based on a finding that—
- 23 (A) the child is a victim of trafficking or 24 is at significant risk of becoming a victim of 25 trafficking;

1	(B) there is a strong likelihood that the
2	adult is not the parent or legal guardian of the
3	child; or

(C) the child is in danger of abuse or neglect at the hands of the parent or legal guardian, or is a danger to themselves or others,

except that, in the case that a child is removed from his or her parent or legal guardian under this section, an independent child welfare expert licensed by the State or county in which the child was so removed, authorizes the separation not later than 48 hours after such removal, and if such expert does not authorize such separation, the child shall be reunited with his or her parent or legal guardian not later than 48 hours after such determination.

(b) Prohibition on Separation.—

- (1) IN GENERAL.—A designated agency may not remove a child from a parent or legal guardian solely for the policy goal of deterring individuals from migrating to the United States or for the policy goal of promoting compliance with civil immigration laws.
- (2) Penalty for family separation.—Any person who knowingly separates a child from his or

1	her parent or legal guardian in violation of this sec-
2	tion, shall be fined not more than \$10,000.
3	(c) Documentation Required.—The Secretary
4	shall ensure that a separation under subsection (a)(3) is
5	documented in writing and includes, at a minimum, the
6	reason for such separation, together with the stated evi-
7	dence for such separation.
8	(d) Definitions.—In this section:
9	(1) The term "designated agency" means—
10	(A) the Department of Homeland Security;
11	(B) the Department of Justice; and
12	(C) the Department of Health and Human
13	Services.
14	(2) The term "agent or officer" includes con-
15	tractors of the Federal Government.
16	(3) The term "child" means an individual
17	who—
18	(A) has not reached the age of 18; and
19	(B) has no permanent immigration status.
20	(4) The term "committees of jurisdiction"
21	means—
22	(A) the Committee on the Judiciary and
23	the Committee on Health, Education, Labor,
24	and Pensions of the Senate: and

1	(B) the Committee on the Judiciary and
2	the Committee on Education and the Workforce
3	of the House of Representatives.
4	(5) The term "finding" means an individualized
5	written assessment or screening formalized as re-
6	quired under subsection (c).
7	(6) The term "in danger of abuse or neglect at
8	the hands of the parent or legal guardian" does not
9	include migrating to or crossing of a border of the
10	United States.
11	(7) Unless otherwise specified, the term "Sec-
12	retary" means the Secretary of Homeland Security.