

# Say **NO** to Licensing Family Detention Centers

House Bill 2225 and Senate Bill 1018 seek to carve out exceptions to the Family Code to allow the Texas Department of Family and Protective Services to license immigrant family detention centers *operated by Immigration and Customs Enforcement (ICE)*. There are currently two family detention centers in Texas — Karnes County Residential Center in Karnes City and the South Texas Family Residential Center in Dilley.

*Licenses would provide cover for abuse, not care, for thousands of refugee children who are detained in Texas with their mothers every year.*

Here are the facts:

- **Licensing family detention creates a dangerous precedent** by allowing DFPS to carve out exemptions for general residential operations. Licensing family detention creates an exemption to allow sharing of living spaces between unrelated children and adults of different genders, a model that resulted in child sexual abuse.<sup>1</sup>
- **DFPS can provide oversight without formally licensing detention centers.** Texas Family Code §§261.301, 261.001 states that DFPS must investigate reports of abuse and neglect by “a person responsible for a child’s care, custody, or welfare,” including “personnel or a volunteer... at a public or private residential institution or facility where the child resides.”
- **Detention has negative mental and physical health impacts on children**, including difficulty adjusting to routine, behavioral issues, onset of urinary incontinence, crying, self isolation, sleep troubles, and loss of appetite.
- **Licensing family detention centers will prolong the detention of children.** Immigrant children should be released within 72 hours, or in the case of emergencies, as quickly as possible. Licensing the detention centers could provide legal cover for extending the detention of children. GEO, the private prison company that operates the Karnes family detention center said in SEC filings. “Presently, the center operates as a short-term processing facility and this licensing process will allow for longer lengths of stay.”<sup>2</sup>
- **Both family detention centers have been fraught with reports of child abuse**, child sexual abuse, inadequate medical care, limited services for children who speak languages other than English or Spanish, and violations of human rights. These facilities need to be closed, not gifted permission to operate as is.
- **DFPS is already in crisis and with or without this proposed new licensing authority, it cannot provide effective oversight.** DFPS is unable to fulfill all of its existing oversight obligations in the foster care system and is already facing intense pressure from lawmakers and budget cuts. DFPS will not receive new resources to take on this major new mandate. DFPS is in no position to take on new responsibilities for facilities that are unlike anything else in the existing childcare licensing system.<sup>3</sup>

“Must I allow Licensing to inspect and/or investigate my operation?”

Yes, all operations, whether regulated or not, must admit us and not delay or prevent us from making inspections or conducting investigations during the hours of operation.”

*Texas Administrative Code, Rule 745.8413*

<sup>1</sup>“‘She Lives in Fear,’ Not in El Salvador, but in Texas Detention,” Texas Observer, May 10, 2016,

<https://www.texasobserver.org/sexual-abuse-karnes-immigrant-detention/>

<sup>2</sup> J. David Donahue, Senior Vice President and President, GEO Corrections and Detention, The GEO Group, Inc. SEC filings, page 32, May 2, 2016, <http://bit.ly/2mAkSOM>

<sup>3</sup> “5 things to watch in the child welfare fight this session,” Texas Tribune, Jan. 14, 2017, <https://www.texastribune.org/2017/01/14/5-things-watch-child-welfare-fight-session/>

## **Experts on child development and wellbeing on licensing:**

*Experts on child development agree that prolonged detention subjects children to psychological and/or physiological trauma.*

**Dr. Luis Zayas**, Dean of the School of Social Work at UT-Austin:

*“The ongoing stress, despair and uncertainty of detention — for even a relatively brief period of time — specifically compromises the children’s intellectual and cognitive development and contributes to the development of chronic illnesses that may be irreversible.”*

**Dr. Sandra G. Hassink, MD**, FAAP, President, American Academy of Pediatrics:

*“We remain concerned that continued detainment of any children and mothers in the existing facilities puts them at greater risk for physical and mental health problems and unnecessarily exposes children and mothers to additional psychological trauma.”*

**Dr. Laura Guerra-Cardus, MD**, Texas Associate Director, Children's Defense Fund–Texas:

*“If DFPS wishes to get involved to help protect the wellbeing of detained children, it is clear under existing law that there is authorization to do that without the need for licensing. This includes implementing periodic investigations and the authority to investigate and address any allegations of abuse or neglect. Licensing these detention facilities is not in the best of interest of children. It will only allow the circumventing of previous judicial authority, which aimed to prevent children from being held in unsafe environments. We strongly urge DFPS to have no role in legitimizing these centers as appropriate for children.”*

**Dr. Satsuki Ina**, Professor Emeritus in the Department of Counselor Education, School of Education, California State University, Sacramento:

*“Confining innocent children and their parents in prison-settings is cause for long-term consequences leading to mental health problems. For the past 30 years I have served as a therapist to many Japanese Americans who were, like myself, children while incarcerated during WWII. Decades later, having lived in a state of long-term anxiety, separated from familiar surroundings, sharing intimate space with total strangers, being held in the arms of anxious mothers, not only set an emotional baseline of fear and mistrust, we know now from research in neuroscience that the constant release of stress hormones under such circumstances, has a negative effect on the developing child’s brain.”*