



WRITTEN STATEMENT BY

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Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs

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Chairman Portman, Ranking Member Carper and members of the subcommittee:

Thank you for your invitation and the opportunity to discuss the services the Shenandoah Valley Juvenile Center (SVJC) provides to unaccompanied children for the Office of Refugee Resettlement (ORR). My name is Kelsey Wong and I am the Program Director for the unaccompanied children program at the SVJC. I have been working with this population for almost six years and have witnessed the evolution of ORR throughout this time.

SHENANDOAH VALLEY JUVENILE CENTER

The SVJC is a secure 58-bed residential facility for youth in local, state and federal custody. The SVJC is owned and operated by the SVJC Commission, which is comprised of the counties of Augusta, Rockbridge, and Rockingham, and the cities of Harrisonburg, Lexington, Staunton and Waynesboro in the Commonwealth of Virginia. The SVJC operates three distinct programs: 1) pre-dispositional detention program for its surrounding localities; 2) post-dispositional Virginia Department of Juvenile Justice programs (Community Placement Program, Re-Entry Program and Direct Intake Program); and 3) an unaccompanied children program for the ORR. The SVJC serves approximately 300 male and female youth from the ages of 12 to 17 each year with an average daily population of 46.

Since 2009, the SVJC has been providing residential services to ORR. At this time, we provide secure services to 34 unaccompanied children, 30 males and 4 females. These services include, but are not limited to, case management, education, group and individual counseling, medical, mental health, nutrition, recreation, religious, acculturation and vocational services. The SVJC delivers secure residential care and all required child welfare-related services in a state-licensed secure detention facility. The SVJC serves approximately 92 unaccompanied children per year with an average daily population of 25. Our goal with the unaccompanied children program is to provide high quality secure services and facilitate each youth's safe and timely release from our care.

SECURE PLACEMENT

The SVJC is one of three facilities that provides secure services to unaccompanied children in the United States. ORR places unaccompanied children in a secure setting when he or she:

- Has been charged with, may be chargeable, or has been convicted of a crime; or is the subject of delinquency proceedings, has been adjudicated delinquent, or is chargeable with a delinquent act; and assesses whether the crimes or delinquent acts were:
 - Isolated offenses that (1) were not within a pattern or practice of criminal activity and (2) did not involve violence against a person, or the use or carrying of a weapon (e.g., breaking and entering, vandalism, DUI, status offenses, etc.); or
 - Petty offenses which are not considered grounds for a stricter means of detention in any case (e.g., shoplifting, joy riding, disturbing the peace).
- Has committed, or has made credible threats, to commit a violent or malicious act while in ORR custody;
- Has committed, threatened to commit, or engaged in serious, self-harming behavior that poses a danger to self while in ORR custody;
- Has engaged in conduct that has proven to be disruptive of the normal functioning of a staff secure facility in which the youth is placed such that transfer may be necessary to ensure the welfare of the UAC or others;
- Has reported gang involvement or displays gang affiliation while in care;
- Has self-disclosed violent criminal history or gang involvement prior to placement in ORR custody that requires further assessment; or
- Has a history of or displays sexual predatory behavior, or has engaged in inappropriate sexual behavior¹.

Secure placement is the most restrictive setting within the ORR network.

The majority of unaccompanied children in a secure setting have histories of repeated and various forms of abuse and neglect; life-threatening accidents or disasters; and interpersonal losses at an early age or for prolonged periods of time. Typically, these youth have difficulty forming attachments with caregivers and self-regulating emotions. For unaccompanied children, this often plays a role in the legal and behavioral problems that bring them in contact with law enforcement, the juvenile justice system and a secure placement. While the number of unaccompanied children requiring a secure setting is small, we believe that this population should be a high priority for the federal government.

PRIORITIZING SECURE CASES

Prioritizing unaccompanied children in a secure placement requires the federal government to improve its referral process, internal network capacity and decision-making on individual cases.

Referral Process

Prioritizing unaccompanied children in secure placement begins at the referral process. Recently, we have received several referrals of unaccompanied children that were previously placed in ORR custody. Some of these youth were living with their biological parent or sponsor prior to being placed into our

¹ Please see ORR Guide 1.2.4 *Secure and Staff Secure Care Provider Facilities* at <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-1#1.2.4>

care. Prior to placement, DHS and ORR should gather the necessary information to ensure that the individual youth is unaccompanied.

In addition, we have received a number of referrals of youth that have been labeled gang-involved individuals with little evidence or self-reported membership. We do a disservice to unaccompanied children when they are mislabeled as gang-involved individuals. Youth that are mislabeled as gang-involved individuals may be unnecessarily placed in a secure environment and it affects their long-term case plan. Therefore we recommend that referring agencies, DHS and ORR, thoroughly vet the youth prior to their placement into custody, including their status as an unaccompanied individual and possible gang-involvement.

Internal Network Capacity

Within the secure unaccompanied children population, there are a number of youth that have been evaluated by our mental health staff or providers recommending placement in a residential treatment center. However, residential treatment centers in the ORR network are unable to accept some of our youth into their care due to the severity of the mental illness, behavioral issues while in ORR care, and disclosures of significant violent or criminal history. In these circumstances, the unaccompanied child remains in a secure placement. As a secure care provider, we are unable to provide the services of a residential treatment center or hospital. In order to appropriately respond to the high needs of this small population in secure care, we recommend that ORR prioritize expanding its internal network capacity to better address the needs of unaccompanied children with severe mental illness, significant behavioral issues and disclosures of violent or criminal histories.

Decision-Making Process

The biggest challenge working with the secure unaccompanied children population is the length of time it takes for ORR to provide a decision, approvals or denials, on family reunification cases and step downs to lower security level settings. The length of time it takes ORR to decide on a case extends the unaccompanied child's length of stay and may have a negative impact on their general functioning. Given the unaccompanied child's placement in the most restrictive setting within the network, ORR should prioritize secure cases so that the youth and their family can make decisions with respect to their case plan. In order to reduce the length of stay for unaccompanied children in a secure setting, we recommend the following:

- 1) Streamline and expedite the decision making process for unaccompanied children in a secure setting;
- 2) Provide a dedicated field staff for each secure care provider in network given the complexity and high needs of the secure unaccompanied children population; and
- 3) Fund legal service providers to provide representation during Flores/Saravia hearings and to work with unaccompanied children pending release decisions so that they may make progress on their legal case while they are in care.

CONCLUSION

At SVJC, we understand the importance of our role serving the unaccompanied children population. We look forward to continuing to work with this Committee and ORR in order to set these young people up for success whether it is here in the United States or their country of origin. We also welcome the

subcommittee members to tour our facility in the beautiful Shenandoah Valley. Thank you again for the opportunity to discuss our services and I hope that the information provided has been helpful to you. I am also happy to answer any questions you may have.