

**To:** Kelsi Feltz  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)

**From:** Emily Gallagher, Procedures Analyst  
Office of Refugee Resettlement (ORR)  
Administration for Children and Families (ACF)

**Date:** June 4, 2024

**Subject:** Non-Substantive Change Request – Legal Services for the Unaccompanied Children Program (OMB #0970-0565)

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This memo requests approval of non-substantive changes to the approved information collection, Legal Services for the Unaccompanied Children Program (OMB #0970-0565).

## **BACKGROUND**

The “Legal Services for the Unaccompanied Children Program” information collection contains 12 instruments that allow the Office of Refugee Resettlement (ORR) to provide legal services to unaccompanied children and include a list of available legal service providers, instruments to request or withdraw a *Flores* bond hearing, instruments to formally document the attorney of record and request a copy of the client case file, as well as instruments to motion for a change of venue, create legal services records for the child, and plan for the child’s release should they attain legal status. The collection was last approved by OMB on November 1<sup>st</sup>, 2021, and the current expiration date is November 30<sup>th</sup>, 2024.

Currently, respondents utilize form L-3 to document both the provision of legal services screening and the establishment of the attorney-client relationship between the unaccompanied child and the attorney of record or DOJ accredited representative. ORR has noted that the reliance on this one form for two distinct purposes creates inefficiency and confusion for respondents; creating an alternate purpose-specific version of the form and re-naming the forms would reduce ambiguity and burden for respondents.

## **OVERVIEW OF REQUESTED CHANGES**

ORR is proposing revisions for the *Notice of Attorney Representation (NAR)* (Form L-3) to better align with the role of respondents, including ORR-funded legal service providers who may request case file records for unaccompanied children for the purpose of conducting legal services screenings without entering an attorney-client relationship. Non-representational screenings for unaccompanied children may be necessary when the child is of tender age (12 years or younger), has a developmental disability, is non-verbal, or experiences a significant incident while in ORR custody that triggers a referral for additional legal screening. We request approval for the following revisions:

- Split form L-3 into two versions: **L-3A**, for use by attorneys and U.S. Department of Justice (DOJ) accredited representatives representing unaccompanied children, and **L-3B**,

for use by attorneys and others providing legal services screening for unaccompanied children without entering an attorney-client relationship.

- Revised form **L-3A** with the new ID number; updated language to reflect the availability of attorney representation during post-release services provision; add sub-category option for representation in disability services planning”; provided instruction that a parent, legal guardian, or sponsor signature is required along with the child’s to grant consent for representation if the child is under 14 ; added instruction to follow ABA model rule 1.14 or a similar rule from relevant state bar ethics rules in the event the parent or legal guardian of a child under 14 is deceased or otherwise unreachable for the purpose of granting consent on behalf of a child under 14 seeking attorney representation; and revised the wording to conform with UC Policy standards by replacing “UC” whenever referring to a child with “unaccompanied children” throughout the document.
- Revised form **L-3B** with the new ID number; renamed the document “Notice of Legal Service Provider Screening”; revised descriptive language to clarify the purpose of the form and distinguish it from its predecessor form L-3A; clarified the role of accredited representatives; removed irrelevant questions for respondents screening children for legal services without entering an attorney-client relationship to reduce burden and better align the document with the respondent’s role; and revised the wording to conform with UC Policy standards by replacing “UC” whenever referring to a child with “unaccompanied children” throughout the document.

Once approved, respondents will be required to complete Form L-3A when the attorney of record or DOJ accredited representative seeks to represent the unaccompanied child in legal proceedings or matters, receive updates on the child’s case, and/ or requests access to the child’s ORR case file records. The child must consent to this representation and information disclosure. Form L-3A will be completed by the attorney or DOJ accredited representative, signed by the child, and submitted to the ORR case manager who will coordinate the release of requested information. Form L-3B will be used primarily by Legal Service Providers (LSPs) as proof of service provision. The proposed edits to this document clarify the information-gathering role of LSPs as distinct from the attorney of record and reduce burden for the respondent by eliminating irrelevant sections which only apply when documenting the attorney-client relationship in form L-3A. These revisions clarify the roles of existing respondents and ensure consistency with UC Program style guide and naming conventions.