

Home Study and Post-Release Services for Unaccompanied Alien Children

**OMB Information Collection Request
0970 - NEW**

Attachment A - Summary of Public Comments and ORR Responses

April 2025

Type of Request: New Collection

Submitted By:
Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services

ORR expresses its appreciation to the public for the thoughtful and detailed comments in response to this information collection request. In addition to comments specific to the information collection, several of the comments received relate to the overall program are outside the scope of the purpose for which comments on the information collection were solicited. As specified in 5 C.F.R. § 1320.8(d), these purposes are: whether the form and the information it collects are necessary for what the agency is trying to accomplish through the form and whether the information collected will have practical utility; to evaluate the paperwork burden of filling out the form and whether the agency's estimate of the burden was correct; the usefulness of the information being collected on the form; and, minimizing the form completion burden. Where comments fell outside the scope of these purposes, ORR extends its thanks to the public and will consider these comments in our future work.

Home Study Assessment (Form S-6)

1. *Lucas R.* plaintiff's counsel commented that ORR is required to affirmatively assist an otherwise viable potential sponsor in accessing and coordinating appropriate post-release community-based services that may support the sponsor's ability to care for a child with one or more disabilities. To avoid any unnecessary delay in the release process, ORR must provide affirmative support to the potential sponsor prior to a home study being conducted. The commentor expressed concern that failing to do so may unfairly penalize a sponsor for their lack of understanding of a child's disability-related needs, or their lack of advanced preparation to meet those needs. To remedy this, the commentor suggests that ORR amend the Home Study Assessment (Form S-6) to include notice under the "Information Provided to the Sponsor" that attests to the fact that ORR has provided the sponsor with information regarding the child's needs and specific post-release services available within the sponsor's community.

ORR Response: ORR thanks the commentor for their suggestion. ORR has incorporated the suggested edit in the Home Study Assessment (Form S-6) as discussed. Affirmatively documenting when sponsors are provided with additional information or referral to community-based services to meet a child's needs promotes safer reunifications for children with disabilities.

2. *Lucas R.* plaintiff's counsel also raised concern that the Sponsor Assessment (Form S-5) does not properly consider whether ORR has taken all the required steps to assist a potential sponsor with understanding and supporting the needs of a child with a disability, and that it has considered it's required due diligence in this regard during the sponsor assessment process; it is necessary to ensure that home study caseworkers have and consider all relevant information before issuing a summary recommendation in order to avoid unnecessary denial or delay of release to sponsors of children with disabilities. To this end, the commenters suggested modifying the Home Study Assessment (Form S-6) Summary section to include fields documenting any outstanding

concerns the case manager may have about the sponsor's ability to care for a child with a disability, the steps ORR has taken to help the sponsor understand the child's needs, the sponsor's awareness of the child's Individualized Section 504 Service Plan, and ORR's actions to date to execute the plan.

ORR Response: ORR appreciates the concerns raised by the commenter and agrees to adopt modifications to the Home Study Assessment form to better document when the Home Study Caseworker has outstanding concerns specifically related to the potential sponsor's ability to care and provide for a child with a disability. ORR will add fields to the form to capture these concerns, documenting when a child has an existing Individualized Section 504 Service Plan, which includes a transition plan for the child's release to a suitable sponsor, work done to educate and equip the sponsor to meet the child's needs and identify the post-release community-based services or supports available to the sponsor and child. It is important to note, however, that the role of the Home Study Caseworker is to assess the potential sponsor/ sponsor household, make recommendations to support safe release, and educate the potential sponsor and make referrals to community-based services following release, but participation by the sponsor and/or child in post-release services is voluntary thus the use of the compulsory clause "...support and assistance [ORR] will provide" is not adopted.

3. *Lucas R.* plaintiff's counsel also identified the need to document the Home Study Caseworker's positive duty to consider the benefits of releasing a child with a disability to a community-based setting when evaluating the sponsor's ability to provide for the child's safety and wellbeing. To ensure ORR properly considers the benefits of release within this potential sponsor's specific household and community as one factor among many, the commentor suggests amending the Home Study Assessment (Form S-6) to prompt the Home Study caseworker to evaluate the child's perspective concerning the benefits of release to the potential sponsor, and to document their own analysis of this prompt.

ORR Response: ORR thanks the commenter for their suggestion and will incorporate these suggested edits in the Home Study Assessment (Form S-6) under the "UAC Background" and "Summary" sections, as discussed. Affirmatively documenting the child's perspective and the caseworker's analysis of the benefits of release to a potential sponsor in a community-based setting is a child-centered practice.

4. In their comments, *Lucas R.* plaintiff's counsel cited to HHS Section 504 implementing regulations applicable to ORR (45 C.F.R. § 85.21) and grantee care provider programs receiving federal financial assistance (id. § 84.68(b)(7)(i.)) as support for their statement that ORR must not discriminate against a potential sponsor with a disability during the sponsor vetting process, and that ORR is obligated to offer reasonable modifications to the standard sponsorship process for sponsors with disabilities. The commenter suggested modifying the Home Study Assessment (Form S-6) "Sponsor Background

Information” section to affirmatively document what reasonable accommodations ORR has made to facilitate the child’s safe release to this sponsor.

ORR Response: ORR appreciates the feedback provided by the commentor. ORR has amended the Home Study Assessment to document any reasonable accommodations or modifications made for sponsors with disabilities seeking reunification with an unaccompanied alien child. ORR prioritizes the safe and timely release of all children to suitable sponsors and affirms that sponsors with disabilities are entitled to reasonable accommodations to facilitate their participation in the sponsorship process while ensuring they can provide for the child’s physical and emotional well-being.