



Administration for Children & Families Office of Refugee Resettlement

Intakes Restrictive Placement Checklist

Section A: Child Information

Child Name	<input type="text"/>	Date of Referral	<input type="text"/>
A# [no spaces]	<input type="text"/>	Sex	<input type="text" value="Options: Male, Female"/>
Date of Birth	<input type="text"/>	Age	<input type="text"/>
		Country of Origin	<input type="text"/>

Was the child previously in ORR custody? Yes No

Does the referral indicate that the child has a suspected disability or disabilities? Yes No

If yes, enter the type of suspected disability or disabilities.

NOTE: ORR must consider whether there are any reasonable modifications, auxiliary aids, or services that would allow the child to be placed in a less restrictive facility.

Section B: Heightened Supervision Facility Criteria

A heightened supervision facility is a licensed facility for unaccompanied alien children who require close supervision, but do not require placement in a secure facility or a residential treatment center.

A decision to place a child in a heightened supervision facility must be based on clear and convincing evidence that the child meets at least one of the below criteria for the placement, with the exception of runaway risk (i.e., children may **not** be placed in a heightened supervision facility based **solely** on a determination that they are a runaway risk). Clear and convincing evidence is a standard of evidence that requires that a factfinder be convinced that a contention is highly probable (i.e., substantially more likely to be true than untrue). This evidence must be documented in the child's case file.

In all placement decisions, including the determination to place a child at a heightened supervision facility, ORR must consider whether it is placing the child in the least restrictive setting that is in the best interest of the child and appropriate to the unaccompanied child's age and individualized needs.

Criterion 1: Runaway Risk

CRITERION

The child is at risk of running away.

SUPPORTING FACTORS

Use the below supporting factors to help determine whether the child meets this criterion. Responding "yes" to any of the supporting factors does not mean that the child automatically meets this criterion. That determination must be made weighing all factors and mitigating

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13) STATEMENT OF PUBLIC BURDEN: The purpose of this information collection is to determine whether an initial placement into a restrictive setting is in the best interest of the unaccompanied alien child. Public reporting burden for this collection of information is estimated to average 1.0 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a mandatory collection of information (6 U.S.C. 279 and 8 U.S.C. 1232). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. If you have any comments on this collection of information please contact UACPolicy@acf.hhs.gov.

Intakes Restrictive Placement Checklist

Office of Refugee Resettlement

circumstances to determine whether clear and convincing evidence exists.

1. Does the referral indicate that the child attempted to run away or successfully ran away from detention or government custody? Yes No
2. If the child was previously in ORR custody, do ORR records exist that indicate there was an unauthorized absence, runaway attempt, or that the child made plans to run away? Yes No N/A
3. Do any of the following apply? Yes No
 - Child is currently under a final order of removal
 - Child previously absconded or attempted to abscond from State or Federal custody
 - Child has displayed behaviors indicative of flight or has expressed intent to run away
 - Evidence exists demonstrating that the child is experiencing a strong trauma bond to or is threatened by a trafficker in persons or drugs

DETERMINATION

A determination that a child is a runaway risk (1) must conclude that it is highly probable or reasonably certain that a child will attempt to abscond from ORR care, and (2) must be made based on the totality of the circumstances, and (3) must **not** be based **solely** on a past attempt to run away.

Is there clear and convincing evidence that the child meets this criterion? Yes No

Criterion 2: Pattern of Behavior

CRITERION

The child has displayed a pattern of severity of behavior, either prior to entering ORR custody or while in ORR care, that requires an increase in supervision by trained staff.

SUPPORTING FACTORS

Use the below supporting factors to help determine whether the child meets this criterion. Responding "yes" to any of the supporting factors does not mean that the child automatically meets this criterion. That determination must be made weighing all factors and mitigating circumstances to determine whether clear and convincing evidence exists.

1. Does the referral indicate that the child has displayed a pattern of severity of behavior prior to entering ORR custody that requires an increase in supervision by trained staff? Yes No
2. If the child was previously in ORR custody, do ORR records exist showing that the child displayed a pattern of severity of behavior while in ORR custody that requires an increase in supervision by trained staff (includes behavior that was unacceptably disruptive to the normal functioning of a shelter care provider facility)? Yes No N/A

NOTE: Reports of significant incidents may be used as examples or citations of concerning behavior. However, the existence of a report itself may not be used as a basis for placement in a restrictive setting.

DETERMINATION

Is there clear and convincing evidence that the child meets this criterion? Yes No

Criterion 3: Non-Violent Criminal or Delinquent History

CRITERION

The child has non-violent criminal or delinquent history not warranting placement in a secure facility, but which evidences a behavioral concern that requires an increase in supervision above what would be provided in a non-restrictive facility.

Intakes Restrictive Placement Checklist

Office of Refugee Resettlement

SUPPORTING FACTORS

Use the below supporting factors to help determine whether the child meets this criterion. Responding "yes" to any of the supporting factors does not mean that the child automatically meets this criterion. That determination must be made weighing all factors and mitigating circumstances to determine whether clear and convincing evidence exists. Has the child been convicted or charged with, been adjudicated delinquent for, or is the child subject to delinquency proceedings for a non-violent crime that evidences a behavioral concern that requires an increase in supervision?

1. Is there a pattern and practice of criminal activity? Yes No
2. If there were multiple offenses, did they stem from different incidents in time? Yes No N/A
3. Select the specific offense(s) for which the child has been convicted, charged, or been adjudicated delinquent (if applicable) that evidences a behavioral concern that requires an increase in supervision:
 - Burglary/breaking and entering
 - Theft
 - Destruction of property/vandalism
 - Other, specify:
 - Drug Smuggling
 - Possession of drugs with intent to distribute
 - Threats or behavior intended to physically harm, harass, or intimidate another individual
 - N/A

DETERMINATION

Is there clear and convincing evidence that the child meets this criterion? Yes No

Clear and Convincing Evidence

List **all** the evidence you relied on to determine whether the child meets the criteria for placement in a heightened supervision facility, in detail. This could include information and documents provided with the referral, law enforcement or court records, ORR records (e.g., Child-Level Events), and/or self-disclosures (that have been independently corroborated or confirmed) made by the child.

Placement Eligibility

For the child to be eligible for placement into a heightened supervision facility, the evidentiary record must support a finding that it is **highly probable** that the child meets at least one of the above criteria for Runaway Risk, Pattern of Behavior, or Non-Violent Criminal or Delinquent History.

Is there clear and convincing evidence that the child meets the criteria for placement in a heightened supervision facility? Yes No

Section C: Secure Facility Criteria

A secure facility is a licensed facility for unaccompanied alien children who require a setting with a physically secure structure and staff who are able to control violent behavior.

A child must not be placed in a secure facility unless (1) they are a danger to self or others, or (2) they have been charged with or convicted of a criminal offense. In addition to this general requirement, a decision to place a child in a secure facility must be based on clear and convincing evidence that the child meets at least one of the below criteria for the placement. Clear and convincing evidence is a standard of evidence that

Intakes Restrictive Placement Checklist

Office of Refugee Resettlement

requires that a factfinder be convinced that a contention is highly probable (i.e., substantially more likely to be true than untrue). This evidence must be documented in the child's case file.

Even if a child meets the criteria for placement in a secure facility, they must not be placed in a secure facility if less restrictive alternatives in the best interests of the child are available and appropriate under the circumstances

A child may not be placed in a secure facility **solely** based on a finding that the child poses a danger to self.

Criterion 1: Violent Criminal or Delinquent History

CRITERION

The child has been charged with or has been convicted of a crime, or is the subject of delinquency proceedings, delinquency charge, or has been adjudicated delinquent, **and** where ORR deems that those circumstances demonstrate that the unaccompanied alien child poses a danger to others, but not including:

- 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, traffic offenses, simple possession, disturbing the peace, etc.).

SUPPORTING FACTORS

Use the below supporting factors to help determine whether the child meets this criterion. Responding "yes" to any of the supporting factors does not mean that the child automatically meets this criterion. That determination must be made weighing all factors and mitigating circumstances to determine whether clear and convincing evidence exists.

1. Has the child been convicted or charged with a crime, adjudicated delinquent, or is the child the subject of delinquency proceedings or other criminal proceedings for a violent crime that demonstrates that the unaccompanied alien child poses a danger to others? Yes No
2. Has the child attempted or conspired to commit a violent crime or delinquent act that demonstrates that the unaccompanied alien child poses a danger to others? Yes No
3. Has the child made threats of violence against a victim that demonstrates that the unaccompanied alien child poses a danger to others? Yes No
4. Is there a pattern and practice of criminal activity that demonstrates that the unaccompanied alien child poses a danger to others? Yes No N/A
5. If there were multiple offenses, did they stem from different incidents in time? Yes No N/A
6. Select specific offense(s) (if applicable) that demonstrates that the unaccompanied alien child poses a danger to others:
 - Assault/battery
 - Kidnapping
 - Sexual assault/rape
 - Threats of behavior intended to physically harm, harass or intimidate another individual (bullying, threats while in government custody)
 - Arson
 - Robbery (involves use or threat of force)
 - Manslaughter
 - Homicide (including vehicular homicide)
 - Trafficking in persons

Intakes Restrictive Placement Checklist

Office of Refugee Resettlement

- Possession of a deadly weapon (including use of a vehicle as a weapon)
- Crimes involving a minor victim (child molestation, child abuse, possession or distribution of child pornography, statutory rape)
- N/A

Other, specify:

DETERMINATION

Is there clear and convincing evidence that the child meets this criterion? Yes No

Criterion 2: Violent or Malicious Acts

CRITERION

The child has committed, or has made credible threats to commit, a violent or malicious act directed at others, while the child was in (1) the U.S. Department of Homeland Security's (DHS) custody, (2) ORR's custody, or (3) the presence of an immigration officer, ORR official, or ORR contracted staff.

SUPPORTING FACTORS

Use the below supporting factors to help determine whether the child meets this criterion. Responding "yes" to any of the supporting factors does not mean that the child automatically meets this criterion. That determination must be made weighing all factors and mitigating circumstances to determine whether clear and convincing evidence exists.

1. Does the referral indicate that the child committed, or made credible threats to commit, a violent or malicious act directed at others while in DHS custody? Yes No
2. If the child was previously in ORR custody, do ORR records exist showing that the child committed, or made credible threats to commit, a violent or malicious act directed at others while in ORR custody? Yes No
3. Did the child commit, or make credible threats to commit, a violent or malicious act directed at others in the presence of an immigration officer, ORR official, or ORR contracted staff? Yes No

DETERMINATION

Is there clear and convincing evidence that the child meets this criterion? Yes No

Criterion 3: Past Conduct in ORR Custody

CRITERION

The child has engaged, while in a restrictive placement, in conduct that has proven to be unacceptably disruptive to the normal functioning of the care provider facility, **and** removal is necessary to ensure the welfare of others, as determined by the staff of the care provider facility (e.g., stealing, fighting, intimidation of others, or sexually predatory behavior), **and** ORR determines the unaccompanied alien child poses a danger to others based on such conduct.

SUPPORTING FACTORS

Use the below supporting factors to help determine whether the child meets this criterion. Responding "yes" to any of the supporting factors does not mean that the child automatically meets this criterion. That determination must be made weighing all factors and mitigating circumstances to determine whether clear and convincing evidence exists.

1. If the child was previously in a restrictive placement, do records indicate that the child engaged in conduct that was unacceptably disruptive to the normal functioning of the facility? Yes No N/A
2. If the child was previously in a restrictive placement and records indicate their behavior was Yes No N/A

Intakes Restrictive Placement Checklist

Office of Refugee Resettlement

unacceptably disruptive to the normal functioning of the care provider, is the child's removal necessary to ensure the welfare of others?

3. If the child was previously in a restrictive placement and records indicate their behavior was unacceptably disruptive to the normal functioning of the care provider, does the child pose a danger to others based on their conduct? Yes No N/A

NOTE: Reports of significant incidents may be used as examples or citations of concerning behavior. However, the existence of a report itself may not be used as a basis for placement in a restrictive setting.

DETERMINATION

Is there clear and convincing evidence that the child meets this criterion? Yes No

Clear and Convincing Evidence

List **all** the evidence you relied on to determine whether the child meets the criteria for placement in a secure facility, in detail. This could include information and documents provided with the referral, law enforcement or court records, ORR records (e.g., Child-Level Events), and/or self-disclosures (that have been independently corroborated or confirmed) made by the child.

Placement Eligibility

For the child to be eligible for placement into a secure facility, the evidentiary record must support a finding that it is **highly probable** that the child meets at least one of the above criteria for Violent Criminal and Delinquent History, Violent or Malicious Acts, or Past Conduct in ORR Custody.

Is there clear and convincing evidence that the child meets the criteria for placement in a secure facility? Yes No

Section D: Placement Determination

INTAKES SPECIALIST RECOMMENDED LEVEL OF CARE

Recommended Level of Care

Intakes Specialist Name Date

Options: Emergency Influx Facility, Heightened Supervision Facility, Long-Term Foster Care, Residential Treatment Center, Secure Facility, Shelter, Therapeutic Group Home, Transitional Foster Care

Explain the reason for the recommended level of care

Options: Emergency Influx Facility, Heightened Supervision Facility, Long-Term Foster Care, Residential Treatment Center, Secure Facility, Shelter, Therapeutic Group Home, Transitional Foster Care

PLACEMENTS SUPERVISOR OR LEAD FINAL LEVEL OF CARE DETERMINATION

Placements Supervisor or Lead Decision

Placements Supervisor or Lead Name Date

Intakes Restrictive Placement Checklist

Office of Refugee Resettlement

Explain the reason for placement in a different level of care than the initial recommended level of care (*if applicable*).

DESIGNATED PLACEMENT

Care Provider Name

Level of Care

Options: Emergency Influx Facility,
Heightened Supervision Facility,
Long-Term Foster Care, Residential
Treatment Center, Secure Facility,
Shelter, Therapeutic Group Home,
Transitional Foster Care

