

February 28, 2020

The Honorable Ron Johnson  
Chairman, U.S. Senate Committee on  
Homeland Security and Governmental  
Affairs  
Washington, DC 20510

The Honorable Gary Peters  
Ranking Member, U.S. Senate Committee  
Homeland Security and Government Affairs  
Washington, DC 20510

The Honorable Bennie Thompson  
Chairman, U.S. House Committee on  
Homeland Security  
Washington, DC 20515

The Honorable Mike Rogers  
Chairman, U.S. House Committee on  
Homeland Security  
Washington, DC 20515

The Honorable Carolyn Maloney  
Chairwoman, U.S. House Committee on  
Oversight and Reform  
Washington, DC 20515

The Honorable Jim Jordan  
Ranking Member, U.S. House Committee on  
Oversight and Reform  
Washington, DC 20515

Dear Senators Johnson and Peters, Congresswoman Maloney and Congressmen Jordan, Thompson and Rogers:

The Mental Health Liaison Group (MHLG)— a coalition of national organizations representing consumers, family members, mental health and addiction providers, advocates and other stakeholders- is writing to request your committees immediately convene oversight hearings and evaluate the impact of the sharing of confidential therapy records on detained children as carried out under the presumed authority of the April 2018 Memorandum of Agreement (MOA) between the Office of Refugee Resettlement (ORR), within the U.S. Department of Health and Human Services (HHS), and the U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection, of the U.S. Department of Homeland Security (DHS).

Federal law and the Flores v. Reno settlement obligate HHS to act in the best interests of the immigrant children in their care and to release detained children as soon as practicable. The stated purpose of the April 2018 MOA between HHS and DHS on information sharing is to “ensure that the transfer, placement and release of unaccompanied minors (UACs) are safe for the UACs and the communities into which they are released.” In reality, the MOA is seemingly taking direct aim at detained children by creating a system whereby information retrieved from children could be used to arrest or deport their parents or legal guardians, and even to prevent the minor from obtaining asylum.

Providing therapy to children and adolescents experiencing trauma is neither simple nor straightforward. Children within ORR custody are given access to mental health care in order to assist them in dealing with the serious emotional and mental stressors they have

experienced. It is critical for the therapists providing care to children at the ORR shelters to be licensed, bilingual, and experienced in working with children and in providing culturally appropriate and trauma-informed care. Establishing a trusting relationship and allowing the child time to work through emotions and memories are key to therapy. A therapist's record of an individual session may provide only a partial understanding of the child's experiences and involvement in difficult and traumatic events and should not be used without context to understand the child's background, the course of care, and trajectory for change. Furthermore, it is a fundamental ethical value of mental health professionals to maintain the confidentiality of mental health records.

Again, we request that the Senate Homeland Security and Government Affairs Committee, the House Committee on Homeland Security and the House Oversight Committee immediately convene an oversight hearing to review the April 2018 MOA between HHS and DHS, focusing on the harm it is causing the children entrusted to their care, whether the practice is in violation of the agreement under Flores vs. Reno, and to reassess cases in which information obtained during therapy was used against minors.

Sincerely,

American Art Therapy Association  
American Association for Marriage and Family Therapy  
American Association for Psychoanalysis in Clinical Social Work  
American Association of Child & Adolescent Psychiatry  
American Association of Suicidology  
American Counseling Association  
American Dance Therapy Association  
American Foundation for Suicide Prevention  
American Group Psychotherapy Association  
American Mental Health Counselors Association  
American Psychiatric Association  
American Psychological Association  
Anxiety and Depression Association of America  
Association for Ambulatory Behavioral Healthcare  
Bazelon Center for Mental Health Law  
Children and Adults with Attention-Deficit/Hyperactivity Disorder  
Clinical Social Work Association  
Depression and Bipolar Support Alliance  
Eating Disorders Coalition for Research, Policy & Action  
Global Alliance for Behavioral Health and Social Justice  
The Jewish Federations of North America  
The Kennedy Forum  
Legal Action Center  
Mental Health America  
National Alliance on Mental Illness (NAMI)

National Alliance to Advance Adolescent Health  
National Association for Children's Behavioral Health  
National Association of School Psychologists  
National Association of Social Workers  
National Council for Behavioral Health  
National Eating Disorders Association  
National Federation of Families for Children's Mental Health  
National Register of Health Service Psychologists  
Network of Jewish Human Service Agencies\*  
NHMH - No Health without Mental Health  
Psychotherapy Action Network (PsiAN)  
Residential Eating Disorders Consortium  
School Social Work Association of America  
SMART Recovery  
The Trevor Project  
Treatment Communities of America

\*not a MHLG member