Outline

*Family Separation at the Border and the U.S. Child Welfare System – Completely Distinct or Inextricably Intertwined?*

1. Legal challenges to Family Separation derive in large part from child welfare precedent defining rights to parent, rights to family integrity and rights to be safe from harm.

2. As a result, the legal decisions emerging from family separation cases address these legal rights, and have helped to establish a new body of law in federal court on topics such as:
   a. Trauma of separation arguments
      i. Irreparable harm of separation – both in medical and research references but also in legal precedent now.
   b. Right to family integrity
      i. Children have these rights
      ii. Parents have these rights
   c. Due process arguments
      i. Substantive due process rights to parent
      ii. Procedural due process rights that apply before the government can interfere in rights to parent/rights to family integrity
   d. Right to assert own interests as children separate from parents
      i. Complicated ethical questions where a child is represented separate and apart from the parent and may have distinct interests from the parent but the child was separated erroneously through family separation policy (distinct from unaccompanied minors or child welfare cases involving children who have been separated)

3. How will this new body of law guide child welfare moving forward?
   a. In other words, child welfare precedent informed the family separation arguments, and now that those precedents have been interpreted and applied in a new body of law how can the family separation decisions inform and impact future child welfare cases?