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Texas Department of Family and Protective Services  
Public Hearing Regarding Proposed 40 TAC §748.7  
Wednesday, December 9, 2015  
10:00 a.m. to 2:00 p.m.  
John J. Winters Building  
Public Hearing Room 125-E  
701 West 51st Street  
Austin, Texas 78751

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A P P E A R A N C E S

- Commissioner John J. Specia, Jr.
- Mr. Paul Morris, Assistant Commissioner for Child Care Licensing
- Mr. Trevor Woodruff, General Counsel
- Ms. Jean Shaw, Director of Residential Child Care Licensing
- Ms. Colleen McCall, Child Protective Services, Director of Field
- Ms. Tina Martin, Department of Family and Protective Services, Council Chairwoman
- Cecile Young, Chief of Staff, Health and Human Services Commission

## 1 P R O C E E D I N G S

2 (10:03 a.m.)

3 MR. SPECIA: Good morning, ladies and  
4 gentlemen. Thank you for being here today.

5 We are here to discuss the licensing  
6 requirements for General Residential Operations. This  
7 is an important issue, and we want to hear your  
8 feedback.

9 Joining us today are Paul Morris,  
10 Assistant Commissioner for Child Care Licensing; Jean  
11 Shaw, Director of Residential Child Care Licensing;  
12 Colleen McCall, Child Protective Services, Director of  
13 Field; Tina Martin, the Department of Family and  
14 Protective Services Council Chairwoman; Trevor Woodruff,  
15 General Counsel for the Department of Family and  
16 Protective Services; and Cecile Young, Chief of Staff at  
17 Health and Human Services Commission.

18 Paul Morris will provide background on  
19 this situation. And Trevor Woodruff will go over some  
20 of the hearing procedures. And then we will open it up  
21 for public comment.

22 Paul.

23 MR. MORRIS: Thank you, Commissioner.

24 Initially, the Department of Family and  
25 Protective Services determined that 24-hour facilities

1 where children are housed with adult parents to not meet  
2 the DFPS definition of a residential facility and could  
3 not be licensed. However, a recent federal court  
4 decision concerning the South Texas Family Residential  
5 center in Dilley, which is operated by Corrections  
6 Corporation of America, and the Karnes County  
7 Residential Center, which is operated by the GEO Group,  
8 Incorporated, caused DFPS to reevaluate whether such  
9 facilities fall under DFPS jurisdiction. In its  
10 decision, the Court determined that while detained by  
11 Immigration and Customs Enforcement, families must be in  
12 state-licensed facilities to provide essential  
13 protection of regular and comprehensive oversight by an  
14 independent child welfare agency. That was the United  
15 States District Court, Central District of California,  
16 in July of 2015, Flores versus Johnson.

17           Although the ruling did not require DFPS  
18 to license the facilities, as DFPS was not a party to  
19 the lawsuit, it did highlight a gap in the oversight of  
20 the children at these types of facilities. The proposed  
21 new DFPS rules will close that gap by requiring state  
22 licensure. To our knowledge, the Karnes City and Dilley  
23 facilities are the only ones in Texas to meet the  
24 criteria of the proposed rule. Upon passage of the  
25 proposed rule, these facilities would have to apply for

1 a license. Both are family residential facilities  
2 designed for the detention of adults with children and  
3 both contract with ICE.

4           If the two facilities were regulated by  
5 the residential child care licensing division of DFPS,  
6 they would be required to meet minimum standards and any  
7 granted variances for residential operations that are  
8 designed to ensure the safety and welfare of children.  
9 Upon successful completion of the initial application  
10 process, a residential care facility would receive an  
11 initial license which would be subject to review in six  
12 months to determine whether it should be continued or  
13 modified.

14           My staff will make periodic inspections of  
15 the facilities, and they'll investigate any allegations  
16 of abuse and neglect and any other alleged violation of  
17 minimum standards or the other laws that DFPS is  
18 responsible for enforcing. If during the initial  
19 license period the facilities demonstrate the ability to  
20 comply with minimum standards and otherwise meet  
21 licensure requirements, they would receive a renewable  
22 license.

23           Trevor is now going to go over the  
24 procedures for today's hearing.

25           MR. WOODRUFF: Thank you, Paul.

1           The purpose of today's meeting is to  
2 obtain feedback from the public on the proposed rule.  
3 Agency leadership will be here to listen, but not  
4 respond, to each of your comments. We have a court  
5 reporter here to transcribe the comments so they can be  
6 included as part of the public input that the Agency has  
7 received. We are also recording the meeting. The  
8 recording will be placed on our website later.

9           We have a sign-in sheet for general  
10 registration and a sign-in sheet for those who wish to  
11 give public testimony. The sign-in sheets are just  
12 outside the public hearing room to the side over here.

13           I will call the names of individuals who  
14 have signed in to provide comments in the order that  
15 they appear on my list. We will adhere to a  
16 strict three-minute time limit per person to ensure that  
17 people have an opportunity to speak. There will be  
18 no amalgamation of time.

19           A timekeeper will keep us on schedule. He  
20 or she will be seated next to me. They will hold up a  
21 yellow card when the speaker has one minute left and  
22 will ring the bell when time is expired.

23           We have a Spanish translator if needed,  
24 who will also have a three-minute time limit.

25           Our hearing concludes at 2:00 p.m. If

1 your name is not called because it's further down on the  
2 list, we will gladly take your written statement.

3 Please provide any written statements by  
4 December 14th to Audrey Carmical. Audrey's email  
5 address can be found on today's agenda.

6 We'll now get started with testimony.

7 Jonathan Ryan.

8 MR. RYAN: Good morning. My name is  
9 Jonathan Ryan. I'm an immigration attorney and the  
10 executive director of Raices.

11 On November 18th, our client and her  
12 11-year-old daughter were both detained at the Karnes  
13 Family Prison, refused to sign the paperwork to be  
14 deported back to El Salvador, the country they fled to  
15 escape extreme violence. When the mother refused to  
16 sign her paperwork, the officials inside Karnes told  
17 her, "We don't care about your lives. Haven't we given  
18 you food? Haven't we given you clothes?" Later that  
19 night, other officials threatened to take away the mom's  
20 11-year-old daughter.

21 Does that sound like child care? Do those  
22 sound like officials who should be responsible for  
23 caring for children?

24 Raices is part of the CARA pro bono  
25 project, a partnership of four organizations that

1 provides pro bono legal services to mothers and children  
2 held at both the Dilley and Karnes family prisons,  
3 meaning that we are in these jails every day.

4           The CARA pro bono project has provided  
5 legal services to thousands of families detained at  
6 Karnes and Dilley in the past year. Through that work,  
7 we have documented the myriad of ways that Dilley and  
8 Karnes are unfit for mothers and children.

9           First, there is the systemic failure to  
10 provide adequate medical care to children. Nearly all  
11 children in detention are sick. Children are routinely  
12 told to simply drink water to treat any illness or  
13 ailment regardless of severity. We have filed two  
14 formal complaints with the Department of Homeland  
15 Security about these atrocious medical conditions, and  
16 we have not seen any improvement.

17           Two, children are routinely left in the  
18 care of guards, not certified child care practitioners.  
19 The proposed rules specifically allows for this without  
20 any acknowledgment that prison guards are not  
21 appropriate caregivers for children or any limitations  
22 on the circumstances when and for how long children can  
23 be left alone with guards.

24           Three, multiple families share living  
25 spaces, allowing for children to share bedrooms with



1 adults to whom they are not related and with non-related  
2 children of other opposite genders. There are  
3 already -- there have already been multiple reports of  
4 child sexual abuse likely due to these concerning living  
5 arrangements. The proposed regulations, which have  
6 lowered existing standards to allow for this, will only  
7 provide institutional support for these precarious  
8 living circumstances -- for the precarious living  
9 circumstances these families currently endure.

10           There is so much more to say regarding the  
11 atrocious conditions inside. But I want to clarify that  
12 enabling DFPS to remedy these poor conditions is no  
13 reason to approve licensing. Yes, there needs to be  
14 oversight. Yes, there needs to be investigation. But  
15 licensing is not necessary to respond to the incidents  
16 of abuse and neglect. Your agency is obligated to  
17 investigate --

18           (Bell rings)

19           MR. RYAN: -- reports of abuse and neglect  
20 a person -- by a person responsible for a child's care,  
21 custody, and welfare, including personnel or a volunteer  
22 of a public or private residential institution.

23           MR. WOODRUFF: Mr. Ryan, thank you for  
24 your comment.

25           MR. RYAN: Thank you very much.

1 MR. WOODRUFF: Elissa Steglich.

2 MS. STEGLICH: Good morning and thank you.  
3 My name is Elissa Steglich. I'm also an immigration  
4 attorney immigration attorney and clinical professor at  
5 the University of Texas Immigration Clinic.

6 With its family detention policies, the  
7 United States Department of Homeland Security now  
8 confines women and children and child survivors of  
9 domestic and other violence in jails. The two family  
10 detention centers being considered for licensing under  
11 proposed Section 748.7 can hold approximately 3,500  
12 women and children at any given time.

13 Multiple families are placed in the same  
14 sleeping and living quarters together, while guards and  
15 fences keep the families confined. The median age of  
16 the children in these jails is six years old.

17 The Department of Homeland Security is  
18 asking the DFPS to support its decision to use jails  
19 instead of community support and shelters for trauma  
20 survivors. Child welfare experts should know better  
21 than to agree to such a proposition. Licensing the  
22 jails will not turn them into shelters.

23 The federal litigation, Flores v. Johnson,  
24 on which the Department relies in promulgating 748.7  
25 does not require jails to be licensed. In fact, the

1 litigation began in 1985 to prevent specifically  
2 children from being held in jails solely for immigration  
3 reasons. The Flores Court requires children to be  
4 housed in non-secure environments that would be  
5 appropriate for placement of our state's own wards.

6 Flores requires that facilities be  
7 licensed because of child welfare assurances that the  
8 license and regulations provide. It is not just a box  
9 to check or a paper to have. Licensing the Karnes and  
10 Dilley jails will not accomplish what Flores promises.  
11 It's tempting to think that child welfare agency  
12 oversight of these jails can help. This is misguided.  
13 Section 748.7 handicaps the Agency where it is most  
14 needed. It permits the status quo to become the  
15 standard rather than holding the federal government and  
16 its private contractors accountable to minimum child  
17 welfare standards.

18 A new licensing scheme for family jails  
19 would be a stark and unprecedented downward departure  
20 from the State's current standards. The State would be  
21 compromising the best interest of the children by  
22 allowing people who are untrained in child care to set  
23 rules for children, allowing adult strangers to sleep in  
24 the same enclosed room with young children, and allowing  
25 children to be warehoused in prison-like environments.

1 The State would be violating its own values and minimum  
2 standards of child welfare if it enacted such a  
3 licensing scheme. DFPS can best safeguard the welfare  
4 of the children detained at Dilley and Karnes by  
5 withdrawing Section 748.7.

6 Thank you.

7 MR. WOODRUFF: Laurie Cook Heffron.

8 MS. EFRON: Good morning, and thank you  
9 for hearing from us today.

10 My name is Dr. Laurie Cook Heffron. I'm a  
11 social worker and a researcher.

12 As someone who conducts empirical research  
13 and regularly reviews the evidence base, the existing  
14 social science literature, and as a social worker with  
15 experience working directly with Central-American women  
16 and children and serving as a pro bono expert witness in  
17 immigration cases, my role here today is to provide the  
18 context around the evidence base related to two main  
19 areas.

20 First, the pre-migration violence and  
21 trauma that propel women and children to seek safety and  
22 protection in the U.S. And second, the psychosocial  
23 impact of detention on survivors of violence and trauma.

24 The women and children detained at Karnes  
25 and Dilley are survivors of violence and trauma.

1 They've directly experience violence and have witnessed  
2 violence or were exposed to tremendous suffering and  
3 traumatic events prior to being detained in the U.S.  
4 Many explicitly fled severe domestic violence and sexual  
5 violence in Central America, leaving loved ones and  
6 social support networks behind in search of safety and  
7 protection for themselves and their children.

8           These experiences are compounded by high  
9 rates of gang violence, human trafficking and femicide,  
10 or the killing of women. Women and children carry these  
11 backgrounds of violence and trauma with them when they  
12 become detained. Conditions of detention then mirror,  
13 or reflect, women's experience with violence. That is,  
14 the strategies and tactics of control and abuse used by  
15 abusers and traffickers are often repeated through the  
16 conditions, the rules and the protocols and the  
17 structures of immigrant family detention centers.

18           The restrictive nature of detention  
19 facilities and the highly controlled movement and  
20 regimented schedules re-triggers negative mental health  
21 outcomes associated with past gender violence. The  
22 negative impact of detention is well documented in the  
23 scientific literature. Detention leads to the  
24 deterioration of mental health and well-being and may  
25 result in outcomes, such as self-harm, suicidal

1 ideation, suicide attempt, depression, post-traumatic  
2 stress, and anxiety.

3           Research on children in immigration  
4 detention centers shows that children may develop mental  
5 and physical health difficulties directly from the  
6 detention experience itself. Research also finds that  
7 children's developmental, nutritional, educational, and  
8 child protection needs are not adequately met in  
9 detention settings. Furthermore, research shows that  
10 family detention may disrupt the family unit and  
11 undermine attachment relationships.

12           Research suggests that settings based on  
13 choice, empowerment, and the community are necessary for  
14 recovery. Alternatively, settings based on control,  
15 coercion, and containment may traumatize or  
16 re-traumatize individuals and families who are already  
17 vulnerable. Furthermore, approaches and settings that  
18 make recovery possible require the elimination of  
19 practices that seclude, isolate, and restrict mothers'  
20 and children's mobility and decision-making.

21           Despite any attention to the basic needs  
22 of women and children in detention and regardless of the  
23 number and quality of the amenities, the resources, the  
24 protocols in place, the evidence is clear. Detaining  
25 mothers and children, particularly those who have

1 experienced trauma and violence, remains a harmful and  
2 highly problematic practice and one that does not  
3 support what we know about mental health needs of trauma  
4 survivors and those who flee violence.

5 Thank you.

6 MR. WOODRUFF: Greg Hansch.

7 MR. SPECIA: I had a court reporter for a  
8 long time. If you need a break or somebody is talking  
9 too fast, please tell us.

10 MR. HANSCH: Good morning, and thank you  
11 for this opportunity. My name is Greg Hansch. I work  
12 as Public Policy Director for the Texas Affiliate of the  
13 National Alliance on Mental Illness, NAMI Texas. My  
14 testimony is in opposition to the proposed rule.

15 NAMI Texas has nearly 2,000 members made  
16 up of individuals living with mental illness,  
17 family members, friends, and professionals. Our purpose  
18 is to help improve the lives of people affected by  
19 mental illness, through education, support, and  
20 advocacy. We have grave concerns about the endorsement  
21 of potential -- and potential licensing of family  
22 immigration centers as child care facilities.

23 The evidence is clear that these detention  
24 centers in no way fall in line with the defined  
25 requirements of a child care facility. On the contrary,

1 the conditions that exist in the Karnes and Dilley  
2 detention centers have shown serious negative impacts on  
3 the psychological health and mental well-being of the  
4 families being held there. Both mothers and children in  
5 these facilities commonly show symptoms of anxiety,  
6 depression and feelings of despair. The anxiety of  
7 children is often related to being physically separated  
8 from their mothers in these centers. The effect that  
9 these conditions have on a child's development must also  
10 be considered.

11           It is not child care when children are not  
12 only being blocked from achieving normal milestones, but  
13 are also experiencing regression in their developmental  
14 pathway. Well-known in the mental health community is  
15 the impact that trauma has on the incidence of mental  
16 illness. What is being observed in Karnes and Dilley  
17 exemplifies this preventable phenomenon. The traumas  
18 that families are experiencing under lockup have shown  
19 in some cases to cause major psychiatric disorders, such  
20 as major depression, and symptoms including suicidal  
21 ideation.

22           The stress and hardship experienced by  
23 these families in their home countries and on their  
24 journeys to the U.S. is compounded by the reality of  
25 life in the detention centers. These are circumstances



1 that will require years of treatment and services to  
2 address. On top of this is the reality that medical  
3 care within these facilities often has long wait times,  
4 no specialized care, and improper treatment.

5           At a time, when Texas leadership is  
6 building capacity and infrastructure in the mental  
7 health system, yet the advances are still not keeping up  
8 with the increasing demands, it is especially  
9 counterproductive to be adding to the population of  
10 people needing services. Prevention and early  
11 intervention are critical to address head-on. This is  
12 recognized by the creation of the new House Select  
13 Committee on Mental Health in the Texas Legislature.  
14 State agencies are increasingly coordinating their  
15 efforts to address mental illness in our society. We  
16 cannot justify endorsing a structure that sets our  
17 families and our system back.

18           The psychological distress, fear,  
19 nightmares, and developmental regression that  
20 characterize life in these facilities are direct  
21 contributors to serious mental illness in our society.

22           Thank you.

23           MR. WOODRUFF: Satsuki Ina.

24           MS. INA: My name is Satsuki Ina. Over 70  
25 years ago, I was incarcerated with my parents in a

1 federal family detention facility in Crystal City,  
2 Texas. We had not committed a crime, and our rights to  
3 the due process of law was exempted and bypassed as hate  
4 and fear gripped the country in 1941.

5 We were held for four years and three  
6 months for what was later determined the result of  
7 hysteria, racism, and the failure of political  
8 leadership.

9 As a Japanese-American and former victim  
10 of the trauma of unjust and indeterminate incarceration  
11 I'm appalled by the possibility that the State of Texas  
12 would consider exempting the two facilities that  
13 currently house thousands of children from basic  
14 regulations deemed essential for care and welfare  
15 services of children. Bending the rules to justify the  
16 incarceration of children in a prison-like environment  
17 is no less than putting lipstick on a pig.

18 In April and in May of this year, I  
19 visited children and their mothers in what is  
20 euphemistically called the South Texas Family  
21 Residential Center in Dilley, Texas. Not unlike the  
22 prisons where my family and hundreds of other  
23 Japanese-American children were held. Our prisons were  
24 named relocation centers and family camps in order to  
25 mask the truth of our circumstances. As a child

1 therapist specializing in the treatment of trauma, I was  
2 deeply disturbed by what I witnessed and heard from the  
3 children and their mothers during my visit.

4           Stern, unfriendly guards led me and my  
5 fellow visitors through locked doors to the visitation  
6 room after requiring us to leave all our belongs,  
7 including art supplies and writing materials in lockers  
8 outside. During my visit, I met with six families who  
9 had been held for varying lengths of time. Aside from  
10 the intense anxiety, depressed mood, and grief expressed  
11 by the mothers, I noticed significant signs of what I  
12 would consider captivity trauma of the children.  
13 Hypervigilant checking of the guards, fearful clinging  
14 to the mothers, sad and guarded demeanor signaled the  
15 child's consciousness of being under guard. No doubt  
16 these children have previously been traumatized in their  
17 home country and then during the uncertain journey to  
18 the U.S. border, and now their incarceration, living  
19 with strangers who arrive and depart with no regularity  
20 while under the constant watchful eye of prison guards.  
21 When visitation time was up, the children clearly  
22 rule-bound and fearful would immediately stand and leave  
23 the room like little automatons.

24           Confining innocent children and their  
25 parents in prison settings is cause for long-term

1 consequences leading to mental health problems. For the  
2 past 30 years, I have served as a therapist to Japanese  
3 Americans who were like myself, children incarcerated  
4 during World War II. Decades later, having lived in a  
5 state of long-term anxiety, separated from familiar  
6 surroundings, sharing intimate space with total  
7 strangers, being held in the arms of anxious mothers,  
8 not only set an emotional baseline of fear and mistrust.  
9 We know now from research and neuroscience --

10 (Bell rings)

11 MS. INA: -- that the constant release of  
12 stress hormones under such circumstances has a negative  
13 effect on the developing brain.

14 MR. WOODRUFF: Thank you.

15 MS. INA: Let us learn from our past. Do  
16 not waiver in the face of current climate of fear that  
17 is gripping our country today.

18 Thank you.

19 MR. WOODRUFF: Thank you.

20 [Applause]

21 MR. WOODRUFF: Cristina Parker.

22 MS. PARKER: Hello, y'all. Good morning.  
23 My name is Cristina Parker, and I'm the immigration  
24 programs director at Grassroots Leadership. Thank you  
25 very much for holding this public hearing today and

1 allowing us to have a minute to speak to you about why  
2 we're against Proposed Rule 40.

3           Grassroots Leadership is an Austin-based  
4 national organization that fights against the  
5 criminalization of immigrants. We are against the  
6 for-profit private industry, including immigrant  
7 detention centers and family detention centers like the  
8 ones we see in South Texas.

9           I'll keep my comments really brief. We  
10 would like you not to adopt proposed Rule 40, because  
11 family detention and detention of immigrants is abuse;  
12 it isn't child care. And the main thing I'd like to say  
13 is that although this room is full, I have a stack here  
14 of 800 petitions from people who feel the same way. And  
15 each of these pieces of paper represents someone who  
16 couldn't be here today but who wants you to know that we  
17 shouldn't call family detention centers child care  
18 facilities.

19           Thank you so much.

20           MR. SPECIA: Ms. Parker, we'll -- thank  
21 you -- be glad to take those as public comment.

22           MR. WOODRUFF: Mary Overton.

23           Ms. OVERTON: My name is Mary Overton, and  
24 today I'm testifying as a member of First Unitarian  
25 Church of Austin and on behalf of the National Unitarian

1 Universalist Association.

2           We appreciate the opportunity to provide  
3 comments on the possibility of the State of Texas  
4 licensing immigrant family detention centers as child  
5 care facilities and specifically oppose adopting  
6 proposed Rule 40, Texas Administrative Code  
7 Section 748.7.

8           This year, the delegates at the Unitarian  
9 Universalist Association's annual general assembly  
10 passed and action immediate witness, calling to end  
11 immigrant child and family detention now. Based on this  
12 and the principles of Unitarian Universalism, the  
13 Unitarian Universalist Association cannot support the  
14 licensing of the immigrant family detention in Texas as  
15 child care facilities and calls for these detention  
16 centers to be shut down immediately.

17           The first principle of our association  
18 affirms the inherent worth and dignity of every person.  
19 Children at the Karnes and Dilley Family Detention  
20 Centers have been exposed to conditions that child  
21 welfare experts have called inappropriate, neglectful,  
22 and abusive. Class action litigation and reports of  
23 multiple organizations have documented systemic  
24 violations of basic human rights and dignity in the  
25 detention centers. These violations have irreparably

1 harmed the children held there.

2           The second principle of our association  
3 affirms justice, equity, and compassion in human  
4 relations. Licensing under reduced standards will not  
5 ensure child protection but condone neglect and abuse.  
6 It is not possible for DFPS to regulate or license  
7 family immigration detention centers without skirting  
8 the rules it normally requires facilities to follow in  
9 order to keep these children and mothers healthy and  
10 safe. The detention centers are unlike any daycare,  
11 foster home, domestic violence center, residential  
12 treatment center, or U.S. Office of Refugee Resettlement  
13 contracted shelter for unaccompanied minors, which is  
14 regulated by the DFPS as part of its mandate to ensure  
15 the welfare in children.

16           Allowing exceptions like permitting  
17 children sharing a single one with an unrelated adult  
18 and with unrelated children of opposite genders is  
19 unacceptable. By lessening the standards already in  
20 place to protect children safety and well-being, the  
21 DFPS would allow inequitable treatment and care of these  
22 children who have already been traumatized by leaving  
23 their homes.

24           If proposed Rule 40 is adopted, immigrant  
25 children who have traveled without adult supervision

1 will be treated better by the State of Texas than  
2 children whose mothers have made the journey with them.  
3 In 2013, the Association passed a statement of conscious  
4 on immigration as a moral issue, stating that moral  
5 immigration policy would provide alternatives to  
6 detention for those not considered a threat to society  
7 and humane treatment for those being detained, referring  
8 especially to these families with children.

9 (Bell rings)

10 MS. OVERTON: In conclusion, the Unitarian  
11 Universalist Association strongly requests that DFPS  
12 reject the proposed Rule 40.

13 Thank you for your time today.

14 MR. WOODRUFF: Olivia Lopez.

15 MS. LOPEZ: Good morning. My name is  
16 Dr. Olivia Lopez. I'm a professor of social work. And  
17 from October of 2014 to April of 2015, I was the lead  
18 licensed social worker for Geo Group at Karnes City  
19 Residential Center. I'm here today to share my  
20 experience and knowledge about family detention and  
21 highlight institutional practices and procedures with  
22 respect to mental health and medical care and practices  
23 that condone psychological abuse, coercive interrogation  
24 tactics, and the use of isolation and sensory  
25 deprivation against children and their mothers as



1 punishment and behavior modifications.

2           These practices also include mandates of  
3 perjury and withholding information from federal  
4 officials, omission of resident information on written  
5 documents, and the hiring of employees as social workers  
6 who do not have degrees in social work nor licensure to  
7 practice as such.

8           These practices and procedures create a  
9 situation where families cannot feel safe, exacerbate  
10 levels of anxiety and increase depression, can lead to  
11 suicidal ideation and gestures and attempts. The  
12 effects of family detention impact the development of  
13 children across the lifespan and impact the level of  
14 functioning within their families and their communities  
15 and society.

16           In my position, I was tasked with  
17 psychosocial assessments, individual treatment,  
18 facilitating stress management groups, and women's  
19 health education groups, as well as assisting with  
20 weekly mental health checks.

21           Additionally, I attended weekly meetings  
22 with facility leadership and immigration officials and  
23 supervised two staff who were titled as social workers,  
24 but who do not have a degree nor licensure to do so.

25           Social work at Karnes City meant something

1 very different from the social work that I am trained  
2 and licensed to do. For example, during the weekly  
3 mental health checks, I recorded any issues raised by  
4 the women regarding medical or mental health concerns on  
5 the form. However, I was reprimanded by my immediate  
6 supervisor for doing so. He was very clear that Geo did  
7 not want a paper trail. He informed me that the only  
8 note taking regarding residents' concern should read  
9 residents educated on the referral process.

10 I was also reprimanded for informing  
11 residents of the grievance process at Geo and  
12 subsequently forbidden from providing any information  
13 about the grievance or assisting residents to complete  
14 the necessary forms to do so and for also allowing  
15 residents to see a map of the United States to inform  
16 them where they were in Texas and the proximity to their  
17 family in the United States.

18 Finally, I was told not to inform  
19 residents that they had a right to request their medical  
20 and mental health records, because, as I recall, quote,  
21 Their goal is to use these records to support their  
22 asylum claim.

23 While at Karnes, families reported to me  
24 that they are frequently turned away when they presented  
25 with serious issues --

1 (Bell rings)

2 MS. LOPEZ: So the most -- examples  
3 include a toddler being taken four different times to  
4 medical with severe abdominal pain. This child was  
5 later sent to Methodist Children's Hospital where he  
6 underwent emergency appendectomy. Another took her  
7 seven-week-old son to the medical department and had to  
8 convince nursing staff of his illness. He was later --

9 MR. WOODRUFF: Ms. Lopez, thank you for  
10 your time. Your time has expired.

11 MS. LOPEZ: Thank you.

12 MR. WOODRUFF: Lenna Baxter.

13 MS. BAXTER: Good morning. My name is  
14 Linda Baxter. Thank you for this opportunity.

15 I have spent 40 years of my professional  
16 life as an advocate for children and families. Until my  
17 retirement in 2010, I was a licensed child care  
18 administrator and a licensed child placement  
19 administrator and served in administrative positions at  
20 the San Antonio Children's Shelter and as the chief  
21 executive officer of Boysville Home for Children in San  
22 Antonio.

23 I'm a strong advocate for the maintenance  
24 of standards in child care and felt -- as I feel that  
25 this is essential to ensuring that children are

1 protected.

2 I encouraged others in my field to pursue  
3 a national accreditation that exceeded the Texas minimum  
4 standards required of residential child care facilities  
5 as a way to continue to provide the very best for Texas  
6 children.

7 I'm here today to voice my concern that  
8 the Texas Department of Family and Protective Services  
9 is considering issuing licenses that would certify the  
10 Karnes and Dilly Detention Facilities as residential  
11 child care centers.

12 As a member of the Interfaith Welcome  
13 Coalition in San Antonio, I am knowledgeable about the  
14 conditions in these two facilities and know clearly that  
15 they are not healthy environments for children.

16 Many children have become ill, lost  
17 weight, and experienced additional trauma during their  
18 time at the Karnes and Dilley Detention Facilities, and  
19 I believe that this is as a result of the environment on  
20 these children.

21 I understand that the standards being  
22 addressed here today are TDFPS minimum standards, and I  
23 stress the word "minimum." I am appalled that the State  
24 of Texas would consider reducing the minimum standards  
25 even more or to allow a for-profit publicly-held

1 corporation specializing in correction and detention to  
2 be licensed for the care of children. I know from  
3 experience the importance of advocating for and ensuring  
4 that licensing standards are maintained in facilities  
5 and programs serving children. No amount of licensing  
6 can protect children from the harm that comes from being  
7 held in a detention center. And to consider your plan  
8 would not even require these centers to meet the minimum  
9 standards that are required in other Texas residential  
10 care centers. It is abhorrent and against everything  
11 that the licensing division of the Texas Department of  
12 Family and Protective Services has embodied since the  
13 inception of standards in residential child care.

14 I have worked my whole life to ensure that  
15 children have a safe, nurturing, and stimulating  
16 environment and families to love and protect them. I  
17 implore you to consider that the children who have been  
18 imprisoned in Karnes and Dilley Detention Facilities are  
19 God's children, and we need to look at them with the  
20 same compassion and hope as we see in our own children.

21 Thank you.

22 MR. WOODRUFF: Sister Susan Mika.

23 SISTER MIKA: Good day. I'm Sister Susan  
24 Mika, and I'm with the Benedictine Sisters. Our  
25 monastery is in Bourne. And I'm part, also, of the

1 Interfaith Welcome Coalition and part of the Leadership  
2 Conference of Women Religious; our region is 12. And  
3 we've been very involved with the coalition there in San  
4 Antonio, and we are speaking today against this  
5 licensing.

6           These family detention facilities are  
7 jails, and we really feel that they are inhuman and  
8 immoral. They're restricting and punishing, really, the  
9 children and the families. And, as you know, so many of  
10 my colleagues have already testified about, you know,  
11 what they endured even to get here to our country, and  
12 then we're re-traumatizing them. And we just feel like  
13 putting these vulnerable women and children in these  
14 facilities is not the answer. And we certainly don't  
15 feel that our Texas agencies should not be issuing a  
16 license permitting these facilities to operate as  
17 suitable places to house children.

18           Our sisters -- at one point, we had a  
19 child care center, and it would be nothing like these  
20 jails, you know, that we're talking about here. We just  
21 feel that these facilities do not comply with general  
22 child welfare principles. And we do hope that you will  
23 investigate these abuse claims in the facilities and  
24 work with law enforcement and social services to rectify  
25 those abuses.

1           We really do not feel like the State of  
2 Texas should be enforcing our current administration's  
3 policy of family detention, and we feel that licensing  
4 these facilities is not the answer to this problem and  
5 that children will not be served better by doing this.

6           And I guess in closing I would just like  
7 to challenge each one of you in the sense of, like,  
8 you're the decision-makers here and listening to  
9 everything that we've already said and the people to  
10 come. You've got names, emails, phone numbers. There's  
11 so much wealth of knowledge about what is going on in  
12 these centers in this room today. I hope that each of  
13 you will take advantage of that, because people are  
14 speaking out of the -- their gut. It's very deeply  
15 engrained, I think, in us that have been involved in  
16 these situations. And I really do hope that personally  
17 each of you will take what we're saying. And if there's  
18 any questions that you have, get ahold of people and  
19 hear more of what all of this is, because there is so  
20 much going on underneath.

21           And just in -- in conclusion, I just want  
22 to again, these family detention centers are jails. We  
23 feel like they are inhuman and immoral.

24           Thank you.

25           MR. MORRIS: Sister, thank you very much

1 for your comments.

2 MR. WOODRUFF: Reverend Kelly Allen.

3 REV. ALLEN: Thank you for holding this  
4 hearing.

5 My name is Reverend Kelly Allen. I'm the  
6 pastor of University Presbyterian Church in San Antonio,  
7 Texas, part of the Presbyterian Church USA, which has  
8 spoken out very loudly on a national level and produced  
9 a documentary about the harm of family detention, along  
10 with just about every major other religious community in  
11 this nation and Christian denomination who have spoken  
12 at a national level about the harm of family detention.

13 I also chair the Interfaith Welcome  
14 Coalition. You've heard a couple of folks refer to  
15 their membership in that organization. We came into  
16 existence in response to the Central-American refugees  
17 coming across the border last year and have particularly  
18 focused on the mothers and children in detention through  
19 visitation, through advocacy support, through receiving  
20 women and children at the bus station and taking them to  
21 the airport, and beginning, along with the Mennonite  
22 Church, a shelter program within San Antonio for these  
23 families, some of whom you will hear from later today.

24 On my church grounds is a nationally  
25 accredited children's center that has a mission to



1 support the well-being and education, spiritual, and  
2 emotional care of children. That organization has a  
3 mission to care for children.

4           The Dilley and Karnes Detention Facilities  
5 do not have a mission to care for children; they have a  
6 contract to lock up families. To legitimize this  
7 licensing, to give them a license that will legitimize  
8 the existence of these facilities demeans and diminishes  
9 the value of every other kind of licensing that this  
10 entity does.

11           We do not need family detention. Family  
12 detention centers have not always existed. They are a  
13 recent invention and a recent policy decision, and they  
14 exist only in Texas and one place in Pennsylvania. It's  
15 an embarrassment to our state, and it's an embarrassment  
16 to the religious community, which has rallied an  
17 enormous amount of support for these families that have  
18 come through San Antonio and now are elsewhere in the  
19 nation with their families, awaiting their immigration  
20 cases to be heard in the community.

21           The appropriate caregivers for these  
22 children are their mothers, and their mothers are able  
23 to care for them. And it is determined whether they are  
24 abusive mothers or not, and they -- they bring their  
25 family -- they can bring their families to elsewhere in

1 the country and live with family members and integrate  
2 into the community while they're awaiting for their  
3 immigration cases to be heard. They do not need other  
4 people to care for their children for them. They need  
5 to be in communities of support, including the religious  
6 communities, which will support them and help walk them  
7 through the legal process for their asylum cases to be  
8 heard.

9 Thank you.

10 (Applause)

11 MR. WOODRUFF: Sister Jean Thomas Dwyer.

12 SISTER DWYER: Good morning.

13 I am Sister Jean Thomas Dwyer, a Daughter  
14 of Charity, and living in San Antonio, an hour from  
15 Dilley, an hour and 15 minutes from Karnes.

16 The Daughters of Charity have been  
17 ministering continually in Texas since 1895 with a  
18 special concern for persons who are marginalized and  
19 vulnerable. In 1958 and '59, prior to my becoming a  
20 sister, I was a teacher in a residential child care  
21 center in Birmingham, Alabama. The center had about 70  
22 children in care. The Daughters administered and  
23 staffed such institutions, and much larger ones, in many  
24 states throughout our country at that. However, a  
25 research progressed and professionals became aware that

1 large residential facilities did not serve a child's  
2 best interest, even in an environment that was very  
3 loving and the staff was trained in child development.  
4 The Daughters and others running such centers -- and  
5 you-all are very aware of this -- began to promote  
6 foster care in small, home-like settings in place of  
7 these institutional ones.

8 I come today to register my opposition to  
9 the proposed licensing of the south Texas residential  
10 center in Dilley and the Karnes County residential  
11 center as Texas residential child care facilities.

12 The findings of those who do research  
13 related to child development indicate that with infants  
14 who live with their mothers in detention centers, there  
15 is often a disruption of their emotional attachment to  
16 their mothers. This affects the general growth and  
17 development of the brain, as well as social functioning.  
18 Likewise, the research shows negative effects from  
19 detention with older children, particularly with their  
20 psychological health, resulting in depression, suicidal  
21 tendencies, and other negative behaviors.

22 I am very familiar with the environment at  
23 Karnes and Dilley facilities. I live with three sisters  
24 who visit there and two who provide translation services  
25 for the women and their lawyers. Other, like myself, do

1 the transportation that you've heard about from the  
2 hospitality house to the bus station or to the airport  
3 after the women and children are released from the  
4 centers.

5           So my question to you is, what is the good  
6 you see that could come from licensing and inherently  
7 harmful environment, which is staffed with workers the  
8 majority of whom have no training or experience working  
9 with traumatized children and their moms? How is this  
10 constant with the DFPS mission to promote the welfare of  
11 children?

12           There is no amount of oversight that could  
13 change the detention centers into an environment that  
14 would promote the welfare of children being detained  
15 there. As the Catholic bishops have stated, it is  
16 inhumane to house young mothers and children in  
17 restrictive detention facilities. It is appalling to me  
18 that your licensing --

19                           (Bell rings)

20           Sister Dwyer: -- plan would exempt  
21 Karnes and Dilley from some of the minimum standards,  
22 and particularly disturbing that you would permit  
23 teenage boys and teenage girls that are of different  
24 genders and are unrelated to each other to serve the  
25 same bedroom facilities to be housed there.

1                   Please do not move forward with the  
2 adoption of proposed Rule 40. Thank you.

3                   MR. WOODRUFF: Sister Sharon Altendorf.  
4 Thank you, Sister.

5                   SISTER ALTENDORF: Good morning. I'm  
6 Sister Sharon Altendorf. And after hearing what has  
7 been said by my other colleagues, I would just like to  
8 say I'd like to associate my remarks with them.

9                   I'm a presentation sister. We're involved  
10 all over the world, and our special care is for women  
11 and children.

12                   I associate myself also with detention  
13 is -- is not child care. There are other ways of caring  
14 for children, and especially, I'd say, of housing them  
15 with their families that are here in the United States.  
16 Our Catholic bishops have written a letter, an  
17 instruction called "Unlocking Human Dignity," which  
18 speaks against this practice.

19                   It is immoral to incarcerate innocent  
20 people. And when we think of especially, it's children.  
21 This just cannot be accepted.

22                   I have been involved since the beginning  
23 of the Interfaith Welcome Coalition in visiting with  
24 mothers and their children in both Karnes and Dilley.  
25 In Karnes, I visited with two families who were there 11

1 months. Can you imagine what effect that has had on  
2 those children? In Dilley, two that were there for  
3 seven months. And I've also continued to be with people  
4 in the shelters in San Antonio.

5 I'd like to say that when I visited in  
6 Karnes City, the military culture was very much an  
7 obvious, even by their titles and by -- how the children  
8 have to respond to them. The fact that they had to be  
9 taken out of their beds early in the morning for count,  
10 to be outside. Think of this: The same workers who are  
11 taking care of these children were the ones who were in  
12 charge of the men's prison before. What do you expect?

13 I'd like to tell you the story of one of  
14 the children, 11 months. Somebody asked me, "What's  
15 wrong with that child? Their head is so big." And I  
16 said, "It's because he has not been eating." He is  
17 physically and emotionally and mentally scarred for the  
18 rest of his life.

19 And I'd like to tell you about a child in  
20 Dilley who was hurt along the way. His leg was badly  
21 scraped. He received no attention in what they call the  
22 "perrera," the dog house, or in the refrigeration place  
23 either. And he was not helped in Dilley by any medical  
24 facilities.

25 (Bell rings)

1                   SISTER ALTENDORF: Please, use other  
2 methods for taking care of our children. They don't  
3 have to be citizens to have good attention.

4                   Thank you.

5                   [Applause]

6                   MR. WOODRUFF: Rebecca O. Flores.

7                   MS. FLORES: Hello. Thank you for having  
8 us this hearing today. My name is Rebecca Flores, and I  
9 live in San Antonio. And I come before you to oppose  
10 the adoption of a proposed Rule 40.

11                   I, as my other friends, participate with  
12 the Interfaith Welcome Coalition and began visiting the  
13 mothers and the children in Karnes earlier this year.  
14 And I met and talked to a number of women and their  
15 children and was horrified about what they had gone  
16 through in their own countries, the violence that had  
17 been perpetuated on them by the gangs, by the military,  
18 by their spouses. And so they -- since those countries  
19 are so small, there was no way they could escape any of  
20 the violence. And so finally they just picked up one  
21 day and took their kids and fled. They fled through  
22 their countries, through all of Mexico, and then crossed  
23 the border.

24                   In one instance, one of them women that I  
25 met and I still talk to right now, her son witnessed the

1 killing of his best friend by a gang member in order to  
2 recruit him into the gang, to scare him enough so that  
3 he would be recruited into the gang. So the mother  
4 picked him up and said, We're going. And so she left,  
5 went through all those countries and through Mexico and  
6 went through some very, very difficult times in Mexico  
7 to try to get to U.S. border, finally came in. And as  
8 you have heard, they go through this -- "la hielera,  
9 which is a place in McAllen, where they freeze them.  
10 This has been going on ever since the beginning, and I  
11 don't know why it is.

12               So the women come out of the river and  
13 they're wet. They get picked up by the border patrol.  
14 They're put into this place where they sleep on the  
15 cement floor, and they give them one of those aluminum  
16 covers to cover themselves. That is our country. That  
17 is our bored patrol agency. They stay there two nights,  
18 and then they're transferred to a place called "la  
19 perrera," which you who speak Spanish know what that is.

20               And so they lie down. They lie down on  
21 these beds again. And then, finally, they get sent to  
22 Karnes. And, gosh, I hope I had more time. But let me  
23 just be really quick.

24               Yesterday, I spoke to two children, one 12  
25 and one 9. They fled Honduras with their mother. And I



1 asked them, "How did you feel when you were in Dilley?"  
2 They were both in Dilley. They had been there nine  
3 days. And they said to me, "It was a prison." The girl  
4 said, "It was a prison. There was no residence -- there  
5 was not a residence. We could not escape." There was  
6 no way to get out of there. The food was very, very  
7 sweet. They just -- they'd found nothing good in any of  
8 those two situations --

9           The other young man that I have been  
10 following -- now he's 12 years old -- when he was in  
11 Karnes, he regressed so badly because of the treatment  
12 that he got there that he started wetting the bed. He  
13 wouldn't get out of bed. He wouldn't take a bath. And  
14 so now this young child is in L.A., trying to master and  
15 figure his way out through school. And I think that  
16 that young boy --

17           (Bell rings)

18           MS. FLORES: -- is going to have such  
19 severe problems in his future, and I hope to God he  
20 doesn't.

21           Thank you very much.

22           MR. WOODRUFF: Dr. Laura Guerra-Cardus.

23           DR. GUERRA-CARDUS: Hello. My name is  
24 Laura Guerra-Cardus. I'm with the Children's Defense  
25 Fund of Texas.

1                   For 40 years nationally and more than 15  
2 years in Texas, CDF has worked to ensure that every  
3 child has a healthy start and a safe start in life. As  
4 advocates who have only children's best interest in  
5 mind, we are here to strongly oppose the licensing of  
6 immigration detention centers as child care facilities  
7 and, in fact, are confused as to why DFPS would even  
8 consider licensing these centers.

9                   It has been well documented that  
10 institutionalized rearing, as happens in these centers,  
11 even for short periods of time, is terrible for  
12 children's health and well-being. Growing up in  
13 settings of ongoing stress interferes with children's  
14 normal development, causing deep psychological stress,  
15 as well as intellectual and cognitive impairments.  
16 These impacts can have repercussions throughout a  
17 child's life.

18                   As you have heard, reports for Karnes and  
19 Dilley show that children are suffering. They're  
20 experiencing weight loss, hair loss, regression to  
21 infantile state behaviors, widespread anxiety, and  
22 suicidal ideation.

23                   DFPS's mission is to protect children from  
24 abuse, neglect, and exploitation and to ensure  
25 compliance with minimum standards of child care. And

1 child care licensing exists for one reason only: To  
2 designate facilities as being safe for children. We do  
3 not see how it would be within the Agency's scope,  
4 mission, or best interest to license these unsafe  
5 environments. Even with the reduction in minimum  
6 standards that this rule proposes, it will be impossible  
7 to address the basic developmental needs of children  
8 detained there. You cannot remove the elements of  
9 deprivation and threat, which exists in these centers to  
10 provide -- and these things are required to provide safe  
11 environments for children.

12           Whether you study these centers now or in  
13 six months, how will causing deep and long lasting  
14 psychological stress meet any minimum standards for  
15 child care? By making our state agency responsible for  
16 an impossible situation, we put ourselves at risk for  
17 legal recourse and accountability measures that at the  
18 very least would strain DFPS's limited resources. If  
19 DFPS wishes to get involved to help protect the  
20 well-being of detained children, it is clear under  
21 existing law that there is authorization to do that  
22 without the need for licensing. This includes  
23 implementing periodic investigations and the authority  
24 to investigate and address any allegations of abuse.

25           Licensing these centers will only allow

1 the circumventing of previous judicial authority which  
2 aim to prevent children from being held in unsafe  
3 environments. And we strongly urge DFPS to have no rule  
4 in legitimizing these centers as appropriate for  
5 children.

6 Thank you for the opportunity to testify.

7 [Applause]

8 MR. WOODRUFF: Peggy Morton.

9 MS. MORTON: Hello, Commissioner Specia,  
10 and members of the board. Thank you for hearing my  
11 testimony today.

12 I'm a retired Texas public schoolteacher,  
13 a current board member of the Texas Unitarian  
14 Universalist Justice Ministry, and one who has visited  
15 women and children held in the Karnes Detention Center,  
16 run by the for-profit prison corporation, Geo, and I  
17 don't want you to approve Rule 40.

18 As a UU, I affirm the inherent worth and  
19 dignity of everyone, and I'm appalled that our country  
20 props up private prison companies to make obscene  
21 profits from incarcerating mothers and children, most  
22 who have fled their home countries to seek legal  
23 protection from violence and abuse only to receive more  
24 mistreatment. And my beloved United States, this is  
25 un-American.

1 I'm glad to see with proposed Rule 40 that  
2 the quality of care for children housed in family  
3 residential centers will be enhanced. But it begs the  
4 question, why wasn't this implemented over the past year  
5 that both Geo and CCA have been detaining children and  
6 their moms?

7 I have serious concerns about the Texas  
8 DFPS expending time and energy on this proposal, because  
9 I can't imagine why you would consider licensing either  
10 of the two Texas family detention centers as child care  
11 centers if you've actually visited them. However, I  
12 know they have a good way of putting on a dog-and-pony  
13 show.

14 When I visited women and children in  
15 Karnes, I personally heard guards snap at us because we  
16 hugged too long. And I've heard stories of guards  
17 threatening children that if they don't walk the line,  
18 they'll be taken from their parents. That's not child  
19 care. It's the kind child abuse and exploitation I want  
20 the DFPS to investigate, not to decide to license.

21 I've personally heard two young children  
22 share their memories of incarceration after being  
23 released. One said he had made a paper airplane because  
24 he wanted to fly people to freedom, and a guard yelled  
25 at him and wadded up his handmade toy. Does this sound

1 like child care? Would that behavior cultivate a  
2 child's creativity? Would his mom's complaint get  
3 heard? It didn't.

4 Another child told me he was glad to have  
5 been released from detention because now he's gone into  
6 U.S. homes where he's seen we treat dogs nicely, like  
7 children should be treated.

8 These immigrants moms wanted simply to  
9 take their children to the home of the brave and the  
10 land of the free, not even realizing that most of the  
11 guns and violence in their homelands had been caused by  
12 our failed U.S. economic policies and militarization of  
13 their formerly fertile farmland.

14 We are all part of an interdependent web  
15 of existence, and I expect more from my fellow  
16 Americans. Please don't license these prisons as day  
17 care centers.

18 We've heard from Catholics,  
19 Presbyterians --

20 (Bell rings)

21 MS. MORTON: -- Unitarians. We have a  
22 faith community who is ready to help.

23 Thank you.

24 [Applause]

25 MR. WOODRUFF: Bob Libal.

1 MR. LIBAL: Thank you for hearing this  
2 testimony today. My name is Bob Libal. I'm the  
3 executive director at Grassroots Leadership. We're a  
4 national organization based here in Austin. And we've  
5 been engaged in advocacy in family detention since 2006,  
6 when immigration and customs enforcement first detained  
7 immigrant families in Texas at the T. Don Hutto  
8 Detention Center in Taylor, Texas. That facility was a  
9 family detention facility until 2009.

10 And during our three years of advocacy  
11 around the detention center in Taylor, we found  
12 conditions at the Hutto detention center, made it a  
13 national and international scandal. Reports emerged  
14 that children as young as eight months old wore prison  
15 uniforms, lived in prison cells with open toilets, were  
16 subject to highly restrictive movement and threatened  
17 with alarming disciplinary tactics, including threats of  
18 separation from their parents if they cried too much or  
19 played too loudly. Medical treatment was inadequate,  
20 and there were reports of children as young as one years  
21 old losing weight. We've watched with dismay as this  
22 history has repeated itself at the Karnes County  
23 residential center in Karnes City, Texas and at the  
24 south Texas family residential facility in Dilley,  
25 Texas, both of which were opened last year.

1 I personally was able to tour the Karnes  
2 County Detention Center in September of 2014, and I was  
3 told by women there at the facility that their children  
4 were losing weight, again because of stress and poor  
5 nutrition, and that they were threatened with separation  
6 from their children as a disciplinary measure.

7 Family detention centers are operated for  
8 the purpose of enforcing federal immigration law, not  
9 caring for children detained with their mothers. In  
10 Texas, they are operated exclusively by for-profit  
11 private prison corporations, whose specialty is in  
12 incarcerating an adult population. The corrections  
13 Corporation of America operates the Dilley facility, and  
14 the Geo Group operates the Karnes facility, and neither  
15 as expertise or experience in the care of children.  
16 And, in fact, both corporations have an abysmal track  
17 record of abuse and neglect when they are charged with  
18 overseeing vulnerable populations, including families,  
19 young people, women, and asylum seekers.

20 In fact, the Texas Youth Commission  
21 canceled a contract with the Geo Group in 2007 for its  
22 Coke County juvenile justice facility after officials  
23 there discovered the over use of pepper spray, a lack of  
24 programming or education, feces-smearred cells,  
25 unsanitary, and insect-infested food and the serious



1 understaffing that the TYC director at the time said  
2 that Geo should be ashamed, and she called the facility  
3 a disgrace.

4                   We are very concerned that proposed Rule  
5 40 waives important minimum standards for child care  
6 licensing in Texas. If these standards had been put in  
7 place for the benefit of children's welfare, why would  
8 they now -- why would they now apply to some children  
9 but not others?

10                   And I would also want to note that --

11                   (Bell rings)

12                   MR. LIBAL: Well, I'll finish with -- to  
13 say that to license these facilities would not increase  
14 the welfare of the children, and the facilities would  
15 continue to put the children at risk and would also put  
16 Texas' stamp approval on that neglect and abuse.

17                   Thank you.

18                   MR. WOODRUFF: Virginia Raymond.

19                   MS. RAYMOND: Thank you, Judge Specia, and  
20 all of y'all for letting us talk today.

21                   I'm here to oppose Rule 748.7. And my  
22 opposition comes from my experience as a lawyer  
23 representing on a pro bono basis many of the families  
24 detained at Karnes since it opened in August of 2014 as  
25 a "residential center." I had also been there

1 representing a young man from Guatemala before it  
2 underwent its change; not a great change. They did add  
3 some blue colors and some benches out front. But the  
4 detention center, from what I could hear from my  
5 clients, was the same as the residential center.

6           There are many reasons why I oppose the  
7 adoption of this rule. But I want to turn to one  
8 contradiction in 748.7A4. There, the proposed rule  
9 provides that a parent or family with a child provides  
10 the direct care for the child except for specific  
11 circumstances. And, of course, if you didn't have  
12 748.7A4, the staffing requirements under the proposed  
13 rule would be very different. You have to have a --  
14 hire a lot more staff as a minimum standard.

15           This is a central contradiction and a very  
16 cruel one, because what you're doing is assigning the --  
17 assigning responsibility but no authority to the  
18 mothers. Mothers are inmates. They love their children  
19 fiercely, but they get to make no decisions about their  
20 children's welfare while they are in detention in this  
21 jail facility in Karnes or Dilley. Their movements are  
22 regulated. Every moment, the cameras are on them. They  
23 don't get to decide when their children get up in the  
24 morning or when they go to sleep, what they can do, who  
25 they can see.

1           A central function of parenting is to help  
2 children grow from babies to toddlers to children to  
3 adolescents. We guard our children as they move further  
4 away from us into the world. We teach them how to cross  
5 the street, how to go grocery shopping, how to do  
6 laundry, and all these tasks. Mothers who are detained  
7 don't get to raise their children. They can love them  
8 fiercely, but that's about all they can do in the  
9 center.

10           When a staff member says, Drink more  
11 water, because your child is having terrible headaches  
12 or terrible stomachaches, they can't say, "I need to go  
13 get a second opinion. Let me go to a different clinic.  
14 Let me find another doctor who will give me a better  
15 answer." Then can't assign chores. They can't teach --  
16 interact with the schools as equals. They can't decide  
17 who their children spend time with or even who their  
18 children live with or sleep in the same room with.

19           It's a cruel irony and contradiction of  
20 this rule to pretend that children are going to be cared  
21 for by their parents when you give them no  
22 responsibility. They are inmates in the detention  
23 center with their children, and they cannot protect  
24 their children from staff who call them racist names or  
25 make fun of them or threaten to separate them from their

1 mothers and their siblings if they are not in the room  
2 that they were assigned at count.

3 (Bell rings)

4 MS. RAYMOND: And I've given you an  
5 example of that disciplinary notice, that one of my  
6 clients, who was then 15 at the time, made me this  
7 bracelet, and has now won asylum and living with her  
8 sisters and mother in peace and trying to put her life  
9 back to normal, because she did deserve asylum, and the  
10 judge agreed.

11 Thank you very much.

12 [Applause]

13 MR. WOODRUFF: Ian Philabaum.

14 MR. PHILABAUM: Good morning. My name is  
15 Ian Philabaum, and I am the underground project  
16 coordinator for the CARA pro bono project in Dilley,  
17 Texas. I have been the project coordinator working in  
18 Dilley, Texas since July. And since then, I have worked  
19 with thousands of families detained in the Dilley South  
20 Texas Family Residential, as it is called, but as we  
21 refer to, as baby jail, because that's what we see every  
22 single day. We see incarcerated children.

23 Six days a week, I walk into this  
24 facility, and I meet with over 150 mothers who with them  
25 are their children who all are sick. They are crying.

1 They have fevers. They are constipated. They are  
2 bloated. They have diarrhea. We have been seeing eye  
3 infection rampant on a weekly basis. And we see, most  
4 of all, with every single child what we now refer to as  
5 "the Dilley cough."

6 That's what's normal. That is what we see  
7 every single day. And it is a sign of both the  
8 inadequacy of the child care that is provided and also  
9 the inhuman standards in which these children are put,  
10 erroneously titled a residential facility, but what is  
11 actually an incarceration facility.

12 And there's a cyclical nature to what  
13 happens to these children while they're within this  
14 facility, because this becomes a stress that affects the  
15 mothers. And that stress and that psychological damage  
16 and that re-traumatization of what they have already  
17 been experiencing, that which caused them to flee their  
18 home, inhibits their ability to provide the care that a  
19 mother would want to and should be able to give to their  
20 child, especially in what would be deemed residential  
21 facility. This is why we call it a baby jail.

22 And another aspect the highlights the  
23 inability of this facility to even conceive what would  
24 be proper child care, on a recent tour that I was  
25 finally given after four months of employment in this

1 facility, the children's nursery, which in Spanish  
2 translates to "guardería," is called a "vivero," which  
3 is a plant nursery. They can't even make the basic  
4 translation to know what is actually happening here.

5           So when we see these children going  
6 through, with fevers that come out being told that it's  
7 just the change of climate and they need to drink more  
8 water, that they need to bathe their children better and  
9 treat them with wet, cold towels, when they are so  
10 constipated, they are staying up all night, crying and  
11 crying, that CCA employees come and pull them from their  
12 rooms because they're bothering other people, because  
13 they're disturbing the other people that they share the  
14 close quarters with. And so I challenge the idea that  
15 this is a child care facility or even has the basis to  
16 be able to provide child care, because not only is the  
17 medical care inadequate, it is irresponsible.

18           CCN employees are not child care  
19 professionals. They are trained in corrections.

20           (Bell rings)

21           MR. PHILABAUM: They come from facilities  
22 that have dealt with dangerous men. And they are held  
23 in inadequate conditions. And I implore you to not  
24 license child abuse and to not lower a standard to meet  
25 a level that is already failing.

1 (Applause)

2 MR. WOODRUFF: We've been going for some  
3 time now. I want to make sure the court reporter has a  
4 break. So we're going to take a very brief five-minute  
5 recess, and then we'll convene with testimony after  
6 that.

7 Thank you.

8 (Break taken)

9 MR. WOODRUFF: Okay. We're ready to  
10 convene again. If everyone wants to take your seat.

11 We're ready to come to order. If  
12 everybody would please take your seat.

13 We'll resume with public comment.

14 Emily Acker.

15 MS. ACKER: Hi. My name is Emily Acker,  
16 and I'm a student at Trinity University. And I am a  
17 volunteer at the Mennonite House with the women and  
18 children after they are released from detention centers.

19 And I wanted to start off by saying that  
20 wanting a better life for your family is not a crime.  
21 And from the moment these women are put in the "hielera"  
22 to the moment they're released with the ankle bracelet,  
23 they are treated like criminals.

24 I've worked with these children in the  
25 house and with the women. And I've seen children, and

1 I've seen that as soon as they're released, the negative  
2 effects of being in family detention centers are not  
3 just turned off. These children are withdrawn, they're  
4 depressed, they're sick. Overall, they're sick.  
5 They've been denied care while they were in the family  
6 detention center, and they're traumatized. These  
7 children are behind developmentally, and they're not --  
8 they don't behave like normal children.

9           Family detention centers are an  
10 illegitimate practice. And to license these centers as  
11 child care facilities would legitimize this practice,  
12 and that is not fair to these women, and that is not  
13 fair to these children.

14           Detaining women and children in the family  
15 detention centers is a human rights violation. And I  
16 know that all of you are here because you have  
17 children's -- children are -- sorry -- children are your  
18 primary interest. And I implore you to not legitimize  
19 this practice and to not authorize the family detention  
20 centers as child care facilities.

21           Thank you.

22           MR. SPECIA: Emily, quick question. What  
23 year are you at Trinity University?

24           MS. ACKER: I'm a senior.

25           MR. SPECIA: Thank you. Yours is the



1 first youthful voice that we've heard. So thank you for  
2 that.

3 MR. WOODRUFF: Will Francis.

4 MR. FRANCIS: I'd like to think I  
5 categorize as a youthful voice as well.

6 My name is Will Francis.

7 MR. SPECIA: Will, you're dreaming.

8 MR. FRANCIS: I am the government  
9 relations director for the National Association of  
10 Social Workers, Texas Chapter. Thank you for the  
11 opportunity to testify.

12 CCL should not be required to amend their  
13 licensing criteria to the rule. These rules signify the  
14 regulatory minimum of what has been determined to keep  
15 children safe. Relaxing the rules for room occupancy,  
16 children staying in rooms with adults, and children  
17 staying in rooms with children of the opposite gender  
18 may be a common practice in the context of a detention  
19 centers, but these amendments to the rules are not  
20 appropriate under the guidelines layed out under CCL.

21 Altering criteria specifically developed  
22 by DFPS to protect children is not an appropriate action  
23 to take regarding the well-being, abuse, and care. Any  
24 child within the purview of CCL and under the  
25 responsibility of Child Protective Services in a secure,

1 locked facility without a behavioral or mental  
2 health issue falls outside the entire mission and  
3 service delivery standards of DFPS and CCL and will not  
4 be able to monitor their health, safety, and well-being.

5           The level of attention and resources CCL  
6 will be able to devote to the regulation is  
7 questionable. And any evaluations or recommendations  
8 for change must be framed within the capacity of the  
9 facility. It was never intended for or developed to be  
10 under CCL regulations. CCL is already strained when it  
11 comes to resource allocation. And while DFPS reports  
12 the costs will be borne by the centers themselves and  
13 not the department, there are almost 3,000 beds in total  
14 at these facilities. The staff needed to monitor this  
15 many new children and families will almost certainly  
16 become both a physical cost and a draining of resources.

17           DFPS is not asking for regulatory  
18 oversight because they saw issues at these centers and  
19 voiced a need to intervene or because of complaints of  
20 child welfare. But, rather, the Health and Human  
21 Services Commission is asking for CCL regulation because  
22 these centers were determined to be outside of  
23 compliance by the court system.

24           DFPS website states that a major  
25 responsibility of CCL is regulating all child care

1 operations and child placing agencies to protect the  
2 health, safety, and well-being of children in care. A  
3 detention center is neither a child care operation nor a  
4 child placing agency. And by diluting the mission of  
5 CCL and lowering the minimum standards for care, CCL is  
6 setting a dangerous precedent regarding their  
7 willingness to amend the rules.

8           Additionally, if in the future a shortage  
9 of placement of beds presents itself as issue to the  
10 department, then what guarantee is there that the child  
11 placing unit won't utilize one of these centers as a  
12 placement? This would be incredibly harmful to any  
13 child in the foster care system. This rule will cost  
14 the department too much and is ultimately less about the  
15 best interest of children and more about using CCL in a  
16 way it was never built for.

17           Thank you for your time.

18           (Applause)

19           MR. WOODRUFF: Dr. Jeff Patterson.

20           DR. PATTERSON: Thank you. I'm Dr. Jeff  
21 Patterson. I'm executive director of the Texas Catholic  
22 Conference of Bishops, and I'm here today to ask for  
23 your mercy and for your compassion.

24           You've heard the academic research this  
25 morning. You've heard from the people who have seen and

1 experienced in these detention centers the damage that  
2 is being done.

3           Warehousing in an incarceration is not  
4 child care. It's horrible. It's immoral. We're in  
5 this situation because these women and children are  
6 victims of the failures of the governments in their own  
7 countries to take care of them. We're in this situation  
8 because the failures of the federal government to  
9 adequately address this issue, both in the United States  
10 Congress and in the White House, and these -- there's no  
11 sense in Texas becoming a party to these failures by  
12 participating in making this rule change.

13           These are children and these are women who  
14 are trying to find a better life for themselves. When I  
15 have been to these facilities and when we saw these  
16 people coming across the border, I could see my own  
17 children. I could see in their eyes. I could see the  
18 needs of these children. And I would hate to think that  
19 if my children or I were in the same situation that we  
20 would be forced into the same kind of treatment.

21           We are better than this. You are better  
22 than this. This agency is better than this. Texas  
23 expects more from us than this. I'm going to ask you to  
24 please do the right thing and find a solution for these  
25 families, but not through this rule-making procedure.

1           We here in the Catholic Church are here to  
2 help. You have heard from other denominations today  
3 that are more than willing to step up to provide some  
4 nonrestrictive environments for these families and these  
5 children. And we're happy to do that. But this isn't  
6 the solution.

7           The last thing I'll say is, being a  
8 lifelong Catholic and former Altar Boy and in a Catholic  
9 school, you've heard from the Benedictine Sisters, the  
10 Sisters of Charity. There's a little saying in the  
11 Catholic church, "Woe two those who ignore the sisters."

12           That's the one piece of advice I can  
13 really give you today.

14           Thank you for this opportunity.

15           (Applause)

16           MR. WOODRUFF: Claudia Cano.

17           MS. CANO: Good morning. My name is  
18 Claudia Cano, and I'm here to testify before you as a  
19 professional in the field of child care and immigration  
20 shelter over eight years.

21           I'm employed as the director of training  
22 and education at Southwest Key Programs in immigrant  
23 child care shelters for unaccompanied minors.  
24 Fortunately, we have laws which protect them today,  
25 thanks to advocates who have fought for their rights to

1 humane treatment.

2           Southwest Key operates shelters for  
3 unaccompanied children since 1998, when Flores  
4 settlement was settled for national policy, detention  
5 centers and treatment of children in INS custody. I  
6 implore you today to not allow state licensing to bend  
7 the rules. This policy, in order for ICE to maintain  
8 the founding systems, has been found by and judged to  
9 violate the Flores settlement.

10           As a trainer at Southwest Key Programs, it  
11 is my job to know the policies inside and out. And we  
12 ask you to review this carefully.

13           State licensing standards are here to  
14 protect the children. And, as you have created these  
15 standards and developed by parents and lawyers and  
16 doctors and other experts in the field in which the GRO  
17 is set up for. Thus we look at the citizens of Texas to  
18 consider reasonable and minimum standards. But if this  
19 new ruling for families in detention centers is posed,  
20 then the minimum standards apply for all residential  
21 child care centers, because family detention centers do  
22 not meet these minimum standards.

23           It flies with your mission that we are  
24 here to protect the children, elderly, and the people  
25 with disabilities from abuse and neglect and exploration

1 of an involvement of clients and families in  
2 communities, to not protect ICE family detention centers  
3 from closing.

4           This new ruling of family detention  
5 centers will not be required to comply with child care  
6 licensing centers that set the limits for four children  
7 to one bedroom, which undermines the state licensing  
8 standard requirements for the floor space in bedrooms  
9 used for children. A bedroom with at least 60 square  
10 feet space for each occupant is more than four occupants  
11 per room are permitted even in square footage of the  
12 room that would allow -- accommodate more than four of  
13 them. This new rule proposes that -- and will be  
14 limitation, keeping children from sharing rooms with  
15 adults and on other limitations on keeping children from  
16 sharing bedrooms with the opposite gender.

17           As a child care licensing administrator  
18 and in having years of experience --

19           (Bell rings)

20           -- I ask -- and thank you for your time.

21 And really evaluate what is going to happen.

22           Thank you.

23           MR. WOODRUFF: Yanira Lopez Lucas.

24 Ms. Lopez Lucas will use an interpreter, so we'll set  
25 the time at six minutes, please.

1           THE INTERPRETER: We're also going to do a  
2 simultaneous as opposed to her speaking, me translating,  
3 to make this move along a little better.

4           MR. WOODRUFF: Yes, ma'am. However it  
5 works best for you.

6           MS. LUCAS: Hello. Everyone has talked  
7 about what the centers are like. Everybody's talked all  
8 about the centers. And it's true; I was one of them  
9 mothers that was in one of these centers.

10           My name is Yanira. I'm from Guatemala. I  
11 came with my three children, 15, 13, 4 years old.

12           We went through the "hielera." They threw  
13 a -- a bed down on the floor. They separated me from my  
14 children. I was unable to speak with my children. Like  
15 we were delinquents. The officials there said that I  
16 couldn't speak with my children.

17           Until we got out of there, then we went to  
18 the Karnes Center. They put us in a room where there  
19 were eight people. They took us food, raw. The beans  
20 were raw. We couldn't eat it. We went without food.

21           Then I took my children because they --  
22 the middle child, they had hit his hand, and his hand  
23 was very inflated. The doctor that's there gets there  
24 and he says, "Nothing's wrong with him." I asked for  
25 medicine; they didn't give me any medicine. They had



1 to -- time went by, and they got the inflammation down  
2 with ice.

3           And I talked with someone from immigration  
4 to ask him what was it that they had told him that my  
5 son had. They called him, and he said he didn't have  
6 anything. He would complain about pain. I had to cry  
7 in the room with him, because I didn't have anything to  
8 give him.

9           My littlest, my daughter, had fever. I  
10 took her to the doctor. I was hours at the doctor's  
11 office. The only thing they told me to give her was  
12 water with a little bit of salt in it, to turn on the  
13 water faucet, and with the vapor from the water it would  
14 go away. What I did was grabbed napkins, put them in  
15 the microwave, and -- to heat up her chest and her lungs  
16 and her chest to avoid pneumonia.

17           I didn't expect that. I came to this  
18 country because of traumatic experience that we went  
19 through in Guatemala, asking help from this country, and  
20 this is the manner that we're received. We're not  
21 criminals. And we're not harming anyone. The only  
22 reason we came here was to ask for help, because of the  
23 difficult situations in which we find ourselves, that --  
24 what we went through our country.

25           That's the reason that we came here to

1 this place with my three children. And thank God we got  
2 out.

3                   We're in a house of refuge right now,  
4 helping all the mothers that get out of detention  
5 centers. And the same thing keeps happening. I talk  
6 with them. And the same thing keeps going on. And they  
7 say, "Nobody asked you to come top this country. Go  
8 back." You're telling them your case, and they say,  
9 "Just a moment. I don't need to know anything about  
10 this. Sign your deportation papers, or we'll take your  
11 child away from you."

12                   I can't return to my country because of  
13 the situation that's going on right now. And the  
14 officials at that center -- and what they do is insult  
15 the mothers. And in front of the children they tell  
16 them they're deporting -- they're deporting them if they  
17 don't follow the laws that they have. And they're the  
18 ones that are going to determine whether they get  
19 deported or not.

20                   One child got to the house. We went out  
21 to go walking a while. He heard a police car, and what  
22 happens is he starts shaking. We came back and went  
23 inside the house again, because he kept saying he didn't  
24 want them to take him away.

25                   Thank you for listening to me. It's a

1 very difficult situation. And the children are better  
2 taken care of than with their family and their children.

3 Thank you.

4 (Applause)

5 MR. WOODRUFF: Judith Sadegh.

6 MS. SADEGH: Hello. My name is Judith  
7 Sadegh. I'm a master's degree in social work, and I've  
8 worked in protective services for over 35 years.

9 As a state employee in protective  
10 services, I was charged with protecting children and  
11 families, as all of you are here. I believe that it's a  
12 travesty of justice and all that family and protective  
13 services stands for to change the standards for these  
14 prison-like facilities to be licensed for child care.

15 I noticed that there's a fiscal note that  
16 says there will be no cost to doing this. I don't see  
17 how that could be possible. These are two huge  
18 facilities. And if there's no monetary cost, then  
19 certainly there will be cost in the loss of resources  
20 that are badly needed to monitor other facilities.

21 There's been a lot of testimony with which  
22 I agree here. It's difficult to add to that.

23 One other thing I would like to say is  
24 that I recently heard that Pennsylvania said it would  
25 not renew the license for the Berks facility, which is

1 the only other family detention center in the country.  
2 They have been licensing that facility for 12 years, and  
3 some administrator there apparently said it would not be  
4 relicensed because it does not meet the definition for a  
5 child care facility.

6 I hope that Texas can take this  
7 opportunity not to go down that road and stop it here.

8 Thank you.

9 (Applause)

10 MR. WOODRUFF: Johana De Leon.

11 MR. AMADAO: Hi. My name's Johana De  
12 Leon, and I'm a legal assistant with Raices, which is  
13 part of the pro bono project that offers representation  
14 to the women at Karnes and Dilley.

15 I've been working for the past 14 months  
16 in visiting these detention centers. I've spoken to  
17 hundreds of mothers and children that are suffering  
18 inside this detention center. No child that I ever  
19 spoken to has called this residential center a good  
20 place to live, although they've called it a prison.

21 These children are escaping violence, some  
22 of them sexual abuse; and instead of receiving help,  
23 they are put in a prison. Too many times I've heard the  
24 story of a guard screaming to a child because he was  
25 misbehaving. As a threat, if they don't behave, they

1 will write them up, and that would affect their  
2 immigration case. And even though this is not true,  
3 even though these companies don't have a right over  
4 their immigration case, the children get scared, and  
5 they spend all of the nights crying because they're  
6 afraid that they will be deported.

7 I've talk to children who say they prefer  
8 to be dead than be in a detention center. Some of them  
9 blame and shout to their mother, screaming, "Why did you  
10 make that journey? We would be better if we're in our  
11 country."

12 I've also spoken to four mothers who  
13 actually tried to commit suicide because they were in a  
14 detention center. They feel like they have no other  
15 option. They feel like they don't have control over  
16 taking care of their kids, and they can't provide a  
17 better place for their kids.

18 Some of the children don't eat because  
19 they don't have the adequate food for them. And a lot  
20 of them actually lose weight.

21 The licensing of these facilities will  
22 only allow for the continued traumatization of these  
23 children.

24 Thank you.

25 (Applause)

1 MR. WOODRUFF: Melissa Biggs.

2 MS. BIGGS: My name is Melissa Biggs. I  
3 hold a doctorate in anthropology with an area of  
4 specialization in Latin America.

5 For the past 18 months, I have been  
6 providing translation and other assistance to lawyers  
7 working with women and children held in the family  
8 detention centers in Karnes City and Dilley.

9 Before I completed my graduate studies, I  
10 worked in the field of early childhood education for 12  
11 years as a teacher, teacher trainer, and director of  
12 state-licensed nationally accredited child development  
13 center. As a center director, it was my responsibility  
14 to make sure that our center met the standards set by  
15 the State of Texas for child care facilities. This  
16 included ensuring a safe physical environment for both  
17 staff and children, maintaining communication with  
18 parents, and perhaps most importantly, making sure that  
19 the teachers who work with the children in our care were  
20 well-trained and prepared for their responsibilities.

21 As the national association for the  
22 education of young children called for excellent states  
23 to guide their decisions about practice, all early  
24 childhood teachers need to understand the developmental  
25 changes that typically occur in the years from birth

1 through age eight and beyond, variations in development  
2 that may occur, and how best to support children's  
3 learning and development during these years.

4           Research demonstrates the developmentally  
5 appropriate care is even more important for children who  
6 have experienced trauma, such as that experienced by the  
7 children held in Dilley and Karnes City. The trauma of  
8 violence and displacement, the trauma of detention and  
9 uncertainty. The detention centers are not able to meet  
10 these criteria.

11           Many of the accounts I translated were  
12 written by children held in the centers. These accounts  
13 included incidents in which the adults working at the  
14 detention center called them names, including racial  
15 slurs, threatened them or their mothers, and  
16 descriptions of food, water, and medical care being  
17 denied to them or other children in the facility.

18           Dedicated professionals at the Texas  
19 Department of Family and Protective Services work hard  
20 every day to safeguard the health and welfare of  
21 children and other vulnerable people. Please reject the  
22 request that DFPS set aside its standards and allow the  
23 emergency licensing of detention facilities as child  
24 care facilities.

25           Thank you for your time and attention.

1 (Applause)

2 MR. WOODRUFF: Ken Zarifis.

3 MR. ZARIFIS: Good morning. Thank you for  
4 this opportunity to speak before you.

5 My name is Ken Zarifis. I'm president of  
6 Education Austin, the teacher and school employees union  
7 for AISD. We represent 3,000 members. I'm also a  
8 teacher. I taught for 12 years at Burnet Middle School  
9 in north central Austin, with a highly mobile and  
10 immigrant population.

11 I have three children, a 16-year-old, a  
12 9-year-old, and a 2-year-old. My wife is a teacher and  
13 licensed day care or child care provider, who had her  
14 own child care facility. I understand through teaching  
15 and licensing how important it is and the high standards  
16 that are expected of child care providers and of  
17 teachers in the state. And those standards are there  
18 for a reason, and it's important that we have them and  
19 that we respect them.

20 It's important that we do not go back on  
21 those standards and compromise those standards. We have  
22 to ask ourselves, is it the children that we support or  
23 is it the industrial complex, the prison industrial  
24 complex that we want to support? Detention centers are  
25 detention centers. Child care providers are child care



1 providers. Teachers and child care providers are not  
2 guards, nor are guards teachers and child care  
3 providers.

4           It is very important, as we discuss this,  
5 to listen to what we're saying. We're talking about  
6 lowering standards for child care. Listen to that.  
7 Lower standards for child care. In any other context,  
8 we would laugh at that notion. Think about your own  
9 children. Think about your grandchildren. Think about  
10 the time you had to take them to a day care or that  
11 first day you went to school and dropped your kids off.  
12 Did you not want the highest care for those children at  
13 that moment and every minute that your child, your  
14 grandchild is in that room or in that facility? Do you  
15 not want the highest qualified person to deal with your  
16 child or your grandchildren? And if the answer to that  
17 is yes, then the answer must be yes for everybody else.  
18 We cannot lower standards. It's appalling that we're  
19 even considering the motion of lowering standards for  
20 children and child care.

21           It doesn't matter how we feel about  
22 immigration, immigration reform, and the issues -- the  
23 political issues that surround that. This discussion is  
24 about children and the care that we provide for  
25 children. We brag about this great country, yet we

1 treat children and their families like this. And we've  
2 heard countless examples of appalling conditions. It  
3 seems to me that this -- that we have plenty of work to  
4 do right now on improving the conditions that these  
5 children and these families are existing in at this  
6 moment without reducing standards that can undermine an  
7 already problematic system.

8                   Who are we? Who do we care about? Where  
9 are our priorities?

10                   (Bell rings)

11                   MR. ZARIFIS: Are we supportive of  
12 prisons, or are we supportive of children?

13                   (Applause)

14                   MR. WOODRUFF: Monserrat Garibay.

15                   MS. GARIBAY: Good afternoon. Thank you  
16 for taking the time to listen to our -- what we have to  
17 say. I am here to testify against detention centers  
18 having a child care license.

19                   I am a national board certified teacher,  
20 and I am the vice president for certified employees with  
21 Education Austin. I taught early childhood for eight  
22 years and have worked with many immigrant families as a  
23 they transition to the public schools.

24                   Let's be clear. A child care is a place  
25 where children can be cared for to ensure that they are

1 learning basic social, cognitive, and language skills.  
2 They are happy places that can help children grow and  
3 flourish. People that work at child care centers have  
4 to get many certifications, and the places have to get  
5 certified to have many -- so they can meet many  
6 requirements to ensure that children are safe.  
7 Detention centers are not. They are inappropriately  
8 staffed. They don't have the proper resources. And the  
9 workers don't have the proper professional development  
10 to deal with young children.

11           The families have already suffered too  
12 much. Too much pain is in their heart and their souls  
13 already. Let's not make this more hurtful for them. We  
14 are in the 21st Century, and we should respect all  
15 people, especially children. Children, it doesn't  
16 matter where they're from, if they have papers, or if  
17 they not. We should care for them because they're the  
18 future of the our country and the world.

19           So, please, let's not give these licenses  
20 to the detention centers.

21           Thank you.

22           (Applause)

23           MR. WOODRUFF: As a note, I've heard cell  
24 phones pinging or ringing. Out of respect for our folks  
25 giving testimony, please silence your phones.

1 Reverend Chuck Freeman.

2 REVEREND FREEMAN: Good morning, or  
3 afternoon, whatever it is by now.

4 I thank you for the sacred trust that you  
5 have undertaken. And what everyone here hopes and prays  
6 for is that you will make the decision in keeping with  
7 the Golden Rule that will allow you to lay your head  
8 down on your pillow at night and sleep with a clear  
9 conscious.

10 I am the executive director of our Texas  
11 Unitarian Universalist Justice Ministry representing 33  
12 congregations and over 5,000 Unitarian Universalists.  
13 This morning I'm going to read a statement from the  
14 Unitarian Universalist Service Committee, who is one of  
15 our national and international partners in justice.

16 The Unitarian Universalist Service  
17 Committee strongly objects to the State of Texas issuing  
18 child care licenses to immigration and custom  
19 enforcement immigrant family detention centers. For  
20 your consideration, we are submitting a longer statement  
21 documenting our objection to granting the licenses,  
22 along with our recent professional mental health study  
23 assessing the impact of the center's policies,  
24 practices, and personnel on detained mothers and  
25 children. And the letter is signed by 31 national

1 mental health care experts opposing such licensure as  
2 further evidenced.

3           The purpose of the family detention  
4 centers at Karnes City and Dilley has been to hold  
5 families in custody while they undergo immigration and  
6 asylum proceedings. Guards and other detention  
7 personnel have a specific role to play with specific  
8 competencies and requirements. Their training,  
9 temperament and policies are antithetical to those of  
10 child care professionals. In fact, our research  
11 documents abuses in human rights violations families  
12 face in these facilities. These cannot be remedied by  
13 the proposed rule.

14           The provision and exceptions to the  
15 proposed rule make it clear that this change in the  
16 State of Texas child care regulations is not well  
17 thought out, but is rather a last-minute attempt to make  
18 the detention center conform to the Flores agreement.  
19 This tries to legitimize the detention of children when  
20 federal courts have deemed it unacceptable.

21           We urge you not to issue any child care  
22 licenses to ICE family detention centers and to abandon  
23 the proposed rule change.

24           Thank you. And I have documents here to  
25 enter into the records.

1 MR. WOODRUFF: Thank you, Reverend.

2 Elissa Underwood Marek.

3 MS. MAREK: Thank you for the opportunity  
4 to speak.

5 My name is Elissa Underwood Marek. I'm an  
6 attorney, a graduate student in UT's Department of  
7 American Studies, focusing on incarceration and food,  
8 and I'm also a parent. I'm here to speak in opposition  
9 of the proposed rules.

10 The licensing of immigration prisons as  
11 child care facilities is not in the best interest of  
12 children, but rather would perpetuate violence, neglect,  
13 and abuse against them. As others have commented today,  
14 the prison-like conditions of these facilities,  
15 including unhealthy food, inadequate medical care, and  
16 unsafe living spaces are causing further physical and  
17 emotional trauma for families and children who are  
18 escaping dangerous conditions in their home countries  
19 only to face similar injustices here.

20 As a mother, I can only imagine the great  
21 sense of loss that comes with the State taking away your  
22 right to care for your children simply because you tried  
23 to leave a dangerous situation and bring your kids to  
24 safety. You have heard detailed testimony about the  
25 inhumane conditions in these facilities.

1 I urge the agency to investigate claims of  
2 abuse and neglect rather than skirting its  
3 responsibilities and causing further irreparable harm to  
4 families and children by licensing prisons as child care  
5 facilities.

6 Thank you.

7 (Applause)

8 Irma Hernández.

9 INTERPRETER: Good afternoon. I'm Ana  
10 González with Workers Defense Project, and I'll be  
11 interpreting for Ms. Hernández.

12 MS. HERNANDEZ: My name is Irma Hernández,  
13 and I am a member of Workers Defense Project. I'm here  
14 as the mother of three daughters, one of whom was just  
15 released from a detention center in Dilley, Texas. She  
16 came to the U.S. fleeing the violence in her country and  
17 looking for a better life for her 5-year-old son. I'm  
18 here to ask the Department of Family and Protective  
19 Services not to allow family detention centers to be  
20 licensed as child care facilities. I ask this on behalf  
21 of my daughter and her son, and I would like to share  
22 her story.

23 My daughter and grandson made it to this  
24 country and were arrested by immigration that day. When  
25 they were arrested, they were first taken to a place

1 known as the cooler for almost two days. During this  
2 time, my daughter gave any food she was given to her  
3 son. The cold was unbearable.

4           After that place, they were taken to a  
5 place called the dog pound. They called it that because  
6 you literally sleep in cages. Finally, my daughter and  
7 grandson were taken to a detention center in Dilley,  
8 Texas, where they were prisoners for 28 days. I say  
9 "prisoners," because that's what that place is. It's a  
10 prison where tell you when to wake up, eat, and sleep.

11           The toys that my grandson played with at  
12 that prison were lent to him and also had a schedule.  
13 Six people slept in the same room with their children.  
14 Children are not allowed to play inside or shout.  
15 Guards will scold you if your child is crying. If you  
16 need personal hygiene products, you have to buy them,  
17 and they are sold at a high price that is unaffordable  
18 to most of the people who are in the center.

19           When my grandson was sick, they took him  
20 to the infirmary with a high fever. The only medical  
21 care he received there was that they put rags with water  
22 on his forehead and told him to drink water. On the day  
23 that they were released, the paperwork was finished by  
24 1:00 p.m. They were unable to leave until 7:00 p.m. for  
25 no reason. My daughter, grandson, and others stand the



1 whole day without eating and without drinking water,  
2 listening to their kids cry, while they watched the  
3 guards eat.

4                   Now my daughter and grandson are with me.  
5 She was able to leave with an ankle monitor and under  
6 other conditions. I am happy to have my daughter and my  
7 grandson with me, knowing that they are safe and that  
8 they can eat and are no longer in that prison.

9                   I ask you not to grant licenses to these  
10 places --

11                   (Bell rings)

12                   MS. HERNÁNDEZ: -- because, for all the  
13 reasons I mentioned, clearly, they are not child care  
14 facilities.

15                   Thank you so much for your time and for  
16 giving me the opportunity to speak today.

17                   (Applause)

18                   MR. WOODRUFF: Maya Pilgrim.

19                   MS. PILGRIM: Hello. My name is Maya  
20 Pilgrim, and I'm with the Texas Association Against  
21 Sexual Assault. I also have professional experience in  
22 refugee resettlement. Thank you for the important work  
23 that you do and this opportunity to speak.

24                   You've been charged with protecting  
25 children in Texas, which is why we're all here today.

1 We all care about the well-being of all children in  
2 Texas. TAASA believes in the value of trauma-informed  
3 care, care designed to specifically address the  
4 consequences of trauma, facilitating healing, and  
5 actively resisting re-traumatization for all survivors  
6 of sexual violence.

7           According to your own website and your  
8 training module, it creates opportunities for survivors  
9 to rebuild a sense of control and empowerment. And we  
10 appreciate that DFPS shares this value with us. And we  
11 hope that the Department will act in the best interest  
12 of children seeking safety and security and whose  
13 families have done exactly what is required to seek  
14 asylum.

15           Detaining families who have fled or  
16 survived violence is counter to trauma-informed care.  
17 ICE facilities have neither the expertise nor the  
18 imperative to provide trauma-informed care. We know  
19 that detaining children exacerbates developmental risks,  
20 threatens bonds with their caregivers, limits  
21 opportunities, has destructive psychological impacts,  
22 and compounds the impacts of other traumas. In the  
23 words of Rachael Kronik, a Canadian researcher who has  
24 published studies on detained children, she said, "I can  
25 say from a mental health perspective that it's not okay

1 for children to be detained at all." And by licensing  
2 these jails as general residential centers, DFPS is  
3 giving the impression to the detriment of the children  
4 confined there.

5 Thank you very much for your time.

6 (Applause)

7 MR. WOODRUFF: Irasema Cavazos.

8 MS. CAVAZOS: I don't have any licenses.  
9 I'm a mother. I raised two boys -- well, they're not  
10 boys anymore; they're men. Okay.

11 When I was raising my children, if I  
12 needed help and I needed to go to a child care facility,  
13 I wanted to make sure that it was going to be safe for  
14 them there. So I looked to make sure that there was a  
15 license, that these facilities had some supervision.  
16 And this value that we give to our agencies that license  
17 cannot be diminished. This should be enhanced, not  
18 degraded.

19 As a mother, I know, because I'm a Latina  
20 mother, how we will stick with our kids through thick  
21 and thin -- thick and thin. We will keep our children  
22 with us. And that is why these mothers have come across  
23 a continent to protect their children. Are we going to  
24 diminish that sentiment, that feeling of protection that  
25 they're looking for by lowering the standards here where

1 they have come seeking refuge?

2           This is a wrong policy. Would you take  
3 your child to one of these places as a child care  
4 facility? Would you want your sister and her children  
5 to be there? Be logical. Put yourself in that place.  
6 It is wrong to license a prison as a child care  
7 facility. I ask that you not do this.

8           In fact, you should be raising a voice  
9 against the detention of these women and children in  
10 these places, knowing that -- all the testimony from all  
11 these people, all these wonderful people with all their  
12 licenses and research -- your voice should be there too  
13 advocating for the closure of these places because they  
14 are -- deterring the health. They are wrong for the  
15 children, wrong for these mothers. Your voice should be  
16 against this. Not for or licensing it.

17           Thank you for the opportunity to speak.

18           (Applause)

19           MR. WOODRUFF: Tom Kolker.

20           MR. KOLKER: Good afternoon. My name is  
21 Tom Kolker. And I hope to communicate one thing to you  
22 in this short talk, and that is the total lack of  
23 accountability and an apparent institutional commitment  
24 to arbitrariness and indifference that rules the day at  
25 these ICE private detention centers.

1 I'm not a child care professional, social  
2 worker, therapist. I'm not even an immigration lawyer,  
3 but I am married to an immigration lawyer, and I'm a  
4 good driver. And I have spent many hours at the Karnes  
5 and other private detention facilities here in Texas.

6 And as a lawyer for the past 38 years, I  
7 really thought I had seen it all. But the pettiness,  
8 the attitude, the rules that change from day-to-day,  
9 from person to person. It's unbelievable. It is really  
10 unbelievable.

11 At the beginning I was so outraged, and I  
12 was, like, well, this can't be. There's no way, hearing  
13 about people who were denied access, because one time  
14 they filled out a form as an interpreter and then  
15 corrected it as a paralegal and were permanently barred  
16 from coming in as a paralegal. One instance where a  
17 paralegal for my wife was not permitted to come in,  
18 because when he sent the fax in, or she did, 24 hours in  
19 advance as was required, it said the week that he would  
20 be visiting. And when he traveled to the facility, it  
21 was not -- he was told he could not come in, because  
22 that letter did not say what specific day and time he  
23 would be there. It took me getting on the phone,  
24 tracking down the general counsel for the private  
25 company that owned the facility saying this is the most

1 ridiculous thing I've ever heard. And then this person,  
2 this counsel was saying, well, here's the warden's cell  
3 phone number. You call him up and tell him I said it  
4 was okay. This is the kind of institution that we have  
5 here.

6           Now, add to that that when you see these  
7 arbitrary rule changes, you're dealing with people who  
8 are administering them with a complete law enforcement  
9 mentality. The idea -- I can't say that I've ever seen  
10 the child care facility or what goes on. But I can tell  
11 you that at every other level, it's amazing. And to  
12 think that a government could have such a type of  
13 situation is really difficult to believe. Adding in the  
14 fact that children are there. It's really astounding.

15           I would invite any of you to go down there  
16 one day to Karnes. Been there many times. Just don't  
17 say you're coming, and don't say who you are. And say,  
18 I would like to visit so-and-so person, and see what  
19 kind of reception you get. And then you might go back  
20 two days later and find out that all the things you were  
21 told the first time had completely changed with no  
22 notice, no writing.

23           That's what I've seen and I just wanted to  
24 relay that. Thank you.

25           (Applause)

1 MR. WOODRUFF: Celina Moreno.

2 MS. MORENO: Good afternoon. My name is  
3 Celina Moreno, and I'm an attorney with the  
4 Mexican-American Legal Defense and Educational Fund.  
5 And MALDEF is here in strong opposition to the proposed  
6 rule.

7 You've heard feelings expressed of  
8 confusion, and we too are baffled. And that's because  
9 this proposed rule stand at odds with the 1997 Flores  
10 settlement agreement, with federal case law, and with  
11 DFPS' own mission.

12 The federal immigration detention centers  
13 at Dilley are not established nor designed to provide  
14 child care, but instead they're meant to secure the  
15 custody of detainees in order to execute federal  
16 immigration law.

17 To date, DHS and other federal agencies  
18 have received numerous complaints regarding the lack of  
19 safe and developmentally appropriate child care --  
20 appropriate conditions for children at Karnes. And  
21 these have included basic access to medical, dental, and  
22 health care services, continued care for pre-diagnosed  
23 medical conditions, basic nutrition, age-appropriate  
24 educational services and basic developmental needs such  
25 as diapers, cribs, and space and time for crawling and

1 physical activity.

2           Neither Karnes nor Dilly has private  
3 changing areas for the women and children held there or  
4 restrictions on interaction between children based on  
5 gender or age. And there have been a number of  
6 allegations of assault and sexual abuse and potential  
7 sexual abuse because of these lack of age and gender  
8 restrictions between detainees of the facilities and a  
9 lack of proper training and supervision for facility  
10 staff. MALDEF and our allies have filed two federal  
11 complaints to that effect.

12           In addition to the U.S. Commission on  
13 Civil Rights, after an extensive investigation, after  
14 hearing voluminous testimony from MALDEF and others and  
15 after on-site visits, found that DHS and its contractors  
16 are not holding children in conditions that are the  
17 least restrictive setting in accordance with Flores.  
18 The Commission concluded that ICE is not complying with  
19 the prison Rape Elimination Act solitary confinement  
20 practices concerning children and has not adequately  
21 addressed staff misconduct regarding sexual assault and  
22 abuse.

23           The Commission also found that Karnes has  
24 failed to comply with the federal standards for medical  
25 care, including ignoring serious medical conditions and



1 failing to administer proper medical protocols. These  
2 reports evidence the need for heightened accountability,  
3 not a decrease in the standards for children as proposed  
4 in the regulations for licensing.

5           If DFPS truly seeks to hold family  
6 detention centers accountable for the safety, health,  
7 and well-being of children, it could've respond to the  
8 multiple requests for investigation and investigated and  
9 inspected these facilities, and instead we're here today  
10 with this rule that seeks to license and provide the  
11 State's seal of approval on facilities that are  
12 fundamentally and irreversibly flawed and unsuitable for  
13 children. And we implore you to abandon the proposed  
14 rule today. Thank you very much.

15           (Applause)

16           MR. WOODRUFF: Yvette Mendez.

17           MS. MENDEZ: Good afternoon. I think it's  
18 the afternoon. My name is Yvette Mendez. I'm currently  
19 a graduate student at the University of Texas in San  
20 Antonio School of Public Policy. I've also been a  
21 schoolteacher, a licensed schoolteacher for the State of  
22 Texas. And I'm part of an organization called the  
23 Indigenous Women's Network and Alma de Mujer. But today  
24 I come to you as a mother. I come to appeal to the  
25 hearts and minds of each and every one of you that's

1 here today.

2           As human beings, that common bond that  
3 unites us as civilized people, and I wonder, as I stand  
4 here, and see all these amazing people who have come  
5 here with their expertise, with their professionalism,  
6 and I wonder, why are we even here having this kind of a  
7 conversation? Why is it even a question whether or not  
8 it's proper to have children incarcerated and to license  
9 such a facility as a child care facility?

10           I find it disturbing, and I find it very  
11 sad that here we are in the year 2015, as supposedly one  
12 of the world's most powerful nations. We are supposed  
13 to be civilized human beings, and yet here we are trying  
14 to have a discussion as to whether or not we should  
15 license a prison system to have children, these very  
16 children who have parents just like each and every one  
17 of you.

18           Perhaps you also are grandparents. And I  
19 ask you what kind of a world do we live in today when we  
20 have to come to a bureaucracy as this to try to decide  
21 over the lives of small children and of women?

22           I think it is embarrassing. I think it is  
23 appalling. And I think it is shameful that we even have  
24 to sit in an institution like this, most of us college  
25 graduates, to try to rationalize in our mind and

1 determine whether this is right or wrong. What kind of  
2 a civilization have we become when we cannot even figure  
3 that out as common sense?

4 And I ask you and I implore you to your  
5 common humanity as human beings that you make the right  
6 choice, that you make the right decision --

7 (Bell rings)

8 MS. MENDEZ: -- and that you not take the  
9 "human" out of the Texas Department of Human Services.  
10 Thank you.

11 (Applause)

12 MR. WOODRUFF: Robert Painter.

13 MR. PAINTER: Good afternoon. My name is  
14 Robert Painter. I'm an attorney and the director of pro  
15 bono services American Gateways. And I'm here today to  
16 voice our opposition to the proposed rule.

17 American Gateways is a Central Texas  
18 nonprofit dedicated to providing immigration legal  
19 services to low-income immigrants in our community.  
20 We've been a part of this community for almost 30 years  
21 now. We currently operate in four immigration detention  
22 facilities throughout the region, including the Karnes  
23 and Dilley facilities in question today. We provide  
24 legal orientation programs, pro se workshops, and pro  
25 bono representation at those facilities. Our staff

1 attorneys are on the ground meeting with families  
2 several days per week for hours at a time. I have  
3 personally given these presentation workshops. And I  
4 think we all know what's at stake here.

5           You have heard and will  
6 hear the myriad of examples of why family detention and  
7 child care represent a contradiction in terms. Beyond  
8 these specific concerns, we wish to remind this panel  
9 the vast majority of these families are asylum seekers,  
10 refugees, meaning that they have suffer significant  
11 trauma in their home countries and in transit to the  
12 United States, talking about rapes, beatings, witnessing  
13 the murder of family members, torture.

14           It's well understood that among  
15 immigration practitioners and many people in this room  
16 that detention conditions only serve to exacerbate the  
17 psychological damage that these families have suffered.  
18 The fundamental question here is whether it's sound  
19 policy or morally right that the children in question  
20 are being locked into a climate of pervasive tension,  
21 uncertainty, and fear; and we say absolutely not.

22           Our position remains that family detention  
23 stands in direct opposition to child welfare, and we  
24 strongly oppose the licensing of these facilities.

25 Thank you.

1 (Applause)

2 MR. WOODRUFF: Diana Furiegas.

3 MS. FURIEGAS: Hello. I'm Diana Furiegas  
4 from San Antonio. I brought my Blue Santa hat for the  
5 cops. Right.

6 I've been to T.D. Hutto, and it saddened  
7 me too, it makes me cry, for all this I didn't even  
8 know -- that they were having kids in detention centers  
9 that have not done anything, you know. No crying.  
10 Innocent children, our future children who maybe one day  
11 will be sitting right there where you are at. And  
12 hopefully none of your kids are in their positions, you  
13 know, your -- your grandkids or whatever, nephews,  
14 nieces or whatever, any family members, because you  
15 will -- they will see what they've been through.

16 I don't think it's right what y'all are  
17 doing. I know there's a lot of -- a lot of people out  
18 here that would love to take these kids, especially me.  
19 You know, I would love to take all these kids, because  
20 God said, Come to me. You know, and I will -- I would  
21 take some of these kids if you would give them to me.

22 It hurts me a lot that I know that  
23 y'all -- y'all have the power to hear us out, and at the  
24 end, it doesn't really matter what we think or say. In  
25 your hearts, you could have a warm heart that God gave

1 you or a cold heart, like the Yang Yang, good or bad.

2                   We've suffered so much. My people suffer  
3 so much, like Hitler's time. Is that what y'all want to  
4 do to our children? You want to bring this back again?  
5 We don't want that. Please be a good -- good people,  
6 the way God wants us.

7                   This is the country of the free, but I  
8 don't see it free. I never have. People who want to  
9 come over to make a better life for themselves.  
10 Everybody's told you all this already. But y'all still  
11 don't want to give it to them. So I don't see no land  
12 of the free here.

13                   Can you show me that land of free? Where  
14 is it at? Where is this promised land at? We celebrate  
15 Christmas. Jesus Christ --

16                   (Bell rings)

17                   MS. FURIEGAS: -- was he from here? We  
18 are from here. We are -- there's no borders in this  
19 world. The Creator didn't put any borders. He walked  
20 the land.

21                   MR. WOODRUFF: Ms. Furiegas, if you would  
22 like to conclude your remarks, your time --

23                   MS. FURIEGAS: Please, y'all do the right  
24 thing. These children are suffering. They're  
25 suffering. And if y'all are going to make them

1 detention day cares, well, please provide them good --  
2 good health and good food. You know, take care of them  
3 better, the way you would like to be taken care.

4 MR. WOODRUFF: Thank you, Ms. Furiegas,  
5 for your time.

6 MS. FURIEGAS: Please --

7 MR. WOODRUFF: Thank you very much. We'll  
8 move on to the next speaker.

9 MS. FURIEGAS: -- don't license these  
10 things, only if you're going to make it better for the  
11 people in there.

12 Thank you.

13 (Applause)

14 MR. DIAZ: I believe I'm next. My name is  
15 Antonio Diaz.

16 MR. WOODRUFF: Yes, sir. Please go ahead.

17 MR. DIAZ: I'm the spokesperson for Texas  
18 Indigenous Council. And we had an effort of three years  
19 of going to Taylor, Texas, confronting CCA's T. Don  
20 Hutto. It was the very same conditions. And in 2010 or  
21 2009, nearing 2010, those children were and said that  
22 they would no longer be separated from their families,  
23 and they were sent to Berks Pennsylvania. And now we're  
24 hearing that Berks is no longer being licensed for child  
25 care. And yet now here in Texas, your family --

1 department of services -- family services is  
2 considering -- or actually, y'all have already licensed  
3 one, right, but now you're gong to do it at large for  
4 all these facilities, all these private prisons.

5           We've heard all the inhumane conditions  
6 that people are put through and people that have come  
7 with all sorts of trauma; children psychologically  
8 traumatized already and then arriving and being  
9 traumatized still further.

10           We used to petition y'all to come and help  
11 us when we were protesting at T. Don Hutto, and y'all  
12 said it was not within your jurisdiction. Well, now  
13 somehow it's going to be. You-all are making the  
14 decision to license these facilities. And I strongly,  
15 strongly oppose this as an advocate for human rights.

16           We indigenious people of Texas and  
17 throughout this continent have been deported, displaced,  
18 removed, since the arrival of the Europeans on our land.  
19 So I have this vantage point, this viewpoint of inhumane  
20 treatment from one human being to another. You-all on  
21 this commission should not license, should revoke the  
22 licenses that y'all have already given out to that  
23 facility, because they are not child care centers. They  
24 are not. They are prisons. Plain and simple. They are  
25 prisons for profit.



1           This private industry has grown legs and  
2 is getting stronger and stronger and gaining more and  
3 more monetary power. And, yes, money talks and  
4 everything else walks. But, please, make the right  
5 decision. Do not license these facilities.

6           Thank you very much.

7           (Applause)

8           MR. WOODRUFF: We've been going for some  
9 period of time. So we're going to take another short  
10 break to give the court reporter a chance to stretch her  
11 fingers. And we'll convene in five minutes.

12          Thank you.

13          (Break taken)

14          MR. WOODRUFF: All right. We're ready to  
15 come to order. We have just a few folks left.

16          Benito Miller.

17          MR. MILLER: Good afternoon. I come to  
18 you as one of several coordinators of the Hospitality  
19 House in San Antonio, Texas. It's a partnership of many  
20 faith communities, the Interfaith Welcome Coalition,  
21 Raices, and the four organizations of CARA, among dozens  
22 of very dedicated volunteers.

23                 We're often the first place that release  
24 families from both Dilley and Karnes -- are coming  
25 within hours of being released. And we provide these

1 families housing, most of them very short term, while  
2 they prepare to either get on a Greyhound bus or an  
3 airplane to destinations all across the country to  
4 reunite with families and to continue with their asylum  
5 cases.

6           During their short stay with us, we  
7 provide them with clothing, which has been critical now  
8 that the winter months are coming, and these women often  
9 are released with not even a sweatshirt going to places  
10 in the far north. We provide them with meals of  
11 familiar food from the places they're from prepared by  
12 one of the people you've heard speak today. And then we  
13 help explain their Greyhound transfers throughout the  
14 country, and also if they have connecting flights, and  
15 to help navigate TSA and so forth, because it's, for  
16 many, their first time traveling.

17           On October 23rd through November 1st, we  
18 became a catch-all for these facilities as they began to  
19 come into compliance with the decision. And in that  
20 week alone, we saw over 350 people at our shelter, which  
21 is set up on a typical day to house maybe 30. During  
22 that time, we dealt with a situation that we see all too  
23 often. So during our daily intake process, we're  
24 capturing different information pieces and then  
25 offering, for example, very basic medicine for fevers,

1 for coughs, and so forth. We had a mother from Honduras  
2 with a 5-year-old daughter who was showing a very high  
3 fever. We gave her some ibuprofen and monitored the  
4 situation throughout the night.

5           That night, we received about 55 people.  
6 At about midnight, we heard hysterical crying from this  
7 5-year-old. Long story short, we took her to the  
8 children's ER, because when we took her temperature, it  
9 was at a 105.5. We were worried that we would have a  
10 fatality on our hands, and so we rushed her to the ER.  
11 At 6:00 a.m. the next morning, we left the facility to  
12 go get the medicines for pneumonia. And I do not pry  
13 into people's medical records, but I felt compelled to  
14 read the child's medical records, which every person  
15 leaving these facilities --

16           (Bell rings)

17           MR. MILLER: Just very quickly, they were  
18 cleared for travel, no mention of this condition, no  
19 mention of the fact that this family was going to get on  
20 a Greyhound bus the next morning and travel for two and  
21 a half days and maybe risk the life of that 5-year-old.

22           So I just ask you and warn you that  
23 licensing these facilities that have been completely  
24 unaccountable in the history, run by for-profit prison  
25 companies is being complicit in that coverup, and the

1 fact that both facilities were built in isolated towns  
2 in Texas, means they want to keep that out of sight, out  
3 of mind.

4 Please, please protect children.

5 Thank you very much.

6 (Applause)

7 MR. WOODRUFF: Rosalie Weisfeld.

8 MS. WEISFELD: Good afternoon. My name is  
9 Rosalie Weisfeld. And I thank you all for giving us the  
10 opportunity to come before you to justify against  
11 designating detention centers, prisons, as licensed  
12 child care centers.

13 A prison is not an appropriate place to be  
14 designated as a child care center. You have heard  
15 overwhelming testimony here today from many  
16 eyewitnesses. I as well am one. I was born and reared  
17 in McAllen, una comunidad en la frontera de Texas, a  
18 gateway through which many, probably most of the women  
19 and children currently being detained in these prison  
20 facilities, first entered Texas. I have seen firsthand  
21 some of these mothers with their children.

22 When they first entered into the United  
23 States, many of them were given safe haven at Sacred  
24 Heart Church in downtown McAllen. They came seeking  
25 refuge and comfort from the violence and chaos that they

1 were fleeing from their home countries. As one of the  
2 hundreds of volunteers who offered assistance to these  
3 refugees, I saw these women, small women, with small  
4 children, who arrived hungry and tired to a place they  
5 didn't know, with hollow eyes and weak stomachs. All  
6 they could keep down was a bowl of broth, a little bit  
7 of soup, and maybe a few crackers, a glass of water.  
8 That's all they asked for.

9           They were given a place to shower and a  
10 set of clean clothes to change into, because they fled  
11 hurriedly from the violence that they left behind. They  
12 came wearing only what was on their backs. Some of them  
13 had a few little items wrapped in a small bag. But  
14 mostly they just came holding onto the hands of their  
15 children. They came seeking hope. They came seeking a  
16 safe place for their children. As one woman said, and I  
17 translate, "Better to die on the road to safety than to  
18 die on my footstep."

19           These mothers have suffered enough. They  
20 are not criminals. They are refugees seeking safety.  
21 They were fleeing violence and poverty.

22           Allow the children to stay with their  
23 mothers. Do not give the prisons a veil of human  
24 respectability by granting them a child care license.

25           If it is within your control to release

1 these mothers and children, please do so. If not, just,  
2 please, do not license prisons as child care facilities.

3 By opening our hearts, together we can  
4 give these women with their children the opportunity to  
5 see what the United States can really offer, what they  
6 came to this country seeking, a place of love and hope,  
7 a better future for all.

8 Thank you so much.

9 (Applause)

10 MR. WOODRUFF: Sarah Watkins.

11 MS. WATKINS: Do you have something  
12 detachable? Otherwise, I can yell.

13 Can you hear me?

14 MS. HAWKINS: Yes.

15 MS. WATKINS: Oh, good. Good. Excellent.

16 My name is Sarah Watkins, and I'm here  
17 today to join dozens of others in opposing the licensing  
18 of these detention centers as child care facilities.

19 Since January, I've worked with a  
20 coalition of lawyers and advocates as a volunteer legal  
21 advocate, helping many of these women and children and  
22 families to exit detention centers. And I can tell you  
23 that anything that looks like a prison should not be  
24 licensed as a child care center.

25 I come to this work from disability rights

1 work where I've spent many, many years looking at how we  
2 deinstitutionalize children with assorted disabilities,  
3 right. And the State has said -- the Department of  
4 Aging and Disability Services has said, and DFPS has  
5 said for years, that children belong in families, that  
6 children do not belong in large institutions. And we've  
7 begun to make strides in bringing children with  
8 disabilities into family settings and to reunite them  
9 with their families in the community. And I have to  
10 ask, how is this any different?

11           If you look at the sort of trauma that  
12 these mothers and their children have experienced, this  
13 is the sort of trauma that falls under disability; and  
14 whether this trauma is temporary and creates temporary  
15 mental health issues or whether this trauma is long-term  
16 and creates permanent disabilities has a lot to do with  
17 how long these children and these mothers spend in  
18 detention and with what sort of treatment they receive  
19 upon exiting detention centers.

20           So if DFPS -- if this state is really  
21 serious being about making sure that children do not  
22 remain in institutions, then that needs to apply to all  
23 children.

24           So I ask you, please do not license these  
25 facilities as child care centers, because they are not.

1 Thank you.

2 (Applause)

3 MR. WOODRUFF: Commissioner, this  
4 concludes the list of persons who have signed up to  
5 provide public comment.

6 MR. SPECIA: Thank you, Trevor.

7 Has anyone signed a card and has not been  
8 afforded an opportunity to testify?

9 (No response)

10 MR. SPECIA: Okay. I want to thank  
11 everyone for being here today and making the time to be  
12 here and share your responses and concerns. I  
13 appreciate and value your input.

14 We will review all comments and all  
15 written testimony as we go through the process. If you  
16 have any additional comments or there are people that  
17 were not able to be here today and you want to present  
18 written comments, you can submit those to Audrey  
19 Carmical by December 14th. She will be -- her email  
20 address is on the agenda today.

21 So, again, thank you very, very much. I'm  
22 going to adjourn this hearing. Being that we said we  
23 would be available until 2 o'clock, Mr. Morris and  
24 Mr. Woodruff are going to stay. If someone happens to  
25 come late, we will take their testimony.



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So thank you.

(Record remained open until 2:05 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS )  
COUNTY OF TRAVIS )

I, Dalia F. Inman, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true, and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of December 2015.



DALIA F. INMAN, CSR, RPR  
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