February 28, 2020

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

*not a MHLG member