

Q&A

San Mateo County Behavioral Health & Recovery Services (BHRS)

Behavioral Health Field Based Staff Support & guidance for possible contact with ICE

With support from the Latino Collaborative and numerous partnering agencies, the BHRS Office of Diversity & Equity (ODE) created this question and answer sheet to guide treatment providers that may come into contact with ICE agents while supporting those in our care.

Q. Can staff contact the Rapid Response Network at 203-666-4472?

- A. Yes, if the client requests or previously agreed upon with client. Please document this verbal agreement.

Q. Should staff provide identifying information?

- A. Yes, if the client requests or previously agreed upon with client. Please document this verbal agreement. This would therefore not violate HIPAA.

Q. Can staff choose to be a witness?

- A. Yes, if the client requests and staff agree.

Q. Should staff document encounter in chart?

- A. Yes. Note can be marked as restricted as an additional level of protection for the client.

Q. Should staff complete an incident report in situation where ICE is present and/or presents themselves?

- A. Yes. Please follow Critical Incident Reporting Policy.

Q. Should clients also be encouraged to complete WRAP plans?

- A. Yes, if the clinical team believes this is helpful to the client.

Q. Can staff give out Red Cards providing information on their rights?

- A. Yes. Red Cards can be obtained by contacting ODE.

Q. If staff complete Immigration Legal Resource Center's Family Preparedness Plan where should it be filed?

- A. If needed by the clinical team, the document can be scanned into the chart. If not deemed necessary, document does not need to be scanned.

Q. Should our AVATAR emergency contact match the name of the individual listed in the Caregiver Authorization Affidavit within the Immigration Legal Resource Center's Family Preparedness Plan?

- A. Yes, if the client requests change.

Q. As ICE representatives are only allowed in public areas, are our lobbies public?

- A. Yes, our lobbies are public. However, signage can be placed in facilities stating "private area beyond this point" to clarify where public areas end.

Q. Is an ICE encounter considered a mental health emergency?

- A. Yes. Therefore, an emergency contact can be called.

Q. Do staff need to contact CPS, as mandated reporters if Immigration Legal Resource Center's Family Preparedness Plan has been completed?

- A. Yes, but first, staff can call emergency contact or individual named in affidavit. Staff should then call CPS to inform them of the situation and the safety of the children.



SAN MATEO COUNTY HEALTH

**BEHAVIORAL HEALTH
& RECOVERY SERVICES**

Resources:

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The SMC Office of community Affairs, Immigrant Services Immigrant Tool Kits:

- [English toolkit: bit.ly/CMOImmigrationToolkitEnglish](https://bit.ly/CMOImmigrationToolkitEnglish)
- [Spanish toolkit: bit.ly/CMOImmigrationToolkitSpanish](https://bit.ly/CMOImmigrationToolkitSpanish)
- [Chinese toolkit: bit.ly/CMOImmigrationToolkitChinese](https://bit.ly/CMOImmigrationToolkitChinese)

Immigrant Legal Resource Center, Family Preparedness Plans: bit.ly/ilrcFamilyPreparednessPlan

Q. Can staff call emergency contact or individual listed in the Caregiver Authorization Affidavit within the Immigration Legal Resource Center's Family Preparedness Plan if client is detained and child(ren) are in school and need to be picked up?

A. Yes.

Q. Do staff need to contact APS if dependent adult is in the home and client is detained?

A. No, the older adult can make decision and contact family/friend to come to home to assist them. If older adult is conserved, staff need to contact conservator and make them aware of situation.

Q. Can staff contact friends/family/neighbor/ASPCA for pets that are left unattended?

A. Yes, staff can call emergency contact or individual identified by client. Please make sure to have Release of Information for predetermined individuals.

Q. Can staff contact San Mateo County Counsel?

A. No, staff should consult with their supervisor and/or manager.

Q. If in a group setting, can staff refrain from responding to an inquiry to identify client?

A. Yes, because this would be a HIPPA violation.

Q. Does staff need to obtain training in completing the Immigration Legal Resource Center's 3 levels of community plans (Family Preparedness Plan, 24-hour plan {after detention}, Call Rapid Response)?

A. No, however staff can choose to do trainings if they would like.

Q. Are staff allowed to video record an ICE encounter? Does it matter if it's in a client's home or in a public area? Would this violate HIPAA?

A. No, unless there is a clinical reason to do so.

INFORMATIONAL POINTS:

Staff has the right to remain silent. They can also ask to speak to an attorney if asked for more information. Per legal expert, "less is more".

If you have any questions always consult with your supervisor and manager. We are here to support one another.

Per legal expert in these matters, it is difficult to know the difference between an administrative warrant and a judicial warrant. Individuals should call Rapid Response number as soon as possible versus trying to learn if correct warrant is presented.

Thank you to our partnering agencies for your time, thoughtfulness and support in creating this document:

BHRS Latino Collaborative Initiative

Catholic Charities

CORA

Faith in Action

Felton Institute

Fools Mission

Legal Aid Society of San Mateo

PCRC

Peninsula Family Services

Red Cross

San Mateo County Counsel

Starvista

This resource was created by SMC BHRS leadership and San Mateo County Counsel support. Please confirm recommendation with your individual agencies.