

# Defending Families, Building Futures: South Asian-Specific Strategies in Family Defense

02.24.2025

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# Agenda

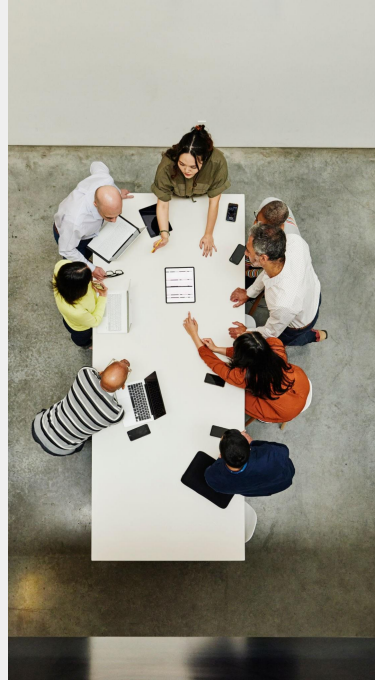
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# Organizations and Presenters

- The South Asian Legal Defense Fund uses the power of law, narrative, and community in defending and advancing the full dignity and rights of South Asian people in the United States of America.
- Dhruv Kumar is a lawyer at White & Case LLP. His experience at Brooklyn Defenders Family Defense Clinic while at NYU Law shapes his pro bono practice and advocacy for access to justice for South Asian parents targeted by child protective services and the family oversight system.
- Shivani Parikh is a founding member of the South Asian Legal Defense Fund team. Prior to attending law school, she was the Outreach Coordinator to Asian Communities at Rockland County, NY's gender-based violence direct services organization, the Center for Safety & Change. She is an alumna of Sakhi for South Asian Survivors' Youth Leaders Program and was sponsored by New York State Coalition Against Sexual Assault to complete bluelight academy's Transformative Justice summer class.



- Komal Kaur is an MSW Candidate, President of Umeed, and CEO of Zara Consulting Group, a consulting firm focused on South Asian communities. She combines her background as a special education teacher and social worker in trauma, domestic violence, and mental health to advocate for equity, inclusion, and justice. Komal leads Umeed's efforts to support marginalized communities and promote collective care, while Zara Consulting Group advances diversity and inclusion across South Asian communities.
- Umeed-Hope is Sikh-led mutual aid organization working in solidarity with other marginalized communities to dismantle systems of oppression and build a world rooted in justice, collective care, and liberation.
- Key Takeaway: we focus on open access education and collective care with our mental health, gender based violence, and abolition hub.



# Mapping the Landscape of Threats

## Context Setting:

- **Rising Threats of Family Separation:** South Asian immigrant families face increasing risks of separation due to intersections of immigration enforcement, child welfare interventions, and systemic biases.
- **Unique Barriers in South Asian Communities:** Cultural stigmas, language barriers, and lack of access to culturally responsive legal support exacerbates vulnerability.
- **Urgency for Collective Action:** Coordinated efforts between legal advocates and community organizations are essential to ensuring family preservation.



# Mapping the Landscape of Threats

## Key Terms/Definitions:

- **Family Separation Agenda:** Policies and practices that result in the forced separation of family members, often through immigration detention, child welfare interventions, or incarceration.
- **Mutual Aid:** Community-driven efforts to provide direct support and resources to those in need, rooted in solidarity rather than charity.
- **Emergency Motions:** Legal actions filed to quickly address urgent situations, such as preventing deportation or reunifying families.
- **Capacity Building:** Strengthening the skills, resources, and networks of communities to respond effectively to systemic challenges, such as family separation.



# Mapping the Landscape of Threats

## **Increase in ICE Raids and Immigration Detentions:**

- Heightened immigration enforcement disproportionately targeting South Asian and other immigrant families.
- Specific targeting of South Asians in detention centers, including instances of extended detentions without adequate legal representation.
- Example: The rising number of South Asian asylum seekers facing expedited deportations due to lack of legal resources.

## **Criminalization of Immigrant Families:**

- Over-policing in immigrant and BIPOC communities, with minor infractions escalating to family separations.
- Disproportionate representation of immigrant families in child welfare investigations due to biases and cultural misunderstandings.
- **Highlight: Cases where language barriers or cultural practices (e.g., multigenerational caregiving) have been misinterpreted as neglect.**





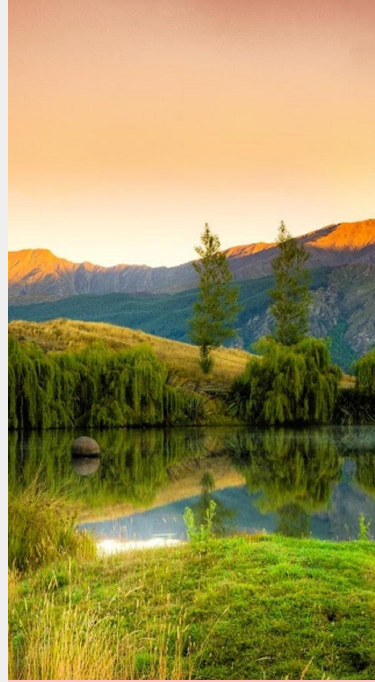
# Mapping the Landscape of Threats

## **Exploitation of Cultural and Systemic Vulnerabilities:**

- Challenges South Asians face due to limited access to translators, culturally competent legal aid, and mental health support during legal proceedings.
- Example: Families unable to comply with bureaucratic demands because documents are not available in native languages or accessible formats.

## **Intersection of Immigration and Child Welfare Systems:**

- Children of detained or deported parents being placed into foster care, creating long-term separation.
- Policy gaps that fail to prioritize family reunification for undocumented families.





## Intersecting Challenges and Systemic Gaps

- **Father Detained by ICE – LANGUAGE BARRIER/ MULTIGENERATIONAL HOUSEHOLD**
  - A routine traffic stop led to the father's detention, removing the family's primary **financial provider**.
  - With no prior parental rights plan, leaving the children with elderly grandparents was seen as neglect (limited English proficiency/cannot drive/no income).
  - Legal proceedings were delayed as all documents were in English, which the family could not fully understand (reading comprehension skills).
  - **Systemic Issue:** ICE, lack of a parental rights plan, and inaccessible legal systems led to unnecessary state intervention (language services/ removal of children (active DCS case/foster care)/ lack of education on multigenerational household/rapid response later in slides).
- **Refugee Family Evicted – LANGUAGE BARRIER/EXTENSIVE PAPERWORK (DELAY)**
  - Asylum delays prevented income verification, making it nearly impossible to secure housing.
  - No temporary housing plan existed, forcing the family to navigate complex housing systems alone.
  - Housing assistance was only in English, and shelters failed to meet gender-specific privacy and dietary needs.
  - **Systemic Issue:** Rigid documentation requirements and culturally unresponsive services prolonged instability for displaced families.
- **South Asian Teen Targeted by Over-Policing – LANGUAGE BARRIER/RACIAL PROFILING**
  - The teen was repeatedly stopped by police for "suspicious behavior," reinforcing racial profiling.
  - His family missed a mandatory meeting due to untranslated legal notices and was accused of neglect.
  - No proactive communication plan existed, preventing the family from addressing the issue before escalation.
  - **Systemic Issue:** Racial profiling, language barriers, and lack of accessible legal communication led to unnecessary legal intervention.
- **KEY TAKEAWAY: ALWAYS keep in mind that challenges are rarely isolated, and clients may be unaware of what lies ahead. Failing to outline potential crises and ways to prepare for them does a disservice to our communities.**

## Discrimination in Legal Services

- **Barrier:** Immigrant families often receive critical legal documents—such as detention notices, court summons, and housing applications—exclusively in English.
- **Impact:** Without translation or legal aid, families face delays, misinterpretations, and potential legal consequences, including wrongful evictions and missed court dates.
- **How We Can Help:**
  - Advocate for multilingual legal services (**compile data on cases that you see often to decide/have updated translations ready to go on different topics**) and translation support for South Asian languages (**build that network of providers/don't be in a silo especially in predominantly non-South Asian areas/distribute through trusted community networks for proactive preparation before crisis mode**). **EX: SOAR's newsletter.**
  - Having **ONGOING** relationships with pro bono lawyers and legal aid organizations to assist families in navigating the system (**people should be educated on needs as they GROW as opposed to when everything is at the crisis point**).
  - Develop community-led legal literacy workshops to educate families about their rights (**KYR**). **EX: in Indiana, post Fedex Mass Shooting, people didn't know their workers rights and didn't apply to worker's compensation. They went back to work the following days and suffered extreme Mental health challenges, which led to unstable households and involvement with these systems. (think about intergenerational trauma's impact on parenting)**
    - **Research shows that people don't know how to seek services.**
      - Intimate Partner Violence and Barriers to Help-Seeking Among Black, Asian, Minority Ethnic and Immigrant Women: A Qualitative Metasynthesis of Global Research

## **Discrimination in Legal Services**

**Systems often attempt to hold individuals accountable for actions they do not recognize as problematic, largely due to a lack of foundational education on how certain behaviors may be perceived as neglectful, harmful, or unfit within a different cultural framework. Within our community, there is a significant gap in education on what constitutes healthy parenting, leading to misunderstandings between families and child welfare agencies. At the same time, systems often fail to recognize why punitive measures, such as child removals, may not be the most effective or appropriate solution for South Asian families. Addressing these gaps requires culturally informed education for both families and service providers to ensure interventions are supportive rather than punitive.**

## Systemic Issues and Community Impact — Barriers in Health & Education

- **Barrier:** Multigenerational caregiving structures are often misunderstood, leading to wrongful neglect claims and social service interventions.
- **Impact:** Families struggle to access education and healthcare due to language barriers and culturally insensitive policies.
- **How We Can Help:**
  - Train social workers, educators, and healthcare professionals in culturally competent care and South Asian **caregiving norms/parenting styles**.
  - Work with schools to ensure translation services for parent communication **(parent-teacher conferences)** and IEP meetings **(ensure they understand their child's needs so not labeled as neglect/big gap in not knowing how to manage their child's behaviors at home)**.
  - Develop bilingual health resources **(vaccines/masking)** and advocate for hospital interpreters who understand South Asian cultural contexts **(Phones feel INHERENTLY impersonal, especially when discussing deeply sensitive issues like child removal, deportation, or a mental health crisis. No one should have to navigate such traumatic experiences over the phone when human connection and support are crucial.)**.

## Systemic Issues and Community Impact – Community Distrust & Over-Policing

- **Barrier:** South Asian immigrants are disproportionately subjected to racial profiling, while language inaccessibility leads to miscommunications with law enforcement.
- **Impact:** Families fear seeking help from law enforcement or social services, leading to increased vulnerability and isolation.
- **How We Can Help:**
  - Build relationships with local police departments to promote cultural competency training and bias reduction (**PROVIDE them resources**).
  - Create community-driven safety programs, such as neighborhood support groups and legal hotlines.
    - Meet people where they are—like Sundays at the GW—because if you're hosting events during weekday 9-to-5 hours for communities working labor-intensive jobs, who are you really serving? Are these resources truly accessible, or are they just fulfilling grant requirements? Understanding your community and their availability is essential for meaningful engagement.

# A Deeper Dive: Languages Barriers and Cultural Practices

- **Intersection of Economic Hardships and Cultural Norms:**
  - a. Many South Asian immigrant families work long hours in low-wage jobs, relying on shared caregiving structures within their communities.
  - b. State systems may misinterpret the necessity of leaving children with extended family as abandonment or a sign of poor parenting.
  - c. Example: Parents juggling multiple jobs while relying on older siblings for childcare may face accusations of neglect despite their efforts to provide for their family.
- **Gendered and Racialized Stigma:**
  - a. South Asian mothers, in particular, are often held to cultural expectations of being primary caregivers, and any deviation from this norm—such as balancing work and family—may attract additional judgment or criticism.
  - b. Fathers might face assumptions of being "uninvolved" due to cultural norms emphasizing traditional gender roles.



Project 2025 poses significant risks to South Asian American families, particularly concerning the family policing system:

- **Increased Surveillance and Reporting:** The initiative's emphasis on stricter immigration enforcement and surveillance may lead to heightened scrutiny of South Asian American families, increasing the likelihood of child welfare investigations based on cultural misunderstandings or biases.
- **Fear of Deportation:** Aggressive immigration policies could deter South Asian families from seeking assistance or reporting abuse.
- **Systemic Biases:** The family policing system has historically disproportionately affected marginalized communities, including immigrants and people of color. Project 2025's policies may exacerbate these systemic biases, leading to increased targeting of South Asian American families.
- **Erosion of Support Services:** Proposed cuts to social safety nets and community support programs under Project 2025 could reduce resources available to South Asian families, increasing their vulnerability to family policing interventions.



1. **What is Family Defense?**

Family defense is the legal advocacy for parents and guardians facing child welfare investigations, foster care involvement, or termination of parental rights, aiming to keep families together and protect due process rights.

2. **What are the challenges of family court?**

Family court often moves quickly, with lower evidentiary standards than criminal court, systemic biases against marginalized families, and limited access to quality legal representation, making it difficult for parents to navigate and defend their rights.

3. **What is the termination of parental rights?**

Termination of parental rights (TPR) is a legal process that permanently severs the legal relationship between a parent and their child, usually on the grounds of neglect, abuse, or failure to meet court-mandated conditions for reunification.

4. **Can parental rights be reinstated?**

In some states, parental rights can be reinstated if the child has not been adopted and if the court determines that reunification is in the child's best interest, though the process is complex and varies by jurisdiction.

- **Cultural Competency:** Family defense lawyers with an understanding of South Asian cultural norms can advocate more effectively for families experiencing GBV, ensuring that cultural considerations, like familial roles and traditions, are respected during legal proceedings.
- **Addressing Legal and Social Stigma:** South Asian survivors of GBV may fear stigmatization or deportation, making it critical for family defense to provide confidential and culturally sensitive representation to help families avoid undue harm from the legal system.
- **Complex Family Dynamics:** South Asian families may experience nuanced power dynamics in cases of GBV, where extended family structures and societal pressures play significant roles; family defense helps navigate these complexities with care and cultural insight.
- **Empowerment and Advocacy:** Family defense is vital for empowering South Asian GBV survivors, as it ensures they have legal representation to defend against false accusations, navigate custody battles, and fight for their right to remain with their children.
- **Addressing Systemic Biases:** Family defense can help challenge systemic biases within the child welfare system, which may disproportionately affect South Asian families due to cultural misunderstandings or prejudices against immigrant communities.
- **Holistic Support for Survivors:** Integrating family defense into GBV organizations supports a holistic approach to survivor care, addressing not only immediate safety but also long-term stability for survivors and their families through legal protections.

## ***Rapid-Response Legal Defense Networks with Social Worker Support***

- ***As Dhruv stated, holistic care*** reduces trauma by providing emotional and legal support simultaneously.
- Family defense requires **proactive** coordinated, unified advocacy that offers **immediate** crisis support while addressing cultural norms that may normalize abuse due to limited social-emotional skills.
- By providing culturally competent support tailored to each family's circumstances, **we help parents understand how certain behaviors impact reunification (normalized abuse).**
- Community Members: peer support, relaying knowledge on mental health, social services, financial resources, etc
- Legal Professionals: emergency motions, representation in hearings
- Social Workers: case management, emotional support, language translation and document interpretation, assisting with gathering evidence, and advocacy during court hearings.
  - Mental Health Connections
    - Mental Health Resources for Undocumented People – Immigrants Rising
  - Family Preparedness/Child Care Plan
    - Step-by-Step Family Preparedness Plan | Immigrant Legal Resource Center | ILRC



## STEP-BY-STEP FAMILY PREPAREDNESS PLAN

How immigrant families can more proactively  
prepare for immigration emergencies that arise

NOVEMBER 2024

Every family should have a Family Preparedness Plan in case of an emergency. It is critical for immigrant families to think ahead and set more concrete plans for immigration emergencies that can arise. For example, this Resource Toolkit goes into detail about different childcare options available in case of an absent parent, where to find trusted immigration services in your community, and how to prepare to assert your constitutional rights in the presence of an immigration officer.

This toolkit is divided into different sections that give guidance on family preparedness planning, regardless of immigration status. It gives additional advice to undocumented and/or mixed status families.

For more immigration community resources, visit [ilrc.me/resources](https://ilrc.me/resources).

### PART I: MAKE A CHILD CARE PLAN

It's important to have a plan so that a trusted adult can care for your child if you cannot. This plan should include emergency numbers, a list of important contact information, and a file with important documents. Whether you want your child to accompany you to your home country in the event you face deportation or wish for



continued...

your child to stay in the United States in the care of another trusted adult, you should make needed arrangements in advance. This toolkit includes information about the options, especially for California, available to create an informal or formal care arrangement for your child.

### PART II: FIND OUT ABOUT YOUR IMMIGRATION OPTIONS

Discovering your legal options to obtain immigration status may be the strongest way you can protect yourself and your family. During a legal consultation with an immigration expert, they may determine your eligibility for certain immigration protections currently available. Included in this toolkit are information and resources to find good immigration legal help. The toolkit also covers who is allowed to give you legal advice and/or who can represent you in an immigration matter.

### PART III: KNOW YOUR RIGHTS

Everyone—documented and undocumented—has rights in this country. Make sure you, your family members (even children), housemates, neighbors, and co-workers, know of their right to remain silent and all of their other rights. A list of these rights, and a card asserting these rights, are included in this toolkit.

### PART IV: ADDENDUMS

At the end of this toolkit, we include additional documents, checklists, and other materials that will assist you in your family preparedness planning.

Examples:

- Fathers with no-contact orders who participate in engagement programs often struggle to understand how their actions, shaped by cultural norms, may be perceived as harmful within the child welfare system. This disconnect, often referred to as “the culture,” creates delays and roadblocks in the reunification process, as fathers may not fully grasp the legal or emotional boundaries expected of them. Without proper guidance, they risk unintentionally violating terms that prolong separation from their children. Advocacy efforts must bridge this gap by providing culturally informed education that clarifies legal expectations while fostering accountability and promoting healthy family relationships, ensuring that reunification efforts are productive rather than punitive.
- In Indiana, Umeed has worked on cases where religion was treated as a threat within the child welfare system, leading to unjust separations. In one case, a child’s linguistic and religious identity was scrutinized, with a caseworker, family case manager, and judge deeming it inappropriate for her to speak another language when visiting family and accusing her of “forgetting Jesus” for reading the Quran. Over time, she stopped wearing her Hijab, and ultimately, her parental rights were terminated, resulting in adoption into a Christian family with no chance of reunification. This case reflects a broader issue in which cultural and religious biases influence child welfare decisions, often forcing assimilation rather than prioritizing the child’s best interests within their family and community.

RECAP: How can social workers assist lawyers?  
***BRIDGE THE GAP IN CARE.***

**Social Workers Educate:** set up workshops with child welfare professionals/attorneys/orgs on cultural caregiving practices (multigenerational caregiving/cultural parenting styles) – JUST ASK/NETWORK

- **Key Features:**
  - Reduces cultural misrepresentation and bureaucratic barriers, empowers families with knowledge and support, and advocates for family preservation by emphasizing cultural norms, and advocates for the mental wellbeing of the family.

### Next Steps:

1. **Form Strategic Partnerships with Legal Professionals:** Identify and collaborate with family defense attorneys and legal aid organizations to provide on-site or virtual legal consultations for GBV survivors. Establish regular check-ins to ensure seamless referrals and service integration.
2. **Develop Staff Training Modules:** Create or source training materials to educate staff on the intersection of GBV and family law. Prioritize culturally competent training, focusing on family defense strategies, understanding parental rights, and navigating the family policing system.
3. **Create a Referral Network for Legal Support:** Build a robust network of family defense resources, including attorneys, family law clinics, and child welfare experts, that your organization can turn to for legal advocacy, especially in cases involving child custody or immigration matters.

### Resources:

- [What You Need To Know About ACS Parents' Rights When Dealing With the NYC Administration for Children's Services](#)
- [Family Court Justice: Miranda Rights for Families By Parent Legislative Action Network \(PLAN\) Coalition](#)
- [How We endUP: A Future Without Family Policing](#)
- [Building a World Without Family Policing](#)
- [Radical Early Defense Against Early Policing](#)