

EXHIBIT 3

Declaration of Carrie Vander Hoek

I, Carrie Vander Hoek, declare as follows:

1. This declaration is based on my personal knowledge. If called to testify in this case, I would testify competently about these facts.

2. I am a Licensed Master Social Worker (LMSW). For the last 17 years I have worked with unaccompanied children in federal custody and children in the state foster care system. In addition to my work with the Young Center for Immigrant Children's Rights (hereinafter "Young Center"), described below, I spent over seven years working for General Dynamics IT (GDIT) pursuant to its work with the Office of Refugee Resettlement (ORR). In that capacity, I provided review, assessment, and third-party release recommendations for children in ORR custody seeking release to family and later supervised 11 bilingual Case Coordinator staff who submitted child welfare-based recommendations on family reunification, transfers, and placements of unaccompanied children in ORR custody.

3. Prior to GDIT, I worked for the Bair Foundation, where I supervised a caseload of foster families to ensure they met the holistic needs of foster children and complied with state standards. In that capacity, I worked with the Texas Department of Family and Protective Services (DFPS), mental health professionals, Court Appointed Special Advocates (CASA), guardians *ad litem*, attorneys, early child development specialists, and schools. I also supervised, mentored, and trained the agency's social service workers.

4. I received my Master of Social Work Degree from the University of New England in 2014, during which time I completed an internship with the Hope Family Health Center, and I received my Bachelor of Social Work from Calvin College in 2007. I am bilingual in Spanish and English.

5. I currently work as a Deputy Program Director of the Young Center's Child Advocate Program. The Young Center is a registered 501(c)(3) organization based

1 in Chicago with programs in nine additional locations including: Phoenix, Arizona;
2 Los Angeles, California; Grand Rapids, Michigan; New York, New York; New
3 Jersey; Harlingen, Texas; Houston, Texas; San Antonio, Texas; and Washington,
4 D.C. The Young Center was founded in 2004 as a pilot project of ORR to create a
5 program to provide independent Child Advocates, akin to best interests guardians
6 *ad litem*, for child trafficking victims and other vulnerable unaccompanied children.
7 The role of the Child Advocate was codified in the Trafficking Victims Protection
8 Reauthorization Act of 2008, 8 U.S.C. § 1232(c)(6)(A).

9 6. Young Center attorneys and social workers are appointed as Child Advocates
10 alongside trained, bilingual volunteers. The role of the independent Child Advocate
11 is to advocate for the best interests of the child. Child Advocates identify a child's
12 best interests by considering the child's expressed wishes, safety, right to family
13 integrity, liberty, developmental needs, and identity. These "best interests factors"
14 are well-established in the child welfare laws of all 50 states and in international
15 law, including the Convention on the Rights of the Child.

16 7. Since its founding, the Young Center has served as the independent Child
17 Advocate for more than 7,000 children in government custody. We are the only
18 organization authorized by ORR to serve in that capacity.

19 8. I have worked at the Young Center for more than five years. From 2019 to
20 2020, I served as a Staff Child Advocate in our Harlingen, Texas, office, providing
21 Child Advocate services for unaccompanied children in ORR custody. In that role, I
22 advocated for children's best interests and developed Best Interests Determinations
23 (BIDs) regarding children's care, custody, release, legal representation, and
24 repatriation. I also provided case consultations and case support for staff on issues
25 involving child welfare, child development, and trauma. I also supervised volunteer
26 Child Advocates who were assigned to meet regularly with children in federal
27 custody. From 2020 to 2021, I served as a Managing Social Worker, supervising
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1 both staff and volunteer Child Advocates in the Young Center's Harlingen, Texas,
2 office. My role was to ensure our team's best interests advocacy was grounded in
3 child welfare and trauma-informed best practices. I engaged with local stakeholders
4 on all issues impacting children's time in custody, and reviewed BIDs that were
5 submitted in children's cases.

6 9. Since 2021, I have served as a Deputy Program Director of the Young
7 Center's Child Advocate Program, based out of our Harlingen, Texas, office and
8 more recently out of our Houston, Texas, office. In that capacity, I have overseen
9 Child Advocate staff in our Harlingen, Houston, San Antonio, Washington, DC,
10 and Grand Rapids offices. I serve as a primary point of contact for children, family
11 members, ORR staff, ORR grantees and ORR contractors. I also help to ensure our
12 staff are reporting child abuse and neglect in accordance with state laws governing
13 mandated reporting of child abuse and neglect. I review BIDs for complex cases
14 and ensure our BIDs reflect best practices in child welfare; and I collaborate with
15 colleagues to ensure services for children are child-led and trauma-informed.

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17 State Licensing Provides Essential Oversight of Children's Safety

18 10. ORR contracts with grantees to operate shelters and other placements for
19 unaccompanied immigrant children and youth all over the United States. Each state
20 provides its own licensing requirements for the care of dependent children.

21 11. One of the main purposes of state licensing is to provide independent
22 oversight for the care and treatment of children in state or federal custody. This
23 includes ensuring facilities meet minimum standards before they can accept
24 children, conducting investigations after reports of abuse or neglect or violations of
25 minimum standards, conducting random and scheduled inspections of facilities that
26 care for dependent children, and issuing citations, corrective action plans, or even
27 revoking a facility's license when necessary.

1 12. Texas law requires that I, in my capacity as both a Licensed Social Worker
2 and a Deputy Program Director of Child Advocates, report instances of child abuse
3 or neglect to state child welfare authorities. *See* Tex. Fam. Code § 261.101. During
4 my career working with children, I have made hundreds of reports to state child
5 welfare and licensing authorities about abuse, neglect, or other harm that children
6 have experienced before and during their time in government care. I have made or
7 consulted with Young Center staff on dozens of reports to state child welfare and
8 licensing authorities after children have disclosed abuse, neglect, or other harm that
9 they have experienced while in facilities operated by ORR contractors or grantees.
10 These include disclosures of verbal and physical abuse, the use of inappropriate
11 forms of punishment, and improper use of restraints on children by staff.

12 13. Under Texas law, when child abuse or neglect in a state-licensed facility is
13 reported to state child welfare authorities, those state child welfare authorities, in
14 coordination with state licensing authorities, are required to conduct a prompt and
15 thorough investigation to determine if any child was abused or neglected; whether
16 any child is at risk of future abuse or neglect; and whether children at the facility
17 are safe. This independent investigation may involve information-gathering about
18 the facility, the facility's activities, or staff at the facility; interviews with the child
19 (or children) who may have been abused or neglected; visual examination of the
20 child for any visible injuries or bruises; photographing any visible injuries or
21 bruises; a medical examination of the child; interviews of other children at the
22 facility, as well as any adults with relevant information or who may have witnessed
23 alleged abuse or neglect; and requesting copies of records related to medical or
24 mental health care the child received due to the abuse or neglect. Once the
25 investigation is complete, state child welfare authorities write up a report of the
26 findings of the investigation and notify various parties, including state licensing
27 authorities, of the investigation findings. When a facility is found to have violated
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1 minimum licensing standards, the state licensing agency is then responsible for
2 taking action as to the facility's license. For instance, the licensing agency may
3 impose a corrective action, which requires the facility to take steps to come into
4 compliance and to undergo more frequent inspections while they are taking these
5 steps. In the most egregious cases, the state licensing agency may impose
6 restrictions on the facility's license or even close down the facility.

7 14. ORR facilities also have pre-programmed telephones that permit children to
8 directly contact the state child abuse or neglect hotline.

9 15. Independent investigations of abuse and neglect or other violations of
10 minimum standards are critical to the safety of vulnerable children in immigration
11 custody. Many of the children we work with are understandably hesitant to share
12 their most vulnerable experiences with ORR staff. They tend to be very fearful of
13 the impact that disclosing information could have on their treatment while in ORR
14 custody or on their immigration case. Therefore, when a child discloses abuse or
15 neglect, we carefully explain to the child our obligation to report the abuse or
16 neglect to state child welfare authorities and what we expect will occur as a result
17 of the report, including an investigation by an entity separate and independent from
18 ORR and the ORR facility.

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20 Lack of State Licensing

21 16. Since 2021, our Child Advocates in Texas have continued to report instances
22 of abuse and neglect to the relevant state authorities because, as mandatory
23 reporters, we are legally mandated to do so. During that time, Young Center staff
24 have reported approximately 10 instances of alleged abuse and neglect, including
25 emotional, verbal, and physical abuse and improper use of restraints that resulted in
26 injury, to DFPS. I have consulted with staff on most of these cases.

1 17. When we have made these reports, in some cases, DFPS officials told us that
2 they would not investigate the complaint because DFPS did not have jurisdiction
3 over ORR facilities. In other cases, we received no response and were not aware of
4 any actions taken by DFPS or any other state agency to investigate the report. We
5 have also been informed that DFPS is now forwarding reports of abuse and neglect
6 of children in ORR facilities to ORR.

7 18. If a child calls the state child abuse and neglect hotline from an ORR facility,
8 my understanding is that the child will get the same response.

9 19. We are not aware of formal procedures put in place by the federal
10 government to replicate the procedures provided under state law after the state of
11 Texas decided to stop licensing ORR facilities and investigating allegations of
12 abuse or neglect in ORR facilities. We continue to report disclosures to the state,
13 and we also notify ORR officials of our reports. We are unaware of whether ORR is
14 conducting timely and thorough investigations of reports of abuse and neglect of
15 children in ORR placements in Texas. If ORR is conducting investigations, we do
16 not know what the outcomes are or what, if any, corrective or accountability
17 measures are implemented if reports of harm are determined to be credible. The
18 lack of any state investigation and lack of clarity about investigation or corrective
19 measures by ORR or any other federal entity are deeply concerning to us as Child
20 Advocates and undermines our ability to advocate for children's safety.

21
22 The Final Rule Lacks Critical Independent Oversight Mechanisms

23 20. The regulations published by the Department of Health and Human Services
24 that seek to replace the *Flores* Settlement Agreement lack critical oversight
25 mechanisms.

26 21. Although licensing alone does not ensure the safety of children, it is a
27 prerequisite for ensuring a baseline of core requirements to which facilities must
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1 adhere and a vital structure for accountability. Allowing the government to place
2 unaccompanied immigrant children and youth in facilities without independent
3 standards, oversight, inspection, and accountability, particularly at a time when
4 there is no alternative in place, leaves little guarantee that the facilities will be safe.

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6 I declare under penalty of perjury that the foregoing is true and correct. Executed
7 this 30th day of May, 2024, at Houston, Texas.

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11 Carrie Vander Hoek
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