

# Exhibit 18

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MS. L, et al.,

Case No. 18cv428 DMS MDD

Petitioners-Plaintiffs,

**STATUS REPORT REGARDING  
PLAN FOR COMPLIANCE**

vs.

U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT, et al.,

Respondents-Defendants.

**I. STATUS REPORT**

Defendants hereby submit this status report to apprise the Court of their current plan for determining and reunifying the remaining class members with their children, by July 26, 2018, as this Court’s orders require. The plan is set forth in the Declaration of Chris Meekins, which is attached as Exhibit A. The agencies are putting their plan into operation immediately.

The agencies designed the plan to achieve full compliance with this Court’s orders, *i.e.*, reunification of every remaining class member with their child where this Court’s orders require reunification by July 26. Meekins Dec. ¶ 28. Reunifications under the plan should begin today and occur on a rolling basis. *Id.* Unlike the plan put into place for the smaller cohort of children aged 0-4, the current plan for children aged 5-17 does not involve DNA testing or full background investigations of purported class members HHS conducts under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). *Id.* ¶ 33. Nor does it

1 require criminal background checks of other adult members of the household where  
2 the class member and the child will live, or the submission of sponsor care plans  
3 (which may require background checks of other care givers). *Id.*

4  
5 While the agencies are committed to complying fully with the Court's orders,  
6 as explained in the attached declaration, the Department of Health and Human  
7 Services (HHS) is concerned that the truncated procedures needed for compliance  
8 present significant risks to child welfare. Meekins Dec. ¶¶ 37-49. As the declaration  
9 explains, while most children should be safely reunited with their actual parents by  
10 the Court's deadline, the class is large and the agencies must proceed rapidly and  
11 without the procedures that HHS would ordinarily use to place a child with a parent  
12 safely. *Id.* HHS believes that this creates a material risk that dozens of children may  
13 be reunited with individuals who falsely claimed to be their parents or placed into  
14 situations that may pose a danger to the child. *Id.*

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18 Indeed, the streamlined procedures that HHS used for the under-five cohort  
19 identified several instances in which placement of a toddler or infant with a  
20 purported parent was inappropriate. In one case, mandatory DNA testing prompted  
21 one putative class member to concede her lack of parentage during testing. Meekins  
22 Dec. ¶ 11. Another putative class member had a negative DNA match and conceded  
23 that he was not a parent. *Id.* ¶ 10. And in another case, HHS conducted a  
24 background check of an adult member of the putative class member's household and  
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1 identified that the adult had a warrant for sexually abusing a 10-year-old girl. *Id.*  
2 ¶¶ 14-16.

3  
4 Defendants believe they are now taking all operationally feasible steps under  
5 the Court's orders to reunify hundreds of class members and children safely. But  
6 going forward, HHS will not be able to do the same rigorous vetting that has already  
7 prevented the placement of toddlers and infants with adults who were not their  
8 parents or would have endangered them. *Meekins Dec.* ¶¶ 37-49. The Court's  
9 restriction of vetting of putative class members for the 5-and-up cohort will likely  
10 mean that some children in that cohort will be at risk of improper placements. *Id.*  
11 Given the agencies' reported figures on the size of the 5-and-up cohort  
12 (approximately 2,500 children), the number of placements of children with adults  
13 who are not their parents or who might endanger them could be significant. *Id.* ¶ 47.  
14 Defendants hope that such risks will not materialize, or do so as rarely as possible,  
15 and the covered families will be reunited safely.  
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DATED: July 13, 2018

Respectfully submitted,

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