Exhibit 18

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Case 3:18-cv-00428-DMS-MDD Document 107 Filed 07/13/18 PageID.2083 Page 2 of 5 UNITED STATES DISTRICT COURT 1 SOUTHERN DISTRICT OF CALIFORNIA 2 Case No. 18cv428 DMS MDD MS. L, et al., 3 Petitioners-Plaintiffs, **STATUS REPORT REGARDING** 4 PLAN FOR COMPLIANCE VS. 5 U.S. IMMIGRATION AND CUSTOMS 6 ENFORCEMENT, et al., 7 Respondents-Defendants. 8 9 **STATUS REPORT** I. 10 Defendants hereby submit this status report to apprise the Court of their 11 current plan for determining and reunifying the remaining class members with their 12 13 children, by July 26, 2018, as this Court's orders require. The plan is set forth in the 14

Declaration of Chris Meekins, which is attached as Exhibit A. The agencies are putting their plan into operation immediately.

17 The agencies designed the plan to achieve full compliance with this Court's 18 orders, *i.e.*, reunification of every remaining class member with their child where 19 this Court's orders require reunification by July 26. Meekins Dec. ¶ 28. 20 21 Reunifications under the plan should begin today and occur on a rolling basis. Id. 22 Unlike the plan put into place for the smaller cohort of children aged 0-4, the current 23 plan for children aged 5-17 does not involve DNA testing or full background 24 25 investigations of purported class members HHS conducts under the Trafficking 26 Victims Protection Reauthorization Act of 2008 (TVPRA). Id. ¶ 33. Nor does it 27

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

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

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

identified that the adult had a warrant for sexually abusing a 10-year-old girl. *Id.* ¶¶ 14-16.

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

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