

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, SEPTEMBER 09, 2025**

MINUTE ORDER NO. 16

SUBJECT: NO CHILD ALONE IN COURT: EXPANDING THE IMMIGRANT LEGAL DEFENSE PROGRAM TO PROTECT UNACCOMPANIED MINORS (DISTRICTS: ALL)

OVERVIEW

Beginning October 1, 2025, hundreds of unaccompanied immigrant children, some as young as toddlers, will be forced to stand before an immigration judge without an attorney. They will face federal prosecutors alone, with their futures and safety on the line.

This crisis was manufactured by the federal Department of Government Efficiency (DOGE) and the U.S. Department of Justice, which on March 21, 2025, moved to eliminate legal representation for tens of thousands of unaccompanied minors. On April 29, 2025, a federal court ordered funding to continue but only through September 30, 2025. After that date, children in our community will again be left without counsel in deportation proceedings. This is about the most basic right to due process and a fair day in court.

The local impact is already clear. Earlier this year, roughly 300 children in San Diego County lost their attorneys when federal contracts were abruptly cut, including fifty left mid-case when a nonprofit's contract was terminated. These are children in our neighborhoods and schools, abandoned to navigate a system stacked against them.

Jose was 4 and Maria was 16 when they came to San Diego, fleeing persecution and reuniting with a family member in the United States. At their first immigration hearing they stood alone, told to find an attorney who could help them pursue legal status. They had no money for counsel and spent months searching before finding a pro bono lawyer.

Eventually, a lawyer guided them through a maze of filings: asylum applications, immigration court hearings, and a California Superior Court petition for Special Immigrant Juvenile Status (SIJS), a pathway for children who have been abused, abandoned, or neglected to pursue permanent residency. Because their safety depended on multiple forms of relief, legal representation was essential.

Both Jose and Maria were scheduled for asylum interviews before other cases concluded. They were ultimately granted asylum, securing permanent status and safety in the United States.

Starting October 1, hundreds of children in San Diego will stand alone in court and face the same impossible odds, unless they have counsel.

San Diego County knows what works. We were one of the first counties in the nation to establish a publicly funded Immigrant Legal Defense Program (ILDP), a model that has become a lifeline for families facing deportation. In just four years, ILDP has provided counsel to more than 3,000 San Diegans, ensuring their cases received a fair hearing. The results are stark: without an attorney, only 5 percent of people prevail in immigration court; with an attorney, the success rate rises to 66 percent. That difference has kept families together, prevented children from being returned to danger, and

upheld the principle that due process applies to everyone. The ILDP is also highly cost-effective, delivering services at up to 80% lower cost than private attorneys.

Today's action expands the ILDP, so unaccompanied minors are not left alone in court as federal protections are rolled back. When the federal administration retreats, our County will step forward to defend our residents and uphold the promise of justice for all. No child in San Diego will stand in court alone.

RECOMMENDATION(S)

CHAIR TERRA LAWSON-REMER

1. Direct the Chief Administrative Officer (CAO) to immediately categorize “unaccompanied minors” as eligible for ILDP representation to protect the due process rights of this most vulnerable of populations from unjust deportation without legal representation.
2. Direct the Public Defender to study and implement recruitment efforts to add paralegal ancillary service professionals to the ancillary service provider system. Upon panel attorney request and individual OAC approval, paralegals will assist counsel with direct case preparation to add further ILDP growth and add case capacity.
3. Approve the request to add 1.0 staff year to be classified by the Department of Human Resources, in the Public Defender to assist with the growing number of intake phone calls, ILDP case assignments and general program clerical work.
4. Direct the CAO to create an annual Finance and Assessments `Needs Report through the Public Defender that can forecast program needs, including identifying funding opportunities, and exploring the budgetary needs to move towards a true universal representation model. Report should be produced annually no later than February 28th.
 - a. Funding opportunities include, but are not limited to, possibilities of philanthropic and charitable funding, and state funding opportunities to fully meet the needs to protect the due process rights of San Diego County immigrants for a public/private partnership in maintaining a sustainable funding future for the ILDP.
 - b. Reporting should also forecast the estimated number of panel attorneys needed to provide representation towards a true universal representation model.
 - c. Forecast any additional staff needed to assist and manage the expansion efforts.
5. Direct the CAO to update the description on all resources and materials related to the ILDP from the “Immigrant Rights Legal Defense Program” to “Immigrant Legal Defense Program.”
6. In accordance with Administrative Code section 66 and Board Policy A-112, direct the CAO to identify and accept philanthropic and charitable donations for the Immigrant Legal Defense Program and support long-term sustainability of legal representation services for immigrants in San Diego County.
 - a. Authorize the Chief Administrative Officer, and/or designee, to submit, accept, negotiate and execute all grant and grant-related documents, including applications and agreements requiring an authorized representative from the County of San Diego, and any annual extensions, amendments and/or revisions that do not materially impact or alter the services or funding levels, until June 30, 2035.

- b. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires prior approval of grant applications and full cost recovery for grants.
7. Direct the CAO to work with the Public Defender on updating its record retention schedule to include ILDP records pursuant to the shortest retention required by law, or, as determined by the Public Defender and OAC, as reasonable and appropriate to effectively carry out their ethical obligations in providing legal representation to this population.
8. Direct the CAO to work with the Public Defender to amend any contracts, as needed, to ensure the confidentiality and destruction of ILDP records in accordance with applicable laws.
9. Waive Board Policy A-87 and authorize DPC to amend ILDP contracts as needed to include unaccompanied minors as designated by the CAO, and to reflect changes in funding and services subject to the approval of the Public Defender.

EQUITY IMPACT STATEMENT

By expanding the Immigrant Legal Defense Program (ILDP) to protect unaccompanied minors will advance equity in San Diego County by ensuring that the most vulnerable population have access to legal representation. Unaccompanied minors are disproportionately from low-income, immigrant, and refugee backgrounds, many fleeing violence, persecution, or abuse. Without counsel, these children face structural inequities in the immigration system, including language barriers, cultural isolation, and a lack of resources to navigate complex legal proceedings

SUSTAINABILITY IMPACT STATEMENT

This action supports long-term community resilience by prioritizing local resources to protect due process. Promoting legal representation and stable families reduces the risk of unjust deportations, strengthens trust in government, and fosters the social cohesion that underpins a safe and sustainable region.

FISCAL IMPACT

There is no fiscal impact associated with Recommendation 1 to categorize “unaccompanied minors”, Recommendation 5 to update the program name, and Recommendation 6 related to philanthropic and charitable funding. There will be no change in net General Fund cost and no additional staff years.

Funds for Recommendation 3 to add 1.0 staff year in the Office of Assigned Counsel are included in the Fiscal Year 2025-26 Operational Plan in the Public Defender. If approved, this action will result in costs of approximately \$300,000 in Fiscal Year 2025-26 based on existing General Purpose Revenue from the \$5.0 million annual allocation for ILDP. There will be no change in net General Fund cost.

Funds for Recommendation 4 to create an annual report, Recommendation 7 related to ILDP records and Recommendations 8 and 9 related to contract amendments are included in the Fiscal Year 2025-26 Operational Plan based on existing General Purpose Revenue. There will be no change in net General Fund cost and no additional staff years. There may be fiscal impacts associated with future related recommendations which staff would return to the Board for consideration and approval.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Lawson-Remer, seconded by Supervisor Aguirre, the Board of Supervisors took action as recommended.

AYES: Aguirre, Lawson-Remer, Montgomery Steppe, Desmond

NOES: Anderson

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter