**From:** Wynne, Maggie (HHS/IOS)
**Sent:** Saturday, March 04, 2017 1:47 PM
**To:** Leggitt, Lance (HHS/IOS); Skrzycki, Kristin (HHS/IOS); Stannard, Paula (HHS/IOS); [redacted]; Murphy, Ryan (HHS/IOS)
**Cc:** Bowman, Matthew (HHS/IOS); Flick, Heather (HHS/IOS); Lloyd, Scott E. (ACF)
**Subject:** FW: Heightened Medical Procedures Guidance
**Attachments:** medical_services_requiring_heightened_orr_involvement.pdf

**Importance:** High

All,

Here is a directive that the career Acting Director of the ACF Office of Refugee Resettlement (ORR), Ken Tota, sent last night to all ORR staff.

I will also send you in a separate email a similar communication to all ORR grantees caring for unaccompanied alien children (UACs or UCs).

[redacted] and Ryan, [redacted] the last few days have revealed that ORR-funded grantees have taken action in violation of the attached policy to procure abortions for minors in the ORR Director's care and custody without his authorization.

Maggie

---

**From:** [redacted]
**Sent:** Friday, March 03, 2017 11:24 PM
**To:** Wynne, Maggie (HHS/IOS); Barlow, Amanda (ACF); Tota, Kenneth (ACF); White, Jonathan (ACF); Lloyd, Scott E. (ACF)
**Subject:** FW: Heightened Medical Procedures Guidance
**Importance:** High

Good evening,

For your records, below is the email sent to ORR staff.

Kindly,
[redacted]

---

**From:** ORR Director (ACF)
**Sent:** Friday, March 03, 2017 11:17 PM
**Subject:** Heightened Medical Procedures Guidance
**Importance:** High

Dear Colleagues,

I am writing to reinforce the importance of ORR policies and procedures related to Heightened Medical Procedures, including "significant medical or surgical procedures, abortions, and services that may threaten the life of a UAC."

Per the policy, "Grantees are prohibited from taking any actions in these cases without direction and approval from ORR." Approval for such procedures would be provided in the form of a signed authorization from the Director of ORR. To restate and reinforce the existing policy, ***grantees may not perform Heightened Medical Procedures without written authorization from the ORR Director***, except in emergency medical situations (as described in Emergency Medical Services, 3.05). Grantees should not conduct procedures, or take any steps that facilitate future procedures such as scheduling appointments, transportation, or other arrangements without signed written authorization from the ORR Director. Note that the requirement for written authorization by the ORR Director applies whether the procedure will be paid for with Federal funds or by other means.

In your role, please ensure close adherence and understanding of the policy. It is important that your discussions or correspondence in no way confer or imply approval. Approval can only be authorized by the ORR Director in writing.

The policy on Heightened Medical Procedures is attached. If there are questions or concerns, please do not hesitate to write.

Sincerely,
Ken Tota
Acting Director



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[redacted]

Thanks
[redacted]

[redacted]

[redacted]

**From:** [redacted]
**Sent:** Wednesday, March 22, 2017 4:47 PM
**To:** [redacted]
**Subject:** RE: ORR Guidance for Pregnant UC

[redacted],

Hope this email finds you well. I have a follow up question for you. In your email below, you state we cannot take a client to get a judicial bypass on a termination of pregnancy unless the ORR Director approves us to do so first. Isn't that contrary to state law? My understanding is that the judicial bypass was created specifically so that the young lady does not need approval from her guardian (in our case the Director of ORR) to move forward with a term of pregnancy. Has this policy been vetted by your legal department? I anticipate there would be legal challenges to this policy by advocacy groups that have historically represented our minors in these cases. Can you give me any feedback on this issue? Thanks.

[redacted]



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[redacted]

**From:** [redacted]
**Sent:** Friday, March 10, 2017 2:38 PM
**To:** [redacted]
**Cc:** [redacted] White, Jonathan (ACF) <Jonathan.White@ACF.hhs.gov>; Sualog, Jallyn (ACF) <Jallyn.Sualog@ACF.hhs.gov>; Tota, Kenneth (ACF) <kenneth.tota@acf.hhs.gov>; De LA Cruz, James (ACF) <James.DeLACruz@acf.hhs.gov>; [redacted]
**Subject:** ORR Guidance for Pregnant UC
**Importance:** High

Good afternoon! Effective immediately, ORR is requiring grantees to notify ORR through their assigned Federal Field Staff immediately of any request or interest on any girl's part in terminating her pregnancy. A response from ORR Director would be required before taking any next steps (i.e., scheduling appointments, pursuing a judicial bypass, or any other facilitative step).



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Per the policy, "Grantees are prohibited from taking any actions in these cases without direction and approval from ORR." Approval for such procedures would be provided in the form of a signed authorization from the Director of ORR. To restate and reinforce the existing policy, grantees may not perform Heightened Medical Procedures without written authorization from the ORR Director, except in emergency medical situations (as described in Emergency Medical Services). Grantees should not conduct procedures, or take any steps that facilitate future appointments without signed written authorization from the ORR Director. Note that the requirement for written authorization by the ORR Director applies whether the procedure will be paid for with Federal funds or by other means.

Please ensure close adherence and understanding of the policy. Approval for such procedures can only be authorized by the ORR Director in writing. Failure to adhere to this policy will be a significant issue of non-compliance.

If there are questions or concerns, please do not hesitate to contact your assigned Federal Field Staff for clarification.

Thank you!

[redacted]



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From: White, Jonathan (ACF)
Sent: Thursday, March 30, 2017 3:39:33 PM
To: [redacted]
Cc: De LA Cruz, James (ACF); Sualog, Jallyn (ACF)
Subject: FW: UC requesting pregnancy termination

[redacted],

Please see Scott's email below with regard to the UC at SWK Las Palmas who is ready for discharge and has previously requested pregnancy termination.

ORR previously provided the grantee with specific direction regarding the type of services the UC should be connected with. Please see his direction that the program "should not be supporting abortion services pre or post-release; only pregnancy services and life-affirming options counseling."

If we can reinforce this to the provider and ask them to clarify that the discharge plan is consistent with that direction, that will enable us to proceed with next steps for release for the UC.

Thanks for all your hard work on this case.

Jonathan

From: Lloyd, Scott (ACF)
Sent: Thursday, March 30, 2017 6:26 PM
To: White, Jonathan (ACF)
Subject: RE: UC requesting pregnancy termination

Jonathan,

It's unclear what they mean here. Not sure what they mean by "services" and "abortion counseling." Please ask them to explain clearly, because if I recall, we were very clear about what they were to do.

Grantees should not be supporting abortion services pre or post-release; only pregnancy services and life-affirming options counseling.

Thank you,
Scott

---

[redacted],

(I am looping in [redacted] cc'ing Jim for clarity in communications.)

Just spoke with Scott. The UC should proceed to discharge; we concur with the program's recommendation that neurology follow-up can be part of the plan for the minor's discharge rather than delaying it.

A couple things:
- Can we confirm that the minor has received options counseling for the pregnancy as discussed?
- Can we confirm that the sponsor and the minor's parents have been notified of the pregnancy?



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**From:** Lloyd, Scott (ACF)
**Sent:** Friday, March 17, 2017 4:43 PM
**To:** [redacted]
**Cc:** White, Jonathan (ACF); De LA Cruz, James (ACF)
**Subject:** RE: Quick thoughts Message from Mr. Scott Lloyd

[redacted]

This is just a quick note to find out whether there are any updates on [redacted] placement, as there was an indication at the beginning of the week that we may be close. I am just checking, not looking to rush things.

In related news, [redacted]

I hope you had a good rest of the week.

Thank you,
Scott

**From:** [redacted]
**Sent:** Tuesday, March 14, 2017 6:22 PM
**To:** Lloyd, Scott (ACF)
**Cc:** White, Jonathan (ACF); De LA Cruz, James (ACF)
**Subject:** RE: Quick thoughts Message from Mr. Scott Lloyd

Sir all requests have been sent to local FFS and providers. i don't foresee any issues with these requests, but I do have a question and a comment about these bullets.

- [redacted] I got her pre-release plan with a list of resources to assist with pregnancy. I asked them to firm up plan a bit and will send for your review if you would like to see it. I have also attached the resources close to her house that will assist with her post release services and are close to her future address of, [redacted] Again this is still tentative and any additional resources you have are welcome sir.
- If things get dicey with [redacted] sponsor, I know a few good families with a heart for these situations who would take her in in a heartbeat and see her through her pregnancy and beyond. [redacted] said she would accept this if things can't work out with her aunt soon. [redacted]
    - Potential foster care is identified by approved providers after referral for this level of care by program and approved by FFS. these houses are homes that have been awarded a grant to house UAC by ACF-ORR. they have to be licensed to accept our kiddos.

Thank you again for your trip, I learned from you and I hope you take your experience here in San Antonio and we have set the bar high. I always push my teams to be the best and our providers to provide best services in the nation, so what you saw is SOP on a daily basis.



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Safe travels sir, and it was pleasure to have met you. I look forward to working for you at ORR! please feel free to reach out to me if you should have any questions concerning any UC in the Central Texas or Chicago AOR.

PS: I have included my immediate Supervisor Mr. James De La Cruz on email as he is that al knowing all seeing UAC Oracle… LOL. He can also assist with any questions when it comes to our kiddos and level of care to you in DC. He is an amazing man that has steered this ship overseeing more than 175,000 kiddos in the last five years…

[redacted]

---

**From:** Lloyd, Scott (ACF)
**Sent:** Tuesday, March 14, 2017 1:51 PM
**To:** [redacted]
**Subject:** Quick thoughts

[redacted],

Just a few things, while they are fresh in my mind:

1) [redacted] said she preferred the food at Seton—that it wasn't Honduran enough at BCFS (she mentioned bananas, which I thought BCFS has, and soup). If there is a way to accommodate at BCFS with any food requests, please find a way. She's feeling very nauseous because of the pregnancy.
2) She also says she has pain in her arms and legs at night and thinks it might be the mattress. This is one to keep in mind, if there is an extra mattress laying around, maybe plywood instead of the planks underneath as you were saying at the extended care facility, maybe foam or something on top of the mattress. Something to look into.
3) [redacted]-please have her clinician keep a close eye on her. As I've said, often these girls start to regret abortion, and if this comes up, we need to connect her with resources for psychological and / or religious counseling. It's not going to affect some girls right away or at all. If there are any additional updates on her case, I'd like to know.
4) If things get dicey with [redacted] sponsor, I know a few good families with a heart for these situations who would take her in in a heartbeat and see her through her pregnancy and beyond [redacted] said she would accept this if things can't work out with her aunt soon. [redacted]

That's all I can think of right now. Thanks again for everything, and for the hard work and dedication of you and your team.

Scott

***

E. Scott Lloyd
U.S. Department of Health and Human Services
[redacted]



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[redacted]

**Cc:** [redacted]
**Subject:** RE: Heads up: UC requesting pregnancy termination

Great, I will let the staff asking me know. Thank you for the prompt reply.

---

**From:** Lloyd, Scott (ACF)
**Sent:** Tuesday, April 04, 2017 4:31 PM
**To:** White, Jonathan (ACF)
**Cc:** [redacted]
**Subject:** Re: Heads up: UC requesting pregnancy termination

Yes-- they were going to a CPC site today and we're going to proceed to discharge according to my understanding.

Thank you,
Scott

---

On: 04 April 2017 16:06, "White, Jonathan (ACF)" <Jonathan.White@ACF.hhs.gov> wrote:
Scott,

Were you able to speak with the pregnant girl at the SWK site (KAMM)? And if so, [redacted]

Jonathan

---

**From:** Lloyd, Scott (ACF)
**Sent:** Saturday, April 01, 2017 8:48 PM
**To:** White, Jonathan (ACF)
**Cc:** [redacted]
**Subject:** Re: Heads up: UC requesting pregnancy termination

Thx Jonathan. I'll be in the office Monday and half of Tuesday.

---

On: 01 April 2017 16:47, "White, Jonathan (ACF)" <Jonathan.White@ACF.hhs.gov> wrote:
Scott,

[redacted]

Jonathan

CDR Jonathan White
Deputy Director for Children's Programs
Office of Refugee Resettlement
Administration for Children and Families



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**Cc:** [redacted]
**Subject:** RE: Heads up: UC requesting pregnancy termination

Great, I will let the staff asking me know. Thank you for the prompt reply.

---

**From:** Lloyd, Scott (ACF)
**Sent:** Tuesday, April 04, 2017 4:31 PM
**To:** White, Jonathan (ACF)
**Cc:** [redacted]
**Subject:** Re: Heads up: UC requesting pregnancy termination

Yes-- they were going to a CPC site today and we're going to proceed to discharge according to my understanding.

Thank you,
Scott

---

On: 04 April 2017 16:06, "White, Jonathan (ACF)" <Jonathan.White@ACF.hhs.gov> wrote:
Scott,

Were you able to speak with the pregnant girl at the SWK site (KAMM)? And if so, [redacted]

Jonathan

---

**From:** Lloyd, Scott (ACF)
**Sent:** Saturday, April 01, 2017 8:48 PM
**To:** White, Jonathan (ACF)
**Cc:** [redacted]
**Subject:** Re: Heads up: UC requesting pregnancy termination

Thx Jonathan. I'll be in the office Monday and half of Tuesday.

---

On: 01 April 2017 16:47, "White, Jonathan (ACF)" <Jonathan.White@ACF.hhs.gov> wrote:
Scott,

[redacted]

Jonathan

CDR Jonathan White
Deputy Director for Children's Programs
Office of Refugee Resettlement
Administration for Children and Families



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4.) If the UC has not had her ultrasound yet, she should do so at the following place: http://www.cpcphoenix.org/ If she has had it, she does not need an additional ultrasound, but the grantee / field staff should set up a session of options counseling there.
5.) After the options counseling, if the UC still desires the abortion, and it is still within the window for a legal abortion, the UC must obtain parental consent, which will necessitate options counseling with them, plus signed, notarized declaration of consent.
6.) The UC should not be meeting with an attorney regarding her termination or otherwise pursuing judicial bypass at this point.

Please continue to update us as the stated guidance is being followed.

If you have any questions please feel free to contact [redacted] or me.

[redacted]

From: White, Jonathan (ACF)
Sent: Friday, March 24, 2017 12:04 PM
To: [redacted]
Cc: [redacted] De LA Cruz, James (ACF); Sualog, Jallyn (ACF); Swartz, Tricia (ACF); [redacted]
Subject: FW: Heads up: UC requesting pregnancy termination

[redacted],

I am writing to provide follow-up guidance from HHS Policy Team on the UC at SWK Casa Las Palmas who has requested abortion services [redacted]

Please see guidance below from Scott Lloyd. It covers next steps. Please let me know if you have any questions but please communicate with the medical provider and management of the shelter regarding these next steps. Don't hesitate to let me know any questions and please have SWK continue to update as plan elements are implemented. It sounds like gestational age is the next big question.

Thank you.

Jonathan

From: Lloyd, Scott (ACF)
Sent: Friday, March 24, 2017 11:21 AM



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To: White, Jonathan (ACF)
Cc: Tota, Kenneth (ACF); Bowman, Matthew (HHS/OGC)
Subject: RE: Heads up: UC requesting pregnancy termination

Jonathan,

As things stand now, the unborn child is a child our care, so the medical team should continue with standard prenatal care, as I believe is already the procedure.

It looks like there are issues in addition to the pregnancy, as she mentioned suicide and the clinician describes her demeanor as "obnoxious" and "sad." Clinician should work to identify any pressures that might be leading her to desire termination (does she feel pressure to get to work, is there emotional abuse, etc.) and what is leading to her sadness and anger. I am sure some of this work has already commenced, but it bears mention.

Along these same lines, let's make sure that she is aware of the option of having spiritual counseling that is sensitive to her religious preference.

Additionally, if she has not had her ultrasound yet, she should do so at the following place: http://www.cpcphoenix.org/ If she has had it, she does not need an additional ultrasound, but the grantee / field staff should set up a session of options counseling there.

Once we know the gestational age, that will be material, as it may already be too late to legally obtain an abortion.

After the options counseling, if she still desires the abortion, and it is still within the window for a legal abortion, she must obtain parental consent, which will necessitate options counseling with them, plus signed, notarized declaration of consent.

She should not be meeting with an attorney regarding her termination or otherwise pursuing judicial bypass at this point.

We'll work on formalizing these procedures, but we'll have to do it ad hoc for now.

Thank you,
Scott

***

E. Scott Lloyd
U.S. Department of Health and Human Services
[redacted]

[redacted]

**From:** De LA Cruz, James (ACF)
**Sent:** Monday, April 03, 2017 6:01 PM
**To:** White, Jonathan (ACF)
**Cc:** Sualog, Jallyn (ACF)
**Subject:** RE: Kokopelli Client
**Attachments:** FW: [redacted]

Hello Jonathan,

As of this afternoon the program has informed the UC mother and sponsor about the procedure which terminated [redacted] pregnancy. The FFS has approved the release and the program is working to transport the girl to her sponsor\brother. I asked the FFS to schedule the transport no sooner than 48 hours from now in the event that Senior Management has another request prior to discharge.

Please also see the attachments sent by the FFS last Friday and today.

James S. De La Cruz
DHHS/ACF/ORR/DCS
Senior Federal Field Specialist Supervisor
Office of Refugee Resettlement
Division of Children's Services
Mary E. Switzer Building, 5th Floor (Room: 5223)
330 C Street SW
Washington, DC 20201
[redacted]
http://www.acf.hhs.gov/programs/orr/programs/ucs

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**From:** White, Jonathan (ACF)
**Sent:** Thursday, March 30, 2017 1:17 PM
**To:** De LA Cruz, James (ACF)
**Cc:** Sualog, Jallyn (ACF)
**Subject:** Fw: Kokopelli Client

Jim,

Please provide Scott's direction, below, through FFS team to program, re UC pending release at Kokopelli.

Let me know if there are any questions.

Jonathan

CDR Jonathan White
Deputy Director for Children's Programs
Office of Refugee Resettlement



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Administration for Children and Families
Incident Commander, Unaccompanied Children Influx Response
[redacted]

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**From:** Lloyd, Scott (ACF)
**Sent:** Thursday, March 30, 2017 1:11:29 PM
**To:** White, Jonathan (ACF)
**Subject:** RE: Kokopelli Client

Thank you—the grantee or the federal field staff must notify her parents of the termination in this case.

This should happen alongside of resources to the UAC for post-abortion counseling as part of post-release care.

Please let me know there are any questions.

Scott

---

**From:** White, Jonathan (ACF)
**Sent:** Wednesday, March 29, 2017 10:07 PM
**To:** Lloyd, Scott (ACF)
**Subject:** Fw: Kokopelli Client

On the UC you asked me about today, [redacted] she is still physically in our care while her travel arrangements are finalized.

CDR Jonathan White
Deputy Director for Children's Programs
Office of Refugee Resettlement
Administration for Children and Families
Incident Commander, Unaccompanied Children Influx Response
[redacted]

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**From:** De LA Cruz, James (ACF)
**Sent:** Wednesday, March 29, 2017 9:57:54 PM
**To:** White, Jonathan (ACF)
**Subject:** Fw: Kokopelli Client

[redacted] informed me the program is still making travel arrangements. She is still physically at the program.

Jsd

---

**From:** De LA Cruz, James (ACF)
**Sent:** Wednesday, March 29, 2017 1:04:10 PM
**To:** [redacted] ACF)
**Subject:** RE: Kokopelli - [redacted]

Can you find out if she has physically left. If not does she have a travel date.



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**From:** [redacted]
**Sent:** Friday, March 31, 2017 8:03 PM
**To:** De LA Cruz, James (ACF)
**Cc:** [redacted]
**Subject:** FW: [redacted]
**Attachments:** Best Interests Recommendation for [redacted] Termination of pregnancy

Mr. De La Cruz,

I have attached the emails forwarded by the program, SWK Kokopelli, and by the assigned UC Child Advocate outlining their concerns in regards to the directives provided by ORR Headquarters in this case. I have reviewed the information and advised that I would be elevating the concerns.

Based on our staffing today, the review of the directives, and to provide clarity to said directives, the program and myself are being directed to:

(1) Immediately advise the UC that her mother will be notified and provided with information that; UC was impregnated in COO, UC terminated said pregnancy in the United States while in ORR Care despite the UC's affirmative declaration to keep said personal health information confidential.

(2) Immediately reevaluate the psychological state of UC after said disclosures and assess whether the UC is still willing to pursue placement with the current UC Sponsor, the UC's biological brother.

a. If the UC desires to proceed with stated placement, the UC will be advised that the UC Sponsor, the UC's biological brother, will also be advised that; UC was impregnated in COO and further that the UC terminated said pregnancy in the United States while in ORR Care, despite the UC's affirmative declaration to keep said personal health information confidential.
b. If the UC refuses to continue with stated placement, the program is to proceed with the disclosures noted in paragraph one and pursue contingent planning for the UC's placement with an alternate sponsor or for UC to continue in ORR care.

[redacted]

Thanks for your attention on this matter.

[redacted]



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## Gregg, Bobbie (ACF)

**From:** Wolff, Kate (ACF)
**Sent:** Wednesday, February 24, 2016 3:36 PM
**To:** Gregg, Bobbie (ACF); Cancian, Maria (ACF)
**Subject:** RE: 5:00 PM Meeting with Deputy Secretary

Late breaking update!

---

**From:** Wolff, Kate (ACF)
**Sent:** Wednesday, February 24, 2016 3:34 PM
**To:** Gregg, Bobbie (ACF); Cancian, Maria (ACF)
**Subject:** RE: 5:00 PM Meeting with Deputy Secretary

We are still working to get a final reconciled numbers for 2015, but here is a little more info:

| Calendar Year 2014 | |
|---|---|
| Pregnancies | 726 |
| Terminations | 5<br>(4 funded by ORR) |

| Calendar Year 2015 - Unreconciled | |
|---|---|
| Pregnancies | 450 est. |
| Terminations | 12<br>(6 funded by ORR) |

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**From:** Gregg, Bobbie (ACF)
**Sent:** Wednesday, February 24, 2016 2:45 PM
**To:** Cancian, Maria (ACF)
**Cc:** Wolff, Kate (ACF)
**Subject:** 5:00 PM Meeting with Deputy Secretary

[redacted]

[redacted]

Bobbie Gregg
Deputy Director, Children's Services
Office of Refugee Resettlement
[redacted]

**From:** White, Jonathan (ACF) [Jonathan.White@ACF.hhs.gov]
**Sent:** 3/10/2017 2:45:22 AM
**To:** Tota, Kenneth (ACF) [kenneth.tota@acf.hhs.gov]
**CC:** [redacted]
**Subject:** RE: pregnant girls estimate

[redacted]

**From:** Tota, Kenneth (ACF)
**Sent:** Thursday, March 09, 2017 9:45 PM
**To:** White, Jonathan (ACF)
**Cc:** [redacted]
**Subject:** Re: pregnant girls estimate

[redacted]

---

On: 09 March 2017 19:34, "White, Jonathan (ACF)" <Jonathan.White@ACF.hhs.gov> wrote:

Update: we now have the list of programs identified as having one or more pregnant UC sheltered:

Currently housing at least 1 pregnant UC as of 3/8/2017:

1. BCFS San Antonio
2. BCFS San Antonio TFC
3. Bokenkamp TFC
4. CC Fort Worth LTFC
5. CC Houston
6. Crittenton Shelter
7. IES Brownsville
8. IES Driscoll
9. IES Harlingen
10. IES Hidalgo
11. IES Palm Valley
12. IES San Benito
13. Seton Home
14. Southwest Key Campbell
15. Southwest Key Casa Phoenix
16. Southwest Key Casa Quetzal
17. Southwest Key Glendale
18. Youth For Tomorrow

Several of these are programs with faith-based objections to participating in abortion. We will do some targeted outreach tomorrow to the others.

Jonathan

CDR Jonathan White
Deputy Director for Children's Programs
Office of Refugee Resettlement
Administration for Children and Families
Incident Commander, Unaccompanied Children Influx Response
[redacted]

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**From:** White, Jonathan (ACF)
**Sent:** Thursday, March 9, 2017 6:56:36 PM
**To:** Tota, Kenneth (ACF)
**Cc:** [redacted]
**Subject:** FW: pregnant girls estimate

Ken,

To respond to Scott's request earlier this week, the DHUC staff and DUCO Data Team have identified ***38 pregnant girls currently in ORR care*** as of yesterday's date. They are in 18 programs (which I have asked to have identified if possible so we can specifically follow up with each program. This estimate is based on a cross-check of data pulled from pregnancy-related Treatment Authorization Requests, UAC Medical Module Portal data, Serious Incident Reports, and verification calls to the programs. As I indicated to Scott earlier this week, this is not 100% foolproof data but our best available estimate from the data.

I will provide to Scott once you OK me to do so.

[redacted]

Jonathan