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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

Jenny Flores, *et al.*,

Plaintiffs,

v.

Pamela Bondi, Attorney General of the
United States, *et al.*,

Defendants.

Case No. CV 85-4544-DMG-AGRx

**PLAINTIFFS' RESPONSE TO DECEMBER
1, 2025 SUPPLEMENTAL ICE JUVENILE
COORDINATOR REPORT AND DATA**

Judge: Hon. Dolly M. Gee

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TABLE OF EXHIBITS

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Exhibit No.	Exhibit Description
1	Declaration of Javier Hidalgo, December 8, 2025 ("Hidalgo Decl.")
2	Declaration of Leecia Welch, December 8, 2025 ("Welch Decl.")
3	J.R.F. Declaration (Dilley), September 9, 2025 ("J.R.F. Decl.")
4	Z.F. Declaration (Dilley), September 10, 2025 ("Z.F. Decl.")
5	I.B. Declaration (Dilley), September 11, 2025 ("I.B. Decl.")
6	N.V.S.M. Declaration (Dilley), November 17, 2025 ("N.V.S.M. Decl.")
7	C.R.G. Declaration (Dilley), November 18, 2025 ("C.R.G. Decl.")
8	A.K. Declaration (Dilley), November 19, 2025 ("A.K. Decl.")
9	M.M.S. Declaration (Dilley), November 18, 2025 ("M.M.S. Decl.")
10	M.R.P. Declaration (Dilley), September 11, 2025 ("M.R.P. Decl.")
11	N.G.C. Declaration (Dilley), October 10, 2025 ("N.G.C. Decl.")
12	L.R.L. Declaration (Dilley), October 9, 2025 ("L.R.L. Decl.")
13	J.V.D.A. Declaration (Dilley), September 10, 2025 ("J.V.D.A. Decl.")
14	K.M.L. Declaration (Dilley), October 10, 2025 ("K.M.L. Decl.")
15	N.G. Declaration (Dilley), November 21, 2025 ("N.G. Decl.")
16	K.V.L. Declaration (Dilley), October 9, 2025 ("K.V.L. Decl.")
17	V.L.G. Declaration (Dilley), October 9, 2025 ("V.L.G. Decl.")
18	N.C.G. Declaration (Dilley), September 11, 2025 ("N.C.G. Decl.")
19	D.C.R.R. Declaration (Dilley), November 21, 2025 ("D.C.R.R. Decl.")
20	S.M.G. Declaration (Dilley), October 9, 2025 ("S.M.G. Decl.")
21	N.T.G. Declaration (Dilley), September 10, 2025 ("N.T.G. Decl.")
22	Q.G. Declaration (Dilley), September 10, 2025 ("Q.G. Decl.")
23	A.T.L. Declaration (Dilley), September 11, 2025 ("A.T.L. Decl.")

Previously Filed Declarations

Docket No.	Description
1656-5	Ex. 4 to Pls.' Resp. to Sept. 2025 Suppl. JC Reports and Data, C.H. Declaration (Dilley), July 28, 2025 [Doc. # 1656-5] ("C.H. Decl.")
1656-15	Ex. 14 to Pls.' Resp. to Sept. 2025 Suppl. JC Reports and Data, K.M. Declaration (Dilley), July 28, 2025 [Doc. # 1656-15] ("K.M. Decl.")
1656-8	Ex. 7 to Pls.' Resp. to Sept. 2025 Suppl. JC Reports and Data, A.D.C. Declaration (Dilley), September 9, 2025 [Doc. # 1656-8] ("A.D.C. Decl.")
1656-12	Ex. 11 to Pls.' Resp. to Sept. 2025 Suppl. JC Reports and Data, E.O.N.M. Declaration (Dilley), July 28, 2025 [Doc. # 1656-12] ("E.O.N.M. Decl.")
1656-4	Ex. 3 to Pls.' Resp. to Sept. 2025 Suppl. JC Reports and Data, C.G.V. Declaration (Dilley), July 28, 2025 [Doc. # 1656-4] ("C.G.V. Decl.")
1656-17	Ex. 16 to Pls.' Resp. to Sept. 2025 Suppl. JC Reports and Data, M.O. Declaration (Dilley), July 29, 2025 [Doc. # 1656-17] ("M.O. Decl.")

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I. INTRODUCTION

Pursuant to the Court’s September 26, 2025 Order, Doc. # 1672, and in accordance with Paragraphs 28A and 30 of the *Flores* Settlement Agreement (“FSA”), the Juvenile Coordinator (“JC”) for U.S. Immigration and Customs Enforcement (“ICE”) filed a supplemental annual report on December 1, 2025. ICE Juvenile Coordinator Suppl. Report, Doc. # 1692-4 (“ICE JC supplemental report”).

The ICE JC supplemental report confirms Plaintiffs’ ongoing concern that ICE remains woefully out of compliance with the FSA’s requirements “to treat all minors in its custody with dignity, respect and special concern for their vulnerability as minors,” to maintain “safe and sanitary” detention conditions, and to “place each detained minor in the least restrictive setting appropriate to the minor’s age and special needs.” FSA ¶¶ 11, 12.A. The ICE JC supplemental report admits that extended length of stay is a “widespread operational challenge,” that a “comprehensive education program [is] not in place,” that recreation has not been provided in compliance with the FSA, that a new orientation video is being used in lieu of know your rights trainings, and that lights are kept on all night in children’s sleeping areas. ICE JC Suppl. Report at 2, 10, 13, 15-16, 30, and 32. Despite these admissions and the overwhelming evidence from class members documenting FSA violations, the ICE JC supplemental report assures this Court that ICE is a “model of regulatory compliance and humane care.” *Id.* at 41. Not so. Defendants’ actions continue to flagrantly violate the FSA and this Court’s orders.

II. ICE continues to violate the *Flores* Settlement Agreement.

The ICE JC supplemental report confirms that class members remain detained at the South Texas Family Residential Center in Dilley, Texas (“Dilley”) for prolonged periods of time in violation of this Court’s prior orders. *Id.* at 2-3. The ICE August 2025 20-Day Report, Doc. # 1692-6 (“Aug. census chart”) and the ICE September 2025 20-Day Report, Doc. # 1692-9 (“Sept. census chart”) (collectively “census charts”) show hundreds of children are being detained for a month or longer for reasons that do not indicate imminent removal despite the government’s assurances of their “efforts to minimize detention.” ICE JC Suppl. Report at 16; *see also* Hidalgo Decl. ¶¶ 9-12. ICE

1 detained nearly 400 children for more than 20 days in August and September 2025 alone.
2 ICE JC Suppl. Report at 2. More than 150 of these children appear detained for more than
3 30 days. Sept. census chart; Aug. census chart.¹ In September 2025, over 200 children
4 were held in ICE detention for at least 20 days, over 50 children were held for at least 30
5 days, and over 25 for at least 40 days, not counting time in hotels or transit. Sept. census
6 chart. Children on the September census report may have even longer lengths of stay,
7 because the chart does not show later book out dates. *Id.*

8 Defendants' claims of "substantial compliance" with the FSA fall flat. ICE JC
9 Suppl. Report at 16. Defendants have not addressed the vast majority of the violations at
10 Dilley that *Flores* counsel have been communicating in meet and confer letters since May
11 2025. Welch Decl. ¶¶ 2-3, 5, 11; Hidalgo Decl. ¶¶ 7-8. Ongoing FSA violations include:
12 inadequate medical care, lack of access to know your rights trainings, lack of access to
13 legal counsel, lack of access to varied child-friendly foods and snacks, the inability of
14 class members to sleep due to lights on in their living areas all night, lack of access to
15 appropriate hygiene products, lack of free calls to family members, and lack of adequate
16 education and recreation. Welch Decl. ¶ 3; *see also* Hidalgo Decl. ¶¶ 23-25, 28-29. In
17 addition, in recent weeks, conditions and treatment appear to have worsened with
18 families reporting horrific concerns, such as denial of critical medical care, worms and
19 mold in their food resulting in children becoming ill, and threats of family separation by
20 officers and staff. Welch Decl. ¶ 4; Hidalgo Decl. ¶¶ 23, 27, 29. Families report that their
21 children are weak, faint, pale, and often crying because they are so hungry. Welch Decl. ¶
22 4.

23 ¹ The census chart states: "Facility Length of Stay was determined by calculating the time
24 (in days) between Apprehension Date and either Book-out Date or 8/31/2025 for those
25 who remain in custody." Aug. census chart at 1. The same language appears in the
26 September census chart with 9/30/2025 as the cutoff date. Sept. census chart at 1.
27 Accordingly, the full length of stay in the "FLOS" column may be much longer for
28 families that remained in custody past September 30, 2025. Families without a listed
book out date have longer stays than the number listed in their "20 Day Case Review"
column, *e.g.*, one child remained detained 69 days with FLOS listed as 47 in Sept. census
chart at 8.

1 Plaintiffs' counsel have conducted six site visits at Dilley since Defendants began
2 detaining families there in April 2025. *Id.* ¶ 2. After each site visit, Plaintiffs' counsel
3 have provided Defendants with a detailed, comprehensive list of *Flores* violations. *Id.* ¶
4 5. As directed by Defendants, Plaintiffs have also raised emergency time-sensitive
5 concerns about particular children via email on multiple occasions, which have largely
6 gone unanswered. *Id.* ¶ 5. Plaintiffs and Defendants have met and conferred five times
7 about the *Flores* violations at Dilley identified in Plaintiffs' correspondence. *Id.* ¶ 5. On
8 October 6, 2025, Defendants stated they would be following up with a comprehensive
9 written response to Plaintiffs' letters. To date, Defendants have not done so. *Id.* ¶ 5. The
10 vast majority of information in the ICE JC supplemental report has not been previously
11 shared with Plaintiffs despite many attempts to resolve FSA violations through the meet
12 and confer process. *Id.* ¶ 5.

13 **A. Children Are Subjected to Prolonged ICE Detention.**

14 **1. Unlawful Prolonged Detention at Dilley FRC**

15 The Court ordered the ICE JC to file a supplemental report including “a census of
16 minors who were held in ICE facilities or ICE-contracted facilities for over 72 hours
17 during the months of August and September 2025” and “a detailed explanation as to the
18 reason(s) for the prolonged detention of minors in excess of 20 days and for housing in a
19 hotel.” Order re September 22, 2025 Status Conference, Doc. # 1672 at 2.

20 The supplemental ICE census data reveals hundreds of children with prolonged
21 lengths of detention in excess of twenty days with little to no justification since Dilley
22 opened. ICE detained nearly 400 children for more than 20 days in the August and
23 September census data alone. ICE JC Suppl. Report at 2. The minimal explanations listed
24 in the census charts again demonstrate that Defendants are failing to comply with their
25 obligations to release children without unnecessary delay and make and record prompt
26 and continuous efforts toward family reunification and release. FSA ¶¶ 14, 18; *see also*
27 Hidalgo Decl. ¶¶ 9-11, 14-15 (noting that RAICES attorneys have “notified Defendants
28 of at least one hundred forty-seven (147) unique instances of what appear to be
unnecessary delay of class member's release” since April).

Flores counsel monitoring visits confirm that children and families are being detained for alarming amounts of time. Welch Decl. ¶ 24-25; *See also* Hidalgo Decl. ¶¶ 9-11. In July, Plaintiffs' counsel met with several children who had been detained for two or more months. Welch Decl. ¶ 24. In September, counsel learned there were families detained at Dilley for approximately 98 days (five children), 74 days (one child), 63 days (one child), and 55 days (three children). Welch Decl. ¶ 24; *see also* J.R.F. Decl. ¶ 4 (30 days at Dilley); Z.F. Decl. ¶¶ 17, 26, 31, 34, 38 (16 days in CBP followed by 60 days at Dilley); I.B. Decl. ¶ 5 (36 days at Dilley). In November, Plaintiffs' counsel met with 13 children who had been in custody for 40 to 70 days and identified families who had been at Dilley for 168 days (five children), 64 days (two children) and 56 days (three children). Welch Decl. ¶ 25. At the time of the November monitoring visit, 81 families, including approximately 115 children, had already been detained at Dilley for 21 days. Welch Decl. ¶ 25; *see also* N.V.S.M. Decl. ¶ 4 (41 days at Dilley); C.R.G. Decl. ¶ 4 (56 days at Dilley); A.K. Decl. ¶ 2 (52 days at Dilley); M.M.S. Decl. ¶ 4 (46 days at Dilley).

2. Lack of sufficient explanations to lawfully justify prolonged detention

ICE admits that "extended custody" of children is a "widespread operational challenge." ICE JC Suppl. Report at 2. The ICE JC supplemental report identifies the main reasons for extended stays as: "transportation delays," "medical needs,"² and "legal processing." *Id.* at 2. But the accompanying census charts provide no explanation as to why individual children stay in detention for over 20 days when removal is not imminent. Sept. census chart; Aug. census chart; Order re Plaintiffs' Motion to Enforce and Appoint a Special Monitor, June 27, 2017, Doc. # 363 ("June 2017 Order") at 31 ("[U]se of the expedited removal procedure does not automatically render the Agreement's preference-for-release provision inapplicable"); Welch Decl. ¶ 26 (Defendants have no response about why children are held when removal is not imminent); Hidalgo Decl. ¶ 12-15 (ICE

² Multiple class members' accounts of being denied needed medical care while at Dilley undercut the ICE JC supplemental report's claim that detaining children longer than 20 days is necessary for medical treatment. *See infra* II.B.2.

1 does not provide reason for prolonged detention, just says some families will be detained
2 indefinitely, and does not factor in *Flores* mandates when assessing release).³

3 ICE admits to holding children for months based on “administrative stay reviews,”
4 “judicial stay reviews,” and “documentation verification,” with no release option even
5 though these children are not imminently removable based on the plain posture of their
6 immigration cases. ICE JC Suppl. Report at 3; Aug. census chart (Many families
7 remained detained over 20 days at Dilley including after “USCIS issued positive finding
8 decision and subsequently issued a Notice to Appear [because] [d]etention was continued
9 for the scheduled administrative hearing.”); Sept. census chart (same). In fact, the reason
10 given for the length of stay for all 399 children is simply “Immigration and Nationality
11 Act (8 U.S.C. 1101 et seq.).” Aug. census chart; Sept. census chart.

12 Furthermore, in the “20 Day Case Review” column, there is no indication of
13 individualized determinations of flight risk or child-specific concerns other than vague
14 descriptions like “detention was continued for their scheduled administrative
15 proceedings” or “pending USCIS finding.” Aug. census chart; Sept. census chart; *see*
16 *also* Hidalgo Decl. ¶ 16 (stating the family’s current immigration case status is not a
17 lawful justification as to why detention has passed 20 days under *Flores*). This Court has
18 previously found such vague explanations insufficient to show Defendants are meeting
19 their obligations under the Settlement. *See* Order re Plaintiffs’ Motion to Enforce, April
20 24, 2020, Doc. # 784 (“April 2020 Order”) at 15-16 (noting that ICE’s “spreadsheet does
21 not contain information about flight risk or other factors leading to a denial of release”
22

23 ³ Families similarly report that they are being detained for prolonged periods without
24 explanation. N.V.S.M. Decl. ¶ 19 (family followed judge's orders to apply for asylum in
25 November but told must remain detained until a January court date); C.R.G. Decl. ¶ 5
26 (After 56 days at Dilley, mother has not been told how long she and her family will
27 remain detained nor received any information about release); Hidalgo Decl. ¶ 12
28 (“[S]ince the beginning of April 2025, which is when ICE began detaining families in
Dilley anew, we have notified Defendants of at least one hundred fifty (150) unique
instances of what appear to be *unnecessary* delay of a class member’s release.”)
(emphasis added).

1 and merely states reasons such as “pending IJ hearing/decision” or “pending USCIS
2 response”).

3 The census charts suggest that Defendants are not exercising due diligence to
4 promptly screen families for relief to determine whether removal is imminent or
5 individually evaluating non-imminently removable class members for release. *Compare*
6 ICE JC Suppl. Report at 16 with Aug. census chart and Sept. census chart; *see* Ex. 4 to
7 Pls.’ Resp. to Sept. 2025 Suppl. JC Reports and Data, [Doc.# 1656-5] C.H. Decl. ¶ 47
8 (CFI occurred a month prior); Ex. 14 to Pls.’ Resp. to Sept. 2025 Suppl. JC Reports and
9 Data, [Doc.# 1656-15] K.M. Decl. ¶¶ 5-6. 29, 42-44 (Family expressed fear upon
10 apprehension, but spent 18 days in CBP followed by 14 days at Dilley, as well as a day
11 when ICE attempted to put them on a plane, before receiving a CFI screening); N.G.C.
12 Decl. ¶ 20; Hidalgo Decl. ¶¶ 15-19. Defendants continue to rely on delayed screening
13 and ongoing proceedings to justify children’s prolonged detention. For example, one
14 family spent 51 days in custody before release because “[d]etention was continued
15 pending the immigration judge hearing. Detentin [sic] was further continued during the
16 appeal period while the FAMU filed an appeal with the BIA.” Sept. census chart at 9.
17 Another child remained detained by ICE for over two months, from June 17, 2025 to
18 August 28, 2025, and the only stated reason for this prolonged detention is “[d]etention
19 was continued pending a scheduled administrative hearing. Due to the credibility with
20 head of household’s testimony, the immigration judge delayed the issuance of a written
21 decision.” Aug. census chart at 2. A third young child was similarly held at Dilley for 56
22 days, from June 16, 2025 to August 13, 2025, and the only explanation provided is
23 “Detention was continued pending the immigration judge review.” *Id.* at 4. Legal services
24 providers working with class members at Dilley also report that ICE is increasingly
25 refusing to release children at Dilley simply because they have a pending immigration
26 case. Hidalgo Decl. ¶¶ 14-19 (“It has become more common, and recently has become
27 the norm, that ICE-ERO indicates an intent to not consider *Flores* protections when
28 making release decisions.”) In fact, there has been a “marked decrease” in Defendants’
efforts to release class members. Hidalgo Decl. ¶ 19. Class members cannot be detained

1 for these long periods simply because they have a pending immigration proceedings. June
2 2017 Order at 24-26, 30-31; Hidalgo Decl. ¶ 16.

3 As this Court has already held, prolonged detention when removal is not imminent
4 or “ready to take place” is a violation of paragraphs 14 and 18 of the FSA. *See* April 2020
5 Order at 13-14. Additionally, continued detention of class members, even where the child
6 has a final removal order, is a violation of FSA paragraph 14 *unless* ICE has provided an
7 individualized assessment that determines continued detention is necessary for safety or
8 because of a flight risk. *Id.* at 17-18. Despite the ICE JC supplemental report’s assertion
9 that flight risk assessments are occurring, nothing in the census charts indicates that they
10 occur. *See, e.g.*, Aug. census chart (no mention of flight risk); Sept. census chart (same);
11 L.R.L. Decl. ¶ 39 (“We have not heard of an individual release hearing or had a chance to
12 explain why we shouldn’t be here anymore.”); N.V.S.M. Decl. ¶ 47 (same).

13 **3. Prolonged detention of children in hotels**

14 This court has issued orders limiting the use of hotels to “*brief* hotel stays (not
15 more than 72 hours) as necessary and in good faith to alleviate bottlenecks in the intake
16 processes at licensed facilities.” Order re Defendants’ *Ex Parte* Application to Stay,
17 September 21, 2020, Doc. # 990 at 5; *see also* Order re Plaintiffs’ Motion to Enforce
18 Settlement as to “Title 42” Class Members, September 4, 2020, Doc. # 976 at 17
19 (permitting exceptions “for one to two-night stays while in transit or prior to flights”).
20 The ICE August 2025 72-Hour Report, Doc. # 1692-5 (“Aug. 72-hour report”) and the
21 ICE September 2025 72-Hour Report, Doc. 1692-8 (“Sept. 72-hour report”) again reveal
22 unexplained prolonged detention of children in hotels that appear to violate those orders.
23 Plaintiffs’ counsel have raised concerns regarding prolonged detention in hotels with
24 Defendants regarding the August 2025 data and received no response. Welch Decl. ¶ 5
25 n.1. Several entries ICE identified as spending over 72 hours also lack a clear explanation
26 for why class members were held in hotels. 72+ hours in a hotel in August 2025, Doc. #
27 1692-7; 72+ hours in a hotel in September 2025, Doc. # 1692-10.

28 Additionally, Plaintiffs again question the reliability of Defendants’ data. The ICE
JC supplemental report only lists 4 children who spent over 72 hours in a hotel in August

1 and 3 children in September, erroneously excluding several children who spent more than
2 72 *cumulative* hours held in hotels. *E.g.*, Aug. 72-hour report at 13 (15 days in 5 hotels),
3 *id.* at 9-10 (10 days in 4 hotels); *id.* at 2 (4 nights in 2 hotels); *id.* at 3 (4 nights in 2
4 hotels); *id.* at 3 (4 nights in 4 hotels); *id.* at 3 (89 hours in hotel). The Aug. 72-hour report
5 provides no explanations for why these children remained in hotels. *Id.* ICE cannot evade
6 the Court's prior order by moving children to different hotels every few days. The
7 exclusion of these children from ICE's 72-hour list raises questions as to ICE's
8 methodology and suggests ICE is grossly undercounting the number of children detained
9 in hotels for more than 72 hours.

10 Plaintiffs' counsel are concerned by the alarming trend toward longer, unjustified
11 detention of children – both at Dilley and in irregular placements like hotels – in violation
12 of prior, clear orders from this Court.

13 **B. Conditions of Detention at Dilley Continue to Violate the FSA.**

14 Children's prolonged detention at Dilley is particularly concerning given the
15 ongoing, widespread FSA violations reported by countless families. Plaintiffs' counsel
16 have met with approximately 100 families at Dilley since it was re-opened in April 2025.
17 Welch Decl. ¶¶ 2, 11. Class members and their families consistently report serious
18 concerns with Dilley's secure, prison-like environment, including inadequate medical
19 care, lack of access to know-your-rights trainings, lack of access to legal counsel, lack of
20 access to varied, child-friendly foods and snacks, the inability of class members to sleep
21 due to lights kept on in their living areas all night, lack of access to adequate or sufficient
22 hygiene products, lack of free calls to family members, and lack of adequate education
23 and recreation. Welch Decl. ¶¶ 3, 12.

24 ***1. Children are detained for prolonged periods in an unlicensed, secure prison-
25 like environment.***

26 Dilley is a 56-acre unlicensed, secure ICE facility located in Dilley, Texas. Welch
27 Decl. ¶ 7. The facility continues to operate under a contract with CoreCivic, one of the
28 largest for-profit prison contractors in the United States. *Id.* ¶ 7. The perimeter of the

1 facility is surrounded by a high metal fence. Ex. 7 to Pls.’ Resp. to Sept. 2025 Suppl. JC
2 Reports and Data, [Doc.# 1656-8] A.D.C. Decl. ¶ 18; Welch Decl. ¶ 7. To enter the
3 facility, visitors must proceed through a locked trailer-style building, be subjected to an
4 extensive search for “contraband” items, and pass through a metal detector. *Id.* ¶ 7.

5 Children at Dilley continue to report feeling like prisoners locked up in isolated,
6 cell-like trailers. *See, e.g.*, I.B. Decl. ¶ 59 (“We are hoping that lawyers can . . . make sure
7 that children can be released from these prisons.”); M.M.S. Decl. ¶ 29 (“This place
8 definitely feels like a jail. There is no other way to describe it; it’s a jail for children.”);
9 A.D.C. Decl. ¶ 18 (“We know we are like prisoners here”); N.G.C. Decl. ¶ 5 (“It’s a
10 prison here – it is truly a living hell.”); I.B. Decl. ¶ 32 (“My older son is now becoming
11 so depressed because this is a horrible place for a child.”). In some cases, families report
12 sharing their living quarters with up to five other families. N.V.S.M. Decl. ¶ 22 (“Our
13 room now has 12 people in it. It’s totally packed.”); C.R.G. Decl. ¶ 10 (living with five
14 other moms and their kids); M.M.S. Decl. ¶ 22 (living with four other moms and their
15 daughters).

16 In addition, families continue to report having difficulty sleeping because lights are
17 kept on in living areas throughout the night. J.R.F. Decl. ¶ 15 (“The lights are on all the
18 time.”); J.V.D.A. Decl. ¶ 28 (“The lights are on all the time and the guards’ radios are so
19 loud.”); Z.F. Decl. ¶ 67 (“Two of the lights must be on in our room at all times, including
20 nights.”); K.M.L. Decl. ¶ 20 (“Some of the lights are on all the time.”); A.K. Decl. ¶ 27
21 (“If I could change one thing here, it would be . . . turning the lights off at night”);
22 N.G. Decl. ¶ 7 (“[We] have asked why adults and children have to sleep with the lights
23 on.”); Ex. 11 to Pls.’ Resp. to Sept. 2025 Suppl. JC Reports and Data, [Doc.# 1656-12]
24 E.O.N.M. Decl. ¶ 13 (“If you put a blanket over your face in bed to not see the light, the
25 staff will come in the night and pull it off.”).

26 Class members continue to report distress at being separated from one of their
27 parents in the evenings and during other periods throughout the day. E.O.N.M. Decl. ¶ 4
28 (“The thing we wish the most is that we could all stay together the four of us.”). ICE holds
dual household families in separate zones – with mothers and children generally in one

1 zone and fathers living separately in another zone. J.V.D.A. Decl. ¶ 27 (“My husband is in
2 a different part of the facility with other dads. We don’t understand why he can’t stay with
3 us since we have our own room.”); K.V.L. Decl. ¶ 28 (“My husband stays separately from
4 us, with all the other fathers.”). Although families are allowed to be together during periods
5 of the day, fathers are separated from their children after 8 pm, which is upsetting to many
6 children. E.O.N.M. Decl. ¶ 8 (sister cried every night because she was separated from her
7 other sibling staying with their father); A.D.C. Decl. ¶ 22 (“My wife has shared that
8 children are really suffering who are separated from their fathers. Last night, she heard a
9 child crying around 1 a.m. When she went to check, the mom said that it was really hard
10 on her because she was used to sleeping with both her parents but, here, she is only able to
11 sleep with her mom.”). There are also limited places to be together as a family during the
12 day, as fathers are not permitted in their wives’ and children’s living quarters and vice
13 versa. J.V.D.A. Decl. ¶ 32 (“I am not allowed to leave my daughter ever. Also, the guards
14 won’t let my husband watch her if I’m not there. If I want to take a small break, lie down,
15 or take a shower, I have to be with my daughter at all times.”).

16 ***2. Dilley still provides dangerously inadequate medical care to children.***

17 Contrary to the ICE supplemental report, families continue to report serious
18 concerns with medical care at Dilley. Welch Decl. ¶ 13; Hidalgo Decl. ¶ 30 (Dilley
19 families have raised concerns over inadequate medical care to RAICES attorneys on at
20 least 360 occasions). Most recently, families reported children becoming sick from eating
21 contaminated food and receiving inadequate medical care. *See infra* Part II.B.4. Medical
22 staff told one family whose child got food poisoning to only return if the child vomited
23 eight times. Welch Decl. ¶ 13. A staff member hit another child in the eye with a mop,
24 resulting in bleeding, severe irritation, and vision impairment – yet Dilley’s medical staff
25 did not see her for two days and provided no treatment. K.V.L. Decl. ¶¶ 22-27 (“We are
26 worried she will have long-term eye issues.”). A staff member broke another child’s foot
27 by dropping a volleyball net pole on him, and ICE had not yet approved a referral to an
28 orthopedic specialist. V.L.G. Decl. ¶¶ 5-8. An 11-year-old girl’s severe ear infection

1 caused hearing loss, but Dilley's medical staff did not provide a thorough medical exam.
2 N.G. Decl. ¶¶ 12-14. Children report distress from medical unit staff denying treatment or
3 making them wait days for diagnoses when they felt sick and feverish. Welch Decl. ¶ 13;
4 *see, e.g.*, D.C.R.R. Decl. ¶¶ 4-6 (ten-year-old with Hirschsprung's denied medical
5 attention until eighth day at Dilley and denied accommodations thereafter); S.M.G. Decl.
6 ¶ 5 (two-year-old with fever and diarrhea was denied treatment for one week before she
7 was diagnosed with flu and provided rehydration fluids); A.K. Decl. ¶ 16 (two-year-old
8 with fever and ear infection had to wait three days for diagnosis and was denied further
9 testing when infection spread); N.V.S.M. Decl. ¶¶ 34-35 (14-year-old with congestion
10 and sore throat denied consultation with doctor); C.H. Decl. ¶¶ 31-32 (six-year-old
11 denied cavity treatment). In one instance, class members watched in terror as a pregnant
12 woman fainted and seized for an extended time before medical support arrived. J.R.F.
13 Decl. ¶ 41; M.R.P Decl. ¶ 61; N.C.G. Decl. ¶ 11.

14 Additionally, obtaining needed medications, and even non-prescription and basic
15 health items like diaper cream, remains extremely challenging due to early pill window
16 times and long lines. J.V.D.A. Decl. ¶ 33 (had to go to medical unit twice a day to get a
17 "little lick of cream" for child's allergic reaction); Z.F. Decl. ¶ 71 (family had to wait in
18 pill line for medicine three times per day and it would take them several hours a day
19 because wait times were so long); V.L.G. Decl. ¶ 10 (family had to wait in pill line for 30
20 minutes twice a day for son's medication); A.D.C. Decl. ¶ 12 (father had to wait in line at
21 7 a.m., 1 p.m., and 7 p.m. to get a tablespoon of diaper cream for his son); *see also* N.G.
22 Decl. ¶ 11.

23 For children with disabilities and other previously-diagnosed medical conditions,
24 detention in secure and restrictive facilities, prolonged separation from their medical
25 providers, and interruption of their medical care plans cause dangerous deterioration of
26 their health. Welch Decl. ¶ 14. For example, over the past three months, a child on the
27 autism spectrum regressed developmentally from missing needed therapies and the harsh
28 conditions at Dilley. A.D.C. Decl. ¶¶ 6, 9-12 (nine-year-old child on autism spectrum not
receiving needed therapies, vomiting from harsh chemical smell in bathrooms, and

1 regressing to the point of soiling himself and needing diapers). Another child with
2 Hirschsprung's disease suffered horribly due to a change in medication and diet that
3 caused her to go 10 days without a bowel movement. D.C.R.R. Decl. ¶ 4 (child "cried in
4 pain the entire time" once she finally had a bowel movement and had "blood in her
5 stool"). One child's pain-management plan for serious injuries to his back and arms was
6 so disrupted at Dilley that he could barely walk. N.C.G. Decl. ¶ 8 ("[T]hey haven't given
7 us anything that will help his pain here."); *see also* V.L.G. Decl. ¶ 9 (epileptic class
8 member's medication type and dosage, that he had been taking since he was three, was
9 changed without explanation).

10 Parents also consistently report concerns regarding their children's mental health.
11 Regression in their children's development is particularly upsetting, including children
12 hitting themselves in the face, becoming aggressive, and frequently wetting themselves
13 after years of being potty trained. *See* A.K. Decl. ¶ 20 (one-year-old has "start[ed] hitting
14 himself in the face"); K.V.L. Decl. ¶ 16 (six-year-old "has started to wet her pants again
15 since coming [here]"); A.D.C. Decl. ¶ 23 (nine-year-old has started needing "to wear
16 diapers . . . [and] we have also seen an increase in tantrums, yelling and having episodes.
17 . . ."). Numerous families report kids being constantly on-edge, anxious, stressed, and
18 depressed. I.B. Decl. ¶ 34 (seven-year-old son "cries constantly, he is volatile and
19 emotional"); N.V.S.M. Decl. ¶ 33 ("I feel very sad and stressed to be here. Sometimes I
20 have anxiety attacks here. My nerves are so high. I don't know what is happening. My
21 muscles will twitch because I'm so nervous and on edge."); Ex. 3 to Pls.' Resp. to Sept.
22 2025 Suppl. JC Reports and Data, [Doc.# 1656-4] C.G.V. Decl. ¶ 13 ("My daughter is
23 suffering here. She wakes up in the middle of the night from nightmares, and she cries at
24 night."). S.M.G. Decl. ¶ 9 ("[My] two year old is always anxious and cannot be still or
25 stay in one place."); K.M.L. Decl. ¶ 26 ("We are locked in here and that it [sic] is
26 difficult. My baby is frustrated and stressed."). Worsening the already difficult physical
27 detention for many families, mental health care at Dilley is sorely lacking. *See, e.g.,*
28 J.R.F. Decl. ¶ 22 ("We've seen the psychologist here, and I told her my daughter is
anxious and biting her nails. She just said, 'don't do that' and then they draw."); N.G.

Decl. ¶ 16 (“Some people asked for a psychologist and were told that they could be given pills to sedate their children which would make them like vegetables.”).

The ICE JC supplemental report notes that “[i]nspection checklists from the CSO highlighted the importance of 24-hour medical care availability and emphasized ongoing staff training in handling medical emergencies,” but provides no information about the providers’ specific certifications or how medical services for children are monitored. ICE JC Suppl. Report at 9.⁴ ICE’s brief discussion of medical services provided at Dilley similarly lacks sufficient detail to support an inference of FSA compliance, particularly in the face of Plaintiffs’ frequent communications with class members about their urgent medical issues. *Id.*; Welch Decl. ¶¶ 3, 5.

3. Children are still not being provided know-your-rights trainings and lack sufficient access to legal counsel.

Contrary to the assertions in the ICE JC supplemental report, children and families at Dilley continue to report that they are not apprised of their rights under *Flores*, including their right to access legal counsel. Welch Decl. ¶ 15. The ICE JC supplemental report claims “ICE facilities are required to provide free phone calls to legal counsel” and that “[l]egal orientation programs (LOPs) are made available to educate minors about immigration proceedings, their rights, and available legal options.” ICE JC Suppl. Report at 33. However, at the November 18-19, 2025 site visit and long before then, class members reported never receiving a legal orientation program, having challenges accessing their immigration lawyers, and not being able to call their immigration lawyers for free. Welch Decl. ¶¶ 15-16; Hidalgo Decl. ¶¶ 24-25 (RAICES not permitted to conduct know-your-rights trainings for class member at Dilley despite requests and LOPs have been discontinued).

Plaintiffs have repeatedly voiced concern that there is still no legal orientation program or know-your-rights program for families at Dilley despite the availability of

⁴ Plaintiffs’ counsel have asked for information regarding medical services and protocols utilized at Dilley repeatedly, but such information has never been provided. Welch Decl. ¶ 10.

1 willing legal services providers to conduct such trainings on a weekly basis. J.R.F. Decl.
2 ¶ 34 (“When we arrived at Dilley, there was an orientation that was about four minutes
3 long and a handout in English. Someone translated it. It didn’t say anything about *Flores*.
4 I only heard of *Flores* through RAICES.”); J.V.D.A. Decl. ¶ 43 (“We did not receive any
5 Know Your Rights training.”); N.T.G. Decl. ¶ 14 (“We have never received any ‘know
6 your rights’ trainings or handouts about my rights under *Flores*.”); Z.F. Decl. ¶¶ 51-52
7 (no one other than RAICES talked to them about their rights); I.B. Decl. ¶ 57 (“We were
8 never told about the *Flores* Agreement.”); M.R.P. Decl. ¶ 56 (“I never received a ‘know-
9 your rights training.’”); N.C.G. Decl. ¶ 14 (“[N]o one here has explained the *Flores* rights
10 to me for my child.”); C.H. Decl. ¶ 38 (“I have not been told about my rights or about a
11 case called *Flores*.”); Q.G. Decl. ¶ 8 (“[ICE officers at Dilley] told me I had no rights.”).
12 Several class members report that while they never received a know-your-rights training,
13 ICE officials did explain how to seek voluntary departure and self-deport. *See* K.M.L.
14 Decl. ¶¶ 33-35; C.R.G. Decl. ¶ 18; M.M.S. Decl. ¶ 19.

15 The ICE JC supplemental report acknowledges there is no live legal orientation
16 program at Dilley but asserts that families are apprised of their legal rights through a
17 “new” video at intake. ICE JC Suppl. Report at 32. The video is generally presented in a
18 time and manner that prevent class members and their families from meaningfully
19 understanding their rights. Welch Decl. ¶ 15. Most families are exhausted, disoriented,
20 and frightened when they arrive at Dilley and are not able to retain complicated legal
21 information, to the extent they can even hear or understand the video. *Id.* ¶ 15. As far as
22 Plaintiffs’ counsel are aware, the video does not inform class members of their basic
23 rights under *Flores* nor does it provide an opportunity for class members to ask questions
24 about their legal rights. *Id.* ¶ 15.

25 Class members and their parents repeatedly express distress at their limited access
26 to information about their rights or the status of their cases. *See, e.g.*, A.T.L. Decl. ¶ 16
27 (“I wish that there was the opportunity for independent lawyers to tell us about our rights
28 and help us know what our options were.”); M.R.P. Decl. ¶¶ 59-60 (did not receive any
information about separated husband or immigration case, only voluntary departure);

1 N.V.S.M. Decl. ¶ 49 (“If I could change one thing, it would be to give people here real
2 information.”); N.G. Decl. ¶ 17 (expressing frustration at either the nonexistence or lack
3 of knowledge of any grievance policy or how to make reports at Dilley). No families
4 reported being told they could watch a know your rights video “on demand.” *Contra* ICE
5 JC Suppl. Report at 32. *See* N.G. Decl. ¶ 18 (family asked for a manual regarding their
6 rights and the rules of Dilley and were told no); Welch Decl. ¶ 15.⁵ Most recently, class
7 members were not only denied know-your-rights trainings, but also were affirmatively
8 told that *Flores* protections no longer exist. N.G. Decl. ¶¶ 4-5 (ICE officers and
9 supervisors told a group of detained families that the *Flores* rule was revoked).

10 Class members also continue to face barriers to making free phone calls to legal
11 counsel, including *Flores* attorneys or other private lawyers. K.V.L. Decl. ¶ 40 (“When I
12 called you, Katie Johnson from *Flores*, it was not free. I had to pay.”); Q.G. Decl. ¶ 13
13 (“Until this moment providing this declaration, I did not know that I had the right to
14 make a free call to my son’s lawyer.”); J.R.F. Decl. ¶ 31 (“I never touch the phone here
15 without having money. I called RAICES and I’m not sure if I was charged. I know
16 they’re pro bono, but I don’t think the calls to them are free.”); E.O.N.M. Decl. ¶ 45
17 (even calling RAICES costs money); Ex. 16 to Pls.’ Resp. to Sept. 2025 Suppl. JC
18 Reports and Data, [Doc.# 1656-17] M.O. Decl. ¶ 31 (have to pay for legal calls with your
19 own money); A.T.L. Decl. ¶ 11 (“[W]e haven’t been able to communicate with [our
20 lawyers] while we have been detained.”). Notwithstanding the many occasions Plaintiffs
21 have raised this violation to Defendants, families still receive insufficient instructions on
22 how to make free legal phone calls. Welch Decl. ¶ 16. On our site visits to Dilley, *Flores*
23 counsel saw the instructions ICE provides regarding free legal calls, which state that they

24 ⁵ Language access continues to be a serious problem at Dilley exacerbating families’
25 ability to understand their rights or access legal counsel. Assertions in the report that
26 “ICE is committed to ensuring minors can communicate in a language they understand”
27 and that “inspection checklists verify the availability of interpreters and other language
28 access services throughout the facility” conflict with the experiences of all of the non-
Spanish and English speakers we have met with over the past seven months. *Compare*
ICE JC Suppl. Report at 14 with Z.F. Decl. ¶ 66 (“There is very little translation
available, except for medical staff.”); A.K. Decl. ¶ 25; C.H. Decl. ¶ 27.

1 can be made only to a small number of pro bono contacts on an ICE-provided list. Welch
2 Decl. ¶ 16. Lastly, many class members report not being told they could access free
3 lawyers and never receiving a list of free lawyers. N.T.G. Decl. ¶ 13 (“We were never
4 given a list of available free lawyers. My mom ended up finding out about RAICES from
5 other families living here.”); M.R.P. Decl. ¶ 55 (“I didn’t receive a list of free legal
6 counsel, I just talked to other people and they told me about RAICES.”).

7 ***4. Children still lack access to varied child-friendly foods and healthy snacks.***

8
9 The ICE JC’s supplemental report ignores Plaintiffs’ concerns regarding the lack
10 of child-friendly foods and instead simply asserts that “meals continue to meet dietary
11 standards [and] . . . [l]ower-sugar options are available upon request” and shows photos
12 of baby food. ICE JC Suppl. Report at 17, 21. However, for months, families have
13 complained that the food is not nutritious, that it is always the same, and that there are no
14 toddler-friendly options, leading many children to lose weight or stop eating entirely. *See*,
15 e.g., C.G.V. Decl. ¶ 16 (“The menu has not changed and we’ve been here for 40 days.”);
16 J.R.F. Decl. ¶¶ 19, 40 (child losing weight from not eating food because it is too spicy
17 and heavy); M.R.P. Decl. ¶ 46 (“The kids don’t like the food . . . they need plain food.”);
18 N.C.G. Decl. ¶ 20 (“[M]any children do not eat the food here.”); N.G. Decl. ¶ 22 (too
19 spicy and not nutritious); M.O. Decl. ¶ 25 (“There is no special food for toddlers”; the
20 food is too hard for toddlers to chew). Families continue to report that due to the lack of
21 child-friendly, varied, and sufficient amounts of food, their children are constantly
22 hungry, especially babies and toddlers. *See* I.B. Decl. ¶ 39 (two-year-old “does not eat the
23 food here, he is hungry all the time”); K.V.L. Decl. ¶ 37 (six-year-old girl is losing
24 weight); C.R.G. Decl. ¶ 8 (son barely eats); A.K. Decl. ¶ 11 (“Every day I am crying
25 because there is not food for our son to eat . . . I am so sad all the time that there is not
26 baby food here.”); Welch Decl. ¶ 17; Hidalgo Decl. ¶ 29 (“[F]ood provided at Dilley is
27 not adequate nor appropriate for children, leading to tender-age class members’ physical
28 deterioration and loss of weight”).

Recent interviews with class members reveal that food quality and variety continue to deteriorate. Class members report that food served to them recently was contaminated with worms and mold, causing many children to become ill and vomit repeatedly. A.K. Decl. ¶¶ 11-12 (“[L]ast week, I was given broccoli and cauliflower that were moldy and had worms.”); N.V.S.M. Decl. ¶ 39; N.G. Decl. ¶ 15 (“We were given wormy food and when someone spoke out about it . . . he was taken in the middle of the night and threatened that he and his family would be separated.”); Welch Decl. ¶ 13.

The ICE JC supplemental report states that “kitchens in the FRC were subject to regular inspections focused on cleanliness, proper food storage, and adherence to preparation standards” and “daily inspections.” ICE JC Suppl. Report at 8-9. But clearly, the inspections are not sufficient if they fail to prevent contaminated food from being served to children. Welch Decl. ¶ 17.

Many families have also reported that their children are being denied the special diets they need to stay healthy. M.M.S. Decl. ¶¶ 10-11 (cafeteria will not accommodate food allergies or vegetarianism for nine-year-old); E.O.N.M. Decl. ¶ 17; A.K. Decl. ¶¶ 13-15; D.C.R.R. Decl. ¶¶ 4-6 (child with Hirschsprung’s disease was denied a special diet, leading to vomiting, fever, and severe constipation). Additionally, despite Plaintiffs’ repeated detailed suggestions of alternative healthy food and snacks requested by class members, parents report there have been no changes to the availability of snacks for children between meals. *See* K.M. Decl. ¶ 39 (only apples for snacks; never any other type of fruits, like bananas); S.M.G. Decl. ¶ 7; Welch Decl. ¶¶ 17-18. To the extent “low-sugar” snacks are available “upon request,” families we have met with are not aware of these additional options. *Compare* ICE JC Suppl. Report at 17 *with* Welch Decl. ¶ 18.

Six months after Plaintiffs’ counsel began alerting Defendants to the lack of potable water for class members in many areas of the facility, class members reported in November that water filters have been installed on sinks in the living quarters. Welch Decl. ¶ 19. However, parents continue to report having limited access to bottled water for mixing with baby formula and have voiced concerns that the tap water has caused digestive issues for babies. A.K. Decl. ¶ 12, 17. In October, parents reported needing a

1 doctor's note to get bottled water for their babies' formula. S.M.G. Decl. ¶ 8 (had to ask
2 doctor for bottled water for baby, because guard would not provide full bottle of water);
3 K.M.L. Decl. ¶ 17 ("Every time I want a bottle of water for my baby's formula, the
4 guards tell me I have to go to medical."). In November, parents reported being rationed
5 one bottle of water per day for baby formula. A.K. Decl. ¶ 17. Otherwise, bottled water
6 can be purchased for \$1.21 per bottle at the commissary, which most families cannot
7 afford. Welch Decl. ¶ 19. Being provided with potable drinking water is not only a basic
8 human right, it is also covered by FSA ¶ 12.A. If Defendants choose to detain infants and
9 toddlers, they must take into account their particular vulnerability and ensure that ample
10 bottled water is available to them for formula. *Id.*

11 **5. *Children still lack access to sufficient hygiene products.***

12 Although the ICE JC's supplemental report claims children are "continuously
13 provided with personal hygiene products," as recently as two weeks ago, class members
14 reported that these products continue to be deficient and/or inadequate. ICE JC Suppl.
15 Report at 18. The products that children do receive include toothbrushes that fall apart,
16 ineffective deodorant, insufficient toothpaste, and only harsh hand soap for all washing
17 purposes (including hair, face, and body). N.T.G. Decl. ¶ 15 ("The deodorant they gave
18 us does not work at all and the toothbrushes fall apart."); V.L.G. Decl. ¶ 13 (toothbrushes
19 break immediately); Z.F. Decl. ¶ 68 ("[T]he soap they give us for hair and shower gel is
20 very bad, like hand soap."). Families report that the hand soap is too harsh on their
21 children's skin, leading to rashes and skin peeling. *See* S.M.G. Decl. ¶ 10 ("We did not
22 like using the hand soap they have in the showers on our babies' skin."); C.G.V. Decl. ¶
23 19 ("I have to buy shampoo and body soap for my daughter because the soap in the
24 showers is just hand soap and it irritates her skin."); C.R.G. Decl. ¶ 17 ("The products
25 they gave us . . . were very hard on our skin . . ."); N.C.G. Decl. ¶ 13 ("The soap is harsh
26 and makes people get rashes.") Requests for baby wash have been denied. Welch Decl. ¶
27 20. Some families report that they spend their limited resources on basic items for their
28 children at the commissary to keep them safe and healthy. J.R.F. Decl. ¶¶ 24-25; M.R.P.

Decl. ¶ 48 (hygiene products provided “to last one day” – family has to buy toothbrushes, shampoo and body soap); K.V.L. Decl. ¶ 39; A.D.C. Decl. ¶ 15; N.V.S.M. Decl. ¶ 40 (“The only thing we don’t pay for [here] is toilet paper.”). To make matters worse, basic hygiene products, such as shampoo, are often unavailable at the commissary. M.M.S. Decl. ¶ 23 (commissary was out of shampoo for five days). Examples of basic needs products sold in the commissary include: \$5.73 for deodorant, \$1.44 for soap, \$2.39 for toothpaste and \$1.30 for a single dose of Tylenol. Welch Decl. ¶ 20. Class members report that prices are also rising. C.G.V. Decl. ¶ 19.

6. Children still lack access to free phone calls to their family members.

Plaintiffs’ counsel have repeatedly identified that ICE denies children free phone calls to their non-detained family members beyond their initial call upon entering the facility. *See, e.g.*, M.M.S. Decl. ¶ 25 (“My daughter is not permitted to make free phone calls to family members. There are signs that say that calls cost seven cents per minute, but you have to look at the fine print that there is a 23% surcharge.”); N.T.G. Decl. ¶ 16 (“We have to pay for phone calls to talk to our family here.”); L.R.L. Decl. ¶ 38 (same); K.M.L. Decl. ¶ 31 (same); C.R.G. Decl. ¶ 19 (same); A.D.C. Decl. ¶ 21. Many class members are distressed that, for weeks at a time, they do not have the funds to communicate with parents or siblings who are not detained with them. N.C.G. Decl. ¶ 15 (“... I have not been able to put any money on my phone account because of a problem with my CoreCivic ID number.”). Others report they are unable to contact their family members to ask them to put money in their accounts. Welch Decl. ¶ 10; *see* K.M.L. ¶ 31; N.V.S.M. Decl. ¶ 23.⁶ Class members have the right to speak to family members for free under the *Flores* Settlement Agreement Notice of Rights Pursuant to September 18, 2020

⁶ In November 2025, Plaintiffs’ counsel learned that in-person visitation has now started at Dilley for family members and spouses. This is a welcome improvement for families with U.S. citizen relatives, but the vast majority of class members rely on phone calls to keep in touch with their family members. Welch Decl. ¶ 21.

1 Court Order Doc. # 1056-1 at *2,⁷ and it is unacceptable to deny children communication
2 with family for months at a time. FSA ¶ 11, 12.A, and Ex. 1.A ¶ 11.

3 **7. Defendants do not provide Flores compliant education or recreation at Dilley.**

4
5 The ICE JC supplemental report admits that a “comprehensive education program
6 was not in place” for the past seven months but states that “[f]amilies were provided with
7 age-appropriate educational packets and materials” and that a new education program
8 will be starting in January. ICE JC Suppl. Report at 13. Defendants also concede that ICE
9 does not yet provide a “recreation program that complies with all Flores requirements.”
10 *Id.* 10. It appears that now Defendants intend to change the FRS and programming to
11 bring it into compliance. *Id.* at 9-10, 13, 15-16. But Defendants do not explain the delay
12 in providing these vital services or deny that they are not currently providing them to
13 children who are languishing for months with little or nothing to do. *See, e.g.,* J.R.F.
14 Decl. ¶ 18 (school is “just drawing”); N.V.S.M. Decl. ¶ 29 (“I feel like I am losing my
15 education here.”); N.T.G. Decl. ¶ 11 (school is “just one hour a day”); A.K. Decl. ¶ 21
16 (no preschool here). Children and families dispute that educational packets provided are
17 “age-appropriate.” I.B. Decl. ¶ 45 (“[T]here is really no school for the children”); M.R.P.
18 Decl. ¶ 42 (“All they do at the school here is draw for one hour.”). Further, the minimal
19 education that is offered is wholly inaccessible to non-English and Spanish speakers. *See*
20 N.G. Decl. ¶ 26 (the one-hour lessons are with a Spanish-speaking teacher and the family
21 doesn’t speak Spanish).

22 To make matters worse, families now report that classrooms have a maximum
23 capacity of approximately 12 to 15 children, which results in some children being turned
24 away. N.V.S.M. Decl. ¶ 27 (“There is just one professor at the school, only a few kids
25 can go in every day. It’s just 12-15 kids is the capacity of the room. If you don’t get there
26 early, sometimes you won’t be able to get into the classroom because it fills up.”); N.G.C.
27 Dec. ¶ 16 (“[W]hen I took my daughter [to the school room] yesterday, they already had

28 ⁷ Order re January 29, 2021 Status Conference, Doc. # 1077, at 2 (“[T]he Court approved the final language of the Notice of Rights”)

1 15 kids so she was not able to go. They said that was the limit.”). Children who arrive
2 after capacity is reached are denied access to any education for the day.

3 Classroom instructors now appear to be asking class members about sensitive
4 immigration issues during their school hour, including asking them to write essays on
5 why they are afraid to return to their home countries. M.M.S. Decl. ¶ 16 (“The questions
6 about immigration they ask the kids during class are not proper. What does ICE have to
7 do with math?”); C.R.G. Decl. ¶ 7 (child asked about immigration case in school);
8 J.V.D.A. Decl. ¶ 37 (child given assignment in class about his asylum case). In addition
9 to being wholly inappropriate and demonstrating a complete lack of awareness of trauma-
10 informed treatment of children, this kind of assignment and activity can prejudice
11 children’s legal rights and relief and interfere with their attorney-client relationships if
12 they are represented, under FSA ¶ 11.

13 Countless declarations from class members and families stand in stark contrast to
14 the report’s assertion that “ICE seeks to create a supportive environment where minors
15 can develop essential life skills, maintain healthy routines, and enjoy meaningful leisure
16 experiences.” ICE JC Suppl. Report at 10. Children are actively suffering while detained
17 at Dilley with little to no meaningful education, recreation, activities, or toys, in violation
18 of FSA Ex. 1 ¶¶ 4-7. *See, e.g.*, Welch Decl. ¶ 22; K.M. Decl. ¶ 37 (“There just isn’t a lot
19 to do for a six-year-old girl, especially since we have been in detention for more than 100
20 days.”); N.T.G. Decl. ¶ 20 (“It’s just the same thing here day after day after day.”); C.H.
21 Decl. ¶ 27.

22 **C. ICE’s FSA monitoring system and protocols are woefully deficient to
23 ensure FSA compliance.**

24 The ICE JC supplemental report purports to describe a variety of “standards and
25 tools utilized by ICE to ensure compliance with the FSA.” ICE JC Suppl. Report at 3-14.
26 However, the various protocols and checklists attached to the report are generally too
27 vague, unrelated to actual FSA provisions, or inaccurate to meaningfully achieve this
28 objective. For example, the “Family Residential Standards JFMD Weekly Compliance
Tool Center: Dilley FRC” document has only one check box for FRS 4.3 Medical Care

1 compliance: “Did new admission examinations occur in compliance with the
2 requirements?” Doc. # 1692-12 at 2. While admission examinations are an important
3 component of ensuring safe medical care for class members, they should not be the only
4 medical care metric evaluated to ensure compliance with the FSA. As another example,
5 the FRS 4.1 Food Service requirement purports to measure “safety/sanitary measures,”
6 “food quality,” and food temperatures, but there is no metric to evaluate whether food is
7 actually child friendly. *Id.* at 2. Moreover, it is notable that the FRS 5.2 Education, FRS
8 5.5 Recreation, and FRS 5.8 Visitation metrics were all marked “Compliant” in August
9 even though ICE’s own report admits visitation did not start until November and *Flores*-
10 compliant education and recreation is not slated to begin until January 5, 2026. *Compare*
11 *Id.* at 2-3 with ICE JC Suppl. Report at 10, 16. Given the voluminous evidence of FSA
12 violations, it is clear to Plaintiffs that the current monitoring protocols at Dilley are
13 wholly inadequate to ensure FSA compliance.⁸

14 **III. CONCLUSION**

15 The ICE JC supplemental report acknowledges that ICE has been out of
16 compliance with many FSA requirements for seven months, yet somehow still asserts
17 ICE is in “substantial compliance with FSA requirements” and goes “beyond to meet its
18 intent.” ICE JC Suppl. Report at 16, 17. ICE’s own data and Plaintiffs’ declarations from
19 site visits in September, October, and November categorically refute ICE’s assertions.
20
21

22 ⁸ The ICE JC supplemental report continues to assert that the 2020 FRS standards “were
23 modified to reflect the abbreviated duration of stay” despite the prolonged detention of
24 hundreds of children. ICE JC Suppl. Report at 14. The report also fails to explain
25 coherently what the actual modifications to the FRS standards were and which FRS
26 standards are currently in place. For example, FRS 4.1 Food Service is a 31-page policy,
27 and the 3 paragraphs describing the modifications to it do not describe what was changed.
28 Family Residential Standards 2020, Doc. # 1567-13; ICE JC Suppl. Report at 8-9.
Similarly, 2020 FRS 4.3 Medical Care is a 36-page policy, and the 5 paragraphs
describing the modification also do not articulate what changed. Family Residential
Standards 2020; ICE JC Suppl. Report at 9.

1 Given the ongoing FSA violations occurring in family detention and Defendants'
2 recalcitrant or non-existent responses, Plaintiffs may have no choice but to seek court
3 intervention to enforce this Court's previous orders in the near future.

4
5 Dated: December 8, 2025

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15 Eleanor Roberts

16 /s/ Leecia Welch

17 Leecia Welch

18 *One of the attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2025, I caused a copy of Plaintiffs' Response to Supplemental Juvenile Coordinator Reports and Data to be served to all counsel through the Court's CM/ECF system.

Dated: December 8, 2025

/s/ Leecia Welch

Leecia Welch

One of the attorneys for Plaintiffs