

## Procedural Guide

0100-525.11

### PLACING CHILDREN OUTSIDE OF THE COUNTRY

Date Issued: 01/04/08

- New Policy Release
- Revision of Existing Procedural Guide 0100-525.11, Placing Children Outside of the Country, dated 09/19/07

**Revision Made:** This Procedural Guide has been updated to indicate that the required fee charged by the California Secretary of State is waived for County employees conducting official business.

Cancels: None

#### DEPARTMENTAL VALUES

This Procedural Guide supports the Departments goals of child safety and timely permanence for children by effecting international home study requests to place children with a parent or relative/non-relative extended family member outside of the United States .

#### WHAT CASES ARE AFFECTED

This Procedural Guide is applicable to all new and existing cases.

#### OPERATIONAL IMPACT

The International Placement Unit (IPU) is a vital resource and critical component of achieving timely permanency. Assistance is available to the DCFS staff in their efforts to place children with their parent(s), relatives, or non-relative extended family members, who reside in another country.

**The sole reason for an international home study request must be for the purposes of placement of a child(ren) with a parent or relative/non-relative extended family member. The International Placement Unit does not process**

**requests for international adoptions, repatriations, welfare checks, requests for birth, death, or marriage certificates, or a visit. In some cases other countries charge a fee for completing the home study. The cost of the home study is determined by the receiving country and is non-negotiable.**

Whenever out-of-home placement is necessary, the CSW must identify and address the child's feelings, and assess the ability of the potential caregiver to attend to the child's needs to the best of his/her ability. At each stage of the placement process, the CSW should allow any child who is verbal to express feelings regardless of age. The CSW should be alert to any signs of anxiety or distress on the part of the child. By gathering information directly from the child, the CSW will be able to determine whether the child is comfortable with moving out of the country. If possible planned contact (telephone or physical) with the prospective caregiver, might make the child feel more comfortable with moving out of the country. Allowing the child to ask questions, and exploring with the child, his/her feelings and preferences, will reassure the child and help him/her to adjust to moving. Establish a plan for the child to keep in touch with relatives/friends in this country and assure the child that he/she can call the CSW with any questions or concerns, especially during the adjustment period.

When children are placed outside of the country, many documents require authentication. This can be accomplished via the California Secretary of State, who can authenticate documents issued in the State of California by the following public officials and their deputies, including: County Clerks or Recorders, Court Administrators, Executives, Clerks (not limited to any particular county.) Executive Officers, Judges of the Superior Court, Notaries public, and State Officials.

Examples of documents that usually require authentication are:

- Birth Certificates
- Marriage Licenses
- Papers for adoption purposes
- Powers of Attorney
- School records such as diplomas, transcripts, letters relating to degrees, etc.
- Reference and Job Certification

Documents submitted to the Secretary of State for authentication must be currently certified within the last five years, by the appropriate public official or must be notarized by a California Notary Public.

The four regional offices of the Secretary of State (Fresno, Los Angeles, San Diego and San Francisco) can only authenticate a California notary public's signature. The Secretary of State's Sacramento office can authenticate documents notarized by a California notary public without being certified at the county level. To avoid delays that may result from out-of-date documents, a certification date should be within the last five years or a new certified copy should be obtained from the appropriate county official.

Los Angeles County's local office is: California Secretary of State, Notary Public Section, 300 South Spring Street, Room # 12513, Los Angeles, Calif. 90013 (213) 897-3062.

When submitting documents to any of the offices for over-the-counter processing (usually one hour), no appointment is necessary. Customers are served on a "first come first served" basis. There is a \$20.00 processing fee and a \$6.00 handling fee. (check, money order, or credit card). However, the Secretary of State's office will waive the fee if the CSW presents their County ID badge along with a letter on DCFS letterhead from their SCSW indicating that the CSW is on official business. The time for mailing usually takes about two weeks. See Procedural Guide 1200-600.10, Vital Records (Birth, Death, Marriage, and Divorce), for more information.

In cases where the court may order the placement of a school-age child in another country, the CSW must research the issues of educational and other costs and advise the court accordingly. Neither DCFS nor the court may place a child in another country until an international plan and home study have been received from the receiving country. It is good practice to contact the receiving country regarding any special requirements the child(ren) may need.

Clients requiring authentication of any school records, e.g. transcripts, must obtain a notarized copy of the record from the high school, university, etc., **before** submitting the documents for authentication.

The Vienna Convention on Consular Relations, with its comprehensive nature and near-universal applicability, establishes the "baseline" for most obligations with respect to the treatment of foreign nationals in the United States and for the treatment of U.S. citizens abroad by foreign governments. In 1969, the Vienna Convention on Consular Relations entered into force in the United States.

Foreign dignitaries have a policy of maintaining all matters confidential that are related to legal affairs of its nationals, and particular care is placed with cases involving custody and adoption of children.

Superior Court Rules authorize the sharing of information with foreign and U.S. Consulates when complying with notice requirements, or requesting assistance and services. In the case of the United States, Article VI, clause 2 of the Constitution dictates that **"all treaties made ...shall be the supreme law of the land"**

A child who is a citizen of the United States and another country may be treated exclusively as a U.S. Citizen when in the United States. Consular notification is not required if the child is a U.S. Citizen

Although Consular notification is not required for a U.S. born child with dual citizenship, it is highly recommended in cases involving custody issues of a Mexican child with dual citizenship or born to a Mexican parent(s).

On March 20, 1998, a constitutional reform was enacted in Mexico which established that no Mexican by birth shall be free of his/her nationality. If a child is Mexican by birth or was born overseas to a Mexican parent then he/she can conserve the Mexican nationality while maintaining other nationalities.

### **Procedures**

#### **A. WHEN: A REQUEST IS MADE FOR AN INTERNATIONAL PLACEMENT**

**Any child(ren) referred to the International Placement Unit must be declared a dependent(s) of the juvenile court.**

#### **Case-Carrying CSW Responsibilities**

1. After a child(ren) has/have been declared a dependent(s) of the juvenile court, and it comes to the CSWs attention that there are relatives who are interested in caring for the child(ren) and they reside outside of the country, obtain as much information as possible about those individuals. Recommend that the Court order DCFS to initiate an international home study with the country where the prospective caregiver lives.
2. Once the minute order is received, assemble an International Home Study Request packet and forward or fax it to the OCS/International Placement Unit located at:

3075 Wilshire Blvd. 6<sup>th</sup> Floor  
Los Angeles, Calif. 90010  
(213) 639-4501 or 4502  
Fax (213) 738-9379

**The International Home Study Request Packet must contain the following documents:**

- a) Minute order signed by the hearing officer.
- b) A letter on DCFS letterhead, asking that an international home study be done. The letter should include the reasons that the children were taken into custody and any educational, medical/psychological problems that the child(ren) may have.
- c) Include the current Case Plan, social history and most recent status review report.
- d) Visitation orders/restrictions.

3. Ensure that the minute order is signed by the hearing officer, and gives the full name and relationship of the relative/parent that the child will be placed with, include the name of the receiving country, and request a Home Study from the other country's social services agency. Forward a copy of the International placements documents, and include the initial disposition court report, to the receiving country as soon as it is available.

### **International Placement Unit Responsibilities**

**Reminder:** The Minute Order has to be translated to the official language of the receiving country.

1. Forward the International Home Study Request Packet to the receiving country's Social Service Agency and/or Consulate authority.
2. Upon receipt of the completed home study, ensure that it is translated.
3. Ensure that all of the details of the international placement are processed correctly.

### **Case-Carrying CSW Responsibilities**

1. Evaluate the Home Study when it is returned by (IPU). Present it to the court with a recommendation for approval or denial of the child's placement with his/her parents/relatives. (The home study must have an overall favorable and/or positive recommendation in order to consider placing a child with a parent or relative/non-relative extended family member.)
2. Attach the original and translated copies of the home study to the court report.
3. Obtain an **original** birth certificate for each child. (A photo copy will not be accepted.)
4. Obtain copies of the child's original school records, (If applicable). A photo copy will not be accepted.
5. Obtain Psychological evaluation if applicable, and medical and dental records.
6. Ensure that all travel documents, passports, airplane tickets, etc. are in order.
7. Recommend (when favorable) that the child be transported to a specific parent/relative or social service agency in his/her country of citizenship. Discuss the case with International Placement Coordinator to ensure of compliance with International Placement protocol. Arrange transportation for DCFS Staff to accompany the child, if the child must be accompanied by an adult other than a parent or relative. See Procedural Guide 1200-501.30, Travel Policy, Travel Advance and Expense.

8. When the minute order is returned, ensure that it clearly states that the child(ren) are ordered placed in the custody of (give full name and relationship) and that the DCFS staff member (give full name) is authorized to transport the child(ren), and state the full name of the country.
9. Prepare the placement letter/cover letter for the International Placement packet for the receiving country. Include pertinent information regarding the child's mental/emotional/psychological, and general well being.
10. Take the exemplified minute order to the California Secretary of State Office for Apostille located at: (If time is of essence, take the minute order instead of mailing it as mailing takes up to two weeks.)

300 South Spring Street, Room 12513  
Los Angeles, Calif. 90013  
(213) 897-3062

The following web site provides information regarding authentication of official signatures on documents to be used outside of the United States.

[http://www.ss.ca.gov/business/notary/notary\\_authentication.htm](http://www.ss.ca.gov/business/notary/notary_authentication.htm)

**NOTE:** No appointment is necessary, clients are served on a "first come, first served" basis. There is a \$20.00 processing fee (per signature authenticated), and a \$6.00 special handling fee. Make checks/money orders out to the Secretary of State (VISA or Master Cards also accepted) NO CASH WILL BE ACCEPTED.

11. Supply the attendant with the child's international travel documents, a copy of the court order, passport, travel tickets, the consulate document authorizing transportation of the child and other appropriate documents (health, School, etc.).
12. Notify the International Placement Unit that all documents have been obtained and request assistance with making arrangements for placement in the receiving country.

### **International Placement Unit Responsibilities**

1. Coordinate and work out the details of the international placement. Remain in touch with the CSW/SCSW throughout the placement process.
2. Establish and maintain contact with the receiving country until the placement is made and termination can be recommended.

**B. WHEN: INCOMING INTERNATIONAL CASES ARE RECEIVED**

Requests for home studies from other countries are completed/processes by the International Placement Unit. Approved home studies are good for 6 months, if placement does not take place within 6 months, the International case will be closed.

International Home studies are done as a professional courtesy. There are no formal agreements between Los Angeles County and other countries. Procedures differ from one country to another and are subject to change without notification.

Incoming International home study requests packets **must** include the following:

- a) A formal letter requesting the home study.
- b) A legal document indicating that the child is a court dependent.
- c) A report on the child's educational, medical, dental and emotional well being.
- d) Case Plan including the permanent plan for the child's care.
- e) Visitation orders/restrictions.

If placement is made the sending country must give the placement resource a legal document granting them full legal /physical custody of the child(ren).

If the child is not an American citizen, the parent/relative must work directly with the Immigration Department in their country to ensure compliance with all Immigration laws.

For each individual case, contact the International Placement Unit for further instructions/details/procedures regarding such placements.

**APPROVAL LEVELS**

<b>Section</b>	<b>Level</b>	<b>Approval</b>
<b>A.</b>	None	
<b>B.</b>	ARA OCS Unit SCSW ASFA - SCSW	Home Study, Assignment and Supervision

## OVERVIEW OF STATUTES/REGULATIONS

**United States Constitution, Article VI, Clause 2**, dictates that all treaties made shall be the supreme law of the land and are binding on federal, state, and local government officials to the extent that they pertain to matters within such officials' competence.

Annex to the Memorandum of Understanding on Consular Protection between the United States of America and the United Mexican States, 57 STAT.800; Treaty Series 985, (Bilateral Convention), and Article 38 of the Vienna Convention on Consular Relations-

A child who is a citizen of the United States and another country may be treated exclusively as a U.S. citizen when in the United States. Consular notification is not required if the child is a U.S. citizen. This is true even if the child's other country of Citizenship is a mandatory notification country. If a child is Mexican by birth or was born overseas to a Mexican parent then he/she can conserve the Mexican nationality while maintaining other nationalities.

Foreign dignitaries have a policy of maintaining all matters confidential that are related to legal affairs of its nationals, and particular care is placed with cases involving custody and adoption of children.

Superior Court Rule authorizes the sharing of information with foreign and U.S. Consulates when complying with notice requirements, or requesting assistance and services.

## RELATED POLICIES

**Procedural Guide 0100-525.10**, Interstate Compact for the Placement of Children  
**Procedural Guide 1200-501.30**, Travel Policy, Travel Advance and Expense  
**Procedural Guide, 1200-500.10**, Vital Records (Birth, Death, Marriage and Divorce)

## FORM(S) REQUIRED/LOCATION

<b>Hard Copy:</b>	International Home Study Request Cover Letter for International Placement
<b>La Kids:</b>	<b>DCFS 304</b> , Case related Travel Request <b>DCFS 4216</b> , Last Minute Information for the Court <b>DCFS 1726</b> . Request for School Records
<b>CWS/CMS:</b>	Disposition Court Report Case Notes Contact Notebook Child Welfare Services Case Plan/Case Plan Update
<b>SDM:</b>	None