



THE CENTER FOR
IMMIGRATION
AND CHILD WELFARE

PLACEMENT OF CHILDREN WITH PARENTS OR RELATIVES IN A FOREIGN COUNTRY

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January 2015*

EMERGING POLICIES TO ADDRESS THE NEEDS OF IMMIGRANT CHILDREN AND FAMILIES IN THE CHILD WELFARE SYSTEM

ABOUT THIS SERIES

As the population of children in immigrant families increases in the United States, child welfare agencies will need to develop policies that respond to their unique needs. To facilitate policy development, the Center on Immigration and Child Welfare conducted a statewide survey of county child welfare agencies in California to identify emerging and innovative policies that address the unique issues that arise in child welfare cases with immigrant families. These policies may be used as examples for other California counties, as well as other states and jurisdictions, to build their capacity to meet the needs of this growing population.

Each brief in this series provides an analysis of policies that address topics unique to issues concerning immigrant children and families. Topics include:

- Memoranda of Understanding with Foreign Consulates
- Placement of Children with Parents or Relatives in a Foreign Country
- Placement of Children with Undocumented Relatives in the U.S.
- Case Planning for Parents Residing in a Foreign Country
- Immigration Relief Options for Undocumented Youth in Care
- Financial Eligibility including Permanent Residence Under Color of Law (PRUCOL)
- Language Access

This brief focuses on policies that address the placement of dependent children with a parent or relative residing in a foreign country, typically for the purpose of reunification, guardianship, or adoption. The policies specify the procedures that are required to ensure that these placements are pursued when they are deemed in the best interest of the child and specify the activities and responsibilities that must be carried out in order to facilitate these placements. Issues addressed within these policies typically include procedures for requesting an international home study, obtaining and authenticating vital documents (e.g., birth certificates, marriage licenses), and the roles of child welfare agency staff and consular staff in coordinating these placements. Policies included in this category may also address staff travel, documentation requirements, confidentiality issues, and requirements concerning Hague notification.

Of the 46 counties that participated in this project, seven provided at least one policy that fell within this category. San Diego County provided three policies that contain provisions related to this category, and Santa Clara County provided two policies. Three broad categories of provisions were observed across these policies. These included: 1) child welfare agency responsibilities, 2) consular responsibilities, and 3) general procedures for facilitating placements. Descriptions of these categories and their corresponding provisions are discussed in the following pages. Following these descriptions, summary tables are provided that indicate which of the provisions were included in each of the policy documents across these categories.

AGENCY OBLIGATIONS

This category encompasses the responsibilities that are most commonly assigned to child welfare agencies across policy documents included in this analysis. Provisions included: 1) Requesting parent and/or relative searches, 2) Requesting background checks from Mexico, 3) Registering children as foreign born, and 4) Scheduling hearings for change of placement.

Requesting parent and/or relative searches. Policies with this provision outline the agency responsibility of requesting parent and/or relative searches within a foreign country. Fresno, Placer, and San Bernardino counties include this provision in their policies. These policies specify that agency staff should coordinate with the Consulate to complete this process. San Bernardino also describes the information that agency staff should provide in their request to the Consulate.

Requesting background checks from Mexico. Several counties highlight the agency responsibility of requesting background checks on family members who are being considered for placement as a prerequisite for a child's placement with family members in Mexico. Placer, Riverside, and San Bernardino counties make reference to this responsibility. Placer specifies that agency staff must go through the Mexican Consulate to obtain background checks on potential relative caregivers residing in Mexico. Riverside outlines the documentation that the primary caseworker must provide to the agency's international liaison in order for the background check to be requested. San Bernardino also specifies that agency staff must request background checks through the Consulate and outlines paperwork that must be completed and documentation that must be provided to complete this process.

Registering children as foreign born. This provision specifies that the assigned social worker and international liaison within the child welfare agency are responsible for providing the Mexican Consulate with the necessary documentation for a child to be registered with the Consulate in cases where the child is a Mexican national. Riverside County includes this provision in their policy entitled Services for Undocumented/Immigrant Children.

Scheduling hearings for change of placement. San Diego County includes this provision in one of their relevant policies. This provision specifies that upon learning the positive results of a home evaluation for potential caregivers in Mexico, agency staff are responsible for scheduling a hearing for change of placement prior to placing the child.

CONSULAR OBLIGATIONS

This category encompasses the responsibilities that were most commonly assigned to the Mexican Consulate to facilitate the placement of a child with caregivers residing in Mexico. They include: 1) Consular interviews of dependent children, 2) Providing travel documents for dependent children, 3) Processing requests for vital documents, 4) Coordinating placements of children with DIF, 5) Locating Mexican service providers, and 6) Participating in Team Decision Making (TDM) meetings.

Consular interviews of dependent children. Fresno County includes a provision of this nature, specifying that Consular staff have the right to interview a minor for the purpose of identifying parents and/or relatives for potential placement.

Providing travel documents for dependent children. Policies including this provision state that Consular staff are responsible for providing the child welfare agency with the documents that are required for the minor to travel or be placed outside of the U.S. Placer and San Bernardino counties include this provision in their policies.

Processing requests for vital documents. This provision specifies that the Consulate is responsible for processing requests for vital documents including a minor's birth certificate, passport, documentation of dual citizenship, and Consular identification card, also known as a *matricula*. Placer and San Bernardino counties reference this responsibility.

Coordinating placements of children with DIF. This provision states that the Consulate will coordinate with DIF to facilitate the process of placing children with appropriate kinship caregivers outside of the U.S. Placer and San Bernardino counties include this responsibility in their policies. Placer provides additional details on this process, stating that the Consulate will contact DIF in the Mexican jurisdiction where the child will be placed to arrange for the placement. The Consulate is also responsible for ensuring that the assigned U.S. social worker has the contact information for the DIF agency and for coordinating with DIF to make arrangements for ground transportation and hotel reservations at the time that the U.S. social worker travels to Mexico to place the child.

Locating Mexican service providers. This provision, included in Santa Clara County's policy, states that the Consulate shall assist with identifying appropriate services and service providers for minors and their families during the period in which a child is placed in Mexico.

Participating in Team Decision Making (TDM) meetings. Policies including this component state that the Consulate is responsible for participating in Team Decision Making (TDM) meetings, which focus on permanency planning for a child and family, as appropriate. San Bernardino and Santa Clara counties include this component in their policies.

GENERAL PROCEDURES FOR FACILITATING PLACEMENTS

This category encompasses policy provisions that outline procedures for arranging and ensuring a child's safe placement with relative caregivers residing outside of the U.S. These provisions include: 1) Procedures for requesting/recommending an out-of-country placement, 2) Procedures for obtaining a home study in a foreign country, 3) Procedures for coordinating travel to a foreign country, 4) Procedures for obtaining dual citizenship, 5) Procedures for initiating and finalizing an adoption, and 6) the role of DIF in facilitating placements.

Procedures for requesting/recommending an out-of-country placement. This provision outlines the procedures for requesting that a child be placed with caregivers residing outside of the U.S. Three counties include this provision in their policies. San Diego County states that when a court orders that a child be placed outside of the country, the assigned social worker must provide a written summary of the case to the agency's international liaison, including the allegations leading to out-of-home placement, the reason for requesting placement outside of the U.S., and the child's permanency plan. This written request will trigger the necessary activities and arrangements for the child's placement outside of the U.S. Santa Clara County outlines a process through which the assigned social worker schedules a Team Decision Making meeting to explore potential placement options. If parents and child welfare agency staff are both in agreement that caregivers residing outside of the U.S. are an appropriate placement resource, the social worker contacts the potential caregivers to confirm their interest. Santa Clara also specifies that child welfare agency staff must inform the parents that if the child is undocumented, he or she will be unable to return to the U.S. after being placed abroad. Santa Clara also states that if the child welfare agency decides at any point that the child should return to the U.S. after being placed with caregivers in Mexico, the matter must go before the Mexican court if the caregivers are not in agreement with this decision. Lastly, San Bernardino County specifies that if the assigned social worker determines that an out-of-country placement is in the child's best interest, they must consult with the Child Welfare Services Manager and obtain permission from the regional Deputy Director before pursuing the placement. San Bernardino also specifies the findings and orders that must be included in a request for international placement.

Procedures for obtaining a home study in a foreign country. These provisions specify the activities that must occur to obtain a home evaluation for potential placements outside of the U.S. Six of the seven counties include provisions of this nature in their policies. Provisions generally state that child welfare agency staff should make requests for home evaluations of potential placements abroad to the corresponding Consulate, who will in turn forward this request to the social service agency in the country where the potential caregivers reside. The majority of policies make specific reference to placement in Mexico, with the exception of Fresno County, where the provision is more general to placements outside of the U.S.

Procedures for coordinating travel to a foreign country. These provisions outline the procedures to be followed during the period when agency staff and the minor travel to Mexico to place the child with caregivers. Five of the seven policies include provisions falling under this category. These provisions generally specify activities that child welfare agency and Consular staff must complete jointly to ensure coordination of travel, and identify specific activities including securing required travel documents for both the child and social worker, securing a child's vital documents, and ensuring that all interested parties have copies of the travel itinerary and contact information for the traveling parties and contacts in Mexico. The majority of the provisions emphasize communication between the Consulate and child welfare agency staff to ensure that these activities are successfully completed. San Bernardino and Santa Clara counties also state that upon the social worker and child's arrival in Mexico, social workers are to ensure that they make contact with DIF staff and do not proceed to the relative's home until they are joined by a DIF social worker. Placer County outlines procedures for the

child welfare agency social worker to complete upon their return to the U.S, including ensuring that they provide a letter confirming the child's placement to the child welfare agency and Mexican Consulate, and notifying the U.S. Consulate of the child's placement abroad in the event that the child is a U.S. citizen.

Procedures for obtaining dual citizenship. These provisions specify the procedures to be followed by both child welfare agency and Consular staff to assist a U.S. citizen child born to one or more Mexican citizen parents with the process of obtaining dual citizenship. Three policies contain this provision. San Diego specifies that in cases where a petition is being filed for a U.S. citizen child born to Mexican citizen parents, the child welfare agency must notify the Mexican Consulate, who will make the final determination on the child's citizenship. Santa Clara outlines the process through which child welfare agency staff shall present a certified and Spanish language copy of the child's birth certificate to the California State Regional Office to obtain dual citizenship for a child, and also states that the Mexican Consulate shall provide assistance with this process as needed. San Bernardino also outlines the Mexican Consulate's responsibility to assist with the process of obtaining dual citizenship status for a child and identifies the documents that are necessary to document dual citizenship status.

Procedures for initiating and finalizing an adoption. These provisions outline the procedures to occur from the time that an adoption case is initiated through the time that an adoption is finalized in cases where caregivers with whom a child is residing in Mexico are being considered as an adoptive placement. Los Angeles and San Diego counties include these provisions in their policies. Los Angeles County's policy, entitled Adoptive Placements of DCFS Supervised Children in Mexico, provides extensive procedural information on this topic. The policy specifies that after an adoption case is activated, the county's Adoption Children's Social Worker reviews DIF's documentation on the placement and contacts the family to confirm that they are interested in pursuing adoption. If the family confirms this, the social worker contacts DIF, first via telephone and then in writing, to request that an adoption home evaluation be conducted. The policy then outlines that after DIF has completed the home evaluation, the Adoption Children's Social Worker and supervisor review the results and send adoptive placement papers to the family if the results are satisfactory. The family is to call the social worker once they receive the papers to review over the phone, and the family will then sign the paperwork and send back to the social worker. The policy specifies that DIF is to be invited to participate in the process of reviewing the adoptive placement paperwork with the family. The policy also outlines post-adoption visit procedures. It specifically states that if the children have been residing in the home for more than six months, then DIF may conduct the post-adoption visit on the day that the family signs the adoptive placement paperwork, or as soon as possible afterward. If, in contrast, the child has been residing with the adoptive family for less than six months, then DIF must supervise the case for six months before the Adoption Children's Social Worker submits the case for finalization. The policy additionally specifies the process for generating a new birth certificate for the child and for finalizing the adoption through the Mexican court. Lastly, the policy discusses monetary rates for families after they have signed the adoptive placement papers and identifies resources to assist families in obtaining health insurance for the child in Mexico. In San Diego's policy, the provision specifies the process for requesting an adoption home study and makes reference to the fact that the adoptive family must provide a criminal history letter as part of this process. Similar to Los Angeles, San Diego also outlines the process for finalizing an adoption through the Mexican court.

The role of DIF in facilitating placements. These provisions outline the role and responsibilities of DIF social workers in cases where a child is placed in Mexico. Four counties have policies that include this provision. Los Angeles specifies that DIF takes on the role of legal representative in cases involving foster care and adoptive placements in Mexico, while San Bernardino and Santa Clara outline specific activities that DIF social workers may fulfill, including completing home studies, accompanying U.S. social workers on caregiver visits, monitoring placements and providing status updates to U.S. social workers, and assisting with service coordination for services outlined in the family's case plan. San Bernardino, Santa Clara, and San Diego also specify that DIF is responsible for ongoing supervision of a child through the duration of their placement with caregivers in Mexico.

METHODOLOGY

Conducting a policy analysis is useful for systematically answering a set of questions related to the process through which a specified policy is developed, the content included in a given policy, or a policy's impact. In the case of this project, a policy analysis provided a systematic means of identifying shared content across a range of county child welfare policies pertaining to immigrant children and families. Initial contact was made with county administrators in each of California's 58 county child welfare agencies through the assistance of the California Department of Social Services and the California County Child Welfare Directors' Association. If counties agreed to participate, they were asked to participate in a 30 minute phone interview to identify policies and practices being implemented in their counties specific to immigrant families. Telephone interviews were conducted with county child welfare administrators in 46 of 58 California counties and policy documents were obtained. A preliminary review of policy documents resulted in the identification of 7 policy categories: 1) Memoranda of Understanding with foreign consulates, 2) placement of children with parents or relatives in a foreign country, 3) placement of children with undocumented relatives in the United States, 4) financial eligibility of youth in care including Permanent Residence Under Color of Law (PRUCOL), 5) case planning for parents residing in a foreign country, 6) immigration relief options for undocumented youth in care, and 7) language access. Within these categories, policies were analyzed to identify themes in content across counties. Atlas.ti, a qualitative data analysis program, was used to facilitate the analysis of policy documents.

ACKNOWLEDGMENTS

This project was initiated through the work of the California Department of Social Services' (CDSS) Latino Practice Advisory Committee. This committee was established by CDSS to build the capacity of California county child welfare agencies to provide culturally responsive services to Latino and immigrant families. Funding for this project was provided by the California Child Welfare Indicators Project at the University of California at Berkeley and the Walter S. Johnson Foundation. We would also like to acknowledge the California Department of Social Services and the Stuart Foundation for their support of the California Child Welfare Indicators Project.

The Walter S. Johnson Foundation

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ABOUT THE CENTER ON IMMIGRATION AND CHILD WELFARE

The mission of CICW, formerly the Migration and Child Welfare National Network (MCWNN), is to improve programs and policies related to immigrant children and families involved in the public child welfare system. CICW conducts and disseminates research, develops policy and practice recommendations, develops and disseminates resources, and works with federal, state, and local child welfare agencies to facilitate policy and practice improvements. The Center serves as a resource to learn from the knowledge and strategies of colleagues, and participates in collaborative efforts to improve services for immigrant families in the child welfare system. The center has four areas of focus: 1) research, 2) policy and advocacy, 3) promising practices, and 4) international issues.

TABLE 1. AGENCY OBLIGATIONS

COUNTY	Requesting parent and/or relative searches	Requesting background checks from Mexico	Registering children as foreign born	Scheduling hearings for change of placement
FRESNO	◆			
LOS ANGELES				
PLACER	◆	◆		
RIVERSIDE		◆	◆	
SAN BERNARDINO	◆	◆		
SAN DIEGO				◆
SANTA CLARA				

TABLE 2. CONSULAR OBLIGATIONS

COUNTY	Consular interviews of dependent children	Providing travel documents for dependent children	Processing requests for vital documents	Coordinating placements of children with DIF	Locating Mexican service providers	Participating in Team Decision Making (TDM) meetings
FRESNO	◆					
LOS ANGELES						
PLACER		◆	◆	◆		
RIVERSIDE						
SAN BERNARDINO		◆	◆	◆		
SAN DIEGO						
SANTA CLARA					◆	◆

TABLE 3. GENERAL PROCEDURES FOR FACILITATING PLACEMENTS

COUNTY	Requesting/ recommending an out-of- country placement	Obtaining a home study in a foreign country	Coordinating travel to a foreign country	Obtaining dual citizenship	Initiating and finalizing an adoption	The role of DIF in facilitating placements
FRESNO		◆	◆			
LOS ANGELES		◆			◆	◆
PLACER		◆	◆			
RIVERSIDE			◆			
SAN BERNARDINO	◆	◆	◆	◆		◆
SAN DIEGO	◆	◆		◆	◆	◆
SANTA CLARA	◆	◆	◆	◆		◆