

FYI FYI FYI FYI

F O R Y O U R I N F O R M A T I O N

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ADOPTIVE PLACEMENTS OF DCFS SUPERVISED CHILDREN IN MEXICO

This FYI outlines the Department of Children and Families Services (DCFS) protocol for adoptive placements in Mexico of a child who is a US resident/citizen.

Mexican Adoption Authority

The State System for the Full Development of the Family (Desarrollo Integral de la Familia, or **DIF**) is a government institution in each Mexican State dealing with family matters. It acts as the legal representative in working with DCFS in matters pertaining to foster care and adoptive placement. There is no central office (i.e. Mexican federal government) for adoptions. Every state has its own Procuraduria de la Defensa del Menor (Child Protection Services), which is a branch of the DIF.

The DIF is assigned responsibility to study each family's suitability as adoptive parents. The DIF determines whether a family would be suitable for a particular child by ensuring that a home study has been done. DIF does not do relative adoptions but are likely to be open to studying relatives for adoption purposes if the CSW informs the DIF worker that the family will receive monetary assistance for the care of the child if the adoption home study is approved.

Adoption in Mexico is governed by the civil codes of each of the 31 Mexican States. While there are general similarities among the states' laws, actual practice may vary considerably from state to state and even from municipality to municipality. An updated contact list can be requested from Luis Pereira, Adoption SCSW, (213) 639-4622, or Carlos E. Castillo, Adoption ARA, (213) 639-4353.



If you have any questions regarding this release please e-mail your question to:

Policy@dcs.co.la.ca.us

Clerical Handbook: <http://198.51.213.151/Policy/Hndbook%20Clerical/Default.htm>

Child Welfare Services Handbook: <http://198.51.213.151/Policy/Hndbook%20CWS/default.htm>

FYI's: <http://dcs.co.la.ca.us/Policy/FYI/TOCFYI.HTM>

Applicant Assessment

When an adoption case is activated, the assigned Adoption Children's Social Worker (A-CSW) shall confer with the case-carrying Children's Social Worker (CSW) and obtain copies of previous DIF placement documents for the child being adopted. After reviewing DIF documentation, Adoption CSW shall contact the family and confirm with the family that they are interested in adopting the child. This is a good opportunity to discuss with the family the many issues around adoption. If all parties are in agreement with the adoption, the A-CSW shall telephonically contact the appropriate DIF office to request that an adoption home study be conducted.

Subsequent to the phone call, the A-CSW shall follow-up and submit a **written request** to the appropriate DIF office to initiate an adoption home study on the family. If DIF is already working with the family, e.g. supervising a foster care placement, the request must include the "**expediente**" (**file number**). The written request must be **submitted in both Spanish and English** and needs to include the **name and contact information of the prospective adoptive parent(s)** as well as the **name and date of birth of the child and any other pertinent psychosocial history of the child**. Additionally, the written request must include the **relationship**, if any, of the child and prospective adoptive parent(s). This letter should also include the basic requirements to approve a home study based on California standards. (Sample written request letter attached. Basic California Home Study Standards list attached.)

Once the DIF assessment has been received, both the A-CSW and Adoption Supervising Children's Social Worker (A-SCSW) shall review the DIF adoption home study for content to determine if DCFS should move forward in the adoption process based on the information in the adoption home study assessment.

Placement Papers

To prepare the adoptive placement papers, the A-CSW shall send the two copies of the AD 512, adoptive placement documents and AAP paperwork (all in Spanish). All copies sent should be signed by the A-CSW before sending the documents to the family. The A-CSW will inform the family that they should contact the A-CSW as soon as the documents are received. Once the documents are received and the family has called, the A-CSW shall set up a time to go over the AD 512 and adoptive placement form telephonically. The A-CSW is to invite the DIF worker to partake in the adoptive placement process. The A-CSW shall explain all of the Adoptions forms and shall ask the family to sign each of the forms and mail back one copy of each to the A-CSW.

Post Adoption Visit

There is no regulatory or statutory requirement that we must wait 30 days after adoptive placement to complete the post-placement visit if children have been in a home for six months or more. An initial post-placement interview can take place on the day of the adoptive placement for families with children who have been in the home for more than six months. If DIF was present during the adoptive placement, that contact can count as a post adoption visit. If DIF was not present during the adoptive placement, the A-CSW can request that DIF go out and conduct a post-adoption placement visit. The A-CSW should also request a post placement visit report. The CSW is to request post-placement visits that are in alignment with the California regulations of 4 visits if the child has not been in the home 6 months or reduced to one visit if a waiver is approved.

In instances where the child/children have not resided in the home for more than six months, DCFS via DIF is to supervise the adoptive placement for six months before submitting the case for finalization. The A-CSW is to request DIF to conduct post-placement visit(s). The A-CSW should also request a post placement visit report.

AAP

Once placement papers are signed, the family can begin to receive a monetary rate equivalent to the foster care rate or any specialized rate they would qualify for in California. **The AAP should be initiated as soon as the signed copies of the placement papers and AAP paperwork are received and would commence the date of the adoptive placement.** Children being adopted qualify for Medi-Cal in California but these services are not transferable to Mexico. Should the family visit California, Medi-Cal can be accessed.

Finalization

When the family finalizes the adoption in Los Angeles, the family shall be given the option of a private or pro bono attorney. The A-CSW shall refer the case for finalization as they would with any other case. Should the family proceed with a private attorney, the A-CSW shall inform the family that they will need to pay for finalization costs up front and will be reimbursed up to \$400 per child once the adoption has finalized.

The court may allow the adoptive parent(s) and/or the adoptee(s) to not be present in court for the finalization hearing. If so, the private or pro bono attorney can appear at the hearing on their behalf.

Post Finalization

If the family is interested in registering the adoption in Mexico, the A-CSW will arrange to have the Order of Adoption translated, exemplified by the court and authenticated (apostilled). The A-CSW can make a request to the court to have the Order of Adoption translated and exemplified. This can be requested on the DCFS/A 97, Final Adoption Report. Once received, the translated and exemplified Order of Adoption will need to be apostilled (see below). The A-CSW will then forward the apostilled adoption decree to the family, who in turn must have it registered in the Registro Civil office in their state. This will allow the adoption to be recognized in Mexico as well as the United States.

Once the apostilled adoption decree is sent to the family, the case can be closed following current, established procedures.

Apostille

The California Secretary of State provides authentication (apostille) of public official signatures on documents to be used outside the United States of America. An "apostille" is a certificate issued by a designated authority in a country where a treaty called the Hague Convention Abolishing the Requirement for Legalization of Foreign Public Documents applies. As stated above, the A-CSW will arrange to have the Order of Adoption translated, exemplified by the court and apostilled (authenticated). Once the translated and exemplified Order of Adoption is received by the A-CSW, he/she will be responsible for getting these documents apostilled by taking them, for same day processing, to:

The California Secretary of State
300 South Spring Street
Suite 12513
Los Angeles, CA 90013-1233
(213) 897-3062

*Please call the individual regional office for Authentication processing hours and approximate wait time.

Fees

\$20.00 Authentication (Apostille), per document

In addition to the Authentication fee, the following fee is applicable to documents hand delivered to the Sacramento Office for over-the-counter expedited processing or delivered for processing at any regional office.

\$6.00 Special Handling Fee, per public official, per transaction

Please make all checks payable to the **Secretary of State**. Fees collected over-the-counter at the regional office locations may be made by **check, money order or credit card** (Visa or MasterCard).

Also, any document requiring Authentication (apostille) of a public official's signature may be mailed (include a cover letter listing the country of destination and a self-addressed stamped envelope) to the Sacramento Office of the Secretary of State for processing. The mailing address is as follows:

Notary Public Section
Post Office Box 942877
Sacramento, CA 94277-0001

Authentication requests are processed as quickly as possible. However, processing time may be longer than the stated 10-15 working days, dependent on the volume of pending requests. Please submit documents as soon as possible to allow ample time for completion.

Birth Certificates

If the children were born in California, Vital Records in Sacramento will generate a birth certificate with the adoptive parent's name on the child's birth certificate. If the children were born outside of California, but within the United States, the office of Vital Records will send a letter to the birth State requesting that a new birth certificate be generated. If the child/children are born out of country, the office of vital records in California will generate a California amended birth certificate.

Translation of Documents

In the event that any documents received from Mexico or any other documents/forms necessary to proceed with the adoption are needed to be translated, any such documents/forms should be sent to Jean Lee (213)-351-7257, fax, 213-738-6514, Head of DCFS Procurement. A memo should accompany the documents/forms to be translated and the memo should indicate the date by which the translation needs to be completed.

Medical Insurance for Children in Mexico

Mexican Law allows for children of all employed Mexican citizens to receive free public health insurance. In addition, families have the option of purchasing private health insurance, which is named, Seguro de Salud Para la Familia (Health Insurance for the Family) and is available through the Instituto Mexicano del Seguro Social (IMSS). This medical insurance plan covers medical visits, lab tests, x-rays, medication, medical specialist consultations, basic dental care and hospitalizations, at a cost of \$97.00 per year for children ages 0-19. Families should apply for this insurance through their local IMSS office. Families can contact the general IMSS office for further information and to obtain the location of the regional office closest to them.

General IMSS office telephone numbers:

- (55) 5241-0245
- (55) 5238-2700
- 01 800-905-9600 (toll free)