

PROTOCOL OF COOPERATION BETWEEN THE CONSULATE GENERAL OF MEXICO IN LOS ANGELES, CALIFORNIA, AND THE LOS ANGELES JUVENILE DEPENDENCY COURT

The Consulate General of Mexico in Los Angeles, California (hereinafter "the Mexican Consulate") and the Los Angeles Juvenile Dependency Court (hereinafter "the Juvenile Dependency Court"),

Have agreed:

To subscribe this Protocol of Cooperation which sets the basis to enhance and foster the communication between both offices and undertaking joint actions to attend cases of Mexican nationals involved in Juvenile Dependency Court proceedings.

I. Notice of Proceedings

- A. Whenever the Los Angeles Department of Children and Family Services (DCFS) becomes aware that a parent or child involved in Juvenile Dependency Court proceedings is a Mexican national, DCFS shall notify the Mexican Consulate as soon as possible.
- B. The Mexican Consulate agrees to inform DCFS of any contact made with Mexican national involved in Juvenile Dependency Court proceedings.
- C. The Mexican Consulate will provide services to Mexican nationals involved in Dependency Court Proceedings on a voluntary basis.

II. Attendance at Court Hearings

- A. Consulate representative may attend any court hearing if requested by a Mexican national, so long as the requesting person has a legitimate interest in the pending case.
- B. The Consulate Representative always should make his or her presence known to the bailiff in the in the courtroom so that all parties will be notified of his or her presence.

III. Appointment of Counsel

- A. If the Consulate Representative is assisting a Mexican national who is seeking legal representation, the Consulate Representative shall appear at the next court hearing and notify the bailiff in the courtroom of the case name and that the Consulate Representative requests counsel on behalf of the Mexican national.
- B. The Court shall appoint an attorney for anyone on whose behalf a Consulate Representative appears, if such person otherwise would be entitled to an attorney but cannot be present in court because he or she resides in Mexico.

- C. Such appointments shall not be limited to those who cannot attend Court proceedings because of immigration issues, but should include those who cannot attend for any legitimate reason, including financial difficulty.

IV. Exchange of Information

A. Confidentiality

- 1. The Mexican Consulate and its representatives understand and agree that Juvenile Court proceedings are confidential pursuant to Welfare and Institutions Code 827 and California Rules of Court, Rule 1423.

B. Discovery of Information Regarding a Case in Dependency Court

- 1. If a parent, relative or other interested Mexican national requests the Consulate's assistance in obtaining information about a case in the Los Angeles County Dependency Court, a Consulate Representative shall file a Petition for Disclosure of Juvenile Court Records in the form attached as Attachment 1, explaining on whose behalf the request is filed, the reasons for the request and as much identifying information regarding the case as known.
- 2. The Clerk of the Presiding Judge shall be responsible for providing all notice required in connection with such petition.
- 3. The Presiding Judge or a judicial officer designated by the juvenile court will determine whether to grant the Petition and issue an Order granting the Consulate Representative access to the file.
- 4. If the Order is issued, the Consulate Representative may bring this order to the Clerk's Office of the Children's Court to review the file as contained in the Order.

C. Representation of a Parent Residing in Mexico

- 1. If the Consulate Representative appears in Court as an agent for a parent of a dependent child, the attorney for the parent is permitted to provide any and all information relevant to the case to the Consulate Representative to facilitate communication with the parent.

D. Representation of a relative Residing in Mexico

- 1. If the Consulate Representative appears in Court as an agent for a relative in Mexico other than a parent, the Consulate Representative should approach the attorney for the child directly. In most cases, the attorney will be willing to discuss the case with the Consulate Representative as if the relative were present in court.

2. If the attorney is unwilling to provide any information to the Consulate Representative, the Consulate Representative may (1) file a petition for Disclosure of Confidential Juvenile Records or (2) write a letter to the Presiding Judge describing the problem.
3. The Presiding Judge shall determine the best course of action.

V. Interview of a Dependent Child

- A. A Consulate Representative may interview a child with the child's attorney present or with the child's attorney express consent.
- B. If the child's attorney is uncooperative or refuses to give his or her consent, the Consulate Representative may contact the Presiding Judge who shall evaluate the circumstances and attempt to resolve the matter.

VI. Provision of Statistics

- A. The Court shall provide any statistics already maintained if the Consulate Representative makes a specific written request to the Presiding Judge
- B. If the Court does not maintain the requested statistics and determines that the Department of Children and Family Services maintains such statistics, the Court shall assist the Consulate in obtaining the statistics.

The Parties to this Agreement also commit to maintaining a cooperative relationship which respects and protects the rights of Mexican nationals and serves the best interests of abused and neglected Mexican children who are involved in Juvenile Dependency Court proceedings.

Los Angeles, California, February 24, 2009

Judge Michael Nash
Presiding Judge of the Juvenile Court

Judge Margaret Henry
Supervisor Judge of Dependency Court

Juan Marcos Gutierrez-Gonzalez
Consul General of Mexico