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**MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF MADERA,
CALIFORNIA, OF THE UNITED STATES OF AMERICA AND THE CONSULATE OF
MEXICO IN FRESNO, CALIFORNIA REGARDING CONSULAR FUNCTION IN
DEPENDENCY PROCEEDINGS INVOLVING MEXICAN MINORS**

This Memorandum of Understanding, (hereinafter "MOU") is made and entered into between the County of Madera, a political subdivision of the State of California of the United States of the United States of America, (hereinafter "County"), and the Consulate of Mexico in Fresno, California (hereinafter "Consulate"), hereinafter jointly referred to as "the Parties";

WHEREAS, the County, through its Department of Social Services, works to protect children from abuse and neglect, to strengthen families and provide permanent homes; and

WHEREAS, the Consulate's duty and goals are to assist Mexican nationals and to protect their interests; and

WHEREAS, both Parties desire to work together in the best interest of the children and families of Mexico nationals residing in Madera County and to provide them with a safe, stable and permanent home in a timely fashion; and

WHEREAS, both Parties bear in mind the international commitments of the United Mexican States and the United States of America under the Consular Convention between the United Mexican States and the United States of America of August 12, 1942 and Vienna Convention on Consular Relations of April 24, 1963; the Memorandum of Understand on Consular Protection of the United States and Mexican Nationals of May 7, 1996 (relevant articles attached as Appendix 1); and the Madera County Superior Court Rule 5.3.9 (attached as Appendix 2).

Now, therefore, it is mutually agreed as follows:

I. Definitions:

These terms have the following meanings when used within this MOU:

DIF - Means the Agency of the National System for Integral Family Development ("Sistema Nacional para el Desarrollo Integral de la Familia"). This is the agency in Mexico responsible with ensuring the welfare of minors.

Immigration Liaison- Is the Madera County Social Worker identified by the County to facilitate communication to Consulate and other immigration agencies.

Mexican minor – Refers to any child or unmarried person under the age of eighteen that was born in Mexico, or is eligible for Mexican nationality.

Primary Social Worker- Is the Madera County Social Worker identified as the primary responsible social worker for a specific case.

II. Purpose of MOU:

The purposes of this MOU are to clarify the responsibilities of each Party and determine how the Parties will work together in the best interests of minors and families who are Mexican nationals involved in the Madera County, Department of Social Services' Child Protective Services Program (hereinafter referred to as "CPS") and who are eligible for assistance from the Consulate.

III. Responsibilities:

A. County shall:

1. Use its best efforts to determine the nationality or the residence status of minor placed in protective custody by County and their parents. If the minor and/or the parents are Mexican Nationals, the Mexican minor and the Mexican parents shall be immediately informed of their right to contact and include the Mexican Consulate's office in their case. This notification shall be done by the Primary Social Worker.
2. Notify Consulate through Immigration Liaison when a minor is either in protective custody or a dependency petition has been filed and:
 - a. The minor is known to be a national of Mexico; and/or
 - b. Either parent of the minor is a national of Mexico and the parent requests that Consulate be notified.
3. Through Primary Social Worker, give consideration to available relatives desiring placement in Mexico when out-of-home care is being pursued for a Mexican minor that meets the criteria above.
 - a. Requests for home evaluation in Mexico will be referred directly to the Consulate through Immigration Liaison.

b. Primary Social Worker should contact the Consulate through Immigration Liaison for aid in obtaining services available to family members in Mexico.

c. Translation of documents if necessary shall be completed by the County in accordance with Title VI of the Civil Rights Act of 1964.

4. Use its best efforts to respond to any inquiries from Consulate in matters involving Mexican nationals (child, parents and relatives) pertaining to the protection of children that are residents of Madera County. Both Parties understand that the County may not share CPS case files or information with the Consulate in the absence of an appropriate court order.
5. Notification given under this section should occur by telephone, email, fax, letter or official hearing notification. The provision of notice shall be documented in the case file and include the date, time and the individual Consulate Officer to whom notice was given.

B. Consulate shall:

1. Observe all Federal, State and local laws, rules, regulation and procedures, as well as court orders, concerning confidentiality requirements of CPS case information.
2. Facilitate the process of returning children to Mexico when determined appropriate.
3. Refer requests for home evaluations from the County to DIF and notify the County of the receipt and results of home evaluations performed by DIF.
4. Respond to any inquiries from the County in matters pertaining to the protection of children that are residents of County and may be eligible for assistance from Consulate.
5. Respond and coordinate services performing by establishing dual citizenship for a U.S. born child of Mexican parents.
6. Assist the County in obtaining necessary documents from the Civil Registry of Mexico.
7. Assist the County in obtaining necessary documents for Mexican minors to travel or obtain legal residency status.
8. Assist in the arrangement of visits between dependent minors and their relatives at the office under the supervision of the Consulate General of

Mexico in San Diego located at the United States-Mexico border in San Isidro. All visits will be supervised by the staff of the Defense Security Service – Child Welfare Services of the United States of America, at all times.

IV. Notice:

Written notice shall be personally delivered or sent by United States Mail, certified or return receipt requested, and addressed as follows:

To County

Department of Social Services
P.O. Box 569
Madera, CA 93639

To Consulate

Consul of Mexico
7435 N. Ingram Avenue
Fresno, CA 93711

V. Interview of a Mexican minor:

A Consular Representative may interview the Mexican minor in custody and/or subject to the jurisdiction of the County, as authorized by law. The minor's attorney must consent to the interview prior to the interview being arranged.

VI. Interview of Mexican Parents:

A consular Representative may interview the Mexican parents of a minor in custody and/or subject to the jurisdiction of the County, as authorized by law.

VII. Factors to Consider When Placing Mexican Minors in Mexico:

- A. County Primary Social Worker to assess appropriateness of the Family requesting placement.
 1. Conduct a risk assessment: Primary Social Worker or Immigration Liaison shall contact family member by telephone, assess as normally would any other relative (their prior knowledge of abuse, their ability to care and provide for the Mexican minor, their ability to protect the Mexican minor from abuser, the most permanent plan they would be able to provide, etc).
 2. If family member is appropriate after telephone interview, contact Consulate through Immigration Liaison to request a home study from DIF.
- B. If a family member is found to be an appropriate placement, prior to the minor being placed in Mexico, the County shall obtain documentation from

Consulate verifying the placement is appropriate. The County Social Worker shall arrange travel through available means (case by case basis).

VIII. Safety & Travel Issues:

- A. The County Social Worker assigned to travel with the Mexican minor is responsible to inform supervisor, Program Manager and Consulate of itinerary as soon as possible regarding travel dates.
- B. Consulate is to:
 - 1. Arrange with DIF or the Ministry of Foreign Affairs of the United Mexican States, to meet at arrival airport with County Social Worker and the Mexican minor; and
 - 2. Prepare necessary documents to allow the Mexican minor to travel with County Social Worker to Mexico.

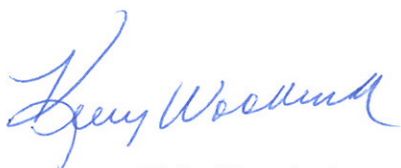
IX. Further Agreements:

- A. This MOU in no way interferes with the County's existing working relationships with other Mexican governmental agencies.
- B. This MOU shall become effective when fully executed and continue in full force and effect until either Party notifies the other of its intention to terminate it.
- C. This MOU may be amended by written consent of both Parties. All amendments shall be attached to MOU and made part thereof.

- D. Either Party to this MOU may terminate this MOU at any time by giving the other Party thirty (30) days written notice of such termination. Termination shall have no effect upon the rights and obligations of the Parties arising out of any activities occurring prior to the effective date of such termination. Written notice of termination shall be deemed duly served when personally delivered to the other Party, or in lieu of such personal service, when deposited in the United States Mail postage prepaid, addressed to such Party as follows:

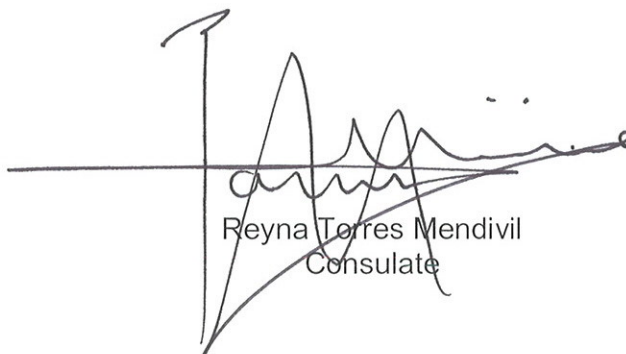
IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding in duplicate at November this 20th day of 2012 in the Spanish and English languages, both texts being equally valid.

**FOR THE COUNTY OF MADERA, OF
THE STATE OF CALIFORNIA OF THE
UNITED STATES OF AMERICA**



Kelly Woodard
Department of Social Services

**FOR THE CONSULATE OF MEXICO IN
FRESNO, CALIFORNIA**



Reyna Torres Mendivil
Consulate

Approved as to Legal Form:
COUNTY COUNSEL

By 

Approved as to Form:
RISK MANAGEMENT

By 

ACCOUNT NUMBERS:

CONTRACTING PARTIES:

County of Madera, and

Consulate of Mexico

TITLE OF CONTRACT:

Memorandum of Understanding Between the County
Of Madera, California, of the United States of America
And the Consulate of Mexico in Fresno, California
Regarding Consular Function in Dependency Proceedings
Involving Mexican Minors