

DEPARTMENT OF CHILDREN AND FAMILY SERVICES


Distribution X and Z

POLICY GUIDE 2004.02

**MEXICAN CONSULATE NOTIFICATION OF MEXICAN OR MEXICAN AMERICAN
MINORS IN THE CUSTODY OF THE DEPARTMENT**

RELEASE DATE: June 24, 2004

TO: Rules and Procedures Bookholders and Child Protective and Child Welfare Staff

FROM: Bryan Samuels, Director 

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I. PURPOSE

The purpose of this Policy Guide is to implement the Memorandum of Understanding between the State of Illinois, Department of Children and Family Services and the Consulate General of Mexico in Chicago that provides for early identification of Mexican or Mexican American minors taken into protective custody by the Department. The child welfare practice issues inherent in the Memorandum of Understanding are directed toward ensuring that the needs of Mexican or Mexican American minors are met when their families are temporarily or permanently unavailable. This policy addresses procedures that will facilitate the coordination of legal and social services to children and their relatives that may be necessary to achieve permanency for the child, including providing the least restrictive placement and supportive services to maintain family ties, ensure appropriate visitation and maintain the child's ethnic, religious and cultural identity.

The Memorandum of Understanding between the Department of Children and Family Services and the Consulate General of Mexico requires DCFS and POS workers to notify the Office of Latino Services when a child is determined to be of Mexican ancestry. The Office of Latino Services is responsible for notification to the Mexican Consulate.

II. Primary Users

The primary users of this Policy Guide are child protective and child welfare staff of the Department and Purchase of Service (POS) agencies.



III. Background Information

The Consular Convention between the United States of America and the United Mexican States (Bilateral Convention) and the Vienna Convention on Consular Relations (Vienna Convention) provide for consular notification and access in cases where foreign nationals are involved in legal proceedings. These treaties establish the right of representatives or agents of any embassy or consulate of a foreign government to freely communicate with, and have access to, its nationals without interference from the host state.

The Department recognizes the importance of early identification of Mexican or Mexican American minors taken into protective custody in order to protect the fundamental rights of Mexican Nationals and, to the extent possible, provide all of the protections afforded to them by the Vienna Convention, the Bilateral Convention and all other applicable treaties and laws.

IV. Definitions

“Mexican” means any person who is a national of Mexico, regardless of immigration status in the United States. For consular notification purposes, a minor reported as born in Mexico will be assumed to be a Mexican national.

“Mexican minor” means any unmarried person who is under the age of eighteen and was born in Mexico.

“Mexican American minor” means any unmarried person who is under the age of eighteen, was born in the United States, and who is eligible for Mexican nationality as the biological child of at least one Mexican national.

“Mexican custodian” means the non-parental caretaker of a Mexican minor, who has been entrusted by a parent(s) with the day-to-day care of the minor for any period of time.

“DIF” means the Agency For Integral Family Development. This is the agency in Mexico charged with ensuring the welfare of minors.

V. Determination of Mexican Lineage

Child protection workers are required to establish ancestry of every child taken into protective custody. At the commencement of an investigation, child protection workers will distribute CFS Pamphlet 1050-26, Guide for Parents Who are Mexican Nationals, to all Hispanic subjects of reports. In addition, the Memorandum of Understanding between the Illinois Department of Children and Family Services and the Consulate General of Mexico requires the Department to notify the Mexican Consulate in writing within ten working days of the decision to take protective custody of a Mexican or Mexican American minor or at any time one of the following occurs:

- A child for whom the Department is legally responsible is identified as having Mexican ancestry.

- A parent or custodian of a Mexican or Mexican American minor requests that the consulate be notified.
- The Department learns that a non-custodial parent resides in Mexico.

VI. Rights of Children and Families of Mexican Ancestry

Children who are determined to be of Mexican ancestry and who are age appropriate, and their parents or custodians shall be advised that:

- They have the right to freely communicate with consular officers of their country.
- The Mexican Consular Representatives may interview Mexican or Mexican American minors in the custody of the Department.
- The Mexican Consulate can receive specific information, otherwise confidential, regarding the reason protective custody of the Mexican minor was taken.
- The Mexican Consulate can assist the Mexican child, parents or custodians in legal proceedings.

VII. Identification of Mexican and Mexican American Children

Each month, the Office of Latino Services is notified of every case that has been opened for a Hispanic child. The Office of Latino Services contacts the worker for each child to determine whether one or both of the parents are Mexican Nationals. If a determination is made that the child is of Mexican ancestry, the worker completes the **CFS 1000-6, Notification to the Mexican Consulate** and submits it to the Office of Latino Services. The Office of Latino Services is responsible for notification to the Mexican Consulate and to the Guardianship Administrator.

VIII. Information Provided to the Mexican Consulate

The initial notification provided to the Mexican Consulate by the Office of Latino Services shall include the name of the Mexican or Mexican American minor; the minor's date of birth, if known; the names, address and telephone number of the parents or custodians, if known; the consent of the parents or custodian to the disclosure; and the name and telephone number of the assigned Department caseworker and the caseworker's supervisor. Workers are to complete the **CFS 1000-6, Notification to Mexican Consulate (attached)** and submit it to the Office of Latino Services.

IX. Consulate Access to Mexican or Mexican American Minors in the Custody of the Department

Although Consular Representatives have the right to interview Mexican minors in the custody of the Department, they must first obtain the approval of the Office of the Guardianship Administrator to interview Department wards who are of Mexican American ancestry. All interview requests must be submitted to the Guardianship Administrator or designee.

X. Special Immigrant Juvenile Status for Mexican Minors

The Mexican Consulate will assist the Department in obtaining the necessary documentation from Mexico for Mexican minors in the Department's custody who are eligible for Special Immigrant Juvenile status.

XI. Assistance Provided by Mexican Consulate Regarding DIF

The Mexican Consulate can assist DCFS and POS caseworkers in obtaining appropriate home studies of families in Mexico who may be resources for these Mexican minors by contacting the DIF. The Mexican Consulate will also ensure that the DIF provides appropriate and necessary services to Mexican minors for whom the Department is legally responsible when they are placed in Mexico, including having monitoring reports forwarded to DCFS and POS caseworkers.

XII. Instructions to DCFS and POS Staff

A. Identification of Children of Mexican Ancestry

DCFS and POS child protection workers and permanency workers are required to notify the Office of Latino Services within five working days of:

- Taking protective custody of a Mexican or Mexican American minor;
- Identifying a child for whom the Department is legally responsible as having Mexican ancestry;
- Receiving a request from the parent or custodian of a Mexican or Mexican American minor to notify the consulate; or
- Learning that a non-custodial parent lives in Mexico.

B. Required Consent to Release Information

In order for the Department to notify the Mexican Consulate of a child(ren) of Mexican ancestry, the child protective services worker or the permanency worker must obtain the written consent of the parent(s) or custodians using the CFS 600-3 Consent for the Release of Information. If the parent(s) or custodian(s) refuse to sign the consent, the worker shall document the refusal in the space provided on the CFS 1000-6. While information cannot be released to the Mexican Consulate without the consent of the parent or custodian, workers are still required to submit the **CFS 1000-6, Notification to Mexican Consulate** to the Office of Latino Services.

C. Notification to the Office of Latino Services

When a child is determined to be of Mexican ancestry, the DCFS or POS worker is required to:

1. Complete the **CFS 1000-6, Notification to the Mexican Consulate**;

2. Obtain the written consent of the parent or custodian to notify the Mexican Consulate; and
3. Submit the **CFS 1000-6, Notification to Mexican Consulate** and **CFS 600-3 Consent for the Release of Information** (when signed) by fax to Petra Porras, Office of Latino Services at 312-328-2097.

The Office of Latino Services is responsible for informing the Mexican Consulate of Mexican or Mexican American minors protected by the Memorandum of Understanding between the Illinois Department of Children and Family Services and the Consulate General of Mexico.

XIII. Questions

Questions concerning this Policy Guide may be directed to the Office of Child and Family Policy at 217/524-1983 or e-mail through Outlook at OCFP Mailbox or cfpolicy@idcfs.state.il.us for non-Outlook users.

XIV. Attachment

CFS 1000-6, Notification to Mexican Consulate

XV. Filing Instructions

Child Protective Services Workers shall file this Policy Guide behind Section 300.120 of Procedures 300. Child welfare staff shall place this Policy Guide behind Section 301.30 of Procedures 301.

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State of Illinois
Department of Children and Family Services
Office of Latino Services

Notification to Mexican Consulate

In accordance with the Memorandum of Understanding between the State of Illinois, Department of Children & Family Services (DCFS), and the Consulate General of Mexico in Chicago, the Department is required to notify the Mexican Consulate when children for whom the Department has guardianship are determined to be Mexican (born in Mexico) or Mexican American (eligible for Mexican nationality as the biological child of a Mexican national). Child Protective Services Workers and DCFS and POS Permanency Workers are required to complete this form and submit it to the Office of Latino Services within five working days of identifying a child or youth who is Mexican or Mexican American minor.

CHILD INFORMATION

Last Name _____ **First Name** _____ **Case ID** _____

Date of Birth _____ Place of Birth _____

Date taken into Custody _____

Last Name _____ **First Name** _____ **Case ID** _____

Date of Birth _____ Place of Birth _____

Date taken into Custody _____

Last Name _____ **First Name** _____ **Case ID** _____

Date of Birth _____ Place of Birth _____

Date taken into Custody _____

(Add additional pages if needed)

PARENT INFORMATION

Mother's Name _____ Mother's Birth Place _____

Mother's Address (only if a Mexican National) _____

Father's Name _____ Father's Birth Place _____

Father's Address (only if a Mexican National) _____

CASEWORKER / AGENCY INFORMATION

Caseworker Name _____ Agency Name _____

Address _____ City, State, Zip _____

Agency Phone # (_____) _____ Supervisor's Name _____

Date submitted to Office of Latino Services _____

DCFS and POS workers submit this form to Petra Porras, Office of Latino Services by faxing it to 312-328-2097 along with the signed CFS 600-3 Consent to Release Information. If the parent or custodian refused to sign the Consent, the worker submits the CFS 1000-6 Notification to Mexican Consulate to the Office of Latino services with a checkmark in the space provided below.

The parent / custodian refused to sign the CFS 600-3 Consent to Release Information.