
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

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Placement in Foreign Country/Release/Repatriation

Purpose To provide guidelines for out-of-country travel and the release to a caregiver in a foreign country or repatriation (act of returning to one's country of origin) of children who are the subject of Juvenile Court proceedings.

Approved This policy was approved by Mike Ryan, Director of CFS, on May 1, 2009. *Signature on file.*

Background A child who is the subject of Juvenile Court proceedings may have parents, relatives, or Non-Relative Extended Family Members (NREFMs) residing in a foreign country, who may be viable caregivers for the child. Such a child may be placed in their parents' care or the care of a relative or other caregiver in a foreign country. This may occur upon completion of an assessment of the parent or other prospective caregiver, determination that release to a caregiver in a foreign country is in the child's best interests, and authorization of the Juvenile Court.

Once a child has been moved to a foreign country and upon the ruling of the Juvenile Court, dependency proceedings are terminated. When indicated, arrangements may be made with the Consulate in the country to which a child is moved to coordinate services for the child through a Social Services Agency (SSA) equivalent agency.

Any adult who accompanies a child for travel outside of the United States (U.S.) must have a valid passport and be in compliance with the rules and regulations of the U.S. State Department and country

to which they are traveling.

Legal Mandates [Welfare and Institutions Code Section 368](#) provides the legal authority for the Juvenile Court to order children who are legal residents of a foreign country to be released to:

- The person charged with the child's custody
- An official of the Juvenile Court of that country
- An agency authorized to accept the child

Case law supports the legal foundation for the release of a U.S. citizen for placement with a relative or NREFM in a foreign country.

- In Re Sabrina H. 149 Cal.App.4th 1403 (2007) states that placement of a dependent in a foreign country is consistent with the interests of Juvenile Dependency law, including promoting placement with relatives or NREFMs
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Definitions

Release to Caregiver in a Foreign Country:

A U.S.- or foreign-born child sent to reside with an approved caregiver in **any** foreign country.

Repatriation:

A child who is a legal resident of another country residing in the U.S. who returns to reside in his or her **home** country.

Embassy:

An office of a country's diplomatic representatives in the capital city of another country (e.g., foreign embassies in the U.S. are located in Washington, DC). The role of the diplomatic representatives is to protect the interests of their country and its citizens, while maintaining positive diplomatic relations with the U.S.

Consulate:

A Consulate focuses on dealing with individual persons and businesses, as defined by the Vienna Convention on Consular Relations. A Consulate or Consul General is generally a representative of the Embassy in locales outside of the capital city. For example, the Mexican Embassy to the United States is in Washington, DC, and there are Mexican Consulates located throughout the United States, including Santa Ana, California.

POLICY

Release/ Repatriation

Release or repatriation to a parent, relative, or NREFM who resides in a foreign country must be considered. Upon determination that it is in a child's best interests, a child who is the subject of Juvenile Court proceedings may be released or repatriated to a foreign country pursuant to the guidelines outlined in the Procedure section below.

Foreign Consulate Assistance

The assigned Senior Social Worker (SSW) will contact the Consulate for the foreign country being considered for release or repatriation and provide information required by the Consulate, which will, as necessary:

- Locate parents and/or family members in the child's country of origin
- Notice the child's parents of court hearings (**Note:** The assigned SSW will fax the *Notice of Review Hearing-Juvenile (JV 280)*, to the Consulate for the country being considered for release or repatriation or send it to the child's parents when the parents' address is known)
- Obtain birth records and other documents
- Register the child for dual citizenship. (When regarded as a citizen under the laws of more than one State, e.g., a citizen of both the United States and Mexico)
- Obtain travel documents for a child
- Obtain information regarding suitability of potential caregivers

Confidential information **will** be released to a Consulate and SSA equivalent agency, as necessary, and as permitted by law.

The assigned SSW will consult with the Children and Family Services (CFS) liaison to the Mexican Consulate for assistance when working with the Mexican Consulate. (Call the Reception desk at the Manchester Office Building [M.O.B.], [714] 935-6042, to locate the current CFS liaison to the Mexican Consulate.) CFS does not currently have a liaison for any country other than Mexico.

All correspondence with a Consulate or Embassy will be documented in CWS/CMS.

Locating Consulates

Current telephone numbers for foreign Consulates (or Embassies) can be accessed at: <http://usembassy.state.gov/>. Further, information for locating a foreign Consulate (or Embassy) may be obtained by contacting:

Office of Public Affairs and Policy Coordination for Consular Affairs
CA/P, Room 6831
U.S. Department of State
Washington, DC 20520
Telephone: (202) 647-4415; Fax: (202) 736-7559

The State Department Operations Center, (202) 647-1512, may be contacted for urgent telephone inquiries after normal business hours.

Transporting Children Outside of the United States

Usually, one social worker will accompany children when placing them out of the United States. However, in some cases children may require the assistance of more than one social worker or may be able to travel alone safely. The assigned social worker will make an assessment based on:

- Age
- Maturity level
- Physical needs
- Travel arrangements
- Language needs
- Number of children
- Availability of a suitable party legally authorized to receive the children for placement

If more than one staff member is needed to transport the children, the assigned social worker must obtain approval for any additional staff prior to submitting the Ex Parte Application and Order for the Court's approval, and completing the *Out-of-County and In-County Travel Request (F063-03-89)*. Refer to the Procedure section below for additional information

Note: When it is possible and/or necessary, a child will be accompanied by a staff person able to speak the language of the country to which the child is being transported.

A child being transported to a foreign country will require a passport or a travel document provided by the Consulate for the child's country of origin to leave the U.S. Further, social workers

traveling with a child will require current passports. Social workers are required to obtain and pay for their own passports. (Refer to CFS Policy and Procedure [P&P] [Out-of-Country Travel and Passports for Children \[D-0412\]](#) for further information regarding obtaining passports for children and the circumstances under which CFS *may* pay for a social worker's passport.) Further, travel expenses incurred by social workers who travel with a child will be reimbursed pursuant to the Social Services Agency (SSA) Administrative P&P [Travel and Reimbursement \(F 10\)](#).

Note: Staff traveling for CFS-related purposes to foreign countries should keep in mind that they have no legal authority once they leave California. Dependent children lose the protection of the Juvenile Court once they enter a foreign country, and the country may make whatever disposition of the child's case it chooses. It is especially important to remember that laws also vary in each country, and that many countries lack the constitutional guarantees that serve as the basis for laws in the U.S. For example, in Mexico and some South American countries, there is a legal presumption of guilt rather than innocence. Consequently, even such incidents as minor, no-fault traffic accidents can have serious legal consequences, including incarceration, until the incident is legally resolved.

Required Travel Documents:

A. **Social Worker**

The social worker(s) traveling with a child or children to a foreign country require(s) the following documents prior to traveling outside the U.S.:

1. Passport and Visa (required by some countries). (**Note:** Information regarding Travel Visas for U.S. citizens traveling to foreign countries may be obtained through the U.S. State Department at: http://travel.state.gov/visa/visa_1750.html.)
2. SSA identification.
3. Travel Itinerary.
4. Certified Juvenile Court Minute Order authorizing release or repatriation to a foreign country.

B. **Child**

A child released or repatriated to a foreign country requires the following documents prior to traveling outside the U.S.:

1. Passport or travel document issued by Consulate of child's country of origin (refer to CFS P&P [Out-of-Country Travel and Passports for Children \[D-0412\]](#) for requirements for obtaining a Mexican passport).
2. Birth certificate.

It is best practice to also provide the child with:

- A copy of immunization records
 - School records (for children 5 years and older)
3. Dual citizenship documentation (including U.S. passport and documentation of citizenship by foreign country), required when the child is a U.S. citizen.
 - Refer to the Procedure section below for guidelines regarding obtaining dual citizenship status on a child's behalf, when appropriate

Document Requirements for U.S. Citizens

In addition to the required travel documents outlined above, U.S. citizens being released to a caregiver in a foreign country must be in possession of a U.S. passport, to facilitate re-entry into the U.S. as necessary. Program Manager (PM) approval is required for a U.S. citizen child who is to be released to a relative or NREFM in a foreign country without a U.S. passport (provided that the receiving country allows entry without a passport), when the period of time required to obtain the passport would negatively impact the child and/or the child's release or repatriation.

A child will be released or repatriated to a foreign country pursuant to the guidelines outlined in the Procedure section below.

REFERENCES

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- [Attachment 1—Completing Request for Check](#)
- SSA Administrative P&P [Travel and Reimbursement \(F 10\)](#)
- CFS P&P [Out-of-Country Travel and Passports for Children \(D-0412\)](#)

Other Sources

Other printed references include the following:

- Memorandum of Understanding Between the County of Orange, State of California, United States of America and Consulate of Mexico in Santa Ana, California for the Provision of Permanency and Planning Services of Children who are Mexican Minors Involved in Dependency Proceedings (December 2008)

REQUIRED FORMS

Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Out-of-County and In-County Travel Request	F063-03-89
Case Related-Court Ordered Air Travel Authorization	F063-03-106
Placement in Foreign Country Confirmation (Mexico)	F063-25-501
Placement in Foreign Country Confirmation Request for Check	F063-25-502
Mexican Consulate Notification/Request for Services	003 F8500-6 F063-25-603

Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Issuance Memo	F063-04-57

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Placement Information Change (PIC) Notice	F063-28-301
Ex Parte Application and Order	N/A

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURE

Required Actions

The following actions must be completed when releasing to a caregiver in a foreign country or repatriating a child who is the subject of Juvenile Court proceedings.

Staff Responsible	Step	Required Action
Assigned SSW	1.	Assess whether release or repatriation is in child's best interests by: <ul style="list-style-type: none"> a. Interviewing child. b. Contacting child's parent(s), relative(s), or other potential caregiver(s) to assess whether they are able and willing to provide care for the child.
	2.	Confirm parent's or prospective caregiver's full legal name, address, and telephone number.
	3.	Utilizing the <i>Letter to Foreign Consulate (F063-25-603)</i> , send via fax or mail a request for a home study and a

written case summary to Consulate for country to which child may be released or repatriated, including:

- a. Names and addresses of involved parties in the U.S. and country to which child may be released or repatriated.
- b. Full description of circumstances, proposed plan, and actions required to implement plan.
- c. Request for SSA equivalent agency in country to which child may be released or repatriated (DIF in Mexico) to coordinate services for the family or to maintain supervision of the family, if indicated.

Note: When arranging for release or repatriation of a child to Mexico, contact the CFS liaison to the Mexican Consulate.

4. Initiate process to request child's passport pursuant to CFS P&P [Out-of-Country Travel and Passports for Children \(D-0412\)](#).
5. Contact Consulate for country to which child is to be released or repatriated to obtain information regarding country's requirements for release or repatriation.

(For release or repatriation to Mexico, contact:

Mexican Consulate
828 N. Broadway Street
Santa Ana, CA 92701
Telephone: (714) 835-3069
Fax: (714) 835-3472

The Mexican Consulate will initiate a process for contacting the family's regional Oficina para el Desarrollo Integral de la Familia [DIF] office.)

If child is a U.S. citizen:

6. Contact Consulate for country to which child is to be released or repatriated to ascertain requirements (e.g., fees, required supporting documentation/Court orders) for obtaining dual citizenship and complete the following, as appropriate:

- a. Submit an Ex Parte Application and Order to the Juvenile Court to request the following:
 - Orders indicating that the child is in the custody of the Social Services Agency
 - Authorization for SSA to seek dual citizenship on the child's behalf
 - Any Court orders that may be required by the particular country's Consulate where the request for dual citizenship is made
 - Authorization for County funds to pay for any fees associated with obtaining dual citizenship documentation, as indicated by the Consulate
- b. Request that the Consulate register the child for dual citizenship.
- c. Secure funds for fees associated with obtaining dual citizenship documentation, by completing the following:

For fees that do not exceed \$250.00:

- Complete a separate *Issuance Memo (F063-04-57)* and obtain necessary level of approval as indicated on the form, for each vendor utilized
- Provide *Issuance Memo*, and a copy of the signed Minute Order/Ex Parte authorizing use of County funds, to the CFS Accounting Support Staff located in CFS Building 122
- Provide the **original** receipt(s) related to obtaining dual citizenship documentation to the CFS Accounting Support Staff located in CFS Building 122, within **five business days**

Note: The assigned SSW may request a check via the *Issuance Memo*, however a minimum of one to two business days is required for issuance of the check.

For fees that exceed \$250.00:

- Complete a separate [Request for Check \(003 F8500-6\)](#) for each vendor utilized, using the template provided in [Attachment 1—Completing Request for Check](#) as a guide

- Forward *Request for Check*, and a copy of the signed Minute Order/Ex Parte authorizing the use of County funds, to the CFS Fiscal Program Manager in CFS Building 124 for approval

Note: The CFS Fiscal Program Manager will submit approved requests to the SSA Auditor Controller's Office. Checks will be issued within a minimum of 10-15 business days.

- Upon notification of check issuance, pick-up check from the CFS Accounting Support Staff in CFS Building 122
- File the **original** receipt(s) related to obtaining dual citizenship documentation on the child's Placement Acco

Upon receiving positive home study and determining that release or repatriation is in the child's best interests:

7. Request approval if more than one staff member is needed to safely transport the child:
 - Email Program Manager describing circumstances and requesting approval for additional staff
8. Submit Ex Parte Application and Order (include a signature line for PM) requesting Court authorization for release or repatriation and travel fees for the approved number of staff members.

Upon receiving Court authorization:

9. Complete *Out-of-County and In-County Travel Request (F063-03-89)* (including the justification for additional staff) and, if necessary, *Case Related-Court Ordered Air Travel Authorization (F063-03-106)*.
10. Contact Orange County's contracted travel agency to make travel reservations. See SSA Administrative P&P [Travel and Reimbursement \(F 10\)](#) for additional information.
11. Contact Consulate for child's country of origin to determine what documentation is necessary for repatriation. (The Mexican Consulate will provide a

presuncion, a form of identification allowing Mexican nationals to travel when a birth certificate cannot be obtained.)

12. Make arrangements with parents/caregivers and SSA equivalent agency in country to which child is being released or repatriated (regional DIF office in Mexico) to take custody of child upon arriving in country of release/repatriation. Confirm name and relationship of person designated to take custody of child.
13. Provide the following documents to Consulate for country to which child is being released/repatriated as soon as possible prior to travel (the Mexican Consulate requires advance notice of at least three business days):
 - a. Certified court order authorizing out-of-country placement.
 - b. Copy of travel itinerary.
 - c. Other available and appropriate documentation.

Upon arriving in country of release/repatriation:

14. Obtain signature of individual assuming custody of child for placement on *Placement in Foreign Country Confirmation (Mexico) (F063-25-501)* or *Placement In Foreign Country Confirmation (F063-25-502)* unless child is traveling unaccompanied. Retain for child's service folder if signed.
15. Complete *Placement Information Change (PIC) (F063-28-301)*.

Upon confirmation of move to foreign country:

16. Recommend termination of dependency proceedings through Ex Parte Authorization and Order or scheduled Court hearing.

Upon receiving signed Minute Order or Ex Parte Authorization and Order ordering termination of dependency:

17. End case in CWS/CMS.