

Working with International Children and Families in Child Welfare



INTERNATIONAL RIGHTS OF CHILDREN

- UN Rights of Children November 26, 1924
- Vienna Convention April 1963
- Hague Convention and the protection of children May 1993



DHS SERVICES TO FOREIGN CHILDREN IN OREGON

- All services for children including: Open case for services, Substitute care, Placement with Relatives, Foster care payment to Relatives who are certified as foster care providers, SOC funding access, Special Contracts for placement and support, Translation of Documents for parents and involved parties who do not speak English, Interpretation, reunification services, permanency, safety, Adoption.

DHS SERVICES TO FOREIGN CHILDREN

- Consular Notification and advocacy
- Reunification Out of Country
- Adoption out of Country by Family
- Social Services in the country of residence for reunification and adoption
- Adequate Staff serving international families, culturally respectful and able to communicate in their language

CONSULAR NOTIFICATION

- Per Vienna Convention : **When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.**
- This includes providing whereabouts of national parent and copy of the petition.

CONSULAR NOTIFICATION cont.

- The State of Oregon has an agreement with the Mexican Consulate in Portland to be receive consular notification on all dual citizenship minors in custody and the alleged biological minors of a Mexican National who are in custody by DHS.
- This requires parental permission by one parent or a court order.

International Parental reunification



International Parental Reunification

- Through the Foreign Consulate, DHS may request assistance from that country's social services agency to resolve the safety threats, obtain a parental home study and a final recommendation for reunification with the parent.
- DHS evaluates the home study and responses and examines the compliance of OSM requirements

Out of Country Reunification cont.

- Central office provides the final approval before submitting the request for court approval.
- Transition is made by DHS delivering the child to the home of the parent with assistance of the foreign social services agency and Consulate.

Non-documented Foreign Children

- Right to Safety and Permanency here or in the country of origin
- Right to apply for legalization if meets SIJS criterias: 1. Can not return to country of origin safely 2. Reunification is not possible and by court order this has been determined and a permanency plan is implemented.

Non-documented Foreign Children cont.

- DHS will explore the potential adoptive relatives who are willing and safe to adopt relative minors.
- HAGUE convention applies to ensure safety, wellbeing, best interest, child human rights and Convention and treaties are followed

HAGUE ADOPTION

- What is Hague? An International treaty that took place in Hague , Netherlands in May 29, 1993. Reinforces the U.N. Rights of the Child.
- Signed countries to comply with requirements to prevent child abduction, trafficking and ensure safety of foreign children and protection of families.
- Enforced in U.S. on April 1, 2008.

HAGUE ADOPTION

- A Hague home study completion (0253)
- An international agreement w/ the foreign central authority
- Best Interest Findings +
- 10 hours of training for the resource
- For more information see <http://adoption.state.gov/hague/overview/text.html>

Oregon Legislation

- <http://www.leg.state.or.us/09reg/measure/hb3400.dir/hb3471.a.html>
- Passed in May 2009 requires DHS to work with a Central Authority of both countries to ensure the safety of minors placed in adoption. Includes increasing safety measures, signing agreement, structured contact and collaterals to monitor safety, etc.

Refugee Families

- Per ORS 418.941 identified refugee families in the CW system are to be staffed with the Refugee Child Welfare Advisory Committee. The purpose is to provide culturally appropriate services
- Gloria Anderson/Diversity Unit assists and coordinates with branches the efforts and staffings @ 503-945-5700

MISINFORMATION



Misinformation

- If a child is born in **U.S.** and one or both parents are foreign nationals we have no obligation to notify a Consulate.
- There are less services for foreign children in Oregon Child Welfare
- Once a parent is deported his/her rights for reunification services are reduced or non existent.

- An undocumented child that can not return home nor to country of origin is destined to be an undocumented person in U.S. once out of foster care system.
- The Juvenile Court of Oregon can court order a Consulate to expedite a home study.
- The Foreign Consulate and Foreign Social Services agency must tend all our requests as presented by DHS or the u.s. legal system.

Policies and Procedure related to international children

- Oregon Safety Model procedure manual
Notifications : Chapter II section 19
- OSM Reunification: Chapter III section 14
- Policy I-A.4.5 Rights of Relatives
- Policy working with relatives I-E.1.1
- Placement of Refugee I-E.2.2

Resources

- Oscar Herrera
CAF International Case Consultant
500 Summer St. NE E-48
Salem, OR 97301-1066
(503) 945-6739 (Phone)
(503) 373-7032 (Fax)

Resources

- Gloria Anderson CAF Diversity Unit
Manager (503) 945-5700
- Lilia Araujo International Case Coordinator
(503) 945-6646

All done! Questions??

