

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-01-2015**

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION: CHILD WELFARE PROGRAM ADMINISTRATORS, MANAGERS,
SUPERVISORS, AND SOCIAL WORKERS**

DATE: APRIL 15, 2015

**SUBJECT: MEMORANDUM OF AGREEMENT WITH THE MEXICAN
CONSULATE**

EFFECTIVE: IMMEDIATELY

I. Intent and Background

The purpose of this Administrative Letter is to provide information regarding a recently developed Memorandum of Agreement (MOA) between the Consulate General of Mexico and the State of North Carolina. This MOA will have implications for all county child welfare agencies within North Carolina.

II. Applicable law, statute, and/or treaties:

Both the Bilateral Convention and the Vienna Convention provide for consular notification and access in cases where foreign nationals are involved in legal proceedings. These treaties place a special responsibility on the receiving State's authorities, in this case, the Director of the Division of Social Services to treat cases of foreign national minors with particular care.

III. Implications for Child Welfare Policy and Practice:

North Carolina is home to many Mexican citizens. The purpose of this Memorandum of Agreement is to protect the Mexican minor as a fundamental human element of Mexican communities throughout the United States, in particular the State of North Carolina. The Department and the Consulate recognize that the Mexican minor is essential to the maintenance of Mexican culture, traditions and values. Therefore, this Memorandum of Agreement, provides a method of early identification of Mexican minors and their families, in order to provide services, which assure all the protections afforded by the Vienna Convention, the Bilateral Convention and all other applicable treaties and laws.

A County shall inquire, at the time the decision to take protective custody is made, whether a minor has any Mexican parentage. The duty of the County to identify Mexican parentage shall continue as long as the child welfare case is open.

The County will notify the Consulate in writing of the following information:

- (a) When the County identifies a Mexican minor in its custody, or

- (b) When a parent or custodian of a Mexican minor has requested that the Consulate be notified.

This written notification will be made within 10 working days of the decision to take protective custody of the Mexican minor. If the County learns, at a later time, that the minor is a Mexican minor, then the information will be forwarded without delay to the appropriate parties, as determined in this Memorandum of Agreement.

The County will provide notice to the Consulate for hearings involving a Mexican minor who is the subject of a North Carolina court action under the Juvenile Code, so that the Consulate may attend these hearings.

The County may notify the Consulate and provide additional information:

- (a) When a parent or custodian of a Mexican American minor has requested that the Consulate be notified, or
- (b) When a County learns that a non-custodial parent(s) resides in Mexico.

IV. **Procedures:**

This memorandum has already been signed and is currently in effect. Please begin using the process outlined above immediately. The memorandum contains a wealth of information in regards to the different situations in which the Mexican Consulate has to assist local child welfare agencies. This includes information about home studies in Mexico, transportation assistance, and special services that minor children may be eligible for. The complete memorandum can be found in the attachment to this letter. Policy incorporated into the Child Welfare Services Manual will be forthcoming.

Should you have any questions or concerns in regards to this memorandum, please contact Rogelio Valencia, Division of Social Services Latino Ombudsmen, at 919-527-6423 or the Policy Team at 919-527- 6340.

Sincerely,



Kevin Kelley, Section Chief
Child Welfare Services

Attachments: [Memorandum of Agreement](#)

cc: Wayne Black
Jack Rogers
Child Welfare Services Team Leaders
Children's Services Program Representatives