



Legislation Details (With Board Report)

File #: A 20-404 **Name:** Mexican Consular Functions in Cases Involving Mexican Minors

Type: BoS Agreement **Status:** Passed - Department of Social Services

File created: 9/23/2020 **In control:** Board of Supervisors

On agenda: 10/6/2020 **Final action:** 10/6/2020

Title: a. Approve and authorize the Director of the Department of Social Services to sign a Memorandum of Understanding between the Monterey County Department of Social Services and the Consulate General of México in San José, California regarding Consular Involvement in Cases Involving Minors, effective upon execution until either Party terminates.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Mexican_Consulate_MOU_English, 3. Mexican_Consulate_MOU_Spanish, 4. Item No. 19 Completed Board Order

| Date | Ver. | Action By | Action | Result |
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| 10/6/2020 | 1 | Board of Supervisors | | |

a. Approve and authorize the Director of the Department of Social Services to sign a Memorandum of Understanding between the Monterey County Department of Social Services and the Consulate General of México in San José, California regarding Consular Involvement in Cases Involving Minors, effective upon execution until either Party terminates.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Director of the Department of Social Services to sign a Memorandum of Understanding between the Monterey County Department of Social Services and the Consulate General of México in San José, California regarding Consular Involvement in Cases Involving Minors, effective upon execution until either Party terminates.

SUMMARY/DISCUSSION:

The recommended Memorandum of Understanding (MOU) between the Department of Social Services and the Consulate General of México in San José, California assures that Mexican Nationals (parents and/or children) involved with the child welfare dependency system are provided with consular rights and representation as specified in international treaties. In addition, this MOU will help promote and maintain family and near-kin relationships in Mexico when in the best interest of children and families.

The current MOU between the Department of Social Services and the Consulate General of México in San José, California was executed in 2007. The agreement includes notifying the Consulate General when a child has been taken into protective custody and a dependency petition has been filed; confidentiality requirements; contacting family and near-kin in Mexico; coordination with the Departamento de Desarrollo Integral de la Familia (DIF - the Mexican counterpart to Social Services); and support for children who are eligible for Special Immigrant Juvenile Status.

This updated MOU continues the aforementioned agreements while including additional requirements to enhance services to Mexican Nationals involved in the child welfare system. These enhancements include the Consulate General agreeing to voluntarily provide services to Mexican Nationals involved in dependency court proceedings; send a representative to court hearings if requested; assist in obtaining vital records; conduct parent/relative searches; respond to inquiries pertaining to the protection of Mexican National/Mexican American minors; obtain travel documents; assist with the repatriation of minors and relative placements; obtain copies of the monitoring reports prepared by DIF; work with DIF to provide reunification services to parents in Mexico and supports to potential relative caretakers in Mexico; and facilitate visits with relatives who reside in Mexico.

Informing Mexican Nationals involved in the child welfare system of their consular rights and promoting access to consular services will improve representation for children and families, help maintain connections to relations in Mexico, and promote improved outcomes.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved the Agreement as to form.

FINANCING:

There are no financial implications from the recommended action. There will be no impact to the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This agreement correlates to the Health & Human Services Strategic Initiatives adopted by the Board of Supervisors through the protection of the rights of Mexican Nationals involved in child protective custody when a dependency petition has been filed.

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

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Attachments: Memorandum of Understanding regarding Consular Functions in Cases Involving Mexican Minors English version and Spanish version

Both Memorandum of Understanding are on file with Clerk of the Board as an attachment to this Board report.