
MEXICAN CONSULAR RELATIONS

A. Background

DFPS has agreements with the Mexican Consular Offices to help carry out DFPS' obligations under the Consular Convention between the United States of American and the United Mexican States signed at Mexico City on August 12, 1942, and the Vienna Convention on Consular Relations, signed in Vienna on April 24, 1963.

There are 11 Consular Offices throughout the state. Please see the [Mexican Consulates in Texas Jurisdiction Map](#) and the Texas Practice Guide for Child Protective Services Attorneys [Consulates of Mexico in Texas](#) for a directory of offices and contacts.²⁸⁷

B. Definitions

For the purposes of the agreements, the following definitions apply.

"Mexican Minor" means an unmarried individual, under the age of eighteen, who is a national of Mexico or a national of Mexico and another country (or countries) as long as one of those countries is not the United States of America.

"Mexican Family" means a family with at least one parent who was either born and/or currently resides in Mexico, regardless of their immigration status in the United States of America.

"Custodian" means a person taking responsibility for a Mexican Minor's care.

"DIF" means the Agency for Integral Family Development. This is the agency in Mexico which is responsible for child welfare.

C. Required Procedures

Identifying Minors Born in Mexico

- DFPS will make best efforts to determine a child's country of birth as soon as possible after a child comes into DFPS custody.
- If a child reported to be born in Mexico has no birth record, the DFPS caseworker will request certified copies of the Mexican birth certificates. DFPS will seek assistance from the Consulate in order to obtain certified copies of birth certificates, an alternate record of birth, or a record of documentation that no birth record exists, from Mexico.

Notification to the Consulate

- DFPS has the duty to notify the Consulate – and will endeavor to do so in writing – when DFPS assumes custody of a Mexican Minor.
- DFPS will endeavor to provide the following information in its notice to the Consulate, when available:

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- name of the Mexican Minor;
 - date of birth of the Mexican Minor;
 - names of the parents or custodian; and
 - name and phone number of the caseworker and supervisor responsible for the DFPS case.
- Once DFPS assumes custody of a Mexican Minor, DFPS will endeavor to send notice without delay, by facsimile, mail or email, to the Consulate with responsibility for the county where the DFPS legal case is filed.

Consular Referrals

- If DFPS takes custody of a child of a Mexican Family, the agency will make best efforts to provide the child's parents or custodian with a referral to the Mexican Consulate, regardless of the child's citizenship status.
- DFPS will also make best efforts to provide the child's parents written information in Spanish and English about the legal proceeding filed by DFPS.

Confidentiality and Additional Information

- With respect to any notice, communications, records or other information shared pursuant to these Procedures, the Consulate is subject to the confidentiality provisions established in federal and state of Texas law; this includes the confidentiality provisions in the Texas Family and Human Resources Codes.
- Subject to these confidentiality provisions, the Consulate may contact DFPS to obtain additional information regarding a child welfare legal proceeding filed by DFPS involving a Mexican Minor.

Interviews

- A consular officer has the right to interview a Mexican Minor in DFPS legal custody. In order to arrange for an interview, the Consulate must contact the DFPS caseworker or supervisor assigned to the legal case.

Special Immigrant Juvenile Status

- When a Mexican Minor in the custody of DFPS is eligible to obtain the Special Immigrant Juvenile Status (SIJS), pursuant to [8 U.S.C. §1101\(a\)\(27\)\(J\)](#) or other immigration relief, DFPS will seek assistance from the Consulate in order to obtain the necessary documentation from Mexico, including a certified copy of the birth record, an alternate record of birth, or a record of documentation that no birth record exists.

Assistance Provided by DIF

- DFPS will seek assistance from the Consulate in order to obtain from DIF the appropriate socio-economic (home) studies of families in Mexico who may be eligible to obtain custody of a child in the custody of DFPS. Upon receipt of the home studies, the Consulate will immediately transmit the information to the DFPS caseworker responsible for the case.
- DFPS will provide the Consulate all relevant information to assist DIF in locating a parent or family member of a child in DFPS custody who resides in Mexico.
- When a child in DFPS custody is placed in the custody of a person who lives in Mexico, DFPS will request the Consulate to implement the necessary coordination measures with DIF, in order to carry out the repatriation or placement of said child, procuring their welfare and providing them with all the necessary services.
- DFPS will request the Consulate to obtain assistance from DIF for the reunification of the minor with the relative in Mexico that will assume custody and to take the necessary measures to ensure the welfare of the minor.

Amendments of Birth Certificates

- DFPS will work to obtain an amended birth certificate for a minor who will be placed in Mexico with a parent(s) whose name does not appear on the birth certificate, in accordance with the applicable law and any court order regarding parentage. DFPS may obtain assistance from the Consulate for this purpose.

Locating Persons in Mexico

- DFPS will seek assistance from the Consulate in order to locate parents residing in Mexico to facilitate notice and service of process of a child welfare proceeding brought by DFPS. DFPS may also request assistance from the Consulate for locating extended family members or other persons who may be able to provide a placement or otherwise support a child's permanent plan.

Mutual Exchange of Contact Information

- DFPS will exchange with the Consulate the names, titles, and contact information for appropriate staff to contact for issues relating to these Procedures, and update that information as necessary.

Review of Procedures

- DFPS staff may ask the Consulate to review at minimum annually the issues arising from the application of these Procedures. The Consul General and the Commissioner of DFPS, or whoever they designate, may hold consultations as often as is necessary in order to review issues in implementation of the Procedures and discussion of cases of particular import.

Outreach and Training Activities

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- DFPS will participate in joint outreach activities focused on Mexican communities in Texas, to promote healthy families, provide education about foster care and adoption opportunities, permanency, child abuse prevention strategies and ongoing initiatives of mutual interest. In addition, DFPS will collaborate with the Consulate to develop and distribute training and information on best practices regarding Mexican Minors in Texas.

Contact by Consulate

- Notwithstanding these Procedures, the Consulate may contact, at any time as appropriate, the DFPS Commissioner or Deputy Commissioner, DFPS Office of General Counsel, the Court Appointed Special Advocate, and/or Office of Attorney General of the State of Texas.

Terms of Procedures

- These Procedures will be in force from the date of issuance unless modified in writing by the DFPS Commissioner or the Commissioner's designee.