

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 2:</b> Administration of Child Welfare <b>Section 22:</b> International and Cultural Affairs Services	
	<b>Effective Date:</b> October 1, 2023	<b>Version:</b> 2

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## POLICY OVERVIEW

The Indiana Department of Child Services (DCS) provides International and Cultural Affairs (ICA) services to ensure the international and cultural needs of the children and families served are recognized and addressed.

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## PROCEDURE

The ICA should be contacted for services and information including, but not limited to (see the International and Cultural Affairs Desk Guide):

1. Cultural needs or concerns;
2. Notification to a Consulate or Embassy regarding:
  - a. Detention of child,
  - b. Termination of Parental Rights (TPR),
  - c. Change in legal custody, and
  - d. Guardianship.
3. Immigration status concerns about:
  - a. Visas,
  - b. Immigration relief (e.g., Special Immigrant Juvenile Status [SIJS] and Deferred Action for Childhood Arrivals [DACA]),
  - c. Citizenship, and
  - d. Refugees.
4. International dialing;
5. Translation requests/interpreter services (see policy GA-3 Language Services);
6. Requests for the following vital documents issued abroad:
  - a. Birth certificate/verification,
  - b. Death certificate/verification,
  - c. Marriage certificate, and
  - d. Divorce Order.
7. International family search;
8. International background checks:
  - a. Criminal background check,
  - b. Child Abuse Registry check, and
  - c. International Deoxyribonucleic Acid (DNA) testing.

9. International placement or international permanency plans for:
  - a. Repatriation of child,
  - b. International home study,
  - c. International DNA testing.
10. Immigration and Customs Enforcement (ICE) holds or custody:
  - a. Deportation verification,
  - b. Detained parent search,
  - c. Immigration court information, and
  - d. Visit pending deportation.
11. Indian Child Welfare Act (ICWA) (see policy 2.12 Indian Child Welfare Act [ICWA]); and
12. Any other cultural need or concern that may arise that is not an emergency.

DCS will use ICA to communicate with ICE and any embassy or consulate.

**Note:** ICA liaisons are the only individuals authorized to communicate with an embassy, consulate, or ICE. The ICA liaison will provide updated information and copy the DCS Staff Attorney on any email communication with the Consular Official. ICA should be contacted immediately if information is obtained regarding a parent, guardian, or custodian in ICE custody.

The Family Case Manager (FCM) will:

1. Contact the ICA liaison immediately when:
  - a. Communication from ICE and/or Consulate/Embassy is received (e.g., phone calls, fax, or email),

**Note:** If an FCM receives communication from ICE or a Consular Official, the FCM should also refer them to ICA.

  - b. Information is received that a parent, guardian, or custodian is subject to deportation, or
  - c. Completing an assessment of an unaccompanied alien minor.
2. Complete a referral in KidTraks for ICA services when a need is identified;
3. Provide the ICA liaison with updated information and copy the DCS Staff Attorney on all communication with the ICA liaison;
4. Ensure all cultural needs of child and/or family are met by utilizing ICA for identified services;
5. Verify the identity of all family members (see policies 2.09 Verifying Identity and 2.23 Verifying Citizenship or Immigration Status); and
6. Complete the Consulate/Embassy Notification immediately when a foreign or dual national child is detained or foreign nationality is identified, whichever comes first, and send to the ICA liaison. A Consulate/Embassy Notification must be completed for each child at the time of:
  - a. Detention,

**Note:** DCS will notify the appropriate foreign consulate or embassy in the United States (U.S.) within 48 hours of detention (see Practice Guidance).

- b. Filing TPR;

- c. Change in legal custody; and
- d. Guardianship.

**Note:** A Consulate/Embassy Notification must be completed for each child.

The ICA liaison will:

1. Provide updated information to the FCM and DCS Staff Attorney on any email or communication with ICE or a Consular Official; and
2. Notify the appropriate foreign consulate or embassy in the U.S. within 48 hours of detention of a foreign or dual national child or when foreign nationality is identified, whichever comes first.

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## RELEVANT INFORMATION

### Definitions

#### Citizenship

The position or status of being a citizen of a particular country.

#### Dual National/Citizen

A dual national/citizen is a person who holds or shares two (2) or more nationalities. If one (1) of the child's parents is born in a different country, the child may be a dual national.

#### Foreign National

A foreign national is any person (adult or child) who is born outside of the U.S. and has not become a U.S. citizen.

#### Memorandum of Understanding (MOU) with the Mexican Consulates

The MOU with the Mexican Consulates serves to notify the Mexican Consulates of the detention of a child who is a Mexican National or whose parents are Mexican Nationals.

#### Refugee

A person who has been forced to leave their country in order to escape war, persecution, or natural disaster.

#### Repatriation

Repatriation is the process of permanently placing a child with the child's parent or relatives. The child and/or the child's parent is known to be a national of the other country. The child may be a dual citizen (citizen of the U.S. and a citizen of the other country) and still be considered for reunification through repatriation procedures.

#### Visa

An endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

### Forms and Tools

- [Consulate/Embassy Notification \(SF 55676\)](#)
- [Focused Needs](#)
- International and Cultural Affairs (ICA) email - [internationalandculturalaffairs@dcs.in.gov](mailto:internationalandculturalaffairs@dcs.in.gov)
- [ICA Desk Guide](#)
- [International Dialing Guide](#)

## Related Policies

- [2.09 Verifying Identity and Relationship](#)
- [2.12 Administration of the Indian Child Welfare Act \(ICWA\)](#)
- [2.23 Verifying Citizenship or Immigration Status](#)
- [4.47 Human Trafficking \(HT\)](#)
- [GA-3 Language Services](#)

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## LEGAL REFERENCES

- [IC 34-45-1-3: Interpreters; entitlement](#)
- [IC 34-45-1-4: Interpreters; appointment and qualifications](#)
- ["Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" 67 F.R. 4968 \(August 8, 2003\)](#)
- [Section 601 of Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d](#)
- [United States Executive Order 13166 Limited English Proficiency](#)

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## PRACTICE GUIDANCE- DCS POLICY 2.22

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Completing the Notification to Consulate or Embassy**

When completing the Consulate/Embassy Notification, it is imperative to have accurate information. If information is unknown, the form should reflect that it is unknown. FCMs should not submit a Consulate/Embassy Notification with an assumed place of birth. If the place of birth is unknown, attempt to obtain the information by:

1. Reviewing the child's birth certificate;
2. Asking the parent to which country the absent parent, guardian, or custodian was deported;
3. Contacting known relatives; and/or
4. Reviewing any identification paperwork obtained.

**Note:** Do not contact ICE to obtain this information.

FCMs should attach copies of any case documents (e.g., court orders, identification documents, and paternity orders) and any additional contact information they may have received when submitting the Consulate/Embassy Notification to ICA.

### **Cultural Awareness**

FCMs should be aware that children and families from different cultures may refer to adult non-relatives in their life as "Husband", "Wife", "Aunt", or "Uncle" when they are not relatives by blood or marriage. FCMs should always verify the identity of all individuals involved with the family (see policy 2.09 Verifying Identity). This is also important in cases of human trafficking, as children may be forced to claim familial relationships with the individuals who are exploiting them (see policy 4.47 Human Trafficking).

### **International and Cultural Affairs (ICA) Resources**

ICA resources include services provided by ICA. Several documents are also available on the Focused Needs webpage. These documents serve as a resource for FCMs and other DCS staff seeking information to help improve services to multicultural populations and families (e.g., immigrant; tribal; sensory-impaired; Lesbian, Gay, Bi-Sexual, Transgender, Questioning/Queer, Intersex, Asexual, and more [LGBTQIA]; and members of the military) by honoring the diversity of cultures and perspectives constituting the Indiana child welfare population. An email inbox is available to obtain guidance from an ICA liaison. Questions that may be sent to the email inbox include questions regarding service providers for interpreter services. Emergency situations that require immediate attention, should not be emailed to the inbox.

### **Immigration and Customs Enforcement (ICE) Holds, Custody, and Communication**

It is important to contact ICA immediately when information is obtained that a parent, guardian, or custodian may be deported (ICE hold). Individuals may still be deported even if they hold a Green Card (an identity card attesting the temporary or permanent resident status of an alien in the U.S.). It is important to attempt to gather as much information as possible when non-citizen parents are incarcerated or in ICE custody, as individuals will be deported without notification to DCS even if there is an open case regarding their children.

A person's immigration status (e.g., legal alien/resident, temporary resident, refugee, student visa holder, or undocumented) is independent from the individual's nationality/citizenship. See policy 2.23 Verifying Citizenship or Immigration Status for additional information on verifying identity.

### **International Dialing**

International dialing cards are ONLY to be used for the specific purpose of making international calls on behalf of the agency as part of DCS' involvement with a child or family. An interpreter should be present to ensure effective communication with the individual being contacted.

An FCM may contact the Regional Manager (RM) and request the International Dialing Card assigned to the region, and then follow the tracking procedures outlined by the RM. See the International Dialing Guide and the International and Cultural Affairs Desk Guide (page 2) for additional information.

### **Verification Requests**

Consulates are the only entity able to verify birth certificates issued by a respective country. A request for verification of a birth certificate may be submitted to ICA. If deportation is suspected, a request may be submitted to ICA.

### **Vienna Convention**

In compliance with the provisions of the Vienna Convention, DCS will contact the appropriate foreign consulate or embassy in the U.S. as soon as possible after the detention of a foreign national.

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