

Gloria M. Anderson

Authorized Signature

Number: CW-IM-04-003

Issue Date: 03/21/2004

Topic: Diplomatic Relations

Subject: Vienna Convention

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | All DHS employees | <input type="checkbox"/> | County Mental Health Directors |
| <input type="checkbox"/> | Area Agencies on Aging | <input type="checkbox"/> | Health Services |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input type="checkbox"/> | Seniors and People with Disabilities |
| <input type="checkbox"/> | County DD Program Managers | <input type="checkbox"/> | Other (please specify): |

Message:

Vienna Convention on Consular Relations - House Bill 2091

Several field staff in child welfare has called central office asking about the procedures to follow when DHS staff takes a child into custody and that child is a foreign national. New legislation was passed last session that clarifies DHS's role in these matters. In addition, DHS central office has a point person to help you if you want guidance in the procedures for DHS custody of foreign nationals.

Information regarding this bill (and others that impact juvenile courts) was discussed during the last Legislative Road Show presented in each county by the Court Improvement Project, the Citizen Review Board and DHS. Some of you may not have been able to attend this training so below is a brief summary of that presentation.

*The purpose of House Bill 2091 is to conform Oregon law to the Vienna Convention on Consular Relations. This international treaty requires that the foreign consul of a child be informed when court proceedings are begun regarding guardianship or custody of such a person. **House Bill 2091 requires that a copy of the petition be sent to the consul of the child's nationality.** When DHS places a child in substitute care, DHS notifies the foreign consulate. Even if the parents of the child do not want DHS to notify the consulate, the treaty requires that we do.*

The actions subject to this notification are guardianship actions and custody under ORS chapter 125 or ORS 109.119 (motions to intervene), and child abuse and neglect

petitions under ORS chapter 419B or actions to implement any permanent plan, which does not include return to the parent under ORS 419B.

The Foreign Consular Offices web site is: <http://www.state.gov/s/cpr/rls/fco/>

In addition, Gloria M. Anderson in Central Office (CAF) is available to assist you with services for foreign nationals. She can be reached at (503) 945-5700.

If you have any questions about this information, contact:

Contact(s):	Please see above		
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