

Notice - Non-Citizens, Hague Convention

(Revised 04/19/24)

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Related Policies

Additional information can be found in the following policies:

- Court Reports Overview and Distribution
- Hague Convention Protocols for Adoption
- ICWA Inquiry and Noticing Manual.
- International Liaison
- Language Appropriate Services
- Notice for Detention, Jurisdictional, Dispositional, Special Hearings, Contested Hearings, PSCs and SCOs
- Notice – Review Hearings, PP Hearings, and NMD Hearings
- Notice - 366.26 Hearings
- Types of Hearing-Special

Forms

The following forms are referenced in this policy:

- 04-31 Notice of Hearing Worksheet (Legal Processing Unit)
- 04-231 Notification to Foreign Consulate (CWS/CMS Template)

Resources

The following resources are referenced in this policy:

- [ABC Legal Services Site](#)
- [ABC Legal Services Forms](#) (i.e. USM94 Request for Service Abroad)

Background

The Hague Convention is a multilateral treaty signed in 1965 that established a system of cooperation between the designated authorities of each country. The Department of Justice (DOJ) is the authority for the United States. To determine if the Hague Convention applies to a specific country, refer to the site [here](#).

Background (cont.)

In the Americas, Hague Convention applies to the following countries:

- Mexico
- Argentina
- Brazil
- Canada
- Colombia
- Costa Rica
- Ecuador
- Panama
- Paraguay
- Peru
- Suriname
- Uruguay
- Venezuela

For information on Hague Convention as it applies to adoption, see Hague Convention Protocols for Adoption.

Policy

This policy outlines when a Hague Convention notice is required and the process for completing a Hague Convention notice. Refer to additional noticing policies for general information on notice requirements.

Per the Hague Convention, Child and Family Well-Being (CFWB) Department is responsible for legally noticing foreign consulates regarding children/youth who are under protective custody or who have had a petition filed when:

- CFWB has an address for a parent (including alleged, biological and presumed) who resides in a country to which Hague Convention applies.
- County Counsel (CC) has advised CFWB to complete Hague Convention notice.
- Court has ordered Hague Convention notice be completed.

NOTE: Hague Convention notice is not required after a parent has made a general appearance in court.

Hague Convention Notice Findings

To obtain a proper notice finding by the Court under Hague Convention, the certificate from the designated country's Central Authority must be received, or six (6) months' time has elapsed since the date of mailing.

NOTE: If the Hague Convention noticing process is pending during the transfer of a case, the transferring SW will include information regarding the Hague Convention noticing in the transfer summary and include date of when notice was submitted for the following SW to follow up.

Hague Convention Notice Process

The table below outlines the process for completing Hague Convention noticing:

Step	Who	Action
1	SW	<ul style="list-style-type: none"> • After determining if Hague Convention notice is required: <ul style="list-style-type: none"> ○ complete the 04-231 ○ email the completed 04-231 to International Liaison’s Office inbox. • In the court report include the following: <ul style="list-style-type: none"> ○ Inform the court that Hague Convention notice is required. ○ Add Hague Convention Recommendation Set (see Court Reports Overview and Distribution). ○ Add in the “Summary Recommendations” section: <ul style="list-style-type: none"> ▪ “A six-month continuance is requested to effectuate notice per the Hague Convention.” ▪ Request for a certified minute order of the hearing in which Hague Convention notice order was made. <p>NOTE: A certified minute order is required for the Hague Convention noticing process as the Central Authority will not accept copies or scanned versions.</p> <p>NOTE: If a parent is located in a Hague country, consult with County Counsel (CC) to set a Special Hearing to request a court order for Hague noticing, and to ensure the hearing is set with enough time set to complete Hague noticing.</p>
2	Court	<ul style="list-style-type: none"> • Order Hague Convention notice. • Set a hearing in 6 months’ time for notice to be completed. NOTE: Hearing is set 120 days (6 months) ahead per Consulate office in Mexico, if a hearing is not set in 6 months’ time, the Consulate Office will return the Hague Convention notice for insufficient time to notice.

Hague Convention notice (cont.)

Step	Who	Action
3	SW	<ul style="list-style-type: none"> • Within 1-2 business days of the court order for Hague Convention notice, email the Legal Processing Unit supervisor that a Hague Convention Notice is being requested and include the following information: <ul style="list-style-type: none"> ○ Child’s name and DSS# ○ Name and address of parent to be noticed by Hague Convention Notice • Request a blank 04-31 and, complete and return to Legal Processing Unit. • Upon receipt of the certified minute order, forward it to the Legal Processing Unit via in person or by mailstop at W473. <p>NOTE: Follow up with the court unit may be necessary to prevent delays in both receiving the certified minute order and forwarding it to the Legal Processing Unit to continue with Hague Convention noticing process.</p>
4	Legal Processing Unit	<ul style="list-style-type: none"> • Obtain completed 04-31 from SW. • Obtain and review minute orders from Juvenile Dependency System (JDEP) to ensure they include the following language, “The notice is being sent via Central Authority to comply with the Hague Convention.” If the minute order does not include this finding, instruct the SW to consult with CC. • Send minute orders and 04-31 to request translation of documents to the Fiscal Unit. • Obtain USM94 from forms site and complete the form. • Contact administrative CC’s office to arrange availability of Chief of CC to obtain an original signatures for the USM94. • Email the signed USM94 form to CC ILO Liaison for final review prior to sending Hague Convention noticing documents to the designated country’s Central Authority. • Gather Hague Convention noticing documents: <ul style="list-style-type: none"> ○ USM94 form with original signatures by Chief of CC. ○ 04-31 in English and translated language ○ Certified minute order in English ○ Minute Orders in translated language

Hague Convention notice (cont.)

Step	Who	Action
4 (cont.)	Legal Processing Unit	<ul style="list-style-type: none"> • Send the Hague Convention noticing documents listed above to the designated country's Central Authority via FEDEX International Priority Mail. • Inform CC and SW that Hague Convention noticing documents have been sent to the designated country's Central Authority by: <ul style="list-style-type: none"> ○ scanning and emailing a copy of the FEDEX mailing receipt and providing the mailing date to the assigned SW and CC admin desk.
5	Designated Country Central Authority	<ul style="list-style-type: none"> • Sends responses directly to CC. Responses may include certificate of notice, requests for additional information, requests for additional time in completing noticing, etc.
6	County Counsel	<ul style="list-style-type: none"> • Receives and reviews documents from designated country's Central Authority. • Scans and emails a copy of the correspondence documents to the assigned SW. • Send original paper copies of correspondence documents from the country's Central Authority to the Legal Processing Unit. <p>NOTE: if certificate of noticing is not received, the SW will communicate with CC regarding next steps.</p>
7	Legal Processing Unit	<ul style="list-style-type: none"> • Receives and files original paper copies of correspondence documents from CC.
8	SW	<ul style="list-style-type: none"> • Receive certificate of notice or other Hague Convention notice correspondence. • Requests translation of correspondence prior to submitting to court for the next hearing (see Language Appropriate Services for information on requesting translated documents). • Attach and submit Hague Convention noticing certificate or other correspondence to court report for the next hearing.

Notice to Non-Hague Convention Countries Contact International Liaison to follow the Inter-American Service convention for notice to countries that do not sign the Hague Convention.

International Liaison Office Role The International Liaison (IL):

- Consults with staff on Hague Convention policy and provides assistance when necessary.
- Facilitates communication and acts as the point of contact among staff.
- Works with consulates and embassies of all nations, including the United States.

The IL will not provide:

- Translations
 - Legal advice including language written in the court orders or Hague forms
 - Tracking timelines
 - Reviewing of and/or mailing of noticing documents
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Alignment with SET This policy aligns with SET [Value 5](#) of maintaining a strong relationship with the legal system by working toward efforts to improve court processes to ensure they are supportive of mutual goals.
