

# HAGUE NOTICE & INTERNATIONAL NOTICING TIPS

Per the case of Jennifer O., DCFS is required to comply with the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. DCFS has a legal obligation to comply with this Convention when a parent resides outside of the United States. To determine if Hague notice is required in your case, please follow this three step process:

1. Do you have an address for the parent?

The Hague Service Convention only applies when the CSW has an address. If he/she does not have an address, use standard noticing procedures, such as due diligence searches, publication of notices, etc. P.O. Boxes are not permitted.

2. Is the country where the parents resides a member of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents?

To determine this please consult with County Counsel. **Note:** There are only five countries in Central and South American that require notice under the Hague Convention: Argentina, Belize, Columbia, Mexico, and Venezuela. All other countries in Central and South America DO NOT require notice under the Hague Convention.

3. What type of hearing are you at?

Notice under the Hague Service Convention is required at two (2) types of hearings:

- i. Jurisdictional/dispositional hearings, if the parent has **not** made a general appearance;
- ii. WIC 366.26 hearings, when the recommendation is to terminate parental rights, and the parent has **not** made a general appearance.

A general appearance means the parent has stepped foot in the courtroom or has an attorney to represent them. Check all prior minute orders to see if the parent has ever appeared or if the parent had an attorney appear on their behalf. A special appearance is not a general appearance. If the attorney makes a special appearance, Hague notice still applies.

If the country that a parent resides in is **not** a member of the Hague Service Convention, **and** if the CSW has an address for the parent, notice the parent by international mail, return receipt requested (IMRRR). **One month** is needed to send mail via IMRRR.

We do not adhere to any other treaties for notice. If the country is not a Hague country, then notice is by international mail, return receipt requested.

# INTERNATIONAL NOTICE CHECKLIST FOR MEXICO

When ordering notice under the Hague Service Convention, the court should set a hearing date four (4) months out. This is necessary to allow for the notices to be generated and sent to the Mexican Central Authority (MCA). The MCA requires a minimum of **four (4) months** to attempt service of the notice. CSWs must complete the following as soon as the hearing is set and Hague notice is ordered:

- Prepare proper notice in Spanish and English for that hearing using Simple Notification Application (SNAP) or CWS/CMS;
- Prepare the English USM-94 Form and the Spanish USM-94 using SNAP;
- E-mail copies of the notices and USM-94 Forms to Randy Harris at Rharris@counsel.lacounty.gov

When noticing the Central Authority, address the notice to the parent in the care of the Central Authority.

Reports are **not** included with the Hague notice. Court reports should be sent directly to the parent, via international mail, return receipt, at their residence in Mexico.

The address of the MCA is as follows:

(SNAP will automatically populate the address below. CWS/CMS will not.):

Ministry of Foreign Affairs  
Directorate-General of Legal Affairs  
Plaza Juárez No. 20, Planta Baja  
Edificio Tlatelolco  
Colonia Centro  
Delegación Cuauhtémoc  
C.P. 06010  
Mexico, Distrito Federal

Once the MCA serves the parent, it will return the Certificate form. That form becomes our Proof of Service. Notice is only complete after the MCA returns the Certificate.

When the CSW receives the Certificate form, he/she must submit it to court at the next hearing date. If the MCA has not returned the Certificate after six (6) months from the date it was **received** by the MCA, notice can be deemed to have occurred.

For assistance with Hague Notices, please contact any of the following County Counsels by email:

- Alyssa Skolnick, (323) 526-6266, e-mail: Askolnick@counsel.lacounty.gov
- Lisa Huerta, (323) 526-6211, e-mail: Lhuerta@counsel.lacounty.gov

To check the status of your Hague notice please contact Julia Navarro, Head Secretary, (323) 526-6100, by email at Jnavarro@counsel.lacounty.gov.