

# OFFICE OF LEGAL AFFAIRS

## Vienna Convention

31-8-13.1

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**Policy** A Social Worker assigned to a case that involves a child who is a foreign national shall alert and consult with the Area Office legal staff.

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**Purpose** The [Vienna Convention on Consular Relations and Optional Protocols](#) is an international treaty to which the United States and many other countries are signatories.

Its purpose is to contribute to the development of friendly relations among nations. Two of its articles apply directly to foreign nationals who are children in the custody of DCF.

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**Protected Persons** Persons entitled to the protections of the Vienna Convention include any foreign national detained in any manner, including children held in state custody.

**Note:** A children adopted by an American from a foreign country may continue to have citizenship rights in that foreign country.

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**Protections Afforded** Protections and rights afforded by the Vienna Convention include the following:

- communication with the foreign national's Embassy;
  - visits from the foreign national's Embassy officers; and
  - assistance from the foreign national's Embassy officers in obtaining legal representation.
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**When DCF is Required to Contact a Foreign Embassy** DCF shall contact the Embassy of a foreign national who is a minor without delay once the following has been determined:

- the appointment of guardian is in the interest of a foreign national child;
  - the appointment of a trustee is in the interest of a foreign national child; or
  - a foreign national child has died.
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