



INTERCOUNTRY ADOPTION

U.S. Department of State, Office of Children's Issues



FROM

A to Z

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FROM A to Z





A MESSAGE FOR PROSPECTIVE ADOPTIVE PARENTS

Adoption is a wonderful way for many orphaned children to find a loving, permanent home. Orphans in both the United States and in countries across the globe deserve families who will love and provide for them. I am proud that Americans respond to this need internationally. Each year our nation welcomes more children into homes through intercountry adoption than any other nation.

The process of adopting a child from another country can be difficult. The regulations and requirements for adopting may seem confusing—and sometimes frustrating. My hope is that we can provide you some answers about these requirements. Through this booklet, learn about key adoption concepts and the basics of adopting. I also encourage you to visit our website adoption.state.gov.

If you are considering adopting, know that if you proceed, you will forever change your life and the life of a child. I applaud the commitment that you are considering. Should you decide to adopt internationally, we are here to help.

James D. Pettit
Deputy Assistant Secretary
Overseas Citizens Services



BEGINNING THE ADOPTION PROCESS

While the process for every intercountry adoption varies from country to country, there is a general process that the majority of intercountry adoptions follow. In part, this is because U.S. law requires that every intercountry adoption follows certain procedures. Most adoptions will include the steps mentioned below.

Selecting your adoption service provider

Gaining approval to adopt

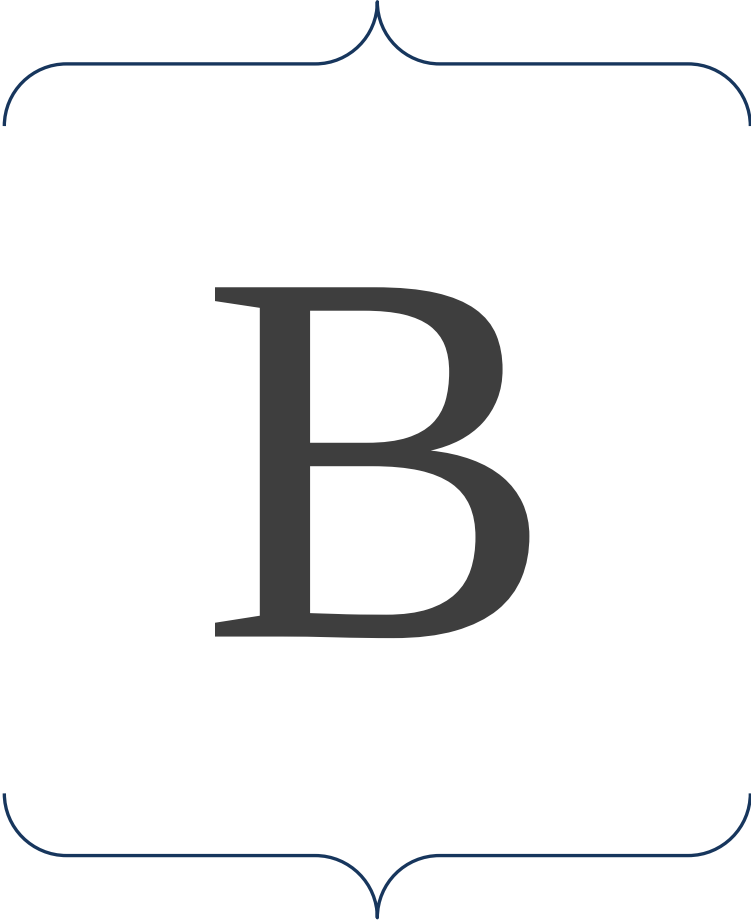
Being matched with a child

Adopting or obtaining legal custody of the child in the foreign country

Applying for a visa for the child to move to the United States

Traveling home with your child

Learn more about country specific processes on our website, adoption.state.gov.



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CHOOSING AN AGENCY

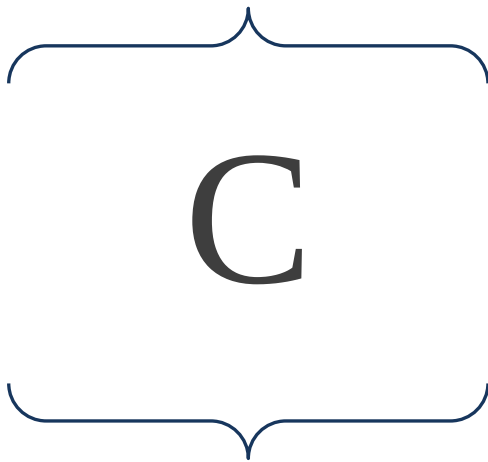
Choosing a qualified adoption service provider for your home study or to assist you in a placement is a very important part of the adoption process. You should do your homework before selecting an agency. We suggest talking to other parents who have adopted. What agency did they choose? Was the agency always helpful? In addition, contact your state's licensing organization to find out what providers are licensed in your area (adoption service providers generally must be licensed by the state in which they operate). Ask if there are any unresolved complaints against an agency. You can also contact your local Better Business Bureau.

If you intend to adopt from a country that is party to the Hague Adoption Convention, you will need to select an adoption service provider that has been accredited. A comprehensive list of accredited agencies, as well as a list of Hague Adoption Convention countries, is available on our website adoption.state.gov.

We suggest meeting with several agencies. Sit down with each of them and find out what services they offer. They should be willing to disclose specific information about their operations and procedures in writing to you. We recommend that you review as much information as possible before you sign a contract with any agency. For example, if you request it, adoption service providers should disclose to you in writing such things as:

- A sample written adoption services contract;
- A proposal of all expected total fees and estimated expenses;
- Its adoption service policies and procedures, including general eligibility criteria and post-placement support;
- A list of people and organizations not directly employed by the agency that would help with your adoption, and the costs of their services; and
- The number of adoption placements per year, and the number of these placements that remain intact.





CHOOSING AN AGENCY, CONT.

In addition, before you commit to one agency, consider requesting the following:

- A list of families who have adopted through the agency. These families can be a wonderful resource.
- Proof that the agency's state license is current. You can research their license validity through The National Adoption Information Clearinghouse at childwelfare.gov.
- A copy of the agency's refund policy. In case there are changes in your circumstances, or changes in country policies, this is vital information to have.
- Copies of all contracts that will be signed between your family and the agency.
- A list of all the agency's fees and a fee schedule. There could be additional fees not included in the initial list of your estimated expenses.

Once you choose an adoption service provider, you will be expected to sign an adoption services contract with that agency.

REMEMBER: Only accredited adoption service providers (organizations or individuals) will be eligible to provide adoption services in adoptions from Hague Convention countries.

DECIDING WHERE TO ADOPT

Millions of children across the world live without the love and protection of a family. In the United States alone, over 500,000 children live in our foster care system, and approximately 115,000 of them are waiting to be adopted.

With the need so great, deciding where to adopt from can be a difficult decision. Whether the choice is domestic or foreign adoption, in the end it is a deeply personal decision.

When making your decision, research foreign country adoption requirements. Some countries, for example, allow single-parent adoption, while others forbid it. Some countries have age or income requirements for adoptive parents. These requirements can change, sometimes quickly. You can read more about each country's adoption laws on the Country Information section of our website.

Americans do adopt children from many countries spread across the globe. Currently, most adoptions to the United States come from these countries:

China	Liberia
Colombia	Philippines
Ethiopia	Russia
Guatemala	South Korea
Haiti	Taiwan
India	Ukraine
Kazakhstan	Vietnam

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ELIGIBILITY TO ADOPT

Before you can bring a child home from another country, U.S. Citizenship and Immigration Services (USCIS) must determine that you are able to provide a loving, stable home for that child.

The most important requirement for USCIS approval is a *home study* that establishes your ability to care for a child. Every state has different requirements for this home study, but in general all home studies will detail personal, financial, and medical information. They will include items such as personal references, fingerprint clearances, verification of employment, proof of health and life insurance, and sometimes photos of your home and family.

Home studies are typically prepared by a social work professional or organization, though state laws vary. Your adoption service provider should know the requirements of your state, and make sure that your home study satisfies all laws and regulations (including those of the Hague Adoption Convention). If adopting from a Hague Convention country, your home study must be completed by an accredited adoption service provider unless the home study preparer qualifies as an exempted provider. Once your home study is complete, it will be submitted to USCIS.



FILING YOUR INITIAL APPLICATION

When your home study has been completed, it will be submitted to USCIS with one of two forms:

- Form **I-600A** – *Application for Advance Processing of Orphan Petition*; or
- Form **I-800A** – *Application for Determination of Suitability to Adopt a Child from a Convention Country*.

Form I-600A is used for non-Hague Adoption cases, while Form I-800A is used for Hague Adoption cases. Both forms, along with their filing instructions, can be accessed on the website of USCIS, uscis.gov.

USCIS evaluates your suitability and eligibility to adopt. If your application is approved, it will notify you and the U.S. embassy or consulate in the country from where you have indicated you wish to adopt.

For more information, see adoption.state.gov.



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GUIDELINES ON INTERCOUNTRY ADOPTION

To complete an intercountry adoption abroad and bring a child to the United States, you must fulfill the requirements of three separate governmental authorities:

- The foreign country in which the child resides;
- U.S. federal immigration law; and
- Your state of residence.

Consequently, there are numerous documents required, and the process can be both complex and lengthy. You will need to work on all three sets of requirements at the same time because the requirements may overlap. Do your research and planning first to avoid having to go back and start again.

These requirements serve not only to protect the child, but also the birth parents and the adoptive parents. You may want to procure several originals or certified copies of each document in the event they are needed to meet the requirements of the foreign country, U.S. federal government agencies, or your home state.



HAGUE ADOPTION CONVENTION

The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption (Hague Adoption Convention) is an international agreement to safeguard intercountry adoptions. Concluded on May 29, 1993 in The Hague, the Netherlands, the Convention establishes international standards of practices for intercountry adoptions. The United States signed the Convention in 1994, and the Convention entered into force for the United States in April 2008. If you adopt from a country that is party to the Convention (Convention countries), your adoption has additional protections as well as some added requirements.

One of the most important protections is that your adoption agency or service provider must be accredited to conduct intercountry adoptions. The standards for accreditation ensure that your agency is qualified to provide services.

The Department of State has designated two accrediting entities to perform the accreditation functions: (1) the Council on Accreditation and (2) the Colorado Department of Human Services.

An important new Convention requirement for you is that adoptive parents must participate in at least ten hours of pre-adoption training before traveling overseas to complete an adoption. Under the Convention, there is greater transparency in the adoption process, including written procedures on fees and transmission of medical records for the child.



HAGUE ADOPTION CONVENTION, CONT.

More than 75 other countries have joined this very important treaty. These countries have demonstrated their commitment to strong international protections for children, birth parents, and adoptive parents in the intercountry adoption process.

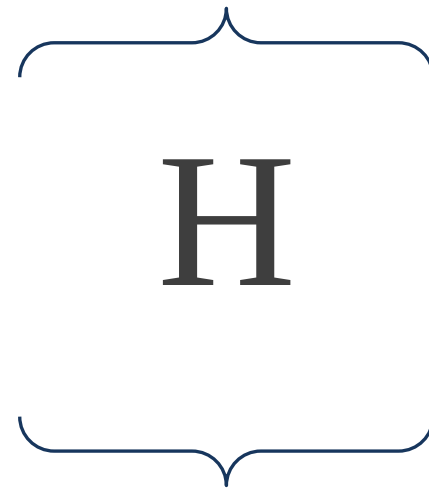
The principles of the Convention include:

- Ensuring that intercountry adoptions take place in the best interests of children;
- Preventing the abduction, exploitation, sale, or trafficking of children; and
- Facilitating communication between Central Authorities in countries of origin and destination countries.

Comprehensive information concerning the Hague Adoption Convention and member states is located on adoption.state.gov.

“The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding...Intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin.”

-Hague Adoption Convention, Preamble





I



I-600 or I-800 FORM

To adopt a child overseas and bring that child back to the United States, the child must be found eligible to be adopted under U.S. law. Because adoption laws vary from country to country, it is possible to adopt a child abroad who does not qualify to immigrate to the United States. That is why a child must also be found eligible to be adopted under U.S. law. It allows the child to move with you to the United States.

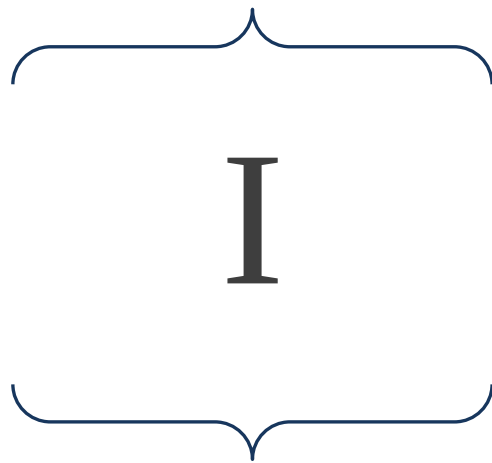
The federal agency responsible for determining whether a child is eligible to immigrate to the United States is U.S. Citizenship and Immigration Services (USCIS). USCIS' rules for the eligibility of an adopted child to immigrate to the United States differ for children living in Hague Adoption Convention countries and those living in non-Convention countries. Children in Convention countries must meet the definition of a *Convention adoptee*; children in countries non-Convention countries must meet the U.S. definition of an *orphan*.

To apply to USCIS for a determination of whether a child is eligible to immigrate to the United States, you will use one of two forms:

- Form **I-600**, the *Petition to Classify Orphan as an Immediate Relative*, or
- Form **I-800**, *Petition to Classify Convention Adoptee as an Immediate Relative*

Form I-600 is used for non-Hague Adoption cases, while the Form I-800 is used for Hague Adoption cases.





I-600 or I-800 FORM, CONT.

Filing either Form I-600 or I-800 tells USCIS that you have identified a specific child to adopt and request authorization for that child to come to the United States. Both forms, along with their filing instructions, can be accessed on the website of USCIS, uscis.gov.

Form I-600, along with its supporting documents, are required for USCIS to determine that a child is eligible for classification as an orphan. If you have not submitted Form I-600A first, you will also need to establish your eligibility to adopt with USCIS.

Form I-800, along with its supporting documents, are required for USCIS to determine that a child is eligible for classification as a Convention adoptee. In order to file Form I-800 with USCIS, you must have an approved, valid Form I-800A.

Keep in mind: In addition to qualifying under U.S. immigration law, a child must qualify for adoption under the laws of his or her country of origin in order to be adopted. Each country has different requirements for children to be eligible for adoption. The Country Information on our website provides more details for specific countries.

For more information, see adoption.state.gov.

JUDICIAL PROCEEDINGS IN A FOREIGN COUNTRY

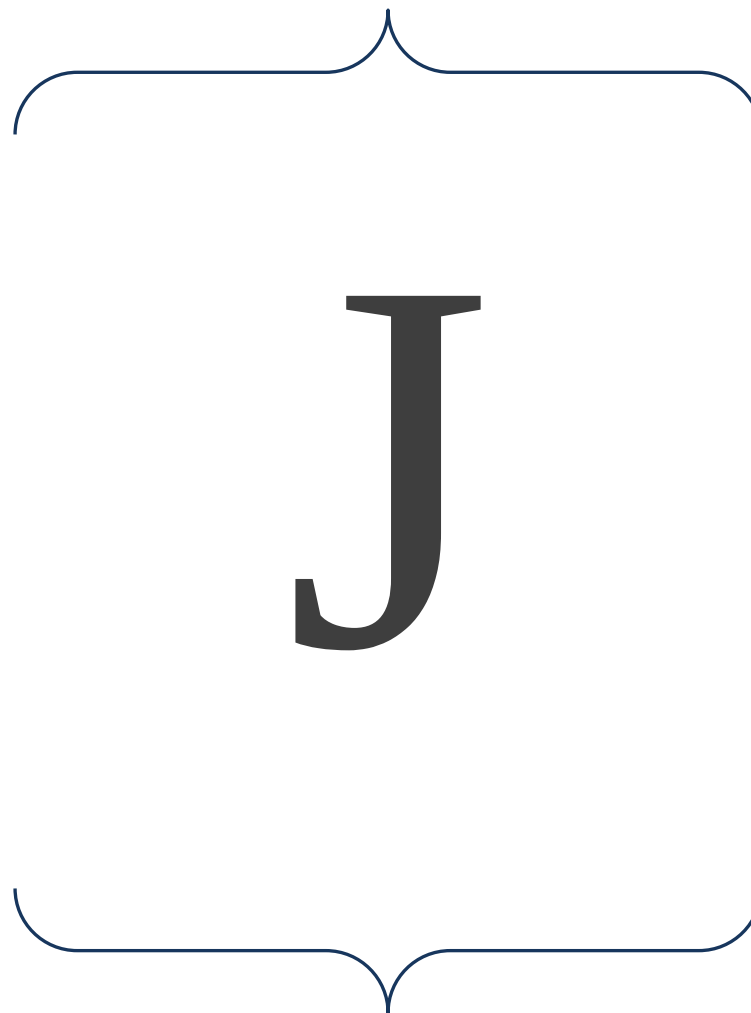
Adoption procedures vary from country to country, and sometimes even within a country. In most countries, a child must first be legally recognized as eligible to be adopted internationally before any adoption or custody proceedings take place. If a birth parent is still living, the child must be legally and irrevocably released for adoption in a procedure provided for under local law.

Questions about specific foreign laws should be addressed to your adoption service provider or an attorney operating in the country where the adoption will take place. Our website travel.state.gov contains lists of some attorneys in foreign countries.

It is important to note that a country's determination of the child as an orphan or Convention adoptee does not guarantee that the child will be considered an orphan or Convention adoptee under the U.S. Immigration and Nationality Act. Foreign countries may have different legal standards.

Some countries accept an authenticated U.S. home study of the prospective adoptive parents; other countries require adoptive parents to travel and be evaluated in-country. Countries may require a period of residence by one or both adoptive parents. You may find it necessary to spend an extended period in the foreign country awaiting the completion of the local adoption documents. Additionally, several countries require a post-adoption follow-up conducted by the adoption agency or the foreign country's consul in the United States.

Note: *The Country Information on our website provides more details for specific countries.*





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KEEPING BALANCE IN THE PROCESS

The intercountry adoption process can be long and trying. It can also be complicated and expensive. During the process, you'll need to make many decisions, some minor and some potentially life-changing. Clarifying your hopes and goals early on can make those decisions easier. Maintaining balance and perspective can be key when the process takes unexpected turns.

It's important to start strong by learning as much as you can, seeking sound advice, and maintaining a good support system. Consider speaking with a licensed professional counselor, therapist, social worker, or a member of the clergy about any questions or anxieties you may be having about becoming an adoptive parent.

Mid-term, flexibility may be necessary. For example, many prospective adoptive parents begin the process by assuming that they want as young a child as possible, and a child that closely matches their family's ethnic or historical roots. They may learn that there are older or multi-ethnic children are eligible for adoption, rather than infants. Will that work for you? While trying to follow the advice of close friends who successfully navigated a foreign adoption, you may learn that a country's laws have changed or an agency is under new leadership. Some legal complexity may threaten to undo months or even years of planning, or require additional months of waiting. Is it time to shift directions?

Long-term, it is probably patience that will help carry you through this sometimes arduous process. After you've done all your homework, just being patient may be the only thing you can do.



LEGAL CUSTODY ABROAD

Some countries do not allow full and final adoptions. Instead, adopting parents are granted guardianship, which permits the child to leave his/her country of origin. Final adoption occurs under the laws of the adopting parents' state of residence.

If you gain legal custody of a child abroad (as opposed to full adoption), the child may be eligible to immigrate to the United States using an IH-4 or IR-4 immigrant visa. The IH-4 immigrant visa is issued to children from Hague Convention countries immigrating to the United States for adoption. The IR-4 immigrant visa is issued to children from non-Convention countries.

Once back in the United States, it is important to finalize the adoption as soon as possible so that your child is eligible for U.S. citizenship. Not completing the adoption and the requirements for U.S. citizenship can negatively impact many areas of his/her future life including family travel, eligibility for education scholarships and grants, employment, and voting.

Learn more on adoption.state.gov.

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MISSION – U.S. EMBASSY OR CONSULATE ROLE

Role of the Consular Officer

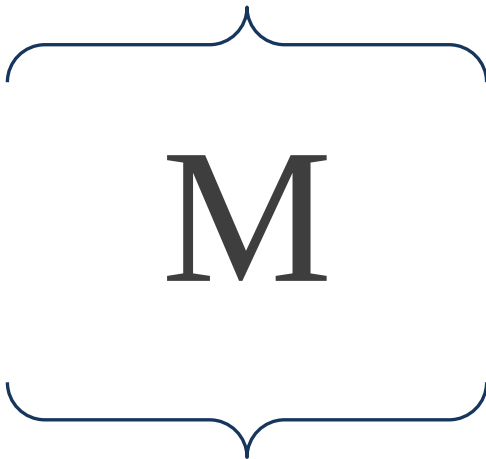
Consular Officers represent America to the world as they assist U.S. Citizens travel, conduct business, and live abroad. One of the most important missions of a Consular Officer is the protection of American citizens abroad. Consular Officers also help foreign citizens who want to travel to the United States. They conduct interviews and determine whether or not someone is eligible for a visa to travel or immigrate to the United States.

Daily, Consular Officers address a variety of issues, such as crisis situations within the country, lost passports, international child abduction, arrests, and medical emergencies. Additionally, Consular Officers monitor general country travel conditions and can provide disaster assistance. They may provide very general information about the local adoption process, but they are not experts on local laws, nor can they provide guidance on private legal matters (such as an adoption). For legal services, you must consult professional legal counsel.

The Visa Interview

When a foreign adoption or guardianship is granted, adoptive parent(s) apply for an immigrant visa at a U.S. consulate or Embassy abroad. Generally an IR-3 or an IH-3 visa is for a child adopted abroad; an IR-4 or IH-4 visa is for a child to be adopted in the United States.





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MISSION – U.S. EMBASSY OR CONSULATE ROLE, CONT.

The consular section at the embassy can schedule the visa interview when all required documentation has been received and your file is complete (see letter N for a list of necessary documents). The Consular Officer has a responsibility to:

- Review the I-600 (non-Hague) or I-800 (Hague) petition;
- Verify the child meets the U.S. definition of an orphan (non-Hague) or Convention adoptee (Hague);
- Establish that the adoptive parent(s) have legal custody;
- Check the visa medical report to see if the child has any medical conditions that might prevent him/her from traveling to the United States; and
- Confirm that the child has the required travel documentation, such as a passport from the foreign country.

Legal custody and proper documentation must be resolved according to the laws of the country of the child's nationality or residence. Requirements vary from country to country so do your homework once you choose a country. Although the consular section can provide basic information on local requirements, you and your adoption service provider are responsible for meeting these requirements.

Remember: The child's ability to qualify for an immigrant visa is determined by U.S. law. A foreign adoption or custody decree does not automatically qualify a child for an immigrant visa for entry into the United States.

N ECESSARY DOCUMENTS FOR THE VISA INTERVIEW

The consular section will schedule the visa interview once all the required documents have been provided and the file is complete. You should double-check the required documents with the consular section prior to scheduling the interview to avoid any delays.

This documentation includes:

- Proof of your U.S. Citizenship (your passport)
- Marriage Certificate / Divorce and/or death certificate
- Verification of a favorably recommended home study
- Notification by USCIS of I-600A or I-800A approval
- Final adoption decree or official proof of custody from the country-of-origin
- The child's birth certificate
- The child's passport (from the child's country of origin)
- The completed and signed medical examination report
- Police, military, or prison records, if required
- Three (3) frontal photographs of the child's face
- The visa application (Form DS-230, Parts I and II)
- Completed I-600 petition (if it was not previously approved by USCIS) or I-800 petition.

Note: *Some documents submitted to the Consular section must also be included in the immigrant visa packet and will not be returned. Adopting parents should obtain extra originals or certified copies of the adoption decree and the child's new birth certificate.*





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ORPHAN / CONVENTION ADOPTEE STATUS

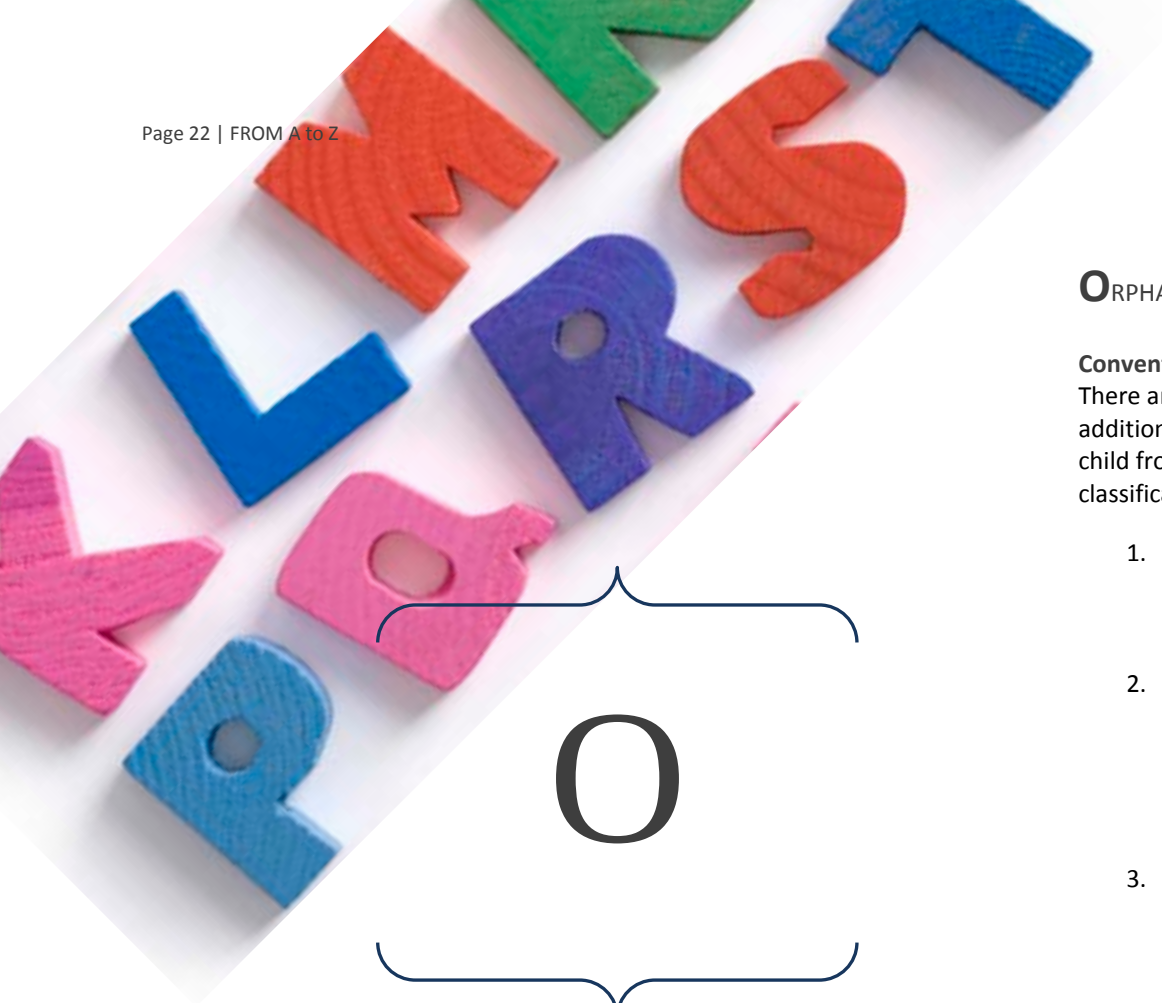
An adoptive child from another country needs a visa to come to the United States. *We keep saying it, but keep in mind that it IS possible in some countries to adopt a child who may NOT qualify for a visa.*

To receive a visa, children in non-Hague Convention countries must meet the U.S. definition of an *orphan*; children in Convention countries must meet the definition of a *Convention adoptee*.

Orphan

In addition to other applicable requirements, all of the following must be true for a child from a non-Convention country to be eligible for *orphan classification* (as defined in the Immigration and Nationality Act (INA)):

- The child must have no parents, or the child has a sole or surviving parent who is unable to care for the child and has, in writing, irrevocably released the child for emigration and adoption.
- The child must be under the age of 16 at the time an I-600 Petition is filed on his or her behalf with the USCIS or with a Consular Officer (a child adopted at age 16 or 17 will also qualify, provided he or she is a birth sibling of a child adopted, or who will be adopted, under the age of 16 by the same adopting parents).
- The adopting parents must have completed a full and final adoption of the child or must have legal custody of the child for purposes of emigration and adoption in the U.S.; and
- The child has been or will be adopted by a married U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least 25 years of age, with the intent of forming a bona fide parent/child relationship.



ORPHAN / CONVENTION ADOPTEE STATUS, CONT.

Convention Adoptee

There are 5 primary elements to the *Convention adoptee* classification. In addition to other applicable requirements, all of the following must be true for a child from a Convention country to be eligible for the Convention adoptee classification:

1. The child is under the age of 16 at the time the I-800 is filed on his or her behalf (taking into account special rules on filing dates for children aged 15-16), is unmarried, and lives in a Convention country;
2. The child will be adopted by a married U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least 25 years of age, habitually resident in the United States, whom USCIS has found suitable and eligible to adopt (form I-800A approval) with the intent of creating a legal parent-child relationship.
3. The child's birth parent(s), or other legal custodian, individuals, or entities whose consent is necessary for adoption, freely gave their written, irrevocable consent to the termination of their legal relationship with the child and to the child's emigration and adoption;
4. The child has two living birthparents who were the last legal custodian, who signed the irrevocable consent to adoption, and were determined to be incapable of providing proper care for the child; and
5. The child has been adopted or will be adopted in the United States or in the Convention country according to the rules and procedures of the Hague Convention and the Intercountry Adoption Act.

PROCESSING YOUR CHILD'S VISA

Although the visa interview appears to involve a single action that may be quickly completed, the Consular Officer performs several different steps required by U.S. law and regulation. The Consular Officer:

- Reviews the approved I-600 or I-800 petition to ensure that the child has satisfied the requirements of an orphan or Convention Adoptee as defined by U.S. law;
- Verifies that a competent foreign authority has fully and irrevocably terminated the birth parents' rights or granted appropriate permissions so the child can be adopted;
- Determines that the child's medical condition, as reported by the panel physician, or other factors do not preclude visa issuance;
- Establishes that the adoptive parents have legal custody (Some adoption guardianship decrees, such as the ones practiced under Islamic Family Law, may not meet the requirements of U.S. immigration law);
- Confirms that the child has the required travel documentation such as birth certificate and passport; and
- Conducts the required security checks.



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PROCESSING YOUR CHILD'S VISA, CONT.

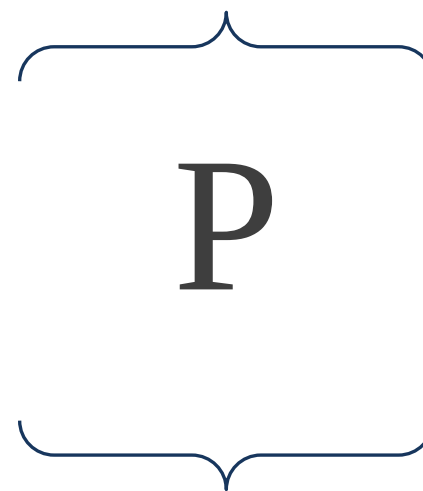
Different Visa Categories

In most cases, adoptive parents seek one of two types of visas for their child:

- **IR-3 or IH-3 visa** is for a child fully adopted overseas (IR-3 in non-Hague countries; IH-3 in Hague countries).
- **IR-4 or IH-4 visa** is for a child who has not been fully adopted, or if the adoptive parent(s) did not see the child before the adoption's finalization (IR-4 in non-Hague countries; IH-4 in Hague countries).

Most children who enter the United States on an IR-4 or IH-4 immigrant visa must be re-adopted after they enter the United States. Some states have no provision for re-adopting children who were fully adopted abroad but who received IR-4 or IH-4 visas because both adoptive parents had not seen the child before the immigrant visa was issued. Adoptive parents should determine in advance the requirements of their own particular state of residence. This information is available through the Federal *Child Welfare Information Gateway* ([childwelfare.gov](https://www.childwelfare.gov)), your state's social services agency, or many adoption practitioners.

Special rules apply for children who were adopted in a foreign country and have already lived for two years with their adoptive parents. If you think your child may qualify, you should consult with the nearest Embassy or consulate.



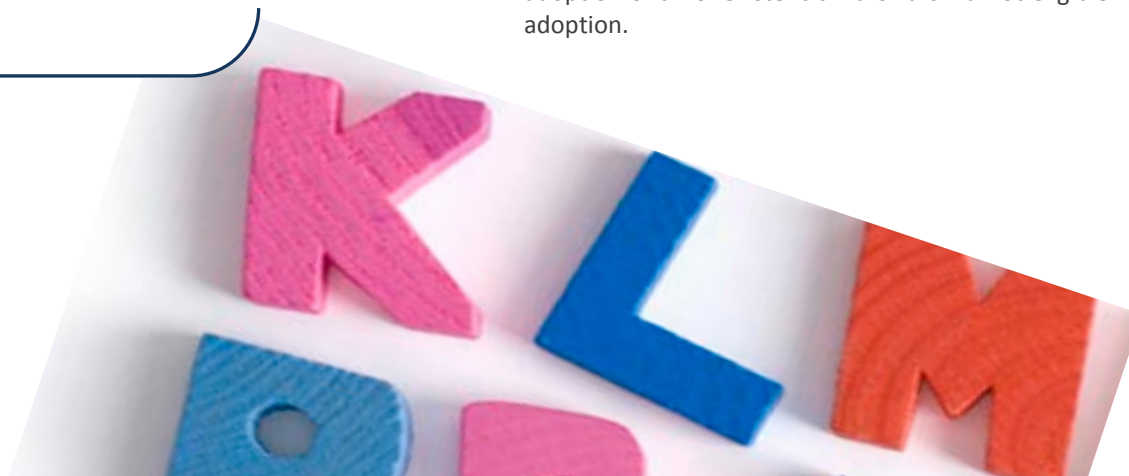
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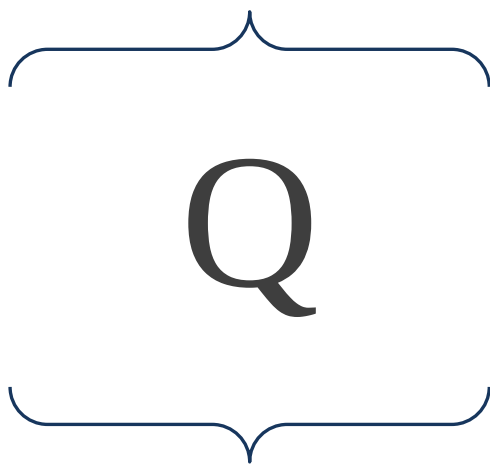
QUESTIONS ABOUT FRAUD

Adoption fraud not only violates U.S. and other countries' laws, it often ends up hurting the very people adoption is meant to help – the children. Most people involved in the intercountry adoption process have the child's best interests at heart. Unfortunately, there are also a few unscrupulous individuals who prey upon unsuspecting and vulnerable parents. Such individuals may view the adoption process as a way to make money or they may be trying to "beat the system" because they think they know better. Be careful about listening to individuals who claim to know shortcuts. When considering an intercountry adoption, the old adage often applies: If the offer sounds "too good to be true," it probably is.

You can help avoid potential heartache by remaining on the alert and being aware through the entire adoption process. Some common fraud issues include:

- Prospective adoptive parents being charged exorbitant fees or asked to pay large amounts of cash for unspecified services;
- Agencies knowingly offering a supposedly healthy child who is later found to be seriously ill; and
- Agencies knowingly obtaining prepayment for the adoption of a nonexistent child or a child not eligible for adoption.





QUESTIONS ABOUT FRAUD, CONT.

To help avoid fraud, we recommend:

- Use only reputable agencies, attorneys, and facilitators;
- Be wary of statements from agencies that appear to be contradictory, vague, or unrealistic;
- Report problems with agencies or intermediaries in the United States immediately to the appropriate state authorities, as well as the State Department (other authorities include state social services, District Attorney, Better Business Bureau, or the state Attorney General's office);
- Consider having the child examined by an independent physician before completing adoption procedures (the visa-related medical examination determines whether the child has any conditions that would make him/her ineligible for a U.S. immigrant visa; it is NOT a comprehensive medical assessment of the child); and
- *When possible, deal only with licensed or accredited adoption agencies or service providers.*

If you believe you have been a victim of fraud, you should register your concerns with your state licensing authority and with the Better Business Bureau. In addition, you may register your complaint with the Office of Children's Issues by sending an e-mail to AskCI@State.gov. If the fraud or misrepresentation occurs with an agency accredited to work on Hague cases, report it using the **Hague Complaint Registry** on our website.

ROLE OF THE OFFICE OF CHILDREN'S ISSUES

The Office of Children's Issues is part of the Department of State's Bureau of Consular Affairs, and comes under the Directorate of Overseas Citizens Services. It was established in 1994.

The Office of Children's Issues serves as the U.S. Central Authority for the Hague Adoption Convention. We work closely with U.S. Embassies and Consulates abroad, other U.S. state, federal and local agencies, and foreign governments. On a daily basis, we strive to:

- Provide current information about adoption procedures in foreign countries;
- Communicate with U.S. consular sections abroad to resolve problems regarding adoption processing;
- Coordinate with agencies and adoption organizations on ways to improve the intercountry adoption;
- Monitor complaints against accredited adoption service providers; and
- Work to ensure that foreign authorities or courts do not discriminate against prospective adoptive parents on the basis of their U.S. citizenship.

The Department of State is committed to working with other governments to establish and maintain transparent laws, procedures and safeguards that protect all parties involved in the intercountry adoption process.





S

SUPPORT GROUPS

There are inherent financial and emotional risks associated with every adoption. We encourage you and your adoption service provider to discuss these openly and candidly. You may also find it beneficial to consult with other parents or support groups about the risks and concerns associated with adoption. Although we do not endorse or recommend any particular group, here are some places to start your support group search:

Support Groups

Adoption Services Support Groups for Adopting Persons:

www.adoptionservices.org/adoption/adoption_support_groups.htm

Families for Russian and Ukrainian Adoption (FRUA): www.frua.org

Families with Children from China: <http://fwcc.org>

Guatemala Adoptive Families Network: www.guatefam.org

North American Council on Adoptable Children: www.nacac.org

Our Chinese Daughters Foundation (OCDF): www.ocdf.org

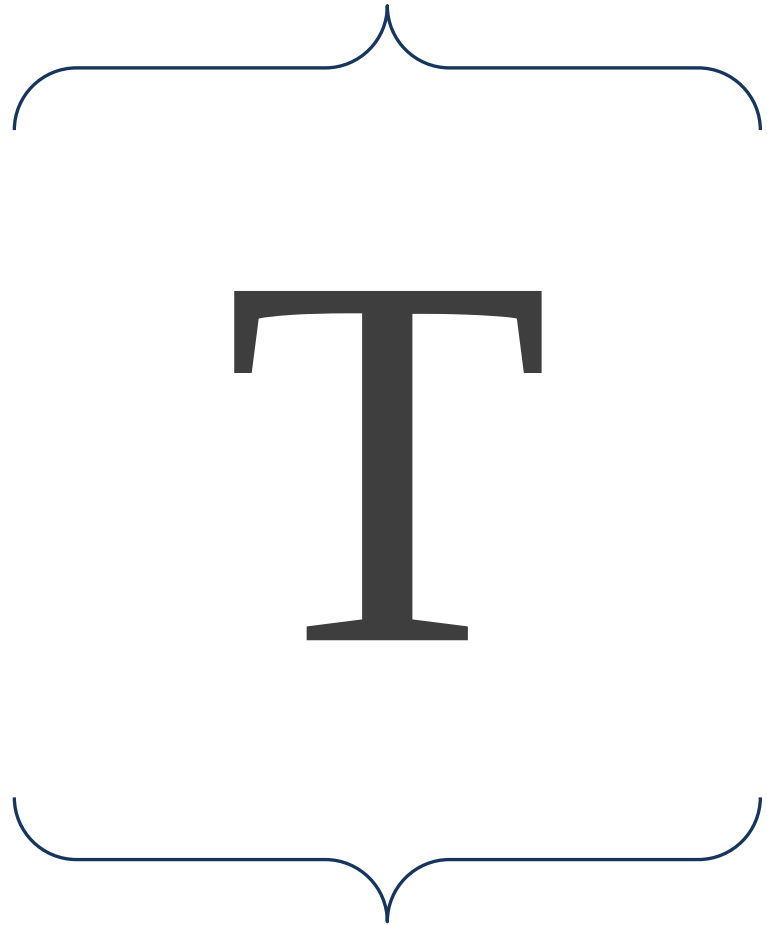


T RAVEL CONSIDERATIONS

For many adopted children, the trip to their new home can be the longest trip the child has ever experienced in his or her life. As an adoptive parent, this trip will be one of the most important trips you will ever make as well. Avoid any surprises by planning ahead. We encourage you to read the Country Specific Information at travel.state.gov and register your travel online.

Find out what the weather conditions are for your destination, and pack accordingly. Also, be aware of local dress codes—it's a good idea to dress simply and conservatively (no shorts or sleeveless shirts). You may want to include at least one business attire outfit for when you are meeting with local officials or conducting business at the U.S. Embassy.

The last thing you want to be concerned about when picking up your child is whether you're leaving something of value behind. Many toiletries and amenities such as a hair dryer, towels, or soap may already be available at your hotel. Call ahead, to find out for sure. Additionally, try to leave extra room in your luggage for your child's belongings. These familiar objects will help your child with the transition of living in a new country.



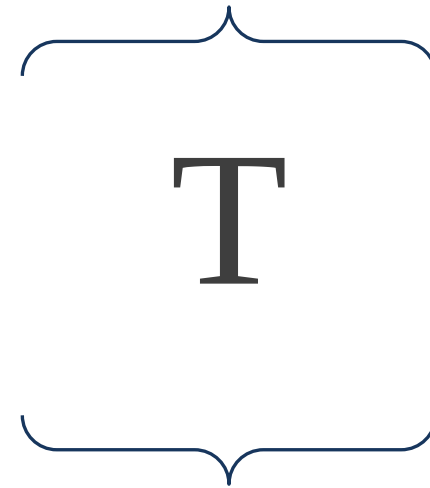
T RAVEL CONSIDERATIONS, CONT.

While abroad, your personal purchases may not be the only thing you need money for. Some countries will require you to wire the money for the adoption fees ahead of time, while others may require payments in local currency. Believe it or not, some countries may even prefer that the cash is unwrinkled, unmarked, and has no folds. You'll need to plan ahead and be sure you and your valuables can travel safely.

Infants tend to require a lot more gear than older children. They'll need: formula, bottles, various nipples to see which one the baby latches onto the best, diapers, a pacifier, burp cloth, blanket, clothing, and possibly a stroller or baby carrier to make navigating through the airports easier. You may be able to purchase many of these items while overseas, but you may also need to bring some of them with you. If you'll be driving in a car at any point during your trip, have a car seat ready (you may also need a car seat for the trip home, depending on your airline requirements). A first aid kit, diaper rash cream, baby pain reliever, and teething gel may also prove to be useful.

For older children, consider packing a few books, games, toys, and simple snacks to help keep your child occupied during the long trip. Don't forget to bring a couple of outfits (including shoes) that are appropriate for the weather back home for your new son or daughter.

Many adoptive parents decide to give gifts to those who have cared for their child and helped with the adoption. Cash as a gift is usually frowned upon since it can give the impression of a bribe or payment for special favors.





U.S. CITIZENSHIP FOR AN ADOPTED CHILD

It's very important that you make sure your adopted child becomes a U.S. citizen. **The Child Citizenship Act of 2000** was designed to make the citizenship acquisition process easier and eliminate extra steps and costs. Under the Child Citizenship Act, children adopted abroad can automatically acquire U.S. citizenship if:

- At least one parent of the child is a U.S. citizen;
- The child is under the age of 18;
- The child is admitted to the United States as an immigrant for lawful permanent residence; and
- The adoption is final.

Because of the Child Citizenship Act, many parents are no longer required to make a separate application for their children to be naturalized.

If your adoption doesn't meet these requirements, however, acquiring citizenship for your child will require an additional process and additional fees. If you postpone or even forget to file for your child's naturalization, your child may have difficulty getting college scholarships, working legally, voting, et cetera. In some cases, your child might actually be subject to possible deportation. Make plans right away to protect your child's future.



VISA QUESTIONS

Let's face it. The immigrant visa process can be complicated. That's why it is important to know that you are not on your own during the process.

Your agency or an immigration attorney can help you. The State Department also has an office for public inquiries about obtaining an immigrant visa. Consider them your first point of contact if you have a question about applying for a child's immigrant visa.

Contacting Visa Services

When making a visa inquiry, the Visa Office's **Public Inquiries Division** prefers that you contact them by telephone or e-mail. Remember that information about a specific visa applicant can only be provided to third parties in certain circumstances. Before calling with a visa inquiry, they request that you first carefully review the visa section on travel.state.gov and also the Embassy Consular Website abroad.

Tel: 202-663-1225

E-mail: usvisa@state.gov





WEBSITES AND USEFUL LINKS

U.S. Government

- U.S. Department of State, Bureau of Consular Affairs, Office of Children's Issues: adoption.state.gov
- U.S. Department of State, Bureau of Consular Affairs: travel.state.gov
- U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services: uscis.gov
- U.S. Department of Health and Human Services, Child Welfare information Gateway: childwelfare.gov

Other Helpful Links

- Adoptive Families Magazine: adoptivefamilies.com
- Adoptive Parents Committee: adoptiveparents.org
- The Center for Adoption Support and Education: adoptionssupport.org
- International Social Service – United States of America Branch, Inc.: iss-usa.org
- Joint Council on International Children's Services (JCICS): jcics.org
- National Council for Adoption (NCFA): adoptioncouncil.org
- North American Council on Adoptable Children (NACAC): ncac.org



EXTRA SUPPORT WHEN TRAVELING ABROAD

Staying Safe on Your Trip

Before you travel to abroad, it's always a good practice to investigate the local conditions, laws, political landscape, and culture of the country. And the State Department is a good place to start.

The Department of State provides *Country Specific Information* for every country of the world about various issues, including the health conditions, crime, unusual currency or entry requirements, and any areas of instability. See more on travel.state.gov.

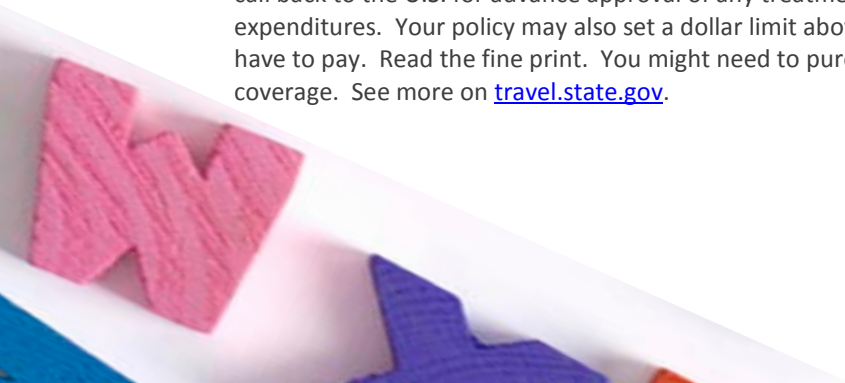
Staying in Touch on Your Trip

When traveling during the adoption process, we encourage you to register your trip with the Department of State. Travel registration makes it possible to contact you if necessary. Whether there's a family emergency in the United States, or a crisis in the country to which you're traveling, registration assists the U.S. Embassy or Consulate in reaching you.

Registration is free and can be done online using our [Smart Traveler Enrollment Program \(STEP\)](#).

Medical Insurance

Find out if you are covered for a medical emergency overseas BEFORE you leave. Many foreign doctors and hospitals do not accept American insurance policies, and may require full cash payment in advance of your treatment. Your existing medical insurance company may require you to call back to the U.S. for advance approval of any treatments or expenditures. Your policy may also set a dollar limit above which you'll have to pay. Read the fine print. You might need to purchase additional coverage. See more on travel.state.gov.





YOUR POST-ADOPTION REPORTING

Just as with many domestic adoptions, some countries require foreign adoptive parents to report on the health and welfare of children they have adopted. These reports are generally referred to as “post-adoption reports” or “post-placement reports”. The requirements of these reports vary from country to country, and for some countries they must be prepared by a social worker. Be sure you understand a country’s reporting requirements. Your adoption agency or the U.S. Embassy often have helpful information about post-adoption reporting requirements.

Post-adoption or post-placement reports are designed to track the child's development and progress in adjusting to a new family and life in a new country. They also provide assurance to officials in the country of origin that children, for whom they may have a legal responsibility, are receiving appropriate care and protection. For you, the reports can serve as useful opportunity to confirm your son or daughter’s adjustment and development.

When a country requires post-adoption or post-placement reports, it is important for adoptive parents to fulfill that obligation. The failure to submit these reports has had a negative impact on other Americans seeking to adopt. You should carefully consider the obligations to provide post-adoption or post-placement reports before pursuing adoption from countries that require such reporting.



IN THE PARENTING **Z**ONE

Transitions are always a challenge. Imagine the challenges for children who, in a few days or months, find themselves separated from everything that was normal, and living in a new country with unfamiliar customs, food, and language. It can be overwhelming.

In the first few days, you'll probably want to focus quality time on getting to know your child and establishing a home culture that will restore stability in your child's life. It may be good to take your time when introducing your child to family, friends, and your community. You have many years ahead of you to explore the world together.

You know that every child is different. You know too that each stage of life, from infant to adolescence, brings its own challenges. Hopefully, whether this is your first or your fifth child, you've attended classes and sessions about parenting.

Don't be afraid to ask for help when needed. Take advantage of all the resources available to your family -- whether it's another adoptive family, a support group, an advocacy organization, or your religious or community services -- to help ease these transitions. Providing a secure, loving home may be the best challenge you ever have.

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Annual Report on Intercountry Adoptions Narrative

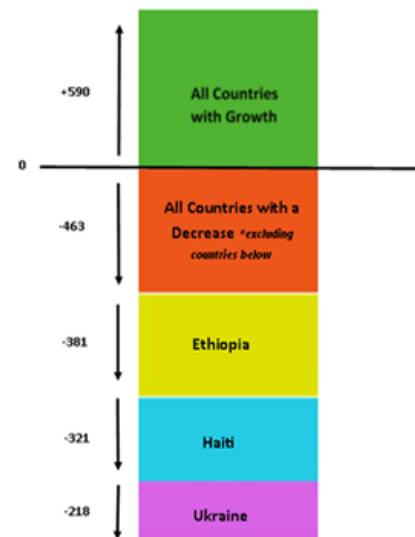
The FY 2015 Annual Report on Intercountry Adoption, required by Section 104 of the Intercountry Adoption Act of 2000, provides statistical data and other information on intercountry adoptions from October 1, 2014, through September 30, 2015. The report is released after a thorough review of the available data to ensure the information is accurate. This review includes summaries of outreach efforts to adoption service providers.

Table 1 provides the number of intercountry adoptions involved immigration to the United States. This data is based on the number of immigrant visas issued in FY 2015 to children who met the definition of orphan or Convention adoptee under the Immigration and Nationality Act (INA), and for whom a full and final adoption or grant of custody for the purpose of adoption in the United States was granted in accordance with local laws in the child's country of residence.

Overview of FY 2015

In FY 2015, consular officers issued 5,648 immigrant visas to children adopted abroad or coming to the United States to be adopted by U.S. citizens. Families in all 50 states plus the District of Columbia, Guam, and the Virgin Islands welcomed children from 89 countries.

FY 2015 Change in the Number of U.S. Intercountry Adoptions by Country



Top 5 Countries of Origin and Top 5 Receiving States

<u>Country of Origin</u>	<u>Receiving State</u>
1. China	1. Texas
2. Ethiopia	2. California
3. South Korea	3. New York
4. Ukraine	4. Florida
5. Uganda	5. Georgia

In the past year, there was an increase in intercountry adoptions from several countries, including China, Kyrgyzstan, and Latvia. Children were adopted from several countries from which there were no intercountry adoptions to the United States in FY 2014, including the Central African Republic, Equatorial Guinea, Gabon, and Timor-Leste. In other countries, the number of intercountry adoptions decreased because of changing policies and significant events inside those countries. The majority of countries saw only small fluctuations from

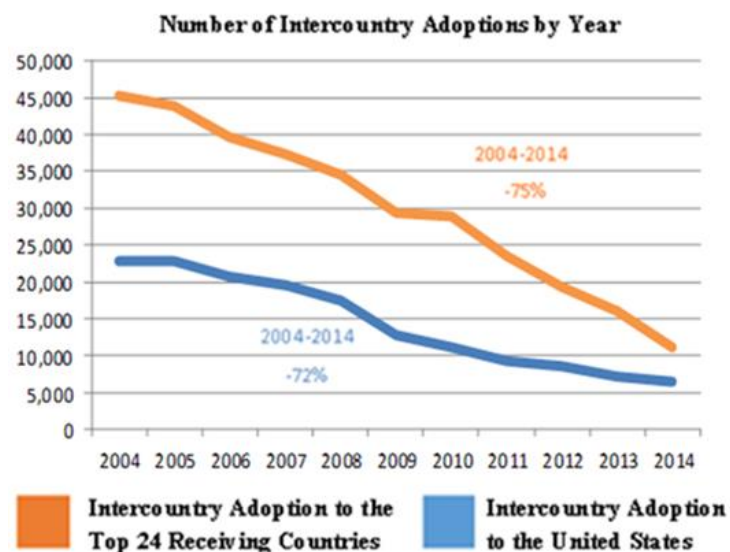
FY 2014, and positive growth was offset by a decrease of 920 adoptions in just three countries: Ethiopia, Haiti, and Ukraine.

Since April 1, 2008, more than 500 children resident in the United States have been adopted abroad (outgoing adoptions). The numbers have increased in the past fiscal years, from 25 cases reported in FY 2008 to 93 in FY 2015. This increase is attributed in part to the Department of State's outreach to adoption service providers, state adoption authorities, and the adoption community. These numbers include Convention, non-Convention, relative, and non-relative outgoing adoptions. The majority of outgoing adoptions involve infants, but adoptions from the U.S. foster care system have increased gradually since 2010. Canada, the Netherlands, and Ireland are the top receiving countries for outgoing adoptions (in order of number of adoptions). The top sending states are Florida, New Jersey, California, and New York. The annual report only addresses outgoing adoptions reported to the Department. The Department has increased its outreach and education efforts to state domestic authorities by participating in workshops, hosting webinars, and creating an online reporting form on the adoption.state.gov website to improve knowledge of the Convention and increase reporting of outgoing cases.

The Changing Landscape of Intercountry Adoption

The intercountry adoption process varies significantly across countries, and can be affected by sometimes rapidly changing economic, social, and political factors within each country. Differences in the number of adoptions from a specific country of origin may be attributed to such changes, including shifting policies towards adoption and social change.

Intercountry adoptions have dropped significantly from FY 2004 (peak year for intercountry adoptions) to FY 2014. The United States saw a reduction in intercountry adoptions from 22,884 in FY 2004 to 6,441 in FY 2014. The 72 percent decrease reflects a global reduction in intercountry adoption. The number of

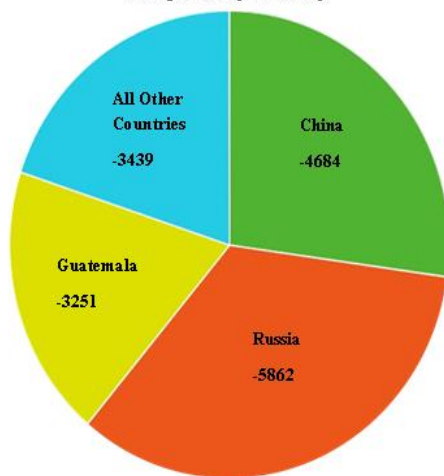


intercountry adoptions to the top 24 receiving countries for the same time period fell at a slightly faster rate of 75 percent.

This global decline can be attributed to a wide range of factors. In the specific case of the United States, 80 percent of the reduction in intercountry adoptions comes directly from three countries: China, Russia, and Guatemala.

China (27 percent of the last decade's decrease in intercountry adoptions)

FY 2004 - FY 2015 Reduction in Yearly U.S. Intercountry Adoptions by Country



In FY 2015, U.S. families provided homes to 2,354 children from China, marking a more than 15 percent increase from FY 2014.

In the past 10 years, however, intercountry adoption from China by U.S. families has dropped by more than 70 percent, which corresponds to a worldwide decrease in all intercountry adoptions from China. During this time, the Chinese government increased its efforts to promote the domestic adoption of children in need of a permanent home. As a

result, some 20,000 to 30,000 children are now placed domestically in China each year.

The United States continues to work with the Chinese government to encourage intercountry adoption for those children who cannot find permanent families in China. There has been a growing trend in the international placement of children with special needs, as well as those who are older and/or are part of sibling groups. For example, the United States has observed that the profile of Chinese adoptees changed from 95 percent healthy girls in 2005 to more than 90 percent special needs children today, with boys constituting one third of adoptees to the United States. These changes reflect the overall positive changes made to the child welfare system in China over the last decade.

Russia (34 percent of the last decade's decrease in intercountry adoptions)

During FY 2015, no children were adopted by U.S. families from Russia as a result of Russian Federal Law 272-FZ. Motivated by political sentiment unrelated to the adoption of children, this law prohibits the adoption of Russian children by U.S. citizens and entered into force on January 1, 2013.

Russia's decrease has greatly contributed to the overall decline in the number of intercountry adoptions by U.S. families. In FY 2004, U.S. families adopted a historic high of 5,682 Russian children, 25 percent of all intercountry adoptions to the United States that year.

The Department of State continues to encourage intercountry adoption as an option for Russian children. In our conversations with the Russian government, we have highlighted the devastating impact this ban has had on children who have met and bonded with their prospective adoptive parents, and encouraged a resolution for adoption cases that were in process prior to January 1, 2013. Moreover, it is evident there are many children in Russia who could benefit from intercountry adoption, and who remain institutionalized as a result of this ban. Despite our efforts, we have no reason to believe the Russian government will allow the resumption of intercountry adoption with the United States in the near future.

Guatemala (19 percent of the last decade's decrease in intercountry adoptions)

In December 2007, the Government of Guatemala announced a suspension of new intercountry adoption processing while it worked to develop an adoption process compliant with the Convention that would address vulnerabilities which led to widespread corruption and fraud under the old process. This suspension affected all receiving countries, including the United States.

During FY 2015, Embassy Guatemala City issued 13 immigrant visas to children adopted from Guatemala by U.S. citizens adoptions initiated before the ban. This represents a significant drop from the FY 2004 number of 3,251 intercountry adoptions. The Guatemalan government has begun to establish the regulatory procedures and infrastructure to once again implement an intercountry adoption process. The United States stands ready to assist Guatemala to develop an adoption system that prevents fraud and safeguards the interests of children.

While most countries experienced normal fluctuations in the number of intercountry adoptions to the United States between FY 2014 and FY 2015, three countries witnessed significant drops.

Ethiopia

Intercountry adoptions from Ethiopia fell from 771 in FY 2014 to 335 in FY 2015. Over the past several years, the Government of Ethiopia has been working to

strengthen intercountry adoption procedures at both the federal and regional levels. A number of regions are working with the international community to provide family preservation and reunification assistance to vulnerable children and families as part of a deinstitutionalization program for children in orphanages. The federal Ministry of Women and Children Affairs set forth new standardization guidelines for the regional approvals necessary for intercountry adoptions. Regional authorities also have tightened their control over the intercountry adoption process. The United States continues to work with the Government of Ethiopia to maintain intercountry adoption as a viable option for children in need.

Haiti

Adoptions in Haiti decreased from 464 in FY 2014 to 143 in FY 2015. In FY 2015, the Haitian Central Authority concentrated on developing and reinforcing new processing procedures, which resulted in a slowdown in cases eligible for final orphan determinations and subsequent visa issuance. We expect numbers to increase within the limits established by Haiti's quota once the April 1, 2016, deadline for the Haitian Central Authority to match transition cases with Haitian children passes and the Haitian Central Authority begins processing Convention adoptions.

Ukraine

Intercountry adoption from Ukraine in FY 2015 fell more than 40 percent from the previous fiscal year as a result of the Russian occupation of Crimea and the conflict with Russia-backed separatists in eastern Ukraine. Prior to the conflict, U.S. families adopted a significant number of children from parts of the Donbas region which is currently under the control of Russia-backed separatists. While intercountry adoption remains possible in Ukraine, a significant number of children who would otherwise be eligible for intercountry adoption in Luhansk and Donetsk were evacuated by Ukrainian authorities to safer locations, and dossiers are being reconstructed after records were left behind and/or destroyed.

Democratic Republic of the Congo

On September 25, 2013, the Government of the Democratic Republic of the Congo (DRC) suspended issuance of exit permits to Congolese children adopted by foreigners; the ban remains in effect. As of September 30, 2015, only a few exceptions to the exit permit suspension were made by the DRC government for medically urgent cases. In spite of the suspension, Congolese courts continue to

process adoption decrees. The Department of State engaged frequently, at all levels, with Congolese officials throughout FY 2015 to press for a resolution to the suspension.

Department of State Engagement to Support Intercountry Adoption

In FY 2015, the Department of State's Bureau of Consular Affairs (CA) welcomed several foreign delegations to Washington, D.C., and engaged with individuals and organizations from a wide range of backgrounds to discuss intercountry adoptions.

Consular officers maintained regular communication with their foreign counterparts. Examples include: U.S. Embassy Bogota sponsored an annual luncheon for the Colombian Central Authority; U.S. Embassy Phnom Penh sponsored a group of Cambodian officials to travel to the United States to meet with U.S. adoption and child welfare counterparts; and both U.S. Embassy Abidjan and U.S. Embassy Lusaka worked extensively with their respective central authorities in the months prior to the Convention entering into force for Côte d'Ivoire and Zambia. Consular officers visited multiple countries on five continents to encourage intercountry adoptions as a viable option in host countries. Ambassador Susan Jacobs, Special Advisor for Children's Issues, traveled to 15 different countries to support the Department of State's efforts regarding intercountry adoption through meeting with foreign central authorities and our own overseas embassies. Assistant Secretary for Consular Affairs Michele Thoren Bond led multiple delegations to Kinshasa to push for an immediate end to the 2013 exit permit suspension.

Additionally, the U.S. delegation successfully participated in the Fourth Special Commission on Intercountry Adoptions in The Hague. This delegation, led by Assistant Secretary Bond, advanced our objectives and garnered support from other delegations at the Special Commission. The Department of State also utilized this opportunity to speak with representatives of numerous countries about adoption programs with the United States.

The Department of State views the U.S. adoption community as a valuable component of its efforts, and receives useful input and information from numerous members of this community. CA strives to maintain open communication through varied communication methods, in-person and virtual meetings and conferences, and the publication of adoption notices and alerts. This allows CA to relay information about ongoing developments, as well as gather information. In September 2015, CA hosted an Adoption Service Provider (ASP) Symposium,

welcoming more than 100 ASP representatives for a two-day conference to learn more about the needs of the adoption community and discuss CA's new intercountry adoption strategy.

Under CA's new intercountry adoption strategy, we assess the availability of intercountry adoption worldwide, develop tools and initiatives to support intercountry adoption, and improve the Department's communication with the U.S. adoption community. For example, by mapping the intercountry adoption process in other countries, the United States enhances our knowledge of each country's procedures. From Cambodia to Haiti to Zambia, this detailed understanding of individual countries' procedures helps CA be more focused and productive in bilateral discussions with foreign government officials. It also helps CA relay more accurate information to the public about the intercountry adoption process in specific countries.

The Department looks forward to the opportunity to continue diplomatic engagement and outreach efforts in FY 2016 and will work to proactively increase cooperation to make intercountry adoption a viable option in all countries.

The Hague Convention on Intercountry Adoption:

A Guide for
**Prospective
Adoptive Parents**



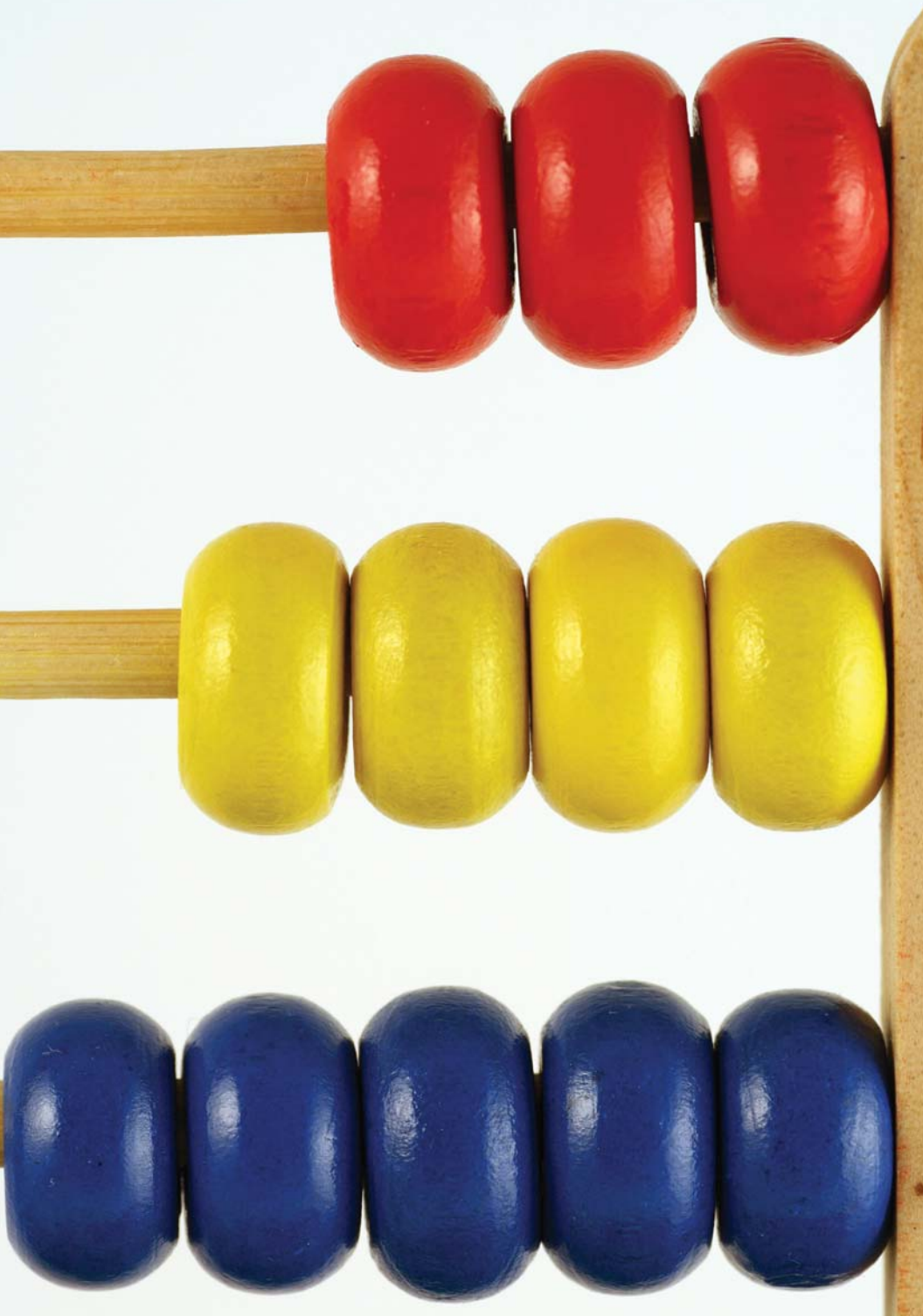
The Hague Convention on Intercountry Adoption:

A Guide for

Prospective Adoptive Parents*

Publication Number 11373
Bureau of Consular Affairs
U.S. Department of State
Released October 2006

*Disclaimer: The following is intended to serve as a very general guide for prospective adoptive parents to gain a basic understanding of the elements of the Convention, the Intercountry Adoption Act of 2000 (IAA) and its implementing regulations that might be of particular interest. It is **not** a substitute for the actual provisions of the Convention, the IAA or the regulations, nor is it a comprehensive summary of the regulations or the individual sections discussed. It should not be used to provide a definitive description of all the requirements for completing a Hague Convention adoption. In the case of any inconsistencies between this document and the regulations, the regulations govern. For additional information, please send your question(s) by e-mail to AdoptionUSCA@state.gov.



The Hague Convention on Intercountry Adoption:

A Guide for Prospective Adoptive Parents

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** Terms in bold throughout the text are located in the glossary.

Part One: An Overview

The Principles of the Convention

Changes to the Intercountry Adoption Process

New Standards for Adoption Service Providers

Professional Adoption Practices

Ethical Adoption Practices

The *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (the **Convention**), is a multilateral treaty concluded on May 29, 1993 in The Hague, Netherlands. The Convention entered into force for the United States on April 1, 2008.

The United States signed the Convention in 1994. In 2000, the U.S. Congress passed the Intercountry Adoption Act (the **IAA**), which provides for U.S. implementation of the Convention. At the same time, the Senate also gave its advice and consent authorizing U.S. ratification of the Convention once preparations for its implementation are in place. The Department of State (the Department) was designated as the U.S. **Central Authority** with respect to the Convention and completed these preparations in 2007.

To date, more than 75 countries have joined the Convention, including many of the countries from which U.S. citizens adopt most frequently. (See pages 6-7 for a list of Convention countries.) This brochure refers to countries that have joined the Convention and with which the United States will have a treaty relationship under the Convention as **Convention countries** and to adoptions that take place between Convention countries as **Convention adoptions**.

This guide for prospective adoptive parents focuses only on cases involving children who will be immigrating to the United States from a country of origin that is a Convention country (incoming cases). This guide does not address cases involving U.S. citizen children who will be emigrating to another Convention country (outgoing cases) or children immigrating to the United States from non-Convention countries. Further, this guide outlines the new accreditation and approval standards applicable to adoption service providers that may be of interest to prospective adoptive parents.

The Principles of the Convention

The United States strongly supports the principles of the Convention, which strengthen protections for children, birthparents, and prospective adoptive parents in the adoption process. The Convention provides a framework for Convention countries to work together to ensure that adoptions take place in the best interests of children and to prevent the abduction, sale, or trafficking of children in connection with intercountry adoption.

Changes to the Intercountry Adoption Process

In order to implement the Convention, several important changes have been made to the way intercountry adoptions with Convention countries are handled in the United States.

One of the most significant changes concerns the adoption service provider accreditation process. Previously, to perform intercountry adoption services, adoption service providers needed only to be licensed by the states in which they operate. Now however, the United States ratified the Convention, however, U.S. adoption service providers generally need to be accredited pursuant to the standards established by the United States should they wish to provide adoption services in cases involving the United States and another Convention country.

In order to provide adoption services in connection with Convention adoption cases, your adoption service provider must generally be accredited on a national level.

In the summer of 2006, the Department designated two **accrediting entities** to perform accrediting functions—the Council on Accreditation (COA) and the Colorado Department of Human Services. The Department monitors these accrediting entities to ensure that each performs its functions in compliance with the Convention, the IAA and its implementing regulations, other applicable law, and the accrediting entity agreement with the Department.

New Standards for Adoption Service Providers

The accreditation regulations published in February 2006 are designed to ensure that U.S. adoption agencies perform their duties in a manner that is consistent with the Convention and the IAA.

Information on these regulations, published in the Federal Register, can be found at [Adoption.State.Gov](https://www.adoption.state.gov).

Prospective adoptive parents should know that, in order to be accredited, their Convention-accredited adoption service provider has been evaluated based on comprehensive standards contained in the accreditation regulations. As a general matter, all adoptions from Convention countries must involve a primary adoption service provider that is accredited.

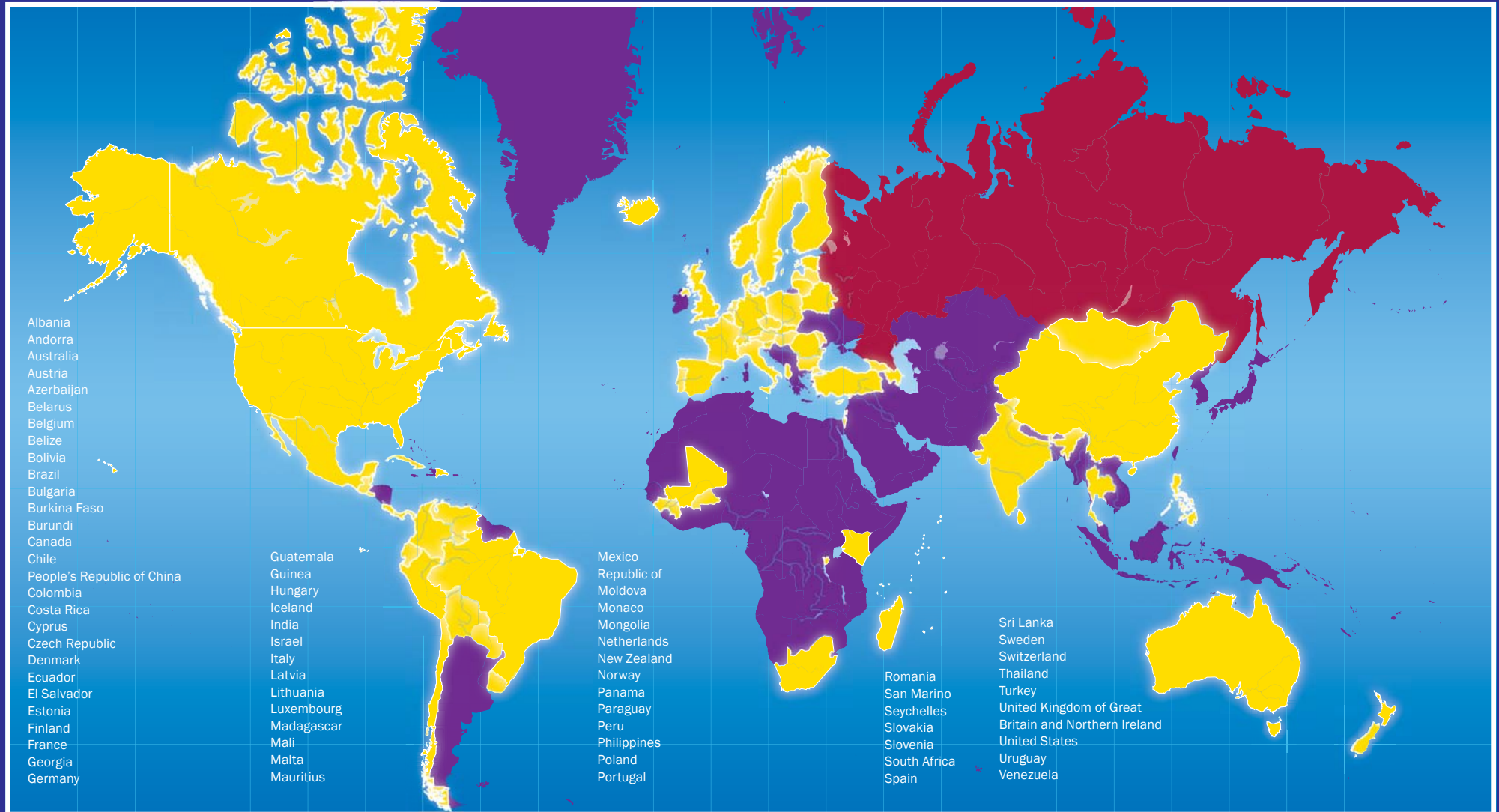
Subpart F of the accreditation regulations (22 CFR Part 96) contains the standards that accrediting entities use in evaluating applicants for accreditation.

Adoption service providers are not be required to meet every aspect of every applicable standard in order to be accredited. Instead, accrediting entities may accredit an adoption service provider if that provider is in substantial compliance with applicable standards developed by the accrediting entities and approved by the Department, as outlined in section 96.27 of the accreditation regulations (22 CFR Part 96).

The standards in subpart F are organized into nine major divisions:

- 1. Licensing and Corporate Governance**
- 2. Financial and Risk Management**
- 3. Ethical Practices and Responsibilities**
- 4. Professional Qualifications and Training for Employees**
- 5. Information Disclosure, Fee Practices, and Quality Control Policies and Practices**
- 6. Responding to Complaints and Records and Reports Management**
- 7. Service Planning and Delivery**
- 8. Standards for Cases in which a Child is Immigrating to the United States in Connection with an Adoption (Incoming Cases)**
- 9. Standards for Cases in which a Child is Emigrating from the United States in Connection with an Adoption (Outgoing Cases)**

Countries that have joined the Convention as of November 2008



- Convention countries
- Not yet a Convention country (signed but not ratified)
- Non-Convention countries

Please note: Before the United States ratifies the Convention, the Department must determine (pursuant to Article 44(3) of the Convention) whether to object to any countries that have acceded to the Convention. If the United States objects to a country, it will not have a treaty relationship under the Convention with that country and adoptions between the United States and that country will not be governed by the Convention. At the time of U.S. ratification, the Department will include on its website a list of countries with which the United States will have a treaty relationship under the Convention.

Professional Adoption Practices

The accreditation regulations work to ensure that your adoption service provider operates using sound professional practices. Some examples of the professional practices that are required of an adoption service provider include the following standards:

- The agency has (or, in the case of an individual, is) a CEO or equivalent official with an appropriate educational and management background and experience in adoption services.
- The agency has a board of directors or governing body that oversees the agency.
- The agency operates on a sound financial basis, maintaining on average at least two months cash reserves to meet its operating expenses.
- The agency maintains directors' and officers' insurance, errors and omissions insurance, and professional liability insurance.
- The agency properly trains their employees on intercountry adoption.

Previously, there were no uniform requirements for agencies or persons that provided intercountry adoption services. Although intercountry adoption will always be a complex process, the safeguards in the IAA and the regulations are meant to ensure that only legitimate and sound agencies are able to provide services in Convention adoptions.

Ethical Adoption Practices

The accreditation regulations also work to ensure that your adoption service provider operates using ethical practices. For example, agencies must have a written policy expressly forbidding the agency, its employees, and agents or facilitators who operate under the supervision of the agency, from giving money to a child's birth parents (or other individuals) as payment for a child or as an inducement to release a child. An agency does not offer incentive fees for locating children or placing children for adoption. In addition, agencies are required to subject their finances to independent audits to comply with ethical practices.

Adoption service providers must also disclose to the accrediting entity:

- Any written complaints against their agency
- Past or pending investigations by public authorities against their agency
- Instances in which their agency's license has been suspended or cancelled
- Instances when their agency has been found guilty of a crime or any civil or administrative violation
- Disciplinary actions against their agency
- Bankruptcy petitions

The accreditation regulations establish consistent standards of practice for adoption service providers.

Part Two: Working with an Agency

Selecting Your Adoption Service Provider

Signing Your Adoption Service Contract

- Adoption Fees
- Liability Waivers
- Disruption and Dissolution Plans

Proceeding with Your Adoption

- Primary Providers and Supervised Providers
- Home Studies
- Training of Prospective Adoptive Parents
- Child's Medical Records
- The Transfer of the Child

Post-Adoption Reporting

Preserving Adoption Records

Complaining About Your Agency

Selecting Your Adoption Service Provider

Choosing an adoption service provider is a decision that you should make with great care. Generally, in accordance with the applicable standards, only accredited adoption service providers (which can be organizations or individuals) are eligible to provide adoption services in Convention adoptions. On a quarterly basis, each accrediting entity makes required information available to the public about each agency it has accredited, in addition to each agency that is denied accreditation.

The Department maintains a list of accredited adoption service providers at Adoption.State.Gov.

Your adoption service provider should disclose specific information about its operations and procedures in writing to you upon initial contact including, but not limited to, the following:

- Its adoption service policies and procedures (including general eligibility criteria and all fees)
- The supervised providers (in the United States and overseas) who would be expected to work with the prospective adoptive parents and the costs of their services
- A sample written adoption services contract

Accredited adoption service providers will also make the following information available to you upon request:

- The number of adoption placements per year for up to three years prior, and the number and percentage of those placements that remain intact, are disrupted, and have been dissolved
- The number of parents who apply for adoption on a yearly basis
- The number of children eligible for adoption and awaiting an adoptive placement referral via the adoption service provider

Signing Your Adoption Services Contract

Once you choose an accredited adoption service provider, you will be expected to sign an adoption services contract with that agency. As noted above, the adoption service provider will provide you with a sample written adoption services contract similar to the one that you would be expected to sign should you proceed to use that agency.

Additionally, to protect you from unexpected fees and from being charged for services not provided, adoption service providers will present you with a written proposal of their expected total fees and estimated expenses before providing any adoption service. In addition, the adoption service provider will explain when additional fees may be charged, the refund policy, and how the fees and expenses must be paid.

Adoption Fees

Before providing any adoption services to you, your adoption service provider must itemize and disclose in writing the following categories of fees and estimated expenses:

- The home study fee
- Adoption expenses in the United States
- Foreign country program expenses
- Expenses incurred in care of the child
- Translation and document expenses
- Contributions to child welfare service programs in the child's **country of origin**
- Fees for post-placement and post-adoption reports
- Third-party fees
- Travel and accommodation expenses

The adoption service provider must be able to reference a written policy stating that you are not ordinarily responsible for additional fees and expenses beyond those disclosed in the adoption services contract. In the event that unforeseen additional expenses arise, the adoption service provider is permitted to charge you for the expenses only if:

1. It discloses the fees and expenses in writing to the prospective adoptive parents.
2. It obtains the specific consent of the prospective adoptive parents prior to expending any funds in excess of \$1000.
3. It provides written receipts to the prospective adoptive parents for fees and expenses.

Liability Waivers

The regulations allow adoption service providers to require you to sign a waiver of liability only if the waiver complies with applicable state law. All waivers are limited and specific and are based on risks that have been discussed and explained in your adoption services contract.

It is important to keep in mind that there are inherent financial and emotional risks associated with every adoption. You and your adoption service provider are encouraged to discuss these risks openly and candidly. You may find it beneficial to consult with other parents or support groups about the risks and concerns associated with adoption. You may also find it helpful to consult with an attorney when reviewing an adoption services contract.

Disruption and Dissolution Plans

Your adoption service provider will include a plan in the adoption services contract that outlines the organization's responsibilities in the case of a disruption of the adoption placement.

The plan in case of a disruption addresses:

- Who will have legal and financial responsibility for the transfer of custody of the child in an emergency
- Who will assume care of the child
- How the adoption service provider will take into consideration the child's wishes, the child's age, and the length of time the child has been in the United States
- How the Central Authority of the child's country of origin and the U.S. Central Authority will be notified
- Under what circumstances might it be in the best interest(s) of the child to return him or her to the country of origin

Adoption service providers will inform prospective adoptive parents in the adoption services contract whether they will or will not provide you with any **post-adoption** services. Moreover, the agency will inform prospective adoptive parents if it will provide services in the event of **dissolution** of the adoption—and if it will—the agency must provide a plan describing its responsibilities.

Proceeding with Your Adoption

With certain limited exceptions, for every Convention adoption, an accredited agency is responsible for ensuring that six **adoption services** are provided.

The regulations define these adoption services as:

- 1) Identifying a child for adoption and arranging an adoption;
- 2) Securing the necessary consent to termination of parental rights and to adoption;
- 3) Performing a home study and reporting on prospective adoptive parents or a background study and report on a child;
- 4) Making non-judicial determinations of a child's best interests and of the appropriateness of an adoptive placement;
- 5) Monitoring a case after a child has been placed with prospective adoptive parents until final adoption; and
- 6) Assuming custody of a child and providing childcare or any other social service, when necessary, because of a disruption pending alternative placement.

Primary Providers and Supervised Providers

The adoption service provider that is responsible for ensuring that all six adoption services are provided to you is called the primary provider. Primary providers can be organizations or individuals who are accredited. They may use other agencies, persons, or non-governmental entities to provide one or more of the adoption services, but that adoption service provider must generally operate under the supervision of the primary provider. These adoption service providers are called supervised providers. Supervised providers may be agents, facilitators, attorneys, or other organizations working either in the United States or in a Convention country.

The primary provider develops and implements a service plan for providing all adoption services to you and provides all such services either directly or by using, among other providers, supervised providers in the United States or in another Convention country.

Note: More information about primary providers and supervised providers can be found in sections 96.44 - 96.46 of the accreditation regulations.

Home Studies

The accreditation regulations include **home studies** in their definition of adoption services. They also set forth several provisions designed to ensure that the home study is conducted in a professional manner and that it is transmitted to the proper authorities in an expeditious fashion. For example, the regulations require that:

- The adoption service provider ensures that the home study is performed in accordance with state and federal law.
- The agency's employee who conducts the home study is not only authorized or licensed to complete a home study under the laws of the states in which he or she operates, but also is supervised by someone who has prior experience in family and children's services or intercountry adoption. Adoption service providers must take all appropriate measures to ensure the timely transmission of the approved home study to the Central Authority of the child's country of origin.
- The expected total fee and estimated expenses for a home study are disclosed in writing.

A social work professional or organization that only performs a home study or a child background study in the United States in connection with a Convention adoption, and does not provide any of the other adoption services in the case is known as an **exempted provider**, and does not have to be accredited. However, the home study performed must subsequently be approved by an accredited adoption service provider.

Training of Prospective Adoptive Parents

The accreditation regulations further specify that the primary provider must offer at least ten hours of training (independent of the home study) to prospective adoptive parents before they travel to the country of origin to adopt the child, or before the child is placed with the family for adoption. The goal of this regulation is to promote a successful Convention intercountry adoption. Such mandatory training addresses a wide range of topics, including the intercountry adoption process, developmental risk factors associated with children from the expected country of origin, and attachment disorders. The training also prepares you for the adoption of a particular child, when possible. Adoption service providers record the final nature and extent of the training in the adoption records.

Child's Medical Records

Adoption service providers are responsible for providing you with an English-language translation of the child's medical records, no later than two weeks before the adoption or two weeks before the date when you travel to the country of origin to complete the adoption (whichever is earlier). Adoption service providers make reasonable efforts to obtain available information, including the following:

- The date that the Convention country or other child welfare authority assumed custody of the child and the child's condition at that time
- History of any significant illnesses, hospitalizations, special needs, and changes in the child's condition since the child came into custody
- Growth data, including prenatal and birth history
- Specific information on the known health risks in the specific region or country of origin
- If a medical examination of the child is arranged, the date of the examination, and the name, contact information, and credentials of the physician who examined the child
- Information detailing all tests performed on the child
- Current health data
- Information about the child's birth family, cultural, racial, religious, ethnic, and linguistic background
- Information about the child's past placements prior to adoption
- Dates on any videotapes and photographs taken of the child

Adoption service providers may not withdraw a referral until you have had two weeks to consider the medical and social needs of the child and your ability to meet those needs.

The Transfer of the Child

Your adoption service provider will take every appropriate measure to ensure that the transfer of physical custody of the child occurs in secure circumstances and when possible, takes place in your company.

Post-Adoption Reporting

After your child has been adopted, adoption service providers must comply with the state laws of the jurisdiction where you live regarding the number of post-adoption home visits that are required. (Adoption service providers will still have to comply with all of their state laws.) Some countries of origin have post-adoption reporting requirements. The adoption service provider includes a requirement for such reports in the adoption services contract.

When a country of origin requires post-adoption reports, it is important for adoptive parents to fulfill that obligation. The failure of some adoptive parents to produce post-placement reports has had a negative impact on adoptions by other American parents seeking to adopt from some countries of origin. You should consider carefully obligations to provide post-adoption reports before pursuing adoption in countries of origin that require post-adoption reports. Adoption service providers make a good faith effort to encourage adoptive parents to provide such reports.

To learn more about post-adoption reporting requirements, please visit http://www.travel.state.gov/family/adoption/info/info_2192.html.

Preserving Adoption Records

Your adoption service provider retains or archives adoption records in a safe, secure, and retrievable manner for at least 75 years, or the period of time required by applicable state law, if that is longer.

Such archiving ensures that:

- 1) Personal data gathered for an adoption is used for the purposes for which the information was gathered and sensitive individual information is safeguarded;
- 2) Non-identifying information about the adoptee's health history or background is accessible to the adoptee and the adoptive parents; and
- 3) A plan exists to transfer adoption records to an appropriate custodian who will ensure the accessibility of the records in the event that the adoption service provider ceases to provide adoption services.

Complaining About Your Agency

The accreditation regulations establish a method for you to file a complaint against an adoption service provider. In general, under the regulations, when a party to a specific adoption case has a complaint about the adoption service provider, the complainant first submits the complaint in writing directly to that adoption service provider, in addition to the primary provider involved in the case (if appropriate). If the complaint cannot be resolved through the organization's complaint process, among other avenues, the party to the adoption case may file the complaint with the internet-based **Hague Complaint Registry** (HCR). You can find the link on Adoption.State.Gov.

Once a complaint is filed with the HCR, it will be available to the accrediting entity and the Department for appropriate action, and the Department will be able to monitor the handling of the complaint.

The complaint system established by the IAA and its regulations to implement the Convention serves the following functions:

- Permits any birth parent, prospective adoptive parent, adoptive parent, or adoptee to file a complaint directly with an adoption service provider
- Requires adoption service providers to respond in writing to such complaints within thirty days
- Provides for retention of written records of each complaint and the agency's or person's response
- Prohibits adoption service providers from discouraging complaints and from retaliating against those who file complaints
- Encourages a quality improvement program

Part Three: Frequently Asked Questions

- 1. When did the Convention enter into force for the United States?**
- 2. What if I am in the process of adopting but my adoption was not finalized by the time the Convention entered into force for the United States?**
- 3. What if I was just starting the adoption process when the Convention enters into force? How will my adoption be affected?**
- 4. Can I perform adoption services in a Convention adoption on my own?**
- 5. Can all accredited adoption service providers work in every country?**
- 6. What happens to an accredited adoption service provider when there is a complaint lodged against it?**
- 7. What action can an accrediting entity take against an accredited adoption service provider because of a complaint or other negative information?**
- 8. What is temporary accreditation?**

1. When did the Convention enter into force for the United States?

The Convention entered into force for the United States on April 1, 2008. Any adoption between the United States and another Convention country initiated after this date needs to comply with the Convention, the Intercountry Act, and its implementing regulation.



2. What if I am in the process of adopting a child but my adoption was not finalized by the time the Convention entered into force for the United States?

Section 505(b) of the IAA states that neither the Convention nor the IAA (and its implementing regulations by implication) shall apply if the application for advance processing of an orphan petition (I-600A) or petition to classify an orphan as an immediate relative (I-600) is filed before the date the Convention enters into force for the United States.

3. What if I had just starting the adoption process when the Convention entered into force? How will my adoption be affected?

If prospective adoptive parents did not file the I-600 or I-600A or equivalent forms before the Convention entered into force, then the entire adoption is governed by the Convention, the IAA, and the regulations implementing the IAA. This generally means that prospective adoptive parents need to select an accredited adoption service provider to provide adoption services in the case.

4. Can I perform adoption services in a Convention adoption on my own?

Although an extremely limited exemption in the IAA permits prospective adoptive parents to act on their own behalf without using an accredited adoption service provider, the Department strongly cautions parents against attempting to complete a Convention adoption on their own as the IAA and its implementing regulations are complex. Prospective adoptive parents acting on their own behalf may not do so if such conduct is prohibited by state law or the laws of the child's country of origin if it is a Convention country.

5. Can all accredited adoption service providers work in every country?

Each Convention country has the right to determine which accredited or approved adoption service providers it will permit to perform adoption services in its country. A U.S. accredited adoption service provider may not provide adoption services in another Convention country if that country prohibits it from doing so.

6. What happens to an accredited adoption service provider when there is a complaint lodged against it?

When a party to a specific adoption case has a complaint about an accredited/ approved adoption service provider, he or she must first submit the complaint in writing directly to the provider in question, in addition to the primary provider in the case (if different). If the complaint raises an issue of compliance with the IAA or its implementing regulations and cannot be resolved through the provider's complaint process, the party to the adoption case will then be able to file the complaint with the Hague Complaint Registry (HCR), a web-based system that the Department is establishing. Federal, state, or local government officials, foreign Central Authorities, or individuals who are not party to a specific Convention case will be permitted to file complaints directly with the HCR without first submitting them to the accredited agency or approved person.

For more information about complaints, please see subpart J of the accreditation regulations.

Once a complaint is filed with the HCR, it will be available to the accrediting entity for appropriate action, and the Department will be able to monitor the handling of the complaint.

7. What action can an accrediting entity take against an accredited adoption service provider because of a complaint or other negative information?

An accrediting entity is required to take adverse action if it determines that the adoption service provider is not in substantial compliance with the accreditation/approval standards. As outlined in subpart K of the accreditation regulations, the accrediting entity must decide what adverse action to take based on the seriousness and type of the violation as well as the extent to which the provider has corrected or failed to correct deficiencies of which it has been previously informed.

Such actions may include:

- Suspending or canceling accreditation or approval
- Refusing to renew accreditation or approval

- Requiring specific corrective action to bring the adoption service provider into compliance
- Imposing other sanctions, including requiring the adoption service provider to stop providing adoption services in a particular case or in a specific Convention country

Accrediting entities are further required to refer certain types of substantiated complaints to state licensing authorities, the Attorney General, or other law enforcement authorities, as described in section 96.72 of the accreditation regulations.

The Department may also take adverse action against accredited agencies and approved persons in certain circumstances, as discussed in subpart L of the accreditation regulations. Different procedures may apply to temporarily accredited agencies, as described in subpart N of the accreditation regulations.

The Department encourages prospective adoptive parents to report to the Department any adoption service providers who are offering adoption services between the United States and another Convention country without being accredited.

8. What is Temporary Accreditation?

If your agency wishes to provide adoption services in Convention adoptions, but feels it needs extra time to complete the full accreditation process, it may apply to become temporarily accredited. **Temporary accreditation** is only available to non-profit agencies that provided adoption services in less than 100 intercountry adoptions between November 2005 and November 2006. Temporary accreditation lasts for one year for agencies that provided adoption services in 50-99 intercountry adoption cases during this time period, and lasts for two years for agencies that provided such services in less than 50 cases. The temporary accreditation period began on April 1, 2008, the date that the Convention entered into force for the United States.

Glossary of Terms

Accrediting entity—An entity that has been designated by the U.S. Secretary of State to accredit agencies (including temporary accreditation) and to approve persons for purposes of providing adoption services in the United States in cases subject to the Convention

Adoption—The judicial or administrative act that establishes a permanent legal parent-child relationship between a minor and an adult who is not already the minor's legal parent and terminates the legal parent-child relationship between the adoptive child and any former parents

Adoption record—Any record, information, or item related to a specific Convention adoption of a child received or maintained by an agency, person, or public domestic authority, including, but not limited to, photographs, videos, correspondence, personal effects, medical and social information, and any other information about the child

Adoption service—Any one of the six services identified in Part Two of this document (See pages 16-17.)

Approved home study—A review of the home environment of the child's prospective adoptive parents that has been:

- 1) Completed by an accredited adoption service provider
- 2) Approved by an accredited adoption service provider

Central Authority—The entity designated as such under Article 6(1) of the Convention by any Convention country or, in the case of the United States, the U.S. Department of State

Complaint Registry—The system created by the Secretary of State pursuant to §96.70 to receive, distribute, and monitor complaints relevant to the accreditation or approval status of adoption service providers

Convention—The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption signed at The Hague, Netherlands on May 29, 1993

Convention adoption—The adoption of a child resident in a Convention country by a U.S. citizen, or an adoption of a child resident in the United States by an individual or individuals residing in a Convention country, when, in connection with the adoption, the child has moved or will move between the United States and the Convention country

Convention country—A country that is a party to the Convention and with which the Convention is in force for the United States

Country of origin—The country in which a child is resident and from which a child is emigrating in connection with his or her adoption

Disruption—The interruption of a placement for adoption during the post-placement period but before the adoption is finalized

Dissolution—The termination of the adoptive parents' parental rights after an adoption

Exempted Provider—A social work professional or organization that performs a home study on a prospective adoptive parent(s) or a child background study (or both) in the United States in connection with a Convention adoption (including any reports or updates), but that is not currently providing and has not previously provided any other adoption service in the case. Exempted providers are not required to be accredited, approved, or supervised by an accredited agency or approved person, but the studies they perform must subsequently be approved (section 96.14)

Legal custody—Having legal responsibility for a child under the order of a court of law, a public domestic authority, competent authority, public foreign authority, or by operation of law

Post-adoption—After an adoption; in cases in which an adoption occurs in a Convention country and is followed by a re-adoption in the United States, it means after the adoption in the Convention country

Post-placement—After a grant of legal custody or guardianship of the child to the prospective adoptive parents, or to a custodian for the purpose of escorting the child to the identified prospective adoptive parents, and before an adoption

Primary provider—The accredited agency, temporarily accredited agency, or approved person that is identified as responsible for ensuring that all six adoption services are provided and for supervising and being responsible for supervised providers where used

Supervised provider—Any agency, person, or other non-governmental entity, including any foreign entity, regardless of whether it is called a facilitator, agent, attorney, or by any other name, that is providing one or more adoption services in a Convention case under the supervision and responsibility of an accredited agency, temporarily accredited agency, or approved person that is acting as the primary provider in the case

Temporarily accredited agency—An agency that has been accredited on a temporary basis by an accrediting entity, in accordance with the standards in subpart N of the regulations to provide adoption services in the United States in cases subject to the Convention. It does not include an accredited agency

**For more information on the Hague Convention on Intercountry Adoption,
please visit <http://Adoption.State.Gov> or email us at AdoptionUSCA@state.gov**



**United States Central Authority
for Intercountry Adoption**



International Adoption Resource for Colorado Families

1. List of Agencies in Colorado who can assist with home studies and placement in Colorado:

<http://www.cofosterandadopt.org/foster-and-adoption-agencies-in-colorado.html>

2. List of Accredited Agencies out side of the state that have International Adoption Programs.

<http://coanet.org/accreditation/hague-accreditation-and-approval/guide-to-finding-an-adoption-service-provider/>

3. A great place to start: <http://internationaladoptionresources.org/>

4. Up-to-date information on each country's adoption requirements and regulations:

<https://travel.state.gov/content/adoptionsabroad/en.html>