

## STATE OF ORIGIN

**COUNTRY NAME:** United States of America

**PROFILE UPDATED ON:** 14 August 2021

### PART I: CENTRAL AUTHORITY

1. Contact details <sup>1</sup>	
Name of office:	Office of Children's Issues Consular Affairs, Overseas Citizens Services U.S. Department of State
Acronyms used:	CI
Address:	United States Department of State CA/OCS/CI 2201 C. St., NW SA-17; 9th Floor Washington, DC 20522-1709
Telephone:	1-888-407-4747 (From the U.S. or Canada) 1-202-501-4444 (Outside the U.S. or Canada)
Fax:	N/A
E-mail:	adoption@state.gov
Website:	www.adoption.state.gov
Contact person(s) and direct contact details (please indicate language(s) of communication):	LaTina Marsh, Branch Chief - Bilateral Engagement Division MarshLA@state.gov Office Tel: 202-485-6042 (English) Marisa Light, Division Chief - Adoption Oversight Division LightM@state.gov Office Tel: 202-485-6024 (English)
<i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i>	

<sup>1</sup> Please verify whether the contact details on the "Adoption Section" of the HCCH website < [www.hcch.net](http://www.hcch.net) > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < [secretariat@hcch.net](mailto:secretariat@hcch.net) >.

N/A

**PART II: RELEVANT LEGISLATION**

<b>2. The 1993 Adoption Convention and domestic legislation</b>	
<p>a) When did the 1993 Adoption Convention enter into force in your State?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	1 April 2008
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>(1) Intercountry Adoption Act of 2000 (IAA)- October 6, 2000</p> <p>(2) 22 CFR 42.24; 22 CFR 96.1 et seq.; 22 CFR 97.1 et seq.; 22 CFR 98.1 et seq.; and 22 CFR 99.1 et seq.</p> <p>(3) 82 FR 40614 Memorandum of Agreement between the U.S. Department of State Bureau of Consular Affairs and Intercountry Adoption and Accreditation Maintenance Entity, Inc.</p>

<b>3. Other international agreements on intercountry adoption<sup>2</sup></b>	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify): The United States has an administrative arrangement with Ireland.</p> <p><input type="checkbox"/> No</p>

**PART III: THE ROLE OF AUTHORITIES AND BODIES**

<b>4. Central Authority(ies)</b>
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<sup>2</sup> See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The U.S. Department of State is the Central Authority for the United States under the Convention, with the Office of Children’s Issues within the Bureau of Consular Affairs as the designated office responsible for the daily oversight and implementation of the Convention in the United States. Some of the U.S. Central Authority’s primary functions include: designating accrediting entities to accredit or approve adoption service providers to act in Convention adoption cases; monitoring the work of the accrediting entities; taking adverse action when appropriate against accrediting entities who fall out of substantial compliance with applicable law and regulations, and, should the accrediting entity be unable or fail to take appropriate adverse action against an adoption service provider who has fallen out of substantial compliance with applicable law and regulations, against adoption service providers; monitoring complaints against accredited or approved adoption service providers and accrediting entities’ efforts to address complaints appropriately; providing guidance to, and cooperating with, competent and public authorities in Convention adoption cases; cooperating with Central Authorities regarding Convention issues; providing information about the adoption process to prospective adoptive parents, adoption service providers, and members of the U.S. Congress; working with U.S. embassies on diplomatic efforts with host governments about adoption laws and procedures; and promulgating regulations to implement the Convention in accordance with the Intercountry Adoption Act of 2000 (the IAA).</p>
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<b>5. Public and competent authorities</b>	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Under the U.S. system, responsibility for Convention compliance in adoption cases involving children emigrating from the United States (“outgoing cases”) rests with the courts of the 50 U.S. States, the District of Columbia and U.S. commonwealths and territories (hereinafter U.S. state), which are competent authorities in the United States. The IAA, the U.S. domestic legislation implementing the Convention, requires a U.S. state court to enter an adoption or custody order only after</p>

	<p>it has done the following: determined that the adoptive placement is in the best interests of the child; verified documentation that a child background study and a home study on the prospective adoptive parents has been completed; verified documentation that the accredited or approved adoption service provider has made reasonable efforts to place the child in the United States; verified that the Central Authority of the receiving country has determined that the child will be permitted to enter and reside permanently in the receiving country and has consented to the adoption, if such consent is required by the receiving country for the adoption to become final; and verified satisfactory evidence that Articles 4 and 15 through 21 of the Convention have been met.</p>
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6. National accredited bodies <sup>3</sup>	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><i>N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).<sup>4</sup></i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b><u>go to Question 7</u></b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>5</sup></p>	<p>There are currently 14 non-profit accredited bodies that may handle outgoing intercountry adoption cases. The United States commonly refers to its accredited bodies and approved persons collectively as accredited adoption service providers or adoption service providers, a phrase that will be used throughout our response. The number of accredited bodies is not limited. Updated information on the number of accredited bodies is available to the public at the following location:</p> <p><a href="https://www.iaame.net/accreditation/accredited-approved-agencies-persons/">https://www.iaame.net/accreditation/accredited-approved-agencies-persons/</a></p>

<sup>3</sup> “National accredited bodies” in this Country Profile means adoption bodies based within your State (State of origin) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (“GGP No 2”), available on the [Adoption Section](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>4</sup> *Ibid.*, Chapter 3.2.1 (para. 111).

<sup>5</sup> *Ibid.*, Chapter 3.4.

<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>U.S. accredited bodies will generally perform the case-specific Central Authority functions as set forth in Articles 15 through 21 of the Convention. The six adoption services that U.S. accredited bodies must be accredited or approved to provide are:</p> <ol style="list-style-type: none"> <li>(1) Identifying a child for adoption and arranging an adoption;</li> <li>(2) Securing the necessary consent to termination of parental rights and to adoption;</li> <li>(3) Performing a background study on a child or a home study on a prospective adoptive parent(s), and reporting on such a study;</li> <li>(4) Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child;</li> <li>(5) Monitoring a case after a child has been placed with prospective adoptive parent(s) until final adoption; or</li> <li>(6) When necessary because of a disruption before final adoption, assuming custody and providing (including facilitating the provision of) childcare or any other social service pending an alternative placement.</li> </ol>
<p><b>6.1 The accreditation procedure (Arts 10-11)</b></p>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>There is currently one accrediting entity designated by the U.S. Department of State to carry out the accreditation And approval of adoption service providers, Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME).</p>
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>The accrediting entity evaluates an agency or person's substantial compliance with applicable accreditation and approval standards promulgated by the U.S. federal government and set forth in 22 CFR Part 96. The accreditation process involves reviewing the agency or person's written application and supporting documentation, verifying the information provided by the agency or person by examining underlying documentation, an on-site visit by accreditation evaluators, scrutiny of any complaints against the agency or person, and review of any derogatory information relevant to the agency or person's application for accreditation or approval. After a rigorous review of each applicant's written policies and procedures and following on-site meetings with each applicant's leadership, staff, and local stakeholders, the accrediting entity arrives at a decision to accredit or</p>

	<p>approve by using a Department- approved substantial compliance system (SCS).</p> <p>The SCS establishes a weighting of relative importance for each accreditation standard in 22 CFR Part 96, Subpart F. The weighting groups standards into three categories: mandatory, critical, and foundational. In addition, the SCS provides for a rating of compliance using a scale ranging from full compliance to non- compliance.</p> <p>By applying the SCS the accrediting entity produces a compliance rating for each applicable standard and a final determination of substantial compliance with the standards as a whole. Applicants for accreditation or approval should strive to be in full compliance with every applicable standard and must demonstrate full compliance with designated mandatory standards (including those that embody the Convention’s prohibitions on the abduction, sale, and trafficking in children for purposes of intercountry adoption, as well as its provisions against improper financial gain). Similarly, applicants must demonstrate full or substantial compliance with all critical standards and substantial or at least partial compliance with foundational standards.</p> <p>Substantial compliance with the standards as a whole is determined by taking into account the applicant’s compliance ratings for each applicable standard.</p> <p>Suitability standards are a central feature of the accreditation standards and require disclosure of any license to provide adoption services and criminal and other background checks to verify a lack of criminal convictions or other actions taken against the applicant or its organization, leadership, and employees. More information on U.S. accreditation standards is available at the following link:  <a href="https://travel.state.gov/content/travel/en/Intercountry-Adoption/about-adoption-service-providers/role-of-accrediting-entities.html">https://travel.state.gov/content/travel/en/Intercountry-Adoption/about-adoption-service-providers/role-of-accrediting-entities.html</a></p>
c) For how long is accreditation granted in your State?	Under the IAA, accreditation or approval may be granted for a period of time between three and five years.
d) Please briefly describe the criteria and the procedure used to determine whether the	Once the agency or person has been accredited or approved pursuant to 22 CFR Part 96, the accrediting entity must, for the purposes of monitoring, renewal, enforcement, and

<p>accreditation of a national adoption body will be <i>renewed</i>.</p>	<p>reapplication after adverse action, consider the agency's or person's actual performance in deciding whether the agency or person is in substantial compliance with the standards contained in subpart F of 22 CFR Part 96, unless the accrediting entity determines that it is still necessary to measure capacity because adequate evidence of actual performance is not available. This determination is made via application of the same substantial compliance system (SCS) used to evaluate suitability for the initial accreditation or approval.</p>
<p><b>6.2 Monitoring of national accredited bodies<sup>6</sup></b></p>	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11(c).</i></p>	<p>The Department-designated accrediting entity, the Intercountry Adoption and Accreditation Maintenance Entity, Inc. (IAAME), monitors the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against accredited agencies and approved persons.</p> <p>The Central Authority monitors the performance of the accrediting entity.</p>
<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i>, if inspections are undertaken, how frequently).</p>	<p>The accrediting entity conducts monitoring of accredited bodies and approved persons to evaluate whether each body is in substantial compliance with applicable U.S. accreditation and approval standards. See 22 CFR Part 96, Subpart I, Routine Oversight by Accrediting Entities. Routine Oversight includes:</p> <ol style="list-style-type: none"> <li>(1) Accredited bodies and approved persons make an annual attestation of substantial compliance with applicable accreditation and approval standards, including specific attestations to individual standards, to the accrediting entity.</li> <li>(2) The accrediting entity may on its own initiative conduct site visits to inspect an accredited body or approved person's premises or programs, with or without advance notice for random verification of compliance or to investigate complaints (see below).</li> <li>(3) The accrediting entity requires accredited bodies and approved persons to report incidents to the accrediting entity as they occur, i.e., significant occurrences or changes, relating to, for example, its financial status, U.S. state license or authorization, or leadership.</li> </ol>

<sup>6</sup> *Ibid.*, Chapter 7.4.

	<p>The accrediting entity also conducts oversight through review of complaints. See 22 CFR Part 96, Subpart J, Oversight Through Review of Complaints.</p> <p>(4) The U.S. Central Authority maintains a web-based complaint registry. Complaints that come through the registry are subject to review in accordance with U.S. regulations as well as procedures agreed upon between the U.S. Department of State and the accrediting entity.</p> <p>(5) Complaints must relate to the 1993 Hague Convention, the Intercountry Adoption Act, Intercountry Adoption Universal Accreditation Act of 2012, or the accreditation regulations.</p> <p>(6) The accrediting entity reviews complaints according to written procedures, takes adverse action as appropriate, and reports the outcome of any investigation or review to the complainant.</p> <p>(7) If an accrediting entity's review of complaints reveals that an accredited body or approved person has engaged in a pattern of serious, willful, grossly negligent, or repeated failures to comply with the accreditation and approval standards, or indicates that continued accreditation or approval would not be in the best interests of the children and families concerned, it must report the substantiated complaint to the Secretary of State.</p>
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>U.S. accredited bodies and approved persons may lose accreditation or approval (temporary or permanent suspension of the accreditation or approval) when they are found to be out of substantial compliance with the accreditation standards (revealed through routine oversight, from a review of a complaint, or during the re-accreditation process).</p> <p>U.S. accreditation and approval regulations require the accrediting entity to take "adverse action" when it determines that an accredited body or approved person is no longer in substantial compliance with applicable accreditation and approval standards. Adverse actions include suspending or cancelling accreditation or approval; refusing to renew accreditation or approval; requiring an accredited body or approved person to take a specific corrective action to bring itself into compliance; and imposing other sanctions such as requiring an adoption service provider to cease providing services in a particular case or in a specific foreign country. See 22 CFR 96.75, Adverse Action by the Accrediting Entity: Adverse action against accredited bodies or approved persons not in substantial compliance.</p>



	<p>In addition, U.S accreditation and approval regulations require the Secretary of State to suspend or cancel the accreditation or approval granted by an accrediting entity when the Secretary finds, in the Secretary's discretion, that the accredited body or approved person is substantially out of compliance with the standards in the accreditation regulations and that the accrediting entity has failed or refused, after consultation with the Secretary, to take action. See 22 CFR 96.83, Oversight of Accredited Agencies and Approved Persons by the Secretary: Suspension or Cancellation of accreditation or approval by the Secretary. See also 22 CFR 96.39(e) (accredited bodies and approved persons cooperate with reviews, inspections, and audits by the accrediting entity or the Secretary).</p>
<p>d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of accreditation): See response to Question 6.2 (c).</p> <p><input type="checkbox"/> No</p>

7. Authorised foreign accredited bodies <sup>7</sup> (Art. 12)	
<p>a) Has your State authorised any foreign accredited adoption bodies to work with, or in, your State?</p> <p><i>N.B. the name(s) and address(es) of any authorised foreign accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b>go to Question 8</b></p>
<p>b) Please indicate the number of foreign accredited bodies authorised to work with, or in, your State. If this number is limited in any way, please indicate on what basis your State limits the number.<sup>8</sup></p>	<p>N/A</p>
<p>c) Please briefly describe the role of authorised foreign accredited bodies in your State.</p>	<p>N/A</p>
<p>d) Are there any requirements concerning the way foreign accredited bodies must operate in your State?</p> <p><i>Please tick any which apply.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> The foreign accredited body must establish an office in your State with a representative and professional staff</p>

<sup>7</sup> "Authorised foreign accredited bodies" are adoption bodies based in another Contracting State to the 1993 Adoption Convention (usually a receiving State) which your State has authorised, under Art. 12, to work with, or in, your State on intercountry adoption. See further GGP No 2, *ibid.*, Chapter 4.2.

<sup>8</sup> See GGP No 2, *ibid.*, Chapter 4.4 on "limiting the number of accredited bodies authorised to act in States of origin".

	<p>(from the receiving State or from your State – please specify): <b>OR</b></p> <p><input type="checkbox"/> The foreign accredited body must work with your State through a representative, acting as an intermediary, but an office is not required: <b>OR</b></p> <p><input type="checkbox"/> The foreign accredited body must be in direct contact with the Central Authority but need not have an office or a representative in your State: <b>OR</b></p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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<b>7.1 The authorisation procedure</b>	
a) Which authority / body in your State is responsible for the authorisation of foreign accredited bodies?	N/A
b) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup> If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.	N/A
c) For how long is authorisation granted?	N/A
d) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	N/A
<b>7.2 Monitoring of authorised foreign accredited bodies</b>	
a) Does your State monitor / supervise the activities of authorised foreign accredited bodies? <sup>10</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No – <b><u>go to Question 8</u></b>
b) Which authority is competent to monitor / supervise the activities of authorised foreign accredited bodies?	N/A
c) Please briefly describe how the activities of authorised foreign accredited bodies are monitored / supervised in your State ( <i>e.g.</i> , if inspections are undertaken, how frequently).	N/A

<sup>9</sup> In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

<sup>10</sup> *ibid.*, Chapter 7.4 and, in particular, para. 290.

d) Please briefly describe the circumstances in which the authorisation of foreign accredited bodies can be revoked ( <i>i.e.</i> , withdrawn).	N/A
e) If authorised foreign accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions ( <i>e.g.</i> , fine, withdrawal of authorisation): <input type="checkbox"/> No

8. Approved (non-accredited) persons (Art. 22(2)) <sup>11</sup>	
<p>a) Is the involvement of approved (non-accredited) persons <i>from your State</i> permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website. If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>12</sup></i></p>	<p><input checked="" type="checkbox"/> Yes, our State has made a declaration according to Article 22(2). Please specify the role of these approved (non-accredited) persons in your State: As part of its ratification of the 1993 Hague Convention, the United States declared, pursuant to Article 22(2), that in the United States the Central Authority functions under Articles 15-21 may also be performed by bodies or persons meeting the requirements of Articles 22(2)(a) and (b). Approved persons are subject to the same accreditation standards as accredited bodies; see 22 CFR Part 96.</p> <p>Under U.S. law and regulation, with certain minor exceptions, the accrediting entity must apply the same standards to both accredited bodies and approved persons, namely the standards set forth in 22 CFR Part 96, Subpart F, Standards for Intercountry Adoption Accreditation and Approval. See response to question 6.1(b).</p> <p><input type="checkbox"/> No</p>
<p>b) Is the involvement of approved (non-accredited) persons <i>from other Contracting States</i> permitted in intercountry adoption procedures in your State?</p> <p><i>N.B. see Art. 22(4) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Adoption Convention, available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>	<p><input checked="" type="checkbox"/> Yes. Please specify the role of these approved (non-accredited) persons in your State: With certain exceptions, U.S. law requires a body that provides any defined adoption service in the United States to be an accredited body or approved (non-accredited) person or to be supervised by such a body or person. See U.S. response to question 6, above; and 22 CFR 96.12, Accreditation and Approval Requirements</p>

<sup>11</sup> *Ibid.*, Chapter 13.

<sup>12</sup> *Ibid.*, Chapter 13.2.2.5.

	<p>for the Provision of Adoption Services: Authorized adoption service providers.</p> <p>Specifically, with respect to adoption cases involving the United States as the State of origin, a body that provides only a child background study would be exempt from this requirement. See 22 CFR 96.13, Accreditation and Approval Requirements for the Provision of Adoption Services: Circumstances in which accreditation, approval or supervision is not required.</p> <p><input type="checkbox"/> No, our State has made a declaration according to Article 22(4).</p>
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#### PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

<b>9. The profile of children in need of intercountry adoption</b>	
<p>Please briefly describe the general profile of the children usually in need of intercountry adoption in your State (<i>e.g.</i>, age, sex, state of health).</p>	<p>Children adopted from the United States include children who have been living in foster homes, and with individuals who had parental rights vis-à-vis the children.</p> <p>Statistical information about children adopted through the public child welfare system is published every year by the Children’s Bureau, Administration for Children and Families, U.S. Department of Health and Human Services: <a href="https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars">https://www.acf.hhs.gov/cb/research-data-technology/statistics-research/afcars</a></p>

<b>10. The adoptability of a child (Art. 4(a))</b>	
<p>a) Which authority is responsible for establishing that a child is adoptable?</p>	<p>U.S. state courts with jurisdiction over that adoption are responsible for determining whether a child is eligible for adoption.</p>
<p>b) Which criteria are applied to determine whether a child is adoptable?</p>	<p>All U.S. states have laws that specify the persons who can be adopted. In addition, all U.S. states have laws that designate the persons or entities that have the authority to make adoptive placements. More information on U.S. state laws regarding who is eligible to be adopted is available here. [<a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/state/">https://www.childwelfare.gov/topics/systemwide/laws-policies/state/</a>]</p> <p>In general, a child is considered eligible for adoption if parental rights have been terminated and the court has determined that such a placement is in the best interests of the child. The termination of parental rights</p>

	<p>can happen when the person with parental rights has freely given his or her consent in writing in the required legal form without inducement by compensation of any kind. A child may also be deemed eligible for adoption after an involuntary termination of parental rights by an adjudicatory body; such an action is subject to Constitutional protections relating to due process (see e.g. Santosky v. Kramer 455 U.S. 745, 102 S.Ct. 1388 (1982)), as well as additional protections that vary state by state. More information on consent to adoption is available at <a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/state/">https://www.childwelfare.gov/topics/systemwide/laws-policies/state/</a>, which includes information on involuntary termination of parental rights</p>
<p>c) Please briefly describe the procedures used in your State to determine whether a child is adoptable (e.g., search for the child's birth family).</p> <p><i>N.B. the issue of consent is dealt with at Question 12 below.</i></p>	<p>See response to 10.b.</p>

<b>11. The best interests of the child and subsidiarity (Art. 4(b))</b>	
<p>a) Please briefly describe how your State ensures that the principle of subsidiarity is respected when undertaking intercountry adoptions (e.g., through the provision of family support services, the promotion of family reunification and domestic alternative care solutions).</p>	<p>Except in the case of adoption by relatives or in the case in which the birth parent(s) have identified specific prospective adoptive parent(s) or in other special circumstances accepted by the state court with jurisdiction over the case, the accredited agency or approved person makes reasonable efforts to find a timely adoptive placement for the child in the United States by:</p> <ul style="list-style-type: none"> <li>(1) Disseminating information on the child and his or her availability for adoption through print, media, and internet resources designed to communicate with potential prospective adoptive parent(s) in the United States;</li> <li>(2) Listing information about the child on a national or State adoption exchange or registry for at least sixty calendar days after the birth of the child;</li> <li>(3) Responding to inquiries about adoption of the child; and</li> <li>(4) Providing a copy of the child background study to potential U.S. prospective adoptive parent(s).</li> </ul> <p>The agency or person must demonstrate to the satisfaction of the state court with jurisdiction</p>

	<p>over the adoption that sufficient reasonable efforts (including no efforts, when in the best interests of the child) to find a timely and qualified adoptive placement for the child in the United States were made.</p> <p>As noted above in the response to question 5, before finalizing the adoption or custody order, the U.S. state court with jurisdiction over the case must do the following: determine that the intercountry adoption is in the child's best interests, verify that the requirements of Article 4 of the Convention (as well as Articles 15 through 21) have been met; and verify that "reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States" have been made.</p> <p>At the time of issuance of the Hague Adoption Certificate, the U.S. Central Authority ensures that the U.S. court has verified that reasonable efforts have been made to actively recruit and diligently search for prospective adoptive parents to adopt the child in the United States.</p>
b) Which authority determines, after consideration of the subsidiarity principle, that an intercountry adoption is in a child's best interests?	See above response to question 11. a)
c) Please briefly explain how that decision is reached ( <i>e.g.</i> , whether there are specific legal criteria which are applied) and at what stage of the intercountry adoption procedure.	See above response to question 11. a)

<b>12. Counselling and consents (Art. 4(c) and (d))</b>	
<p>a) According to your State's domestic legislation, please explain which person, institution or authority has to consent to the adoption of a child in the following scenarios – where:</p> <ul style="list-style-type: none"> <li>(i) Both parents are known;</li> <li>(ii) One parent is unknown or deceased;</li> <li>(iii) Both parents are unknown or deceased;</li> </ul>	<ul style="list-style-type: none"> <li>(i) In general, the termination of parental rights can happen when the person with parental rights has freely given his or her consent in writing in the required legal form without inducement by compensation of any kind. A child may also be deemed eligible for adoption after an involuntary termination of parental rights by an adjudicatory body; such an action is subject to Constitutional protections relating to due process (see <i>Santosky v. Kramer</i> 455 U.S. 745, 102 S.Ct. 1388 (1982)), and additional protections may vary state by state.</li> <li>(ii) Procedures for consent vary state by state [<a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/">https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/</a>] An overview of who may consent, when and how</li> </ul>

<p>(iv) One or both parents have been deprived of his / her / their parental responsibilities (<i>i.e.</i>, the rights and responsibilities which attach to being a parent).</p> <p>In each case, please remember to specify in which circumstances a <i>father</i> will have to consent to his child's adoption. Please also specify whether your answer would be different if any of the known parents had not yet reached the age of majority.</p>	<p>consent may be executed, and how it may be revoked is available through the foregoing link to the Child Welfare Gateway, a service of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. In addition, U.S. regulations require accredited agencies or approved persons to take all appropriate measures to ensure that consents have been obtained, including: (1) The persons, institutions, and authorities whose consent is necessary for adoption have been counseled as necessary and duly informed of the effects of their consent, in particular, whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin; (2) All such persons, institutions, and authorities have given their consents; (3) The consents have been expressed or evidenced in writing in the required legal form, have been given freely, were not induced by payments or compensation of any kind, and have not been withdrawn; (4) The consent of the mother, where required, was executed after the birth of the child.</p> <p>(iii) See response to 12. a) (i) (iv) See response to 12. a) (i)</p>
<p>b) Please describe the procedure for:</p> <p>(i) counselling and informing the birth parents / family regarding the consequences of a domestic / intercountry adoption; and</p> <p>(ii) obtaining their consent(s) to an adoption.<sup>13</sup></p>	<p>(i) Accredited bodies and approved persons have a responsibility to counsel the birth mother and family about the consequences of the adoption and obtain their consent. See 22 CFR 96.53 and the answer to Question 12 a) above.</p> <p>(ii) See response to Question 12. b).</p>
<p>c) Does your State use the model form "<i>Statement of consent to the adoption</i>" developed by the Permanent Bureau of the HCCH?</p> <p><i>The model form is available on the <a href="#">Adoption section</a> of the HCCH website.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – please provide (or link to) any form(s) which your State uses for this purpose: An overview of U.S. state laws on consent in domestic adoptions is available at:</p> <p>Procedures for consent -- state by state [<a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/">https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/</a>].</p>

<sup>13</sup> See also Part VIII below on "Simple and Full Adoption" and Art. 27 of the 1993 Adoption Convention.

<p>d) Having regard to the age and degree of maturity of a child, please briefly describe how your State ensures that consideration is given to the child's wishes and opinions when determining whether an intercountry adoption should proceed.</p> <p><i>See Art. 4(d)(2).</i></p>	<p>The age for the consent of the child varies state by state. For an overview of the requirements regarding the consent of the child, please see:</p> <p>Procedures for consent -- state by state [<a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/">https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/</a>].</p> <p>In addition, accredited agencies and approved persons must take all appropriate measures to ensure that consents have been obtained, including by: counseling the child, as appropriate in light of his or her age and maturity, and duly informing him or her of the effects of the adoption and of his or her consent to the adoption; and obtaining the child's consent, where required, given freely, in the required legal form, and expressed or evidenced in writing and not induced by payment or compensation of any kind.</p>
<p>e) Please briefly describe the circumstances in which a child's <u>consent</u> to an intercountry adoption is required in your State.</p> <p>Where the child's consent is required, please describe the procedure which is used to ensure that the child has been counselled and duly informed of the effects of the adoption.</p> <p><i>See Art. 4(d)(1).</i></p>	<p>Requirements regarding the consent of the child vary state by state. For an overview of the requirements regarding the consent of the child, please see: Procedures for consent -- state by state. [<a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/">https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/consent/</a>]</p> <p>See also the answer to Question 12 d) above.</p>

13. Children with special needs	
<p>a) In the context of intercountry adoption, please describe what is meant in your State by "children with special needs".</p>	<p>The term "children with special needs" is not defined in the U.S. implementing legislation for the Convention or in U.S. implementing regulations. The term "children with special needs" is defined differently by different U.S. federal and state government institutions and jurisdictions for different purposes.</p> <p>According to Child Welfare Gateway, there is no federal definition of special needs, and the guidelines for classifying a child as special needs vary by state. The term is used in state law to indicate eligibility for federal financial assistance, and most frequently refers to children who are school-aged, part of a sibling group, children of color, or those with special physical, emotional, or developmental needs. The phrase "special</p>



	<p>needs" can apply to almost any child or youth adopted from foster care. The preferred term is "children with special needs." See:</p> <p><a href="https://www.childwelfare.gov/glossary/glossarys/">https://www.childwelfare.gov/glossary/glossarys/</a></p> <p>There are three factors relating to placing children, that can be taken into account under the funding of such placements pursuant to the Social Security Act:</p> <ol style="list-style-type: none"><li>1) The State must determine that the child cannot or should not be returned to the home of his or her parents (section 473 (c)(1) of the Act); and</li><li>2) The State must determine that there exists a specific factor or condition because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing title IV-E adoption assistance or title XIX medical assistance. Such a factor or condition may include (but is not limited to) ethnic background, age or membership in a minority or sibling group, the presence of a medical condition, or physical, mental or emotional disabilities. For example, in some States ethnic background alone may inhibit the ability of a child to be adopted, while in other States a combination of factors, such as minority status and age, may be factors. It is important to note that in each case the State must conclude that, because of a specified factor or factors, the particular child cannot be placed with adoptive parents without providing assistance; and</li><li>3) Finally, the State must determine that in each case a reasonable, but unsuccessful, effort to place the child with appropriate parents without providing adoption assistance has been made. Such an effort might include the use of adoption exchanges, referral to appropriate specialized adoption agencies, or other such activities. The only exception to this requirement is when it would not be in the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of those parents as a foster child. The exception also extends to other circumstances that are not in the child's best interest, as well as adoption by a relative, in keeping with the statutory emphasis on the placement of children with relatives.</li></ol>
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	<p>For more information regarding each state's definition of "children with special needs," see the U.S. Department of Health and Human Services' website:</p> <p>Who Are the Children Waiting for Families [https://www.childwelfare.gov/topics/adoption/adoptive/waiting/specialcircumstances/]</p>
<p>b) What, if any, procedures does your State use to expedite the adoption of children with special needs?</p>	<p>As all children in need of permanent homes are viewed as urgent placements, procedures for special needs children do not differ from those for other children, except to the extent that the needs of the child are highlighted in the child background report.</p>

<b>14. The preparation of children for intercountry adoption</b>	
<p>Is there a special procedure in your State to prepare a child for an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please provide details (<i>e.g.</i>, the stage at which the preparation is undertaken, which persons / bodies are responsible for preparing the child and the methods used): Federal accreditation standards provide for preparation of the child for adoption and moving to live in the receiving State. 22 CFR 96.54(g) provides: "the agency or person thoroughly prepares the child for the transition to the Convention country, using age-appropriate services that address the child's likely feelings of separation, grief, and loss and difficulties in making any cultural, religious, racial, ethnic, or linguistic adjustment."</p> <p>The list of factors that inform this preparation in subsection (g) are very broad, but underscores the degree to which the accredited body or approved person engages in the child's preparation for a successful transition to the receiving State. The provisions of 22 CFR 96.54(g) echo the age-specific approach to consideration of the child's wishes in the counseling provisions of 22 CFR 96.53(c) and (d) for counseling and consulting children at the consent stage. If the child is old enough to receive preparation, prevailing social work practice is to begin preparing the child as early on in the process as possible and continuing the preparation until the conclusion of the adoption.</p>

	<input type="checkbox"/> No
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<b>15. The nationality of children who are adopted intercountry<sup>14</sup></b>	
Are children who are nationals of your State and who are adopted intercountry permitted to retain their nationality?	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration ( <i>e.g.</i> , the nationality of the foreign resident prospective adoptive parents (“PAPs”), whether the child acquires the nationality of the receiving State): Absent renunciation or relinquishment of U.S. citizenship, children who are nationals of the United States and are adopted intercountry retain their nationality from the perspective of U.S. law. However, if the child takes the nationality of a country that does not allow dual citizenship, the foreign country may not recognize the child’s U.S. nationality. Note: parents cannot renounce or relinquish nationality on behalf of a child.  <input type="checkbox"/> No, the child will never retain this nationality

#### PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

<b>16. Limits on the acceptance of files</b>	
Does your State place any limit on the number of PAPs’ files which are accepted from receiving States? <sup>15</sup>	<input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:  <input checked="" type="checkbox"/> No

<b>17. Eligibility criteria for PAPs wishing to undertake an intercountry adoption in your State<sup>16</sup></b>	
a) Do PAPs wishing to undertake an intercountry adoption in your State have to fulfil any criteria concerning their relationship status(es)?	<input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:  <input checked="" type="checkbox"/> Married, heterosexual couples: For a discussion of eligibility criteria in various U.S. states, follow this link. [https://www.childwelfare.gov/topics/adoption/laws/laws-state/]

<sup>14</sup> Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (“GGP No 1”), available on the [Adoption Section](#) of the HCCH website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

<sup>15</sup> See GGP No 2 (*op. cit.* note 3), Chapter 3.4.2 and, in particular, para. 121.

<sup>16</sup> *I.e.*, this section refers to the eligibility criteria for PAPs who are habitually resident in *another* Contracting State to the 1993 Convention and who wish to adopt a child who is habitually resident in *your* State: see further Art. 2 of the 1993 Adoption Convention.

<p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Married, same-sex couples: See above</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: See above</p> <p><input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: See above</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: See above</p> <p><input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: See above</p> <p><input checked="" type="checkbox"/> Single men: See above</p> <p><input checked="" type="checkbox"/> Single women: See above</p> <p><input checked="" type="checkbox"/> Other (please specify): Keep in mind that the requirements vary by state/territory and checking any of the following categories of PAPs does not indicate that each state or territory has identical policies or procedures.;For a discussion of eligibility criteria in various U.S. states, follow this link.[<a href="https://www.childwelfare.gov/topics/adoption/laws/laws-state/">https://www.childwelfare.gov/topics/adoption/laws/laws-state/</a>]</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements for PAPs wishing to undertake an intercountry adoption in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> Minimum age requirements: See above response to question 17 a).</p> <p><input checked="" type="checkbox"/> Maximum age requirements: See above</p> <p><input checked="" type="checkbox"/> Difference in years required between the PAPs and the child: See above</p> <p><input checked="" type="checkbox"/> Other (please specify): See above</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which PAPs wishing to undertake an intercountry adoption in your State must fulfil?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): See above response to Question 17 a).</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): See above</p> <p><input checked="" type="checkbox"/> Other (please specify): See above</p> <p><input type="checkbox"/> No</p>

### 18. Preparation and counselling of PAPs (Art. 5(b))

<p>Does your State require that PAPs wishing to undertake an intercountry adoption in your State receive preparation and / or counselling concerning intercountry adoption <i>in the receiving State</i>?</p>	<p><input checked="" type="checkbox"/> Yes, please explain what kind of preparation is expected: The home study process required by U.S. states includes elements of counseling and training that vary from jurisdiction to jurisdiction. Despite some differences in practice, U.S. states generally promulgate regulations for home studies of prospective</p>
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	<p>adoptive parents, regardless of where they originate. In addition to health and income statements, background checks, and reference checks home studies also typically include the following elements:</p> <ol style="list-style-type: none"><li>1) Family background: Descriptions of the applicants' childhoods, how they were parented, past and current relationships with parents and siblings, key events and losses, and what was learned from them.</li><li>2) Education/employment: Applicants' current educational level, satisfaction with their educational attainments, and any plans to further their education, as well as their employment status, history, plans, and satisfaction with their current jobs</li><li>3) Relationships: If applicants are a couple, the report may cover their history together as well as their current relationship (e.g., how they make decisions, solve problems, communicate, show affection, etc.). If an applicant is single, there will be information about their social life and how they anticipate integrating a child into it, as well as information about their network of relatives and friends</li><li>4) Daily life: Routines, such as a typical weekday or weekend, plans for child care (if applicants work outside the home), hobbies, and interests.</li><li>5) Parenting: Applicants' past experiences with children (e.g., their own, relatives' children, neighbors, volunteer work, babysitting, teaching, or coaching), in addition to their plans regarding discipline and other parenting issues, and history of abuse, if any.</li><li>6) Neighborhood: Descriptions of the applicants' neighborhood, including safety and proximity to community resources</li><li>7) Religion: Information about the applicants' religion, level of religious practice, and what kind of religious upbringing (if any) they plan to provide for the child.</li><li>8) Feelings about/readiness for adoption: There may be a section on specific adoption-related issues, including why the applicants want to adopt, feelings about infertility (if this is an issue), what kind of child they might best parent and why and how they plan to talk to their children about adoption issues. There may be information about how the applicants feel about birth families and how much</li></ol>
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	<p>openness with the birth family might work best, depending on the type of adoption.</p> <p>9) Approval/recommendation: The home study report will conclude with a summary and the social worker's recommendation. This often includes the age range and number of children for which the family is recommended</p> <p><input type="checkbox"/> No</p>
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## PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

19. Applications	
<p>a) To which authority / body in your State does the adoption file of PAPs have to be submitted?</p>	<p>The laws and regulations of the relevant U.S. state govern the application process. The accredited body or approved person responsible for ensuring that all Convention adoption services are performed in accordance with the Convention, the U.S. implementing legislation, and U.S. regulations is aware of</p> <p>U.S. state requirements and assists the prospective adoptive parents in submitting the application to the appropriate authority in the U.S. state where the child to be adopted resides.</p>
<p>b) Please indicate which documents must be submitted with an application:</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input type="checkbox"/> A statement of "approval to adopt" issued by a competent authority in the receiving State</p> <p><input type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which</p>

	<p>circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain the law and regulations of the relevant U.S. state govern what documents are required to submit an application to adopt.</p> <p>State requirements determine what functions as an application. U.S. Federal regulations do not address what constitutes an application nor what documents must be submitted with it. As noted above, the accredited or approved adoption service provider assists adoptive parents to determine application requirements in the jurisdiction where the adoption would occur</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify whether it must be a <i>national</i> accredited body, a <i>foreign authorised</i> accredited body or whether it may be either of these accredited bodies.<sup>18</sup> Please also specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to your State, for all stages of the procedure): 22 CFR 96.12 specifies that “an agency or person may not offer, provide, or facilitate the provision of any adoption service in the United States in connection with an intercountry adoption unless it is:</p> <p>(1) An accredited agency or an approved person;</p> <p>(2) A supervised provider; or</p> <p>(3) An exempted provider, if the exempted provider's . . . child background study will be reviewed and approved by an accredited agency pursuant to §96.47(c) or §96.53(b).</p> <p>(b) A public domestic authority may also offer, provide, or facilitate the provision of any such adoption service.”</p>

<sup>17</sup> See GGP No 1 (*op. cit.* note 14), paras 4.2.6 and 8.6.6: “independent” and “private” adoptions are not consistent with the system of safeguards established under the 1993 Adoption Convention.

<sup>18</sup> See the definitions provided at notes 3 and 7 above.

	<p>The primary provider in the case will ensure that each key adoption service is provided appropriately in each Convention case and may use any of the providers noted above to provide those services, including itself. In outgoing Convention cases in which the United States is the State of origin, some adoption services may be provided by foreign competent authorities or accredited bodies such as the PAP's home study and post placement monitoring.</p> <p><input type="checkbox"/> No</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input checked="" type="checkbox"/> Other (please specify): Additional U.S. state requirements may apply</p> <p><input type="checkbox"/> No</p>
<p>e) Please specify the language(s) in which any documents must be submitted:</p>	<p>English</p>
<p>f) Do any of the required documents need to be legalised or apostilled?</p>	<p><input type="checkbox"/> Yes, please specify which documents:</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 20</b></p>
<p>g) Is your State party to the <i>Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents</i> (the Apostille Convention)?</p> <p><i>This information is available on the <a href="#">Status Table for the Apostille Convention</a> (see the <a href="#">Apostille Section</a> of the HCCH website).</i></p>	<p><input checked="" type="checkbox"/> Yes, please specify the date of the entry into force of the Apostille Convention in your State: Oct 15, 1981</p> <p><input type="checkbox"/> No</p>

20. The report on the child (Art. 16(1)(a))	
<p>a) Who is responsible for preparing the report on the child?</p>	<p>As provided in the IAA, section 303(a)(1) and</p>



	<p>22 CFR 96.53, an accredited body, approved person, or public domestic authority completes a child background report that meets the requirements of the Convention, or approves such a report if it was not prepared in the first instance by an accredited body or approved person.</p>
<p>b) Is a “standard form” used for the report on the child?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which should be included in the report on the child and / or the documentation which should be attached to it: According to U.S. accreditation standards in</p> <p>22 CFR 96.53(a), the accredited agency or approved person must take all appropriate measures to ensure that a child background study is performed that includes information about the child's identity, adoptability, background, social environment, family history, medical history (including that of the child's family), and any special needs of the child. The child background study must include the following:</p> <ol style="list-style-type: none"> <li>1) Information that demonstrates that consents were obtained in accordance with 22 CFR 96.53(c);</li> <li>2) Information that demonstrates consideration of the child’s wishes and opinions in accordance with 22 CFR 96.53(d); and</li> <li>3) Information that confirms that the child background study was prepared either by an exempted provider or by an individual who meets the requirements set forth in CFR 22 96.37(g).</li> </ol> <p>Some U.S. states might require supplementary information in the child background study. Generally, a written medical history and consent from the birth parents are required; however, fulfillment of the requirements can vary by U.S. state.</p>
<p>c) Does your State use the “<i>Model Form – Medical Report on the Child</i>” and the</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

<p><i>“Supplement to the general medical report on the child”?</i></p> <p>See GGP No 1 – Annex 7, available <a href="#">here</a>.</p>	
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<b>21. The report on the PAPs (Art. 15(2))</b>	
a) For how long is the report on the PAPs valid in your State?	U.S. state requirements vary.
b) Once a report on PAPs is no longer valid, please indicate what steps must be taken to renew it. <i>E.g., does an updated report have to be submitted or is an entirely new report required? In either case, what is the procedure?</i>	U.S. state requirements vary.

<b>22. Matching of the child and the PAPs (Art. 16(1)(d) and (2))</b>	
<b>22.1 The authorities and the matching procedure</b>	
a) Who is responsible for the matching of the child and the PAPs in your State?	Accredited bodies and approved persons are responsible for making non-judicial determinations of the best interests of a child and the appropriateness of adoptive placement for the child. This function may also be undertaken by a public domestic authority depending on state requirements.
b) What measures are taken to ensure that the matching process is performed by an independent, duly qualified authority?	Home studies are performed or verified by accredited agencies and approved persons in conjunction with state competent authorities consistent with state law.  A U.S. state court verifies that the placement complies with all legal considerations and that the placement is in the best interest of the child.
c) What methodology is used for the matching in your State?	Accredited bodies and approved persons must comply with 22 CFR 96.54, which includes requirements that they: - to the extent consistent with State law, make diligent efforts to place siblings together for adoption and, where placement together is

	<p>not possible, to arrange for contact between separated siblings, unless it is in the best interests of one of the siblings that such efforts or contact not take place;</p> <ul style="list-style-type: none"> <li>- take all appropriate measures to give due consideration to the child's upbringing and to his or her ethnic, religious, and cultural background; and</li> <li>- When particular prospective adoptive parent(s) in a Convention country have been identified, take all appropriate measures to determine whether the envisaged placement is in the best interests of the child, on the basis of the child background study and the home study on the prospective adoptive parent(s).</li> <li>- Accredited bodies and approved persons not in substantial compliance with the accreditation standards are subject to adverse action. In addition, the adoptive placement is subject to a judicial determination. A U.S. state court verifies that the placement complies with all legal considerations and that the placement is in the best interest of the child.</li> </ul>
<p>d) Is any preference given to PAPs who have a close connection with your State (e.g., nationals of your State who have emigrated to a receiving State)?</p>	<p><input type="checkbox"/> Yes, please specify:  <input checked="" type="checkbox"/> No</p>
<p>e) Who is responsible for notifying the receiving State of the matching?</p>	<p>The accredited body or approved person keeps the Central Authority of the receiving country and the U.S. Central Authority informed as necessary about the adoption process, including the matching.</p>
<p>f) How does your State ensure that the prohibition on contact in Article 29 is respected?</p>	<p>Under U.S. regulations, in order for the U.S. Department of State to issue a Hague Adoption Certificate or Hague Custody Declaration certifying that the adoption was completed in compliance with the Convention Pursuant to 22 CFR 97.3(j), the U.S. state court with jurisdiction over the adoption must verify that there was no contact between the prospective adoptive parent(s) and the birthparent, or any other person who has care of the child, before milestone events in the adoption process occur, unless the child is being adopted by a</p>

	relative. Pre-adoption contacts between birth parent(s) and prospective adoptive parent(s) that comply with conditions established by a relevant U.S. state or public domestic authority are exempt from this rule.
<b>22.2 Acceptance of the match</b>	
a) Does your State require that the matching be approved by the relevant authorities / bodies of the receiving State?	<input checked="" type="checkbox"/> Yes, please provide details of the required procedure: U.S. states do not require the matching to be approved by the Central Authority of the receiving State. U.S. federal regulation does require agreement to the match from the receiving State if its laws, regulations, or practice require it for the purpose of finalizing the adoption. In the event the receiving State does require its approval of a match, that information is included in the materials provided to the court in the adoption proceedings in accordance with 22 CFR 96.55(d)(5): "(d) The agency or person provides to the state court with jurisdiction over the adoption: . . . (5) Evidence that the Central Authority of the Convention country has agreed to the adoption, if such consent is necessary under its laws for the adoption to become final." <input type="checkbox"/> No
b) How much time is the receiving State given to decide whether to accept a match?	U.S. state requirements vary.
c) If the relevant authorities / bodies of the receiving State and / or the PAs refuse the match, what, if any, are the consequences in your State?	Federal regulations provide that, where the transfer of the child does not take place, the accredited body or approved person returns the home study of the prospective adoptive parent(s) to the authorities that forwarded them. See 22 CFR 96.55(c).
<b>22.3 Information following acceptance of the match</b>	
Once the match has been accepted, do PAs receive information regularly concerning the child and his / her development ( <i>i.e.</i> , during the remainder of the intercountry adoption procedure and prior to entrustment)?	<input checked="" type="checkbox"/> Yes, please specify who is responsible for providing this information: U.S. accredited bodies and approved persons may provide this information as a matter of practice and/or as required by U.S. state law. <input type="checkbox"/> No
<b>23. Agreement under Article 17(c)</b>	

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	The accredited body or approved person provides evidence that the Central Authority of the Convention country where the child will be moving has agreed to the adoption, if such consent is necessary under the laws of that country for the adoption to become final. If all requirements of 22 CFR 97.3 have been met, the U.S. state court may then finalize the adoption.
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	<input type="checkbox"/> Our State sends the Article 17(c) agreement to the receiving State with the proposed match; <b>OR</b> <input checked="" type="checkbox"/> The receiving State must accept the match first and then our State will provide its Article 17(c) agreement; <b>OR</b> <input type="checkbox"/> Other (please specify):

<b>24. Travel of the PAPs to your State<sup>19</sup></b>	
a) In order to undertake an intercountry adoption in your State, is it mandatory for PAPs to travel to your State at any point?	<input checked="" type="checkbox"/> Yes, in which case please specify: <ul style="list-style-type: none"> <li>- At what stage(s) in the intercountry adoption procedure the PAPs must travel to your State: U.S. state requirements vary.</li> <li>- How many trips are required to complete the intercountry adoption procedure: U.S. state requirements vary.</li> <li>- How long the PAPs need to stay for each trip: U.S. state requirements vary.</li> <li>- Any other conditions: U.S. state requirements vary.</li> </ul> <input type="checkbox"/> No
b) Does your State permit an escort to be used to take the child to the adoptive parents in the receiving State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: U.S. accredited bodies or approved persons take appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances, with properly trained and qualified escorts, if used. See 22 CFR section 96.54(h). Additional U.S. state requirements vary. <input type="checkbox"/> No

<b>25. Entrustment of the child to the PAPs (Art. 17)</b>	
After the procedures in Article 17 have been completed, what is the procedure for	Under the U.S. system, it is for the accredited body or approved person to prepare the

<sup>19</sup> See GGP No 1 (*op. cit.* note 14), Chapter 7.4.10.

<p>the physical entrustment of the child to the PAPs?</p> <p>Please include an explanation of the procedures used to prepare the child for entrustment (<i>e.g.</i>, counselling, visits with the PAPs, being in the temporary care of the PAPs for increasing periods).</p>	<p>child for the first meeting with the adoptive parents. U.S. accreditation standards address this issue in 22 CFR 96.54(g) through (j) as follows:</p> <p>“(g) The agency or person thoroughly prepares the child for the transition to the Convention country, using age-appropriate services that address the child's likely feelings of separation, grief, and loss and difficulties in making any cultural, religious, racial, ethnic, or linguistic adjustment.</p> <p>...</p> <p>(i) Before the placement for adoption proceeds, the agency or person identifies the entity in the receiving country that will provide post- placement supervision and reports, if required by state law, and ensures that the child's adoption record contains the information necessary for contacting that entity.</p> <p>(j) The agency or person ensures that the child's adoption record includes the order granting the adoption or legal custody for the purpose of adoption in the Convention country.”</p> <p>Pursuant to 22 CFR 97.3(i)(3), a U.S. authorized entity (a public domestic authority or an agency or person that is accredited or approved by an accrediting entity) must take all appropriate measures to ensure that the transfer of the child takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive parent(s) or the prospective adoptive parent(s), and arrange to obtain permission for the child to leave the United States.</p>
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<p><b>26. Transfer of the child to the receiving State (Arts 5(c) and 18)</b></p>	
<p>a) Which documents does your State require in order for the child to be permitted to leave your State and travel to the receiving State (<i>e.g.</i>, passport, visa, exit permit)?</p>	<p>U.S.citizen children are eligible for a U.S. passport. The United States does not issue exit permits but U.S. citizens are required to depart the United States on a U.S. passport (even if they hold a passport of a different nationality). The prospective adoptive parent(s) need to check with the receiving State's immigration authorities for entry requirements.</p>

<p>b) Which of the documents listed in response to Question 26 a) above does your State issue?</p> <p>Please list the documents including, in each case, which public / competent authority is responsible for issuing the document.</p>	<p>The U.S. Department of State is responsible for issuance of the U.S. passport.</p>
<p>c) Other than the issuance of the documentation mentioned above, are there any other administrative or procedural matters which must be completed in order for the child to be permitted to leave your State and travel to the receiving State?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> No</p>

<b>27. Final adoption decision and the Article 23 certificate</b>	
<p>a) In intercountry adoption cases, is the final adoption decision made in your State or in the receiving State?</p>	<p><input checked="" type="checkbox"/> In our State – <b><u>go to Question 27 c)</u></b></p> <p><input checked="" type="checkbox"/> In the receiving State – <b><u>go to Question 27 b)</u></b></p>
<p>b) Following the making of the final adoption decision in the receiving State:</p> <p>(i) Are any further steps required in your State to complete the procedure (<i>e.g.</i>, obtaining a copy of the final adoption decision from the receiving State)?</p> <p>(ii) Which authority or body in your State should receive a copy of the Article 23 certificate issued by the receiving State?</p>	<p>(i) A U.S. state court may grant custody of the child to the foreign adoptive parents in the United States for the purposes of a final adoption in the receiving country. Once the receiving country has the Hague Custody Declaration, the competent authorities of the receiving State may grant the final adoption and issue an Article 23 Convention certificate. The United States recognizes adoptions finalized in this manner. Pursuant to 22 CFR 99.2 an accredited agency or approved person must report certain information to the Secretary of State for each outgoing case within 30 days of occurrence, including the date of foreign final adoption, to the extent practicable</p> <p>(ii) The U.S. Central Authority does not require receipt of a copy of the Article 23 certificate issued by the receiving State. See question 28</p> <p><b><u>Go to Question 28</u></b></p>
<p>c) If the final adoption decision is made in your State, which competent authority:</p>	<p>(i) When the final adoption decision is made in the United States, the competent authority -- U.S. state court with</p>

<p>(i) Makes the adoption decision; and</p> <p>(ii) Issues the certificate under Article 23 of the 1993 Adoption Convention?</p> <p><i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Adoption Convention. The designation (or any modification of a designation) should be notified to the depositary of the Convention.</i></p> <p><i>The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Adoption Convention (under "Authorities"), available on the <a href="#">Adoption Section</a> of the HCCH website.</i></p>	<p>jurisdiction over the adoption -- makes the adoption decision.</p> <p>(ii) The U.S. Central Authority is responsible for issuing the Hague Adoption Certificate under Article 23. U.S. regulations governing application and issuance of certificates are found in 22 CFR Part 97.</p>
<p>d) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7, available <a href="#">here</a>.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the receiving State?</p>	<p>Any party to an outgoing Convention adoption or custody proceeding may apply to the Secretary of the Department of State for a Hague Adoption Certificate or a Hague Custody Declaration. Applications can be made through the adoption@state.gov email address. Instructions can be found here: <a href="https://travel.state.gov/content/travel/en/Intecountry-Adoption/adoptions-from-us/hague-certificate.html">https://travel.state.gov/content/travel/en/Intecountry-Adoption/adoptions-from-us/hague-certificate.html</a></p> <p>Applicants for a Hague Adoption Certificate or Hague Custody Declaration need to submit to the U.S. Central Authority a completed application, a copy of the adoption order, and an official copy of the adoption court's findings. The Hague Adoption Certificate or a Hague Custody Declaration will be issued by the Secretary of State through the Office of Children's Issues in the Bureau of Consular Affairs at the Department of State. Each party eligible to apply may receive a Hague Adoption Certificate or a Hague Custody Declaration upon their successful submission of the required application and supporting information. A total of five (5) certificates are allotted per case. Each eligible applicant requesting a certificate in the case will be issued the official copy of the certificate. If the same applicant requests additional copies of</p>



	<p>the certificate, he/she will receive a scanned version of the certificate. An application for a certificate may be found online at:  <a href="https://travel.state.gov/content/dam/aa/pdfs/DS_5509_ApplicationforHagueCertificate.pdf">https://travel.state.gov/content/dam/aa/pdfs/DS_5509_ApplicationforHagueCertificate.pdf</a></p>
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<b>28. Duration of the intercountry adoption procedure</b>	
<p>Where possible, please indicate the average time which it takes to:</p> <ul style="list-style-type: none"> <li>(i) Match a child who has been declared adoptable with PAPs for the purposes of an intercountry adoption;</li> <li>(ii) Physically entrust a child to PAPs once a match has been accepted by the PAPs and approved by the relevant authorities / bodies in the receiving State, if applicable;</li> <li>(iii) Make a final adoption decision following the entrustment of a child to PAPs (if applicable in your State: <i>i.e.</i>, if the final adoption decision is made in your State and not in the receiving State).</li> </ul>	<ul style="list-style-type: none"> <li>(i) The average time taken for the different stages of the procedure varies depending on the relevant U.S. state and, occasionally, on the accredited or approved adoption service provider.</li> <li>(ii) See above response to question 28 (i)</li> <li>(iii) See above response to question 28 (i)</li> </ul>

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>29. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)</b>	
<p>a) Please explain the circumstances in which an intercountry adoption will be classified as an “<i>intra-family intercountry adoption</i>” in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a “relative” of those PAPs.</p>	<p>In the United States, these terms -- “intra-family adoption” and “relative adoption” -- are not defined in U.S. Federal law, including in the laws and regulations implementing the Convention. Rather, consistent with Article 29 of the Convention, the United States has promulgated regulations to prevent contact between PAPs and the child’s parents, legal custodians, or others who have care of the child until the requirements of Articles 4 and 5 have been met, unless the adoption takes place within a family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin. The relevant provisions are found in 8 CFR 204.309(b)(2)(iii), which are Department of Homeland Security regulations clarifying when the Form I-800, Petition to Classify Convention Adoptee as an Immediate Relative, must be denied. The following petitioning relatives are excluded from the prohibition on prior contacts if such petitioner was already, before the adoption:</p>

	<p>“the father, mother, son, daughter, brother, sister, uncle, aunt, first cousin (that is, the petitioner, or either spouse, in the case of a married petitioner had at least one grandparent in common with the child’s parent), second cousin (that is, the petitioner, or either spouse, in the case of a married petitioner, had at least one great-grandparent in common with the child’s parent), nephew, niece, husband, former husband, wife, former wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister of the child’s parents.”</p> <p>More information on the placement of children with relatives, including summaries of U.S. state definitions of a “relative,” can be found here [<a href="https://www.childwelfare.gov/pubPDFs/placement.pdf">https://www.childwelfare.gov/pubPDFs/placement.pdf</a>]</p>
<p>b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAs are habitually resident in different Contracting States to the 1993 Adoption Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – <b>go to Question 30</b></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: . <b>Go to Question 30</b></p> <p><input type="checkbox"/> No – <b>go to Question 29 c)</b></p>
<p>c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:</p> <p>(i) The counselling and preparations which PAs must undergo in the receiving State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAs; and</p> <p>(iv) The report on the child.</p>	<p>(i) N/A</p> <p>(ii) N/A</p> <p>(iii) N/A</p> <p>(iv) N/A</p>

## PART VIII: SIMPLE AND FULL ADOPTION<sup>20</sup>

### 30. Simple and full adoption

<sup>20</sup> According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1 (*op. cit.* note 14), Chapter 8.8.8.

<p>a) Is “full” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>b) Is “simple” adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 20 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 31</b></p> <p><input type="checkbox"/> In certain circumstances only (<i>e.g.</i>, for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) If a “simple” adoption is to be undertaken in your State in an intercountry adoption case, does your State nonetheless usually seek the birth mother / family’s consent(s)<sup>21</sup> to a “full” adoption where this is in the child’s best interests (<i>i.e.</i>, so that a “conversion” of the adoption may be undertaken in the receiving State if the other conditions in Art. 27(1) are fulfilled)?</p> <p><i>See Art. 27(1)(b) and Art. 4 (c) and (d).</i></p>	<p><input type="checkbox"/> Yes – please provide details of how this is undertaken:</p> <p><input type="checkbox"/> No</p>
<p>d) How does your State respond to requests from receiving States to obtain the consent(s) of a child’s birth mother / family<sup>22</sup> to the conversion of a “simple” adoption into a “full” adoption (in accordance with Art. 27) when the request is made many years after the original adoption?</p>	<p>N/A</p>

#### PART IX: POST-ADOPTION MATTERS

<b>31. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority is responsible for preserving information concerning the child’s origins, as required by Article 30?</p>	<p>The Department of State maintains records relating to applications for Hague Adoption Certificates and Hague Custody Declarations. The accredited body or approved person also retains or archives adoption records in a safe, secure, and retrievable manner for the period of time required by applicable laws of the several U.S. states. The Office of Vital Statistics also maintains adoption records at the state level.</p>

<sup>21</sup> Or other person(s) whose consent to the adoption is required under Art. 4 (c) and (d) of the 1993 Adoption Convention.

<sup>22</sup> *Ibid.*

b) For how long is the information concerning the child's origins preserved?	Convention records must be preserved for a period of not less than 75 years.
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parents;</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other persons?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9(a) and (c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: Except as otherwise provided in U.S. law, the Secretary of State or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law. In addition, a Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary of State, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act. For access to the records maintained by accredited bodies or approved persons, or those maintained by the several U.S. states, U.S. state requirements vary. In most states, adoption records are sealed after an adoption is finalized. The adoptee, birth parents, and adoptive parents must follow procedures established by the U.S. state to obtain identifying confidential information from the adoption records, but they may be able to obtain non-identifying information from the agency that arranged the adoption. Follow this link for a summary of U.S. state laws governing access to adoption records. [<a href="https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/infoaccessap/">https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/infoaccessap/</a>]</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: See above response <input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: See above response <input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: See above response <input type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<input checked="" type="checkbox"/> Yes – please specify: U.S. state requirements vary. <input type="checkbox"/> No
e) Once access to such information has been	<input checked="" type="checkbox"/> Yes – please specify: Access to records maintained by the U.S. government is governed by relevant U.S. law.

<p>provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p>	<p>With regard to records maintained by the accredited body or approved person, the adoptee, adoptive parents, or birth parents may contact the accredited body or approved person or the U.S. state that handled the adoption for non- identifying information. The amount of information that would be released varies depending upon the details that were recorded at the time of the birth and adoption as well as upon applicable U.S. state law and/or adoption service provider policy. The U.S. Central Authority is not directly involved in the search of origins but resources may be available at the state level.</p> <p><input type="checkbox"/> No</p>
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32. Post-adoption reports	
<p>a) Is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected in a post-adoption report (<i>e.g.</i>, medical information, information about the child’s development, schooling): The U.S. Central Authority does not require post-adoption reports. U.S. state requirements vary. For further information regarding post-adoption contact agreements between birth and adoptive families, see Child Welfare Information Gateway link here. [<a href="https://www.childwelfare.gov/pubPDFs/cooperative.pdf">https://www.childwelfare.gov/pubPDFs/cooperative.pdf</a>]</p>
<p>b) What are the requirements of your State in relation to post-adoption reports? Please indicate:</p> <p>(i) How frequently such reports should be submitted (<i>e.g.</i>, every year, every two years);</p> <p>(ii) For how long (<i>e.g.</i>, until the child is a certain age);</p> <p>(iii) The language in which the report must be submitted;</p> <p>(iv) Who should write the reports; and</p> <p>(v) Any other requirements.</p>	<p>(i) U.S. state requirements vary.</p> <p>(ii) U.S. state requirements vary.</p> <p>(iii) U.S. state requirements vary.</p> <p>(iv) U.S. state requirements vary.</p> <p>(v) U.S. state requirements vary.</p>
<p>c) What, if any, are the consequences in your State if post-adoption reports are either:</p> <p>(i) Not submitted at all; or</p>	<p>(i) U.S. state requirements vary.</p> <p>(ii) U.S. state requirements vary.</p>

(ii) Submitted, but not in accordance with your requirements?	
d) What does your State do with post-adoption reports? ( <i>i.e.</i> , to what use are they put?)	N/A

#### PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>23</sup>

*States of origin are also kindly requested to complete the “Tables on the costs associated with intercountry adoption”, available on the [Adoption Section](#) of the HCCH website.*

33. The costs <sup>24</sup> of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	<input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed ( <i>e.g.</i> , link to a website or attach a copy). Please also briefly explain the legal framework: The United States does not specifically regulate the cost of intercountry adoption; however, U.S. regulations require the accredited body or approved person to provide to all applicants, prior to application, a written schedule of expected total fees and estimated expenses and an explanation of the conditions under which fees or expenses may be charged, waived, reduced, or refunded and of when and how the fees and expenses must be paid.  <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: U.S. state courts with jurisdiction over the adoption verify that no one has derived improper financial or other gain from an activity related to the adoption, and only costs and expenses (including reasonable professional fees of persons involved in the adoption) have been charged or paid.  The accrediting entity is responsible for monitoring adoption service provider compliance with the accreditation standards, including standards relating to

<sup>23</sup> See the tools developed by the “Experts’ Group on the Financial Aspects of Intercountry Adoption”, available on the [Adoption Section](#) of the HCCH website: *i.e.*, the *Terminology on the financial aspects of intercountry adoption* (“Terminology”), the *Note on the financial aspects of intercountry adoption* (“Note”), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

<sup>24</sup> See the definition of “costs” provided in the Terminology, *ibid*.

	<p>the payment of costs for intercountry adoption.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 19 c) above) or directly by the PAPs themselves?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 86.</i></p>	<p><input type="checkbox"/> Through the accredited body:</p> <p><input type="checkbox"/> Directly by the PAPs:</p> <p><input checked="" type="checkbox"/> Other (please explain): The adoption services contract between the accredited body or approved person and the PAP sets forth details of payment arrangements.</p> <p>U.S. state requirements vary.</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the “Note on the Financial Aspects of Intercountry Adoption” at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain): See response above to Question 33. c).</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>U.S. state requirements vary.</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><i>N.B. Please also ensure that your State has completed the “Tables on the costs associated with intercountry adoption” (see above).</i></p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: See above response to Question 33. a).</p> <p><input type="checkbox"/> No</p>

<b>34. Contributions, co-operation projects and donations<sup>25</sup></b>	
<p>a) Is it mandatory for a receiving State (either through its Central Authority or authorised foreign accredited bodies) to pay a contribution<sup>26</sup> to your State if it wishes to engage in intercountry adoption in your State?</p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>• What type of contribution is required:</li> <li>• Who is responsible for paying it (i.e., the Central Authority or the relevant authorised foreign accredited body):</li> </ul>

<sup>25</sup> See the definitions of these terms provided in the Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 23.

<sup>26</sup> See further the Terminology, *supra*, note 23, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children’s institutions (e.g., for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of “highly recommended contribution”, but in practice it is “mandatory” for the PAPs in the sense that their application will not proceed if the payment is not made.

<p><i>For good practices relating to contributions, see the “Note on the financial aspects of intercountry adoption” at Chapter 6.</i></p>	<ul style="list-style-type: none"> <li>• How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input checked="" type="checkbox"/> No
<p>b) Are receiving States (either through their Central Authority or authorised foreign accredited bodies) permitted to undertake co-operation projects in your State?</p>	<input type="checkbox"/> Yes – it is a <i>mandatory</i> requirement for authorisation to be granted to a foreign accredited body. <input checked="" type="checkbox"/> Yes – it is <i>permitted</i> but not required.  <p>In either of the above cases, please explain:</p> <ul style="list-style-type: none"> <li>• What type of co-operation projects are permitted: We do not have an express prohibition, but the U.S. Central Authority is unaware of any such activity in the United States.</li> <li>• Who may undertake such projects (<i>i.e.</i>, the Central Authority and / or authorised foreign accredited bodies):</li> <li>• Whether such projects are monitored by an authority / body in your State:</li> <li>• How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <input type="checkbox"/> No
<p>c) Does your State permit PAPs or authorised foreign accredited bodies to make donations to orphanages, institutions or birth families in your State?</p> <p><b><i>N.B. This is <u>not</u> recommended as a good practice: see further the “Note on the Financial Aspects of Intercountry Adoption” at Chapter 6 (in particular, Chapter 6.4).</i></b></p>	<input checked="" type="checkbox"/> Yes – please explain: <ul style="list-style-type: none"> <li>• To whom may donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): There are no U.S. Federal restrictions on donations to child protection, programs, or entities administered by the several U.S. states.</li> <li>• What donations are used for: See above response</li> <li>• Who is permitted to pay donations (<i>e.g.</i>, only authorised foreign accredited bodies or also PAPs): See above response</li> <li>• At what stage of the intercountry adoption procedure donations are permitted to be paid: See above response</li> <li>• How it is ensured that donations do not influence or otherwise compromise the</li> </ul>



	<p>integrity of the intercountry adoption process: See above response</p> <p><input type="checkbox"/> No</p>
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<b>35. Improper financial or other gain (Arts 8 and 32)</b>	
<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>The accrediting entity is responsible for monitoring U.S. accredited bodies and approved persons to ensure that no improper financial gain occurs. The AE requires accredited bodies and approved persons to report fee schedule changes and to make an annual attestation about conformity of their Convention adoptions programs with the Convention, the IAA, and applicable U.S. accreditation and approval regulations, and investigate complaints of unusually high fees. (See below response to Question 35 b).</p> <p>U.S. state courts with jurisdiction over the adoption verify that no one has derived improper financial or other gain from an activity related to the adoption, and only costs and expenses (including reasonable professional fees of persons involved in the adoption) have been charged or paid.</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>U.S. accreditation and approval regulations include several different ways of preventing improper financial gain. They lay out mandatory provisions relating to compensation (see below); they provide for transparency through disclosure of fees at the first opportunity to prospective adoptive parents (22 CFR 96.39 and 96.40); and they provide for consequences should accredited bodies and approved persons fail to adhere to the mandatory standards or fall out of substantial compliance with the disclosure provisions.</p> <p>The following are the mandatory provisions 22 CFR 96.34(a) through (c) relating to compensation:</p> <p>a) The agency or person does not compensate any individual who provides intercountry adoption services with an incentive fee or contingent fee for each child located or placed for adoption.</p> <p>b) The agency or person compensates its directors, officers, employees, and supervised providers who provide intercountry adoption</p>

	<p>services only for services actually rendered and only on a fee-for-service, hourly wage, or salary basis rather than a contingent fee basis.</p> <p>c) The agency or person does not make any payments, promise payment, or give other consideration to any individual directly or indirectly involved in provision of adoption services in a particular case, except for salaries or fees for services actually rendered and reimbursement for costs incurred. This does not prohibit an agency or person from providing in-kind or other donations not intended to influence or affect a particular adoption</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>If an accredited body or approved person falls out of substantial compliance with accreditation standards, the accredited body or approved person may lose its accreditation or be subject to other corrective action. In addition, civil and criminal penalties may apply in the case of any person who offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country:</p> <p>(A) A decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II of the IAA;</p> <p>(B) The relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or</p> <p>(C) A decision or action of any entity performing central authority function.</p> <p>The IAA also establishes civil penalties for engaging another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes such action</p>

## PART XI: ILLICIT PRACTICES<sup>27</sup>

### 36. Response to illicit practices in general

<sup>27</sup> “Illicit practices” in this Country Profile refers to “situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child’s origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)” (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Adoption Section](http://www.hcch.net) of the HCCH website < [www.hcch.net](http://www.hcch.net) >).

<p>Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.<sup>28</sup></p>	<p>The accreditation regulations include provisions for the oversight and monitoring of accredited adoption service providers. The accrediting entity supervises and oversees accredited bodies and approved persons on several levels:</p> <p>Routine Oversight: Accrediting entities conduct routine oversight of accredited bodies and approved persons to ensure that each body remains in substantial compliance with applicable U.S. accreditation and approval standards. See 22 CFR Part 96, Subpart I.</p> <p>Adverse Action: U.S. accreditation and approval regulations require the accrediting entity to take “adverse action” when it determines that an accredited body or approved person is no longer in substantial compliance with applicable accreditation and approval standards. Adverse actions include suspending or cancelling accreditation or approval; refusing to renew accreditation or approval; and requiring an accredited body or approved person to take a specific corrective action to bring itself into compliance. See 22 CFR 96.75, Adverse action against accredited bodies or approved persons not in substantial compliance.</p> <p>The Complaint Registry: The U.S. Central Authority maintains a web-based complaint registry. Complaints that come through the registry are subject to review in accordance with U.S. regulations as well as procedures agreed upon between the U.S. Department of State and the accrediting entity. Complaints must relate to the 1993 Hague Convention, the Intercountry Adoption Act of 2000, the Intercountry Adoption Universal Accreditation Act of 2012, or relevant regulations. If the accrediting entity’s review of complaints reveals that an accredited body or approved person has engaged in a pattern of serious, willful, grossly negligent, or repeated failures to comply with the accreditation and approval standards, or indicates that continued accreditation or approval would not be in the best interests of the children and families concerned, it must report the substantiated complaint to the Secretary of State.</p> <p>Department of State Monitoring and Oversight of Accredited and Approved Adoption Service</p>
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	<p>Providers: U.S. accreditation and approval regulations also require the Secretary of State to suspend or cancel the accreditation or approval granted by an accrediting entity when the Secretary finds, in the Secretary's discretion, that the accredited body or approved person is substantially out of compliance with the standards in the accreditation regulations and that the relevant accrediting entity has failed or refused, after consultation with the Secretary, to take action. See 22 CFR 96.83, Suspension or Cancellation of accreditation or approval by the Secretary.</p> <p>In addition, the Secretary of State may suspend or cancel the accreditation or approval granted by an accrediting entity if the Secretary finds that such action:</p> <ol style="list-style-type: none"> <li>1) Will protect the interests of children;</li> <li>2) Will further U.S. foreign policy or national security interests; or</li> <li>3) Will protect the ability of U.S. citizens to adopt children under the [1993 Hague] Convention. See 22 CFR 96.83(b).</li> </ol> <p>See also 22 CFR 96.39(e) (requiring accredited bodies and approved persons to cooperate with reviews, inspections and audits by the accrediting entity or the Secretary of State).</p> <p>Section 404 of the IAA also establishes civil and criminal penalties for (among other things) acting without accreditation or approval or inducing consent to adoption. The relevant sections of the IAA are included below:</p> <p>a) Civil Penalties – Any person who:</p> <ol style="list-style-type: none"> <li>1) Violates section 201 [Accreditation or Approval Required in order to Provide Adoption Services in Cases Subject to the Convention];</li> <li>2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country: <ol style="list-style-type: none"> <li>(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II [of the IAA];</li> <li>(B) the relinquishment of parental rights or the giving of parental consent relating to the</li> </ol> </li> </ol>
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	<p>adoption of a child in a case subject to the Convention; or</p> <p>(C) a decision or action of any entity performing a central authority function; or</p> <p>3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency, takes any of the actions described in paragraph (1) or (2), shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation.</p> <p>b) Civil Enforcement –</p> <p>1) Authority of Attorney General: The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.</p> <p>2) Factors to be considered in imposing penalties: In imposing penalties, the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.</p> <p>c) Criminal Penalties – Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.</p> <p>U.S. State law: Individual U.S. states have laws relating to child abduction and illicit practices in the adoption context</p>
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<b>37. The abduction, sale of and traffic in children</b>	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your State’s intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children’s institutions).</p>	<p>The U.S. response to this question focuses specifically on abduction, sale, and trafficking in children in the context of intercountry adoption, i.e., as it applies to illicitly obtaining children for placement abroad with adoptive families. U.S. law does not use the term “trafficking in persons” in the context of intercountry adoption. The abduction or unlawful buying or selling of an infant or child for the purpose of offering that child for adoption is a serious criminal offense, but not a form of human trafficking as it does not necessarily involve the use of force, fraud, or coercion to compel services from a person.</p> <p>As part of Convention implementation, the United States put in place several</p>

mechanisms to prevent the abduction and sale of children in the context of adoption.

In accordance with the IAA, the U.S. domestic legislation implementing the 1993 Hague Convention, the United States established a system for the accreditation of bodies and approval of persons to provide certain defined adoption services in connection with Convention adoption cases. This system is memorialized in U.S. federal accreditation and approval regulations at Part 96 of Title 22 of the Code of Federal Regulations and is now, with the passage of the Universal Accreditation Act in 2012 (UAA), applicable in non-Convention cases.

The accreditation and approval process is carried out in the United States through accrediting entities in accordance with the provisions of the IAA, the UAA, and U.S. accreditation regulations. U.S. law implementing the Convention includes rigorous accreditation and approval requirements for agencies and persons providing one or more of the six defined adoption services in an intercountry adoption case. The accreditation regulations also provide a framework that holds U.S. accredited bodies and approved persons accountable for the conduct and practices of the providers they engage to provide adoption services in the United States or in another country.

Accredited bodies and approved persons are subject not only to U.S. accreditation and approval regulations, but also to the laws of individual U.S. states and territories governing licensure of adoption professionals, which may include provisions covering, for example, limitations on the participation of attorneys in the adoption process and fee arrangements.

U.S. accreditation and approval regulations include standards that apply to all accredited bodies and approved persons, and such bodies and persons must be in substantial compliance with all applicable standards to achieve and maintain their accreditation or approval. The standards expressly prohibit the abduction, sale, and trafficking in children for purposes of adoption. The standards also have specific

provisions covering the use of internet resources. See 22 CFR 96.39(f).

For reference, excerpts from several relevant standards are copied below:

22 CFR 96.35 Suitability of agencies and persons to provide adoption services consistent with the Convention.

The agency or person provides adoption services ethically and in accordance with the Convention's principles of:

- 1) Ensuring that intercountry adoptions take place in the best interests of children; and
- 2) Preventing the abduction, exploitation, sale, or trafficking of children.

22 CFR 96.36 Prohibition on child buying.

a) The agency or person prohibits its employees and agents from giving money or other consideration, directly or indirectly, to a child's parent(s), other individual(s), or an entity as payment for the child or as an inducement to release the child. If permitted, or required by the child's country of origin, an agency or person may remit reasonable payments for activities related to the adoption proceedings, pre-birth and birth medical costs, the care of the child, the care of the birth mother while pregnant and immediately following the birth of the child, or the provision of child welfare and child protection services generally. Permitted or required contributions shall not be remitted as payment for the child or as an inducement to release the child.

b) The agency or person has written policies and procedures in place reflecting the prohibitions in paragraph (a) of this section and reinforces them in its employee training programs.

22 CFR 96.45 Using supervised providers in the United States.

a) The agency or person, when acting as the primary provider and using supervised providers in the United States to provide adoption services, ensures that each such supervised provider:

...

2) Does not engage in practices inconsistent with the Convention's principles of furthering

	<p>the best interests of the child and preventing the sale, abduction, exploitation, or trafficking of children...</p> <p>22 CFR 96.46 Using providers in foreign countries.</p> <p>a) The agency or person, when acting as the primary provider and using foreign supervised providers to provide adoption services in foreign countries, ensures that each such foreign supervised provider:</p> <p>...</p> <p>2) Does not engage in practices inconsistent with the Convention’s principles of furthering the best interests of the child and preventing the sale, abduction, exploitation, or trafficking of children...</p> <p>Note: Supervised providers are defined for the purposes of 22 CFR Part 96 as “any agency, person, or other non- governmental entity, including any foreign entity, regardless of whether it is called a facilitator, agency, attorney, or by any other name, that is providing one or more adoption services in an intercountry adoption case under the supervision and responsibility of an accredited agency, or approved person that is acting as the primary provider in the case.”</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>See response to (a), above.</p>
<p>c) If these laws are breached, what sanctions may be applied (<i>e.g.</i>, imprisonment, fine, withdrawal of accreditation)?</p>	<p>See response to (a), above and the provisions in IAA Section 404(a), (b), and (c):</p> <p>SEC. 404. ENFORCEMENT.</p> <p>(a) CIVIL PENALTIES.—Any person who—</p> <p>(1) violates section 201;</p> <p>(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—</p> <p>(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;</p> <p>(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or</p>



	<p>(C) a decision or action of any entity performing a central authority function; or</p> <p>(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2), shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation.</p> <p>(b) CIVIL ENFORCEMENT.—</p> <p>(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.</p> <p>(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.— In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.</p> <p>(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.</p>
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<b>38. Private and / or independent adoptions</b>	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><i><b>N.B.</b> “Independent” and “private” adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.</i></p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Private adoptions are permitted – please explain how this term is defined in your State: The term “private adoption” is not defined in U.S. law. For purposes of answering this Questionnaire, the definition of “private adoption” is taken from the Guide to Good Practice No.1: “[an adoption] where arrangements have been made directly between the biological parent in one Contracting State and prospective adopters in another Contracting State.”</p> <p>Under the terms of 22 CFR 96.54(a) birth parents may identify specific prospective adoptive parents to the extent that such is permitted under the laws of the U.S. state in which the adoption will occur and the laws of the receiving country. In such cases, the involved accredited or approved provider demonstrates to the satisfaction of the state court with jurisdiction over the case that it made sufficient reasonable</p>

	<p>efforts (including no efforts, when in the best interests of the child) to find a timely and qualified adoptive placement of the child in the United States.</p> <p><input type="checkbox"/> Independent adoptions are permitted – please explain how this term is defined in your State:</p> <p><input type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted</p>
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## PART XII: INTERNATIONAL MOBILITY

<b>39. The scope of the 1993 Adoption Convention (Art. 2)</b>	
<p>a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>29</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Domestic adoption is permitted in cases where a foreign prospective adoptive parent meets the residence requirements of the state in which s/he plans to adopt and if the jurisdiction of the child’s residence permits adoption by non-U.S. citizens. U.S. State laws will determine the procedures to follow. However, citizens of countries party to the Convention should review guidance for non-citizens in the United States, including consideration of habitual residence, available on the Department of State’s website.</p> <p><input type="checkbox"/> No</p>
<p>b) If foreign national PAPs, habitually resident in your State, wish to adopt a child from another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State?</p> <p><i>Example: French national PAPs are habitually resident in Guinea and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: U.S. immigration law permits only U.S. citizens to adopt a child from another country and immediately obtain an immigrant visa for the child to reside in the United States. So, while the adoptions described may be possible, there is not a process for adopted children in this instance to immediately enter and reside permanently with the foreign national prospective adoptive parent(s) in the United States.</p> <p>Non-U.S. citizen prospective adoptive parent(s) who are permanent residents of the United States may adopt a child from another country and</p>

<sup>29</sup> According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

	<p>petition for the child to join them in the United States. However, the immigration process is not immediate and requires the parent to have two years of legal custody and joint residence with the child prior to approval of the petition and visa issuance.</p> <p>See the Department of State Intercountry Adoption webpages [<a href="https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/before-you-adopt/adoption-by-non-us-citizens-living-in-us.html">https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/before-you-adopt/adoption-by-non-us-citizens-living-in-us.html</a>] for additional information</p> <p><input type="checkbox"/> No</p>
<p>c) If nationals of your State, habitually resident in another Contracting State to the 1993 Adoption Convention, wish to adopt a child habitually resident in your State, are they permitted to do so under the law of your State?</p> <p><i>Example: Guinean national PAPs are habitually resident in Germany and wish to adopt a child habitually resident in Guinea.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>30</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The U.S. Central Authority advises such prospective adoptive parents as follows: U.S. citizens living abroad in another Convention country who plan to adopt a child residing in the United States or a third country should be aware that the country where the adoptive parents currently live may require them to follow local adoption laws and procedures as the receiving country in a Convention adoption, in order for the child to enter that country legally. The receiving country may require that an adoption be processed as a Convention intercountry adoption even in cases where the child and the prospective adoptive parents are all U.S. citizens.</p> <p>Adoptive parents' failure to comply with local adoption laws and procedures to which their adoption may be subject could result in the adopted child's inadmissibility to enter the receiving country.</p> <p>The U.S. Central Authority urges prospective adoptive parents to consult the Central Authority of the receiving country prior to initiating an adoption. Additional information for U.S. citizen prospective adoptive parents living in another Convention country is available</p>

<sup>30</sup> According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child (despite their common nationality). The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 14), Chapter 8.4.

	<p>on the U.S. Central Authority's website [<a href="https://travel.state.gov/content/travel/en/Inter-country-Adoption/adoption-professionals/adoptions-by-prospective-adoptive-outside-us.html">https://travel.state.gov/content/travel/en/Inter-country-Adoption/adoption-professionals/adoptions-by-prospective-adoptive-outside-us.html</a>].</p> <p>If U.S. citizen prospective adoptive parents living in another Convention country are not required to follow local laws and procedures for a Convention adoption, they may be eligible under applicable U.S. State law to complete a domestic adoption in the United States.</p> <p><input type="checkbox"/> No</p>
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### PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>31</sup>

40. Selection of partners	
<p>a) With which receiving States does your State currently partner on intercountry adoption?</p>	<p>Use this link for a list of Convention countries (including those which we are not currently able to complete Convention adoptions) [<a href="https://travel.state.gov/content/travel/en/Inter-country-Adoption/Adoption-Process/understanding-the-hague-convention/convention-countries.html">https://travel.state.gov/content/travel/en/Inter-country-Adoption/Adoption-Process/understanding-the-hague-convention/convention-countries.html</a>].</p>
<p>b) How does your State determine with which receiving States it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p> <p><i>To see which States are Contracting States to the 1993 Adoption Convention, please refer to the <a href="#">Status Table</a> for the 1993 Adoption Convention (accessible via the <a href="#">Adoption Section</a> of the HCCH website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>There is no specific process by which the United States selects a receiving State as a partner in intercountry adoption.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases.<sup>32</sup></p>	<p>In cases that are not subject to the Convention, the law of the particular U.S. state with jurisdiction over the child would govern the adoption of the child.</p> <p><input checked="" type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Adoption Convention.</p>

<sup>31</sup> In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

<sup>32</sup> See GGP No 1 (*op. cit.* note 14), Chapter 10.3 regarding the fact that “[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions”.

d) Are any formalities required in order to commence intercountry adoptions with a particular receiving State ( <i>e.g.</i> , the conclusion of a formal agreement <sup>33</sup> with that receiving State)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: <sup>34</sup> <input checked="" type="checkbox"/> No
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<sup>33</sup> See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

<sup>34</sup> *Ibid.*