



**Accreditation/Approval Table of Evidence
Standards for Convention Cases in Which a Child is Emigrating from the United States**

Background Studies on the Child and Consents in Outgoing Convention Cases 96.53 (a) – (e)

Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Critical</p> <p>96.53 (a) The agency or person takes 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> <p>(1) Information that demonstrates that consents were obtained in accordance with paragraph (c) of this section;</p> <p>(2) Information that demonstrates consideration of the child's wishes and opinions in accordance with paragraph (d) of this section and;</p> <p>(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 §96.37(g).</p>	<ul style="list-style-type: none"> • Describe any child study requirements specific to each State and each country where the organization provides intercountry adoption services • Provide any additional information that would increase the Evaluator's understanding of your level of compliance with the standards. • Procedure for performing child background study in outgoing cases • Review case records 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Personnel <ul style="list-style-type: none"> • Review case records



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<p><i>Additional technical guidance provided by the Department of State. – G.15 Placing children in 3rd Convention countries. 96.52</i></p> <p><i>Additional technical guidance provided by the Department of State. – H.1 Child background study in newborn cases. 96.53(a)</i></p> <p><i>Additional technical guidance provided by the Department of State. – H.2 Defining “medical history”. 96.53(a)</i></p>		
Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Critical</p> <p>96.53 (b) Where the child background study is not prepared in the first instance by an accredited agency, the agency or person ensures that the child background study is reviewed and approved in writing by an accredited agency. The written approval must include a determination that the background study includes all the information required by paragraph (a) of this section.</p>	<ul style="list-style-type: none"> • Procedures for reviewing and approving child studies • Checklist, tool, or other documentation used in the review and approval of child studies • Review of case records or other documentation of the review and approval of child studies 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Personnel <ul style="list-style-type: none"> • Review of case records or other documentation of the review and approval of child studies
<p>Critical</p> <p>96.53 (c) The agency or person takes all appropriate measures to ensure that consents have been obtained as follows:</p>	<ul style="list-style-type: none"> • Policy and procedures for obtaining consents • Review of case records 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Personnel • CEO • Clients



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<p>(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;</p> <p>(2) All such persons, institutions, and authorities have given their consents;</p> <p>(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;</p> <p>(4) The consent of the mother, where required, was executed after the birth of the child;</p> <p>(5) The child, as appropriate in light of his or her age and maturity, has been counseled and duly informed of the effects of the adoption and of his or her consent to the adoption; and</p> <p>(6) The child's consent, where required, has been given freely, in the required legal form, and expressed or evidenced in writing and not induced by payment or compensation of any kind.</p>	<ul style="list-style-type: none"> • Review of case records
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<i>Additional technical guidance provided by the Department of State. – H.3 Birth father consents. 96.53(c)</i>		
Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Critical</p> <p>96.53 (d) If the child is twelve years of age or older, or as otherwise provided by State law, the agency or person gives due consideration to the child's wishes or opinions before determining that an intercountry placement is in the child's best interests.</p>	<ul style="list-style-type: none"> • Policies and procedures for consideration of the wishes of a child over 12 years of age • Review of case records 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Personnel • CEO <p>• Review of case records</p>
<p>Critical</p> <p>96.53 (e) The agency or person prior to the child's adoption takes all appropriate measures to transmit to the Central Authority or other competent authority or accredited bodies of the Convention country the child background study, proof that the necessary consents have been obtained, and the reasons for its determination that the placement is in the child's best interests. In doing so, the agency or person, as required by Article 16(2) of the Convention, does not reveal the identity of the mother or the father if these identities may not be disclosed under State law.</p> <p><i>Additional technical guidance provided by the Department of State. – H.4 Sharing child</i></p>	<ul style="list-style-type: none"> • Procedure for transmitting information to appropriate authority of the Convention country 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Personnel



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<i>background studies before adoption when preliminary custody given. 96.53(e)</i>		
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Placement Standards in Outgoing Convention Cases 96.54 (a) – (k)

Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Critical</p> <p>96.54 (a) 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 agency or person makes reasonable efforts to find a timely adoptive placement for the child in the United States by:</p> <p>(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;</p> <p>(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;</p>	<ul style="list-style-type: none"> • Policy regarding reasonable efforts • Procedure for disseminating information about the child, including procedures for posting information on state and national registries • Adoptive parent recruitment procedures • Review of case records 	<p>Interviews with:</p> <ul style="list-style-type: none"> • CEO • Supervisors • Program Employee(s) • Clients <ul style="list-style-type: none"> • Review of case records



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<p>(3) Responding to inquiries about adoption of the child; and</p> <p>(4) Providing a copy of the child background study to potential U.S. prospective adoptive parent(s).</p> <p><i>Additional technical guidance provided by the Department of State. – H.5 Outgoing cases – reasonable efforts in domestic parent recruiting. 96.54(a) and also 97.2(b)(3) and 97.3(c)</i></p>		
<p>Standard</p>	<p>Evidence to be submitted as a part of Application Part B</p>	<p>Evidence to be submitted and Interviews to be Conducted During Site Visit</p>
<p>Critical</p> <p>96.54 (b) The agency or person demonstrates to the satisfaction of the State court with jurisdiction 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><i>Additional technical guidance provided by the Department of State. – H.5 Outgoing cases – reasonable efforts in domestic parent recruiting. 96.54(a) and also 97.2(b)(3) and 97.3(c)</i></p>	<ul style="list-style-type: none"> • Policy regarding reasonable efforts • Review of case records 	<ul style="list-style-type: none"> • Review of case records



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Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Critical</p> <p>96.54 (c) In placing the child for adoption, the agency or person:</p> <p>(1) To the extent consistent with State law, gives significant weight to the placement preferences expressed by the birth parent(s) in all voluntary placements;</p> <p>(2) To the extent consistent with State law, makes diligent efforts to place siblings together for adoption and, where placement together is 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; and</p> <p>(3) Complies with all applicable requirements of the Indian Child Welfare Act.</p>	<ul style="list-style-type: none"> • Placement procedures 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Clients • Personnel
<p>Critical</p> <p>96.54 (d) The agency or person complies with any State law requirements pertaining to the provision and payment of independent legal counsel for birth parents. If State law requires full disclosure to the birth parent(s) that the child is to be adopted by parent(s) who reside</p>	<ul style="list-style-type: none"> • Policy regarding legal counsel for birth parents • Review of relevant state legal requirements, as necessary • Review of case records 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Personnel <ul style="list-style-type: none"> • Review of case records



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<p>outside the United States, the agency or person provides such disclosure.</p>		
Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Foundational</p> <p>96.54 (e) The agency or person takes all appropriate measures to give due consideration to the child's upbringing and to his or her ethnic, religious, and cultural background.</p> <p><i>Additional technical guidance provided by the Department of State. – H.6 Due consideration to child's upbringing v. MEPA, IEPA. 96.54(3)</i></p> <p><i>Additional technical guidance provided by the Department of State. – H.7 Preemption of State law. 96.54(e)</i></p>	<ul style="list-style-type: none"> • Placement procedures 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Clients • Personnel
<p>Critical</p> <p>96.54 (f) When particular prospective adoptive parent(s) in a Convention country have been identified, the agency or person takes 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).</p>	<ul style="list-style-type: none"> • Placement procedures 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Supervisors • Personnel



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<p>Foundational</p> <p>96.54 (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>	<ul style="list-style-type: none"> Information about available community resources 	<p>Interviews with:</p> <ul style="list-style-type: none"> CEO Personnel Information about available community resources
<p>Critical</p> <p>96.54 (h) The agency or person takes all 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, and, if possible, in the company of the adoptive parent(s) or the prospective adoptive parent(s)</p>	<ul style="list-style-type: none"> Procedures for child transfers 	<p>Interviews with:</p> <ul style="list-style-type: none"> Personnel
<p>Foundational</p> <p>96.54 (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>	<ul style="list-style-type: none"> Review of case records 	<p>Review of case records</p>



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<p>Critical</p> <p>96.54 (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>	<ul style="list-style-type: none"> • Review of case records 	<p>Review of case records</p>
<p>Critical</p> <p>96.54 (k) The agency or person consults with the Secretary before arranging for the return to the United States of any child who has emigrated to a Convention country in connection with the child's adoption.</p> <p><i>Additional technical guidance provided by the Department of State. – H.8 Returning a child to the United States after dissolution of disruption; coordination with DOS. 96.54(k)</i></p>	<ul style="list-style-type: none"> • Policy and procedure for returning a child to country of origin 	<p>Interviews with:</p> <ul style="list-style-type: none"> • CEO • Supervisors



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Standards for Convention Cases in Which a Child is Emigrating from the United States
Performance of Convention Communication and Coordination Functions in Outgoing Convention Cases

96.55 (a) – (f)

Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Foundational</p> <p>96.55 (a) The agency or person keeps the Central Authority of the Convention country and the Secretary informed as necessary about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.</p>	<ul style="list-style-type: none"> • Policy and procedures for informing Central Authorities and the Secretary about the adoption process 	<p>Interviews with:</p> <ul style="list-style-type: none"> • CEO • Personnel
<p>Critical</p> <p>96.55 (b) The agency or person ensures that:</p> <p>(1) Copies of all documents from the State court proceedings, including the order granting the adoption or legal custody, are provided to the Secretary;</p> <p>(2) Any additional information on the adoption is transmitted to the Secretary promptly upon request; and</p> <p>(3) It otherwise facilitates, as requested, the Secretary's ability to provide the certification that the child has been adopted or that custody has been granted for the purpose of adoption,</p>	<ul style="list-style-type: none"> • Procedure for transmitting information to the Secretary • Review of case records 	<p>Review of case records</p>



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<p>in accordance with the Convention and the IAA.</p> <p><i>Additional technical guidance provided by the Department of State. – H.9 Reporting State court orders to the Department in outgoing cases. Cannot issue HAD, HCD without them. 96.55(b)</i></p>		
Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Foundational</p> <p>96.55 (c) Where the transfer of the child does not take place, the agency or person returns the home study on the prospective adoptive parent(s) and/or the child background study to the authorities that forwarded them.</p>	<ul style="list-style-type: none"> • Procedures for returning home studies and child background studies 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Personnel
<p>Critical</p> <p>96.55 (d) The agency or person provides to the State court with jurisdiction over the adoption:</p> <p>(1) Proof that consents have been given as required in §96.53(c);</p> <p>(2) An English copy or certified English translation of the home study on the prospective adoptive parent(s) in the Convention country, and the determination by the agency or person that the placement with</p>	<ul style="list-style-type: none"> • Procedure for providing information to courts • Review of case records 	<ul style="list-style-type: none"> • Review of case records



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<p>the prospective adoptive parent(s) is in the child's best interests;</p> <p>(3) Evidence that the prospective adoptive parent(s) in the Convention country agree to the adoption;</p> <p>(4) Evidence that the child will be authorized to enter and reside permanently in the Convention country or on the same basis as that of the prospective adoptive parent(s); and</p> <p>(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.</p> <p><i>Additional technical guidance provided by the Department of State. – H.10 What counts as an Article 5 (receiving country) notice in an outgoing case? 96.55(d)</i></p>		
<p>Standard</p>	<p>Evidence to be submitted as a part of Application Part B</p>	<p>Evidence to be submitted and Interviews to be Conducted During Site Visit</p>
<p>Critical</p> <p>96.55 (e) The agency or person makes the showing required by §96.54(b) to the State court with jurisdiction over the adoption.</p>	<ul style="list-style-type: none"> • Procedure for providing information to courts • Review of case records 	<ul style="list-style-type: none"> • Review of case records



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Standard	Evidence to be submitted as a part of Application Part B	Evidence to be submitted and Interviews to be Conducted During Site Visit
<p>Critical</p> <p>96.55 (f) The agency or person takes all necessary and appropriate measures to perform any tasks in a Convention adoption case that the Secretary identifies are required to comply with the Convention, the IAA, or any regulations implementing the IAA.</p>		<p>Interviews with:</p> <ul style="list-style-type: none"> • CEO and other personnel as necessary