

# Office of Children's Issues

U.S. Department of State, Bureau of Consular Affairs

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U.S. Department of State • Bureau of Consular Affairs

# IAAME



## **Presenters:**

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# THE REVISED SUBSTANTIAL COMPLIANCE SYSTEM

Utilization of the Rating Indicators to Inform Practice

# TRAINING OBJECTIVES

**Adoption service providers (ASPs) will leave today's training with knowledge of:**

1. Issues and trends in compliance issues with various standards under the current SCS.
2. How to use the information provided today to strengthen documentation
3. How to use this information to strengthen performance where applicable

# RATING INDICATORS

## 4-point rating system:

- 1 - Full Compliance
- 2 - Substantial Compliance
- 3 - Partial Compliance
- 4 - Non-Compliance
- NA - Not Applicable

# RATING INDICATORS: FULL COMPLIANCE

## Current SCS

- The relevant policies, procedures, and/or practices, fully meet the standard as written. All elements or requirements are evident in practice with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Hague Convention and the IAA, organizational performance, or quality of service.

## Revised SCS

- The relevant policies, procedures, **and performance** fully meet the standard as written **and conform to the principles of the Hague Adoption Convention (the Convention)**. All elements or requirements are evident in **performance** with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Convention, the IAA, **the UAA, the regulations**, organizational performance, or quality of service.

# RATING INDICATORS: SUBSTANTIAL COMPLIANCE

## Current SCS

- Practice is basically sound and reflects strong capacity with room to improve. A majority of the standard's requirements are met, but one or more factors are missing or need augmentation. Appropriate policies and procedures are in place. Minor inconsistencies and underdeveloped practices are noted; however, such inconsistencies do not jeopardize persons served; or overall performance, or consistency with the aims of the Hague Convention and the IAA in any way.

## Revised SCS

- Performance exhibits a high level of compliance with accreditation standards.** The majority of the standard's requirements are met, but one or more factors **need clarification** or augmentation. **Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard.** Any minor inconsistencies and **underdeveloped policies or performance** noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, **the UAA, or the regulations** in any way.



# RATING INDICATORS: PARTIAL COMPLIANCE

## Current SCS

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Revised SCS

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Policies or procedures **lack sufficient detail and/or are not consistently applied**; personnel are **inadequately informed** of policies and procedures. **Evaluators are unable to verify consistent performance in compliance with the standard and/or** the organization can only anecdotally describe how it meets the standard. **Performance**, as is, may compromise care of **persons served, imperil** organizational functioning, or be inconsistent with the aims of the Convention, the IAA, **the UAA, or the regulations.**



# RATING INDICATORS: NON-COMPLIANCE

## Current SCS

- The observed operations and service delivery show signs of neglect, stagnation or deterioration, and there is a clear need for increased capacity. Practice or documentation does not address, or is in opposition to, the standard's requirements. Few, if any, of the standard's requirements are met. The organization does not have any of the necessary components of the basic framework the standard requires. (This may be due to glaring lack of attention to practice or service delivery, or administrative decisions that are not consistent with the standard.) Omissions or exceptions occur so frequently that they are the norm. Organizational functioning or integrity is seriously compromised. Health and safety of persons served may be at risk. The organization demonstrates inconsistency with the aims of the Hague Convention and the IAA.

## Revised SCS

- **Any standard for which an ASP does not receive the required rating described above (1, 2 or 3) will be rated as non-compliant.**

# EXAMPLES PROVIDED

- Examples include Standards changing in weight under the revised SCS which were most frequently found out of compliance in 33 renewal reviews IAAME conducted under the CURRENT SCS and how ASPs may raise the level of compliance for those Standards, utilizing the new rating indicators under the REVISED SCS.
- Additionally, examples are provided of Standards raising in weight from Critical to Mandatory and how ASPs may raise the level of compliance utilizing the new rating indicators.

# 96.33(B)

## 96.33(b)

*The agency's or person's finances are subject to annual internal review and oversight and are subject to independent audits every four years.*

*The agency or person submits copies of internal financial review reports for inspection by the accrediting entity each year.*

- **Weight changing from Critical to Mandatory**
- Previously required a rating of 2 (Substantial Compliance; now requires a rating of **1** (Full Compliance)

# 96.33(B) EXAMPLE

## Current SCS (Substantial Compliance)

- Practice is basically sound and reflects strong capacity with room to improve. A majority of the standard's requirements are met, but one or more factors are missing or need augmentation. Appropriate policies and procedures are in place. Minor inconsistencies and underdeveloped practices are noted; however, such inconsistencies do not jeopardize persons served; or overall performance, or consistency with the aims of the Hague Convention and the IAA in any way.

## Substantial Compliance "2" example

- ASP A submitted self-reports yearly to the Accrediting Entity with evidence of internal review of ASP A's finances conducted for 2017 and 2018, but nothing was submitted for 2019.
- ASP A provided evidence of an independent audit completed in 2018.

# 96.33(B) EXAMPLE

## Revised SCS (Full Compliance)

- The relevant policies, procedures, and performance fully meet the standard as written and conform to the principles of the Hague Adoption Convention (the Convention). All elements or requirements are evident in performance with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Convention, the IAA, the UAA, the regulations, organizational performance, or quality of service.

## Meeting Full Compliance “1”

- ASP A submitted evidence of annual internal financial reviews to the Accrediting Entity via self-report each year for each of the applicable years within the current accreditation cycle.
- ASP A completed an independent audit within four fiscal years of the previous audit.

# 96.33(C)

## 96.33(c)

*The agency or person submits copies of each audit, as well as any accompanying management letter or qualified opinion letter, for inspection by the accrediting entity.*

- **Weight changing from Critical to Mandatory**
- Previously required a rating of 2 (Substantial Compliance; now requires a rating of **1** (Full Compliance)

# 96.33(C) EXAMPLE

## Current SCS (Substantial Compliance)

- Practice is basically sound and reflects strong capacity with room to improve. A majority of the standard's requirements are met, but one or more factors are missing or need augmentation. Appropriate policies and procedures are in place. Minor inconsistencies and underdeveloped practices are noted; however, such inconsistencies do not jeopardize persons served; or overall performance, or consistency with the aims of the Hague Convention and the IAA in any way.

## Meeting Substantial Compliance "2"

- ASP A submitted the independent audit to the Accrediting Entity.
- A management letter was completed with the audit, but ASP A failed to include it when submitted the Accrediting Entity.



# 96.33(C) EXAMPLE

## Revised SCS (Full Compliance)

- The relevant policies, procedures, and performance fully meet the standard as written and conform to the principles of the Hague Adoption Convention (the Convention). All elements or requirements are evident in performance with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Convention, the IAA, the UAA, the regulations, organizational performance, or quality of service.

## Meeting Full Compliance "1"

- ASP A submitted the independent audit to the Accrediting Entity via self-report following receipt of the independent audit from ASP A's auditor.
- ASP A's audit included a management letter, which was submitted with the audit at the time of self-report submission.

# 96.35(B)(C)(D)

**96.35(c)** In order to permit the accrediting entity to evaluate the suitability of an agency or person for accreditation or approval, the agency or person (for its current or any former names) discloses to the accrediting entity the following information about its individual directors, officers, and employees:

- (1) For the prior ten-year period, any conduct by any such individual related to the provision of adoption-related services that was subject to external disciplinary proceeding(s);
  - (2) Any convictions or current investigations of any such individual who is in a senior management position for acts involving financial irregularities;
  - **(3) The results of a State criminal background check and a child abuse clearance for any such individual in the United States in a senior management position or who works directly with parent(s) and/or children (unless such checks have been included in the State licensing process); and**
  - **(4) A completed FBI Form FD-258 for each such individual in the United States in a senior management position or who works directly with parent(s) and/or children, which the agency or person must keep on file in case future allegations warrant submission of the form for a Federal criminal background check of any such individual.**
  - (5) Descriptions of any businesses or activities that are inconsistent with the principles of the Convention and that are known to have been or are currently carried out by current individual directors, officers, or employees of the agency or person.
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- **All three Standards changing in Weight from Critical to Mandatory**
  - **Previously required a rating of 2 (Substantial Compliance; now requires a rating of 1 (Full Compliance)**

# 96.39(E)

## 96.39(e)

*The agency or person cooperates with reviews, inspections, and audits by the accrediting entity or the Secretary.*

- **Weight changing from Critical to Mandatory**
- Previously required a rating of 2 (Substantial Compliance; now requires a rating of **1** (Full Compliance)

# EXAMPLE: 96.42(E)

## *96.42 (e)*

*The agency or person notifies the accrediting entity and the Secretary in writing within thirty days of the time it ceases to provide or is no longer permitted to provide adoption services and provides information about the transfer of its adoption records.*

- **Weight changing from Foundational to Mandatory**
- Previously required a rating of 3 (Partial Compliance); now requires a rating of **1 (Full Compliance)**

# 96.42(E) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's policies and procedures contain only a restatement of the standard, and provide no specific process detail.
- The Executive Director was able to articulate in an interview during onsite review, how ASP A would report this information to the Accrediting Entity, but indicated no staff beyond the Executive Director would be aware of this requirement as staff have not been informed of how this process would occur.
- Evidence provided demonstrated ASP A had not ceased providing any adoption service during the accreditation cycle.

# 96.42(E) EXAMPLE

## Revised SCS (Full Compliance)

- The relevant policies, procedures, and performance fully meet the standard as written and conform to the principles of the Hague Adoption Convention (the Convention). All elements or requirements are evident in performance with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Convention, the IAA, the UAA, the regulations, organizational performance, or quality of service.

## Meeting Full Compliance “1”

- ASP A’s policies and procedures contain specific process detail.
- Interviews conducted on-site are consistent with written policy and procedure; staff are well informed and aware of ASP A’s policy and procedures.
- Had ASP A ceased providing any adoption services during the accreditation cycle, evidence would indicate ASP A submitted the applicable self-report to the Accrediting Entity within 30 calendar days of ceasing to provide adoption services, with all applicable requirements related to case transfer plans.

# 96.46(A)

## 96.46 (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:*

- (1) Is in compliance with the laws of the foreign country in which it operates;*
  - (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;*
- (continued next slide)*

- **Weight changing from Foundational to Critical**
- **Previously required a rating of 3 (Partial Compliance); now requires a rating of 2 (Substantial Compliance)**



# 96.46(A)

## **96.46 (a) (continued)**

*(3) Before entering into an agreement with the primary provider for the provision of adoption services, discloses to the primary provider the suitability information listed in §96.35, taking into account the authorities in the foreign country that are analogous to the authorities identified in that section;*

*(4) Does not have a pattern of licensing suspensions or other sanctions and has not lost the right to provide adoption services in any jurisdiction for reasons germane to the Convention or the Convention's principles of ensuring that intercountry adoptions take place in the best interests of children and preventing the abduction, exploitation, sale, or trafficking of children; and*

*(5) Is accredited in the foreign country in which it operates, if such accreditation is required by the laws of that Convention country to perform the adoption services it is providing.*

# 96.46(A) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's procedures for overseeing and entering into agreements with Foreign Supervised Providers (FSPs) contain minimal detail.
- ASP A was unable to articulate in interviews how ASP A enacts its procedures in consistently practice.
- ASP A provided evidence demonstrating it ensured the requirements of the Standard were consistently met for 4 of 6 of its active FSPs. No evidence was provided for two FSPs.

# 96.46(A) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial Compliance "2"

- ASP A's procedures for overseeing and entering into agreements with Foreign Supervised Providers (FSPs) contain detail regarding ASP A's internal process, however some elements were vague and unspecific.
- Interviews with various staff demonstrated basic level of understanding of ASP A's procedures, however staff were unable to articulate how these procedures were utilized in practice.
- ASP A provided evidence demonstrating it ensured the requirements of the Standard were consistently met for all of its active FSPs.

# 96.46(B)

## 96.46 (b)

*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 operates under a written agreement with the primary provider that:*

- (1) Identifies clearly the adoption service(s) to be provided by the foreign supervised provider;*
- (2) Requires the foreign supervised provider, if responsible for obtaining medical or social information on the child, to comply with the standards in §96.49(d) through (j); (continued next slide)*

- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial Compliance); now requires a rating of 2 (Substantial Compliance)**

# 96.46(B)

## **96.46 (b) (continued)**

*(3) Requires the foreign supervised provider to adhere to the standard in §96.36(a) prohibiting child buying; and has written policies and procedures in place reflecting the prohibitions in §96.36(a) and reinforces them in training programs for its employees and agents;*

*(4) Requires the foreign supervised provider to compensate its directors, officers, and employees who provide intercountry adoption services on a fee-for-service, hourly wage, or salary basis, rather than based on whether a child is placed for adoption, located for an adoptive placement, or on a similar contingent fee basis;*

*(5) Identifies specifically the lines of authority between the primary provider and the foreign supervised provider, the employee of the primary provider who will be responsible for supervision, and the employee of the supervised provider who will be responsible for ensuring compliance with the written agreement;*

*(6) States clearly the compensation arrangement for the services to be provided and the fees and expenses to be charged by the foreign supervised provider;*

*(7) Specifies whether the foreign supervised provider's fees and expenses will be billed to and paid by the client(s) directly or billed to the client through the primary provider; (continued next slide)*

# 96.46(B)

## **96.46 (b) (continued)**

- (8) Provides that, if billing the client(s) directly for its service, the foreign supervised provider will give the client(s) an itemized bill of all fees and expenses to be paid, with a written explanation of how and when such fees and expenses will be refunded if the service is not completed, and will return any funds collected to which the client(s) may be entitled within sixty days of the completion of the delivery of services;*
- (9) Requires the foreign supervised provider to respond within a reasonable period of time to any request for information from the primary provider, the Secretary, or the accrediting entity that issued the primary provider's accreditation or approval;*
- (10) Requires the foreign supervised provider to provide the primary provider on a timely basis any data that is necessary to comply with the primary provider's reporting requirements;*
- (11) Requires the foreign supervised provider to disclose promptly to the primary provider any changes in the suitability information required by §96.35; and*
- (12) Permits suspension or termination of the agreement on reasonable notice if the primary provider has grounds to believe that the foreign supervised provider is not in compliance with the agreement or the requirements of this section.*

# 96.46(B) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## "3" rating example

- ASP A's submitted FSP agreements stated there were lines of authority, but did not specify who within the primary provider and FSP are responsible.
- Compensation information was vague and unspecific in the majority of agreements.
- FSPs interviewed during the review indicated clients were billed directly by the FSP for services rendered. However, FSP Agreements did not include any provisions for FSPs billing clients directly, receipts provided, or any indication of how refunds would occur.



# 96.46(B) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial Compliance "2"

- ASP A's submitted FSP agreements include each element of the Standard, however FSP Agreements reviewed do not specify the lines of authority between ASP A and the FSP for any agreement in place as required in element. Agreements indicate FSPs are to comply with 96.49, but do not include requirements to comply with 96.49 (d)-(j) specifically.
- Interviews with FSPs during the review demonstrate ASP A and all FSPs are operating under a written agreement.

# 96.46(C)

## 96.46 (c)

*The agency or person, when acting as the primary provider and, in accordance with §96.14, using foreign providers that are not under its supervision, verifies, through review of the relevant documentation and other appropriate steps, that:*

*(continued next slide)*

- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial Compliance); now requires a rating of 2 (Substantial Compliance)**

# 96.46(C)

## **96.46 (c) (continued)**

- (1) Any necessary consent to termination of parental rights or to adoption obtained by the foreign provider was obtained in accordance with applicable foreign law and Article 4 of the Convention;*
- (2) Any background study and report on a child in a case involving immigration to the United States (an incoming case) performed by the foreign provider was performed in accordance with applicable foreign law and Article 16 of the Convention.*
- (3) Any home study and report on prospective adoptive parent(s) in a case involving emigration from the United States (an outgoing case) performed by the foreign provider was performed in accordance with applicable foreign law and Article 15 of the Convention.*

# 96.46(C) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A submitted procedures addressing each element of the Standard, however the procedures include minimal detail.
- ASP A was able to describe in interviews efforts made in applicable cases to verify the information required in elements 2 and 3 of the Standard, but no staff were able to articulate how element 1 was verified in these cases.
- A review of applicable case records demonstrate ASP A demonstrated verification as required by the Standard in all but one case.

# 96.46(C) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial Compliance "2"

- ASP A submitted detailed and specific procedures addressing elements 2 and 3 of the Standard. Procedures did not include detail regarding how ASP A would ensure consents were taken in compliance with the Standard.
- ASP A was able to describe in interviews efforts made in applicable cases to verify the information required in the Standard.
- A review of applicable case records demonstrate ASP A demonstrated appropriate verification as required in each case.

# 96.47 (D)

## 96.47 (d)

*The agency or person takes all appropriate measures to ensure the timely transmission of the same home study that was provided to the prospective adoptive parent(s) or to DHS to the Central Authority of the child's country of origin (or to an alternative authority designated by that Central Authority).*

- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial Compliance); now requires a rating of 2 (Substantial Compliance)**

*See also Technical Guidance G.6*

# 96.47(D) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's internal procedures contains a restatement of the standard, with no specific detail.
- ASP A's staff were able to articulate the expected timeframe for transmission of the home study to the foreign Central Authority.
- A review of case files did not find evidence of the transmission of the home study to the Central Authority in several case records reviewed.

# 96.47(D) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial Compliance "2"

- ASP A's internal procedures includes detail regarding the submission of the home study to the foreign Central Authority.
- Staff interviewed were able to clearly articulate the process for transmission of the home study.
- A review of case records demonstrated evidence home studies were transmitted to the foreign Central Authorities within the timeframe set in the ASP's internal procedures in the majority of case records reviewed.



# 96.48(C)

## 96.48 (c)

*The agency or person also provides the prospective adoptive parent(s) with training that allows them to be as fully prepared as possible for the adoption of a particular child. This includes counseling on:*

- (1) The child's history and cultural, racial, religious, ethnic, and linguistic background;*
- (2) The known health risks in the specific region or country where the child resides; and*
- (3) Any other medical, social, background, birth history, educational data, developmental history, or any other data known about the particular child.*

- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial Compliance); now requires a rating of 2 (Substantial Compliance)**

# 96.48(C) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

ASP A's narrative submitted as evidence indicates training is provided to prospective adoptive parents (PAPs) on the elements required by the Standard, but did not indicate the training is specific to a particular child to be adopted.

Staff were able to articulate the requirements of the Standard during interviews, however indicated the required elements were covered in ASP A's general training that all PAPs receive prior to adopting.

Case records reviewed demonstrated evidence of child-specific training covering elements 1 and 2 of the Standard in each applicable case record. Training on element 3 of the Standard was not seen in any applicable case record.

# 96.48(C) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial Compliance "2"

ASP A's narrative submitted as evidence indicates training is provided to prospective adoptive parents (PAPs) on the elements required by the Standard, but provided minimal detail regarding the process.

Staff were able to articulate in interviews ASP A's process for providing child-specific training to PAPs.

Case records reviewed demonstrated evidence of child-specific training covering each element of the Standard in 5 out of 6 case records. One case record included training related to only elements 1 and 2.

# 96.48(E)

## *96.48 (e)*

*The agency or person provides additional in-person, individualized counseling and preparation, as needed, to meet the needs of the prospective adoptive parent(s) in light of the particular child to be adopted and his or her special needs, and any other training or counseling needed in light of the child background study or the home study.*

- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial compliance); now requires a rating of 2 (Substantial Compliance)**

# 96.48(E) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's procedures contains minimal detail regarding how it is determined if prospective adoptive parents (PAPs) need additional in-person counseling or training, or how it would be provided.
- During interviews, staff stated ASP A requires a training checklist be completed for each PAP(s) as a way to determine if and when additional training and counseling is necessary in case. Staff indicated each checklist is maintained within adoption records.
- Case records reviewed demonstrated completed checklists for 5 of 8 adoption records.

# 96.48(E) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial Compliance"2"

- ASP A's procedures contained sufficient detail regarding how it is determined if prospective adoptive parents (PAPs) need additional in-person counseling or training, but minimal detail regarding how it would be provided.
- During interviews, staff stated ASP A requires a training checklist be completed for each PAP(s) as a way to determine if and when additional training and counseling is necessary in case. Staff indicated each checklist is maintained within adoption records.
- Case records reviewed demonstrated completed checklists for 7 of 8 adoption records.

# 96.49(I)

## 96.49 (i)

*The agency or person ensures that videotapes and photographs of the child are identified by the date on which the videotape or photograph was recorded or taken and that they were made in compliance with the laws in the country where recorded or taken.*

- **Weight changing from Foundational to Critical**
- Previously required a 3 (Partial Compliance); now requires a rating of 2 (Substantial Compliance)

# 96.49(I) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's procedure provided was a restatement of the Standard, with no specific detail included.
- Staff stated in interviews ASP A's process for ensuring all photos are dated before being placed in the adoption record, however, staff were unable to articulate how it is determined photos and videos are taken in compliance with country laws in which they were taken.
- Review of applicable adoption records demonstrated all photos and videos were dated as required.



# 96.49(I) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial compliance "2"

- ASP A's procedure included sufficient detail regarding the process for ensuring all photos and videos are dated. Procedures did not indicate how ASP A ensures photos and videos are taken in compliance with country laws.
- Staff stated in interviews ASP A's process for ensuring all photos are dated before being placed in the adoption record. Staff also shared resources for verifying country laws for each country in which the ASP works.
- Review of applicable adoption records demonstrated all photos and videos were dated as required.

# 96.49(J)

## 96.49 (j)

*The agency or person does not withhold from or misrepresent to the prospective adoptive parent(s) any available medical, social, or other pertinent information concerning the child.*

- **Weight changing from Critical to Mandatory**
- Previously required a 2 (Substantial Compliance); now requires a rating of 1 (Full Compliance)

# 96.49(J) EXAMPLE

## Current SCS (Substantial Compliance)

- Practice is basically sound and reflects strong capacity with room to improve. A majority of the standard's requirements are met, but one or more factors are missing or need augmentation. Appropriate policies and procedures are in place. Minor inconsistencies and underdeveloped practices are noted; however, such inconsistencies do not jeopardize persons served; or overall performance, or consistency with the aims of the Hague Convention and the IAA in any way.

## Meeting Substantial Compliance "2"

- ASP A's procedures for obtaining and providing medical and social information are vague and do not provide sufficient detail.
- Staff reported in interviews that all child information provided by the foreign Central Authority to the ASP is then passed on to the prospective adoptive parents (PAPs).
- Review of adoption records showed two complaints filed against ASP A, where PAPs indicated they believed child medical information was misrepresented in the referral documentation. ASP A demonstrated that existing procedures had been since updated and additional staff training provided as a result of these two complaints. Additional records reviewed demonstrated ASP A was implementing the revised procedures in practice.

# 96.49(J) EXAMPLE

## Revised SCS (Full Compliance)

- The relevant policies, procedures, and performance fully meet the standard as written and conform to the principles of the Hague Adoption Convention (the Convention). All elements or requirements are evident in performance with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Convention, the IAA, the UAA, the regulations, organizational performance, or quality of service.

## Meeting Full Compliance “1”

- ASP A’s procedures for obtaining and providing medical and social information provide sufficient detail.
- Staff reported in interviews that all child information is provided by the foreign Central Authority to ASP A and ASP A passes it on to the prospective adoptive parents (PAPs).
- Review of adoption records demonstrated in two complaints filed against ASP A, where PAPs indicated they believed child medical information was misrepresented in the referral documentation. ASP A provided evidence demonstrating child medical information was not misrepresented in either case, but provided revised procedures as evidence of ASP A’s efforts to provide additional clarity regarding the process for future PAPs.

# 96.50(F)

## 96.50 (f)

- *The agency or person includes in the adoption services contract with the prospective adoptive parent(s) a plan describing the agency's or person's responsibilities if a placement for adoption is disrupted. This plan addresses:  
(continued next slide)*
- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial Compliance), now requires a rating of 2 (Substantial Compliance)**

# 96.50(F)

## **96.50 (f) (continued)**

- (1) Who will have legal and financial responsibility for transfer of custody in an emergency or in the case of impending disruption and for the care of the child;*
- (2) If the disruption takes place after the child has arrived in the United States, under what circumstances the child will, as a last resort, be returned to the child's country of origin, if that is determined to be in the child's best interests;*
- (3) How the child's wishes, age, length of time in the United States, and other pertinent factors will be taken into account; and*
- (4) How the Central Authority of the child's country of origin and the Secretary will be notified.*

# 96.50(F) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's adoption services contract contains a plan that outlines some of the responsibilities in addressing a disruption of an adoption placement, however the plan only partially addresses elements 3 and 4 of the standard. The plan does not describe *how* the agency takes the child's wishes, age, length of time in the United States, and other pertinent factors into account or *how* the Central Authority of the child's country of origin and the Secretary will be notified. A review of case records demonstrate the adoption services contract is received and signed by clients.

# 96.50(F) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial compliance "2"

- ASP A's adoption services contract contains a plan for addressing a disruption of an adoptive placement. The plan as outlined within the adoption services contract includes information regarding all elements of the standard, however element 4 is only partially addressed, as it states the Central Authority of the child's country of origin and the Secretary will be notified, but does not include specific detail regarding how notification will occur. A review of case records demonstrate the adoption services contract is received and signed by clients.



# 96.50(H)

## 96.50 (h)

*The agency or person takes steps to:*

- *(1) Ensure that an order declaring the adoption as final is sought by the prospective adoptive parent(s), and in Convention adoptions is entered in compliance with section 301(c) of the IAA (42 U.S.C. 14931(c)); and*
- *(2) Notify the Secretary of the finalization of the adoption within thirty days of the entry of the order.*
- **Weight changing from Foundational to Critical**
- **Previously required a 3 (Partial compliance); now requires a rating of 2 (Substantial Compliance)**

# 96.50(H) EXAMPLE

## Current SCS (Partial Compliance)

- A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Meeting Partial Compliance "3"

- ASP A's procedures for finalizing adoptions include detail on ASP A's process for meeting the Standard.
- ASP A provided 10 closed adoption records for IR-4 cases (adoption full and final in the United States) to the Accreditation Entity for review during the on-site review. Of these 10 adoption records, 6 records include evidence of ASP A's efforts to ensure the adoptive parents seek a final order of adoption in the United States. The other 4 have no indication of whether a final order of adoption in state court was sought or completed by the adoptive parents.
- The orders present, demonstrate they were done in compliance with section 301(c) of the IAA.
- Review of case records demonstrated ASP A reported the finalized adoption in the ATS within 30 days of entry of the order.

# 96.50(H) EXAMPLE

## Revised SCS (Substantial Compliance)

- Performance exhibits a high level of compliance with accreditation standards. The majority of the standard's requirements are met, but one or more factors need clarification or augmentation. Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures. Evaluators are able to verify performance is in compliance with the standard and/or the organization can describe how it meets the standard. Any minor inconsistencies and underdeveloped policies or performance noted do not jeopardize persons served, overall performance, or consistency with the aims of the Convention, the IAA, the UAA, or the regulations in any way.

## Meeting Substantial compliance "2"

- ASP A's procedures for finalizing adoptions include detail on ASP A's process for meeting the Standard.
- ASP A provided 10 closed adoption records for IR-4 cases (adoption full and final in the United States) to the Accreditation Entity for review during the on-site review. Of these 10 adoption records, all 10 records include evidence of ASP A's efforts to ensure the adoptive parents seek a final order of adoption in the United States. The orders present, demonstrate they were done in compliance with section 301(c) of the IAA.
- Review of case records demonstrated ASP A reported all but one of the finalized adoptions in the ATS within 30 days of entry of the order.

# 95.53C

## 96.53(c)

*The agency or person takes all appropriate measures to ensure that consents have been obtained as follows:*

- *(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;*

*(continued to next slide)*

- **Weight changing from Critical to Mandatory**
- **Previously required a 2 (Substantial Compliance); now requires a rating of 1 (Full Compliance)**

# 95.53C

*(continued from previous slide)*

- *(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;*
- *(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*
- *(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.*

# RESOURCES

- **IAAME Maintenance and Oversight Policy 004** – [www.IAAME.net](http://www.IAAME.net) – Accreditation and Approval – Maintenance and Oversight
- **IAAME Tables of Evidence:** [www.IAAME.net](http://www.IAAME.net) – Accreditation and Approval
- **Revised Substantial Compliance System Information:** [www.IAAME.net](http://www.IAAME.net) – Accreditation and Approval
- **Hague Technical Guidance:** [adoption@state.gov](mailto:adoption@state.gov) – Intercountry Adoption – Adoption Professionals – For Adoption Agencies – Accreditation Technical Guidance
- **Code of Federal Regulations** – [22 CFR 96](#)

# QUESTIONS?

- ASPs will have the opportunity to ask questions related to training via a survey provided following each training session.
- All surveys related to the three SCS trainings must be completed by October 12, 2020, to give IAAME adequate time to process each response.
- IAAME will be conducting a Q&A session on October 29, 2020 to answer questions submitted by ASPs related to each of the three SCS trainings provided.
- ASPs will also be provided with an opportunity to complete a training evaluation following each training session.