



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

Suitability of Agencies and Persons to Provide Adoption Services Consistent with the Convention 96.35 (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>Mandatory</p> <p>96.35 (a) The agency or person provides adoption services ethically and in accordance with the Convention's principles of:</p> <p>(1) Ensuring that intercountry adoptions take place in the best interests of children; and</p> <p>(2) Preventing the abduction, exploitation, sale, or trafficking of children.</p> <p><i>Additional technical guidance provided by the Department of State. – C.1 When to invoke 96.35 (a)</i></p> <p><i>Additional technical guidance provided by the Department of State. – C.6 - Criminal and Child Abuse Background Checks: Are both supervised and foreign supervised providers subject to criminal and abuse background checks? 96.35, 96.45 (a)(3), and 96.46 (a) (3).</i></p> <p><i>Additional technical guidance provided by the Department of State. – C.7 Child Buying: Evidence</i></p>	<ul style="list-style-type: none"> • Ethical Practice Policy • Narrative describing the agency/person's approach and processes for ensuring that intercountry adoptions take place in the best interests of children. • Narrative describing how the agency/person prevents the abduction, exploitation, sale or trafficking of children. Provide examples of actions taken by the agency/person. 	



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<i>to show not engaged in child buying. (Updated 8/2007) 93.36</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>Mandatory</p> <p>96.35 (b) In order to permit the accrediting entity to evaluate the suitability of an agency or person for accreditation or approval, the agency or person discloses to the accrediting entity the following information related to the agency or person, under its current or any former name:</p> <p>(1) Any instances in which the agency or person has lost the right to provide adoption services in any State or country, including the basis for such action(s);</p> <p>(2) Any instances in which the agency or person was debarred or otherwise denied the authority to provide adoption services in any State or country, including the basis and disposition of such action(s);</p> <p>(3) Any licensing suspensions for cause or other negative sanctions by oversight bodies against the agency or person, including the basis and disposition of such action(s);</p> <p>(4) For the prior ten-year period, any disciplinary action(s) against the agency or</p>	<ul style="list-style-type: none"> • Executive Verification with disclosure of any instances/issues or indicating the absence of any instances/issues related to 96.35 (b) (1), (2), (3), (4), (5), (6), (7), (8), & (9) 	



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<p>person by a licensing or accrediting body, including the basis and disposition of such action(s);</p> <p>(5) For the prior ten-year period, any written complaint(s) related to the provision of adoption-related services, including the basis and disposition of such complaints, against the agency or person filed with any State or Federal or foreign regulatory body and of which the agency or person was notified;</p> <p>(6) For the prior ten-year period, any known past or pending investigation(s) (by Federal authorities or by public domestic authorities), criminal charge(s), child abuse charge(s), or lawsuit(s) against the agency or person, related to the provision of child welfare or adoption-related services, and the basis and disposition of such action(s).</p> <p>(7) Any instances where the agency or person has been found guilty of any crime under Federal, State, or foreign law or has been found to have committed any civil or administrative violation involving financial irregularities under Federal, State, or foreign law;</p> <p>(8) For the prior five-year period, any instances where the agency or person has filed for bankruptcy; and</p>		
--	--	--



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<p>(9) Descriptions of any businesses or activities that are inconsistent with the principles of the Convention and that have been or are currently carried out by the agency or person, affiliate organizations, or by any organization in which the agency or person has an ownership or controlling interest.</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>Mandatory</p> <p>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:</p> <p>(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);</p> <p>(2) Any convictions or current investigations of any such individual who is in a senior management position for acts involving financial irregularities;</p>	<ul style="list-style-type: none"> • Executive Verification with disclosure of any instances/issues or indicating the absence of any instances/issues related to 96.35 (c) (1), (2), (3), (4), & (5) • Governing Body Profiles • Employee Profiles 	<p>Interviews with:</p> <ul style="list-style-type: none"> • Personnel • Personnel files <ul style="list-style-type: none"> ○ Results of state criminal background checks for all staff who are senior managers and/or all staff who work directly with parent(s) and/or children ○ Results of abuse report checks for all staff who are senior managers and/or all staff who work directly with parent(s) and/or children ○ Completed FBI form FD-258 for all senior management staff and/or all staff working directly with parent(s) and/or children



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<p>(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</p> <p>(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.</p> <p>(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.</p> <p><i>Additional technical guidance provided by the Department of State, - C.2. Fingerprinting requirement does not apply to board members. 96.35 (c)</i></p> <p><i>Additional technical guidance provided by the Department of State. – C.3 Who must comply with 96.35 (c)</i></p>		
---	--	--



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<p><i>Additional technical guidance provided by the Department of State. – C.4 FBI fingerprint chart: keep in file ready to go. 96.35 (c)(2)</i></p> <p><i>Additional technical guidance provided by the Department of State. – C.4b FBI Fingerprint Chart FD-258: What is required? 96.35 (c), (d)</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>Mandatory</p> <p>96.35 (d) In order to permit the accrediting entity to evaluate the suitability of a person who is an individual practitioner for approval, the individual:</p> <p>(1) Provides the results of a State criminal background check and a child abuse clearance to the accrediting entity;</p> <p>(2) Completes and retains a FBI Form FD-258 on file in case future allegations warrant submission of the form for a Federal criminal background check;</p> <p>(3) If a lawyer, for every jurisdiction in which he or she has ever been admitted to the Bar, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation and immediately reports to the</p>	<ul style="list-style-type: none"> • Certificates of good standing <ul style="list-style-type: none"> ○ For lawyers, for every jurisdiction in which he or she has been admitted to the Bar, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation and immediately reports to the accrediting entity any disciplinary action considered by a State bar association, regardless of whether the action relates to intercountry adoption; and ○ If a social worker, for every jurisdiction in which he or she has been licensed, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation. 	<ul style="list-style-type: none"> • Personnel files <ul style="list-style-type: none"> ○ Results of state criminal background checks for any individual practitioner ○ Results of abuse report checks for any individual practitioner ○ Completed FBI form FD-258 for any individual practitioner



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<p>accrediting entity any disciplinary action considered by a State bar association, regardless of whether the action relates to intercountry adoption; and</p> <p>(4) If a social worker, for every jurisdiction in which he or she has been licensed, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation.</p> <p><i>Additional technical guidance provided by the Department of State. – C.4b FBI Fingerprint Chart FD-258: What is required? 96.35 (c), (d)</i></p> <p><i>Additional technical guidance provided by the Department of State. – C.5 Certificates of Good Standing: Demonstrating compliance with standard where State does not issue. 96.35 (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>96.35 (e) In order to permit the accrediting entity to monitor the suitability of an agency or person, the agency or person must disclose any changes in the information required by §96.35 within thirty business days of learning of the change.</p>	<ul style="list-style-type: none"> • Procedure for reporting changes in suitability information and for submitting Self-Reports to IAAME 	



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

Prohibition on Child Buying 96.36 (a) – (b)

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>Mandatory</p> <p>96.36 (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 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.</p> <p><i>Additional technical guidance provided by the Department of State. – C.7 Child Buying: Evidence to show not engaged in child buying. (Updated 8/2007) 93.36</i></p>	<ul style="list-style-type: none"> • Narrative describing the safeguards to ensure that employees and agents do not provide payment for a child or as an inducement to release a child for adoption. • Review of complaint information • Operating budget for the current fiscal year • Operating budget for the current fiscal year was approved by its governing body. • Operating budgets for the prior 5 fiscal years. • Operating budgets for the prior 5 fiscal years were approved by its governing body. • Financial records, as necessary, including, but not limited to, payroll, contractor invoices, accounts payable, wire transfers, for the past twelve months: New Applicants: for at least the last 12 months (or as far back as feasible) Re-Accreditation/Re-Approval: for each year since the agency/person was accredited/approved. 	<p>Interviews with:</p> <ul style="list-style-type: none"> • CEO • Personnel • Adoptive Parents • Domestic and Foreign Supervised Providers, when necessary



Accreditation/Approval Table of Evidence Ethical Practices and Responsibilities

<p><i>Additional technical guidance provided by the Department of State. – C.8 Agent: Definition. 96.36 (a)</i></p> <p><i>Additional technical guidance provided by the Department of State. – C.9 Requiring Repayment of Medical Expenses Provided to Birth Mother when no Placement with the PAPs Occurs 96.36(a) and 96.27 (g)</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>Mandatory</p> <p>96.36 (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.</p> <p><i>Additional technical guidance provided by the Department of State. – C.7a Child Buying: training curriculum on prohibition against child buying 96.36(b)</i></p>	<ul style="list-style-type: none"> • Policy and procedures prohibiting payment for a child or as inducement to release. • Employee training table of contents • Training curriculum for training to be provided to its staff. • Documentation of required training on 96.36 (a) being completed for all staff, to include training logs. 	