

# Office of Children's Issues

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**THE REVISED SUBSTANTIAL COMPLIANCE  
SYSTEM:  
CHANGES IN WEIGHTING OF STANDARDS AND NEW  
RATING INDICATOR DEFINITIONS**

Implementation date: November 1, 2020

# TOPICS TO BE COVERED

- **Criteria for evaluating substantial compliance**
- **Rating indicators** – what are they, how are they used, changes from current to revised system
- **Justifications** – What are they are how are they used by the Accrediting Entity
- **Demonstrating Capacity and Performance**
- **Value of Standards (weighting):** what are they, how are they used
- **Overall Substantial Compliance:** method for evaluation in accreditation and approval reviews and during maintenance and oversight.
- **22 CFR 96 Subpart F Standards changing in weight from current SCS to revised SCS**

# **SUBSTANTIVE CRITERIA FOR EVALUATING APPLICANTS FOR ACCREDITATION AND APPROVAL**

## **22 CFR 96.27(d)**

The Secretary will ensure that each accrediting entity performs its accreditation and approval functions using only a method approved by the Secretary that is substantially the same as the method approved for use by each other accrediting entity.

### **Each such method will include:**

- **an assigned value for each standard (or element of a standard);**
- **a method of rating an agency's or person's compliance with each applicable standard;**
- **and a method of evaluating whether an agency's or person's overall compliance with all applicable standards establishes that the agency or person is in substantial compliance with the standards and can be accredited or approved.**

# SUBSTANTIVE CRITERIA FOR EVALUATING APPLICANTS FOR ACCREDITATION AND APPROVAL

## 22 CFR 96.27(d) Continued...

...The Secretary will ensure that the value assigned to each standard reflects the relative importance of that standard to compliance with the Convention, the IAA, and the UAA and is consistent with the value assigned to the standard by other accrediting entities. **The accrediting entity must advise applicants of the value assigned to each standard (or elements of each standard) at the time it provides applicants with the application materials.**

# SCS RATING INDICATORS

- Four-point rating system to guide the evaluators in determining the adoption service provider's (ASP) degree of compliance with each standard.
- Each of the four rating indicators have been updated with the Revised SCS.
- With prior approval from an accrediting entity (AE) or as indicated by a particular standard, some standards may be deemed "not applicable" to an ASP.

# RATING INDICATORS

- 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: FULL COMPLIANCE

## Current SCS

- The relevant policies, procedures, and/or practices, fully meet the standard as written.

## 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).**

# RATING INDICATORS: FULL COMPLIANCE

## Current SCS

- 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

- 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: SUBSTANTIAL COMPLIANCE

## Current SCS

- Practice is basically sound and reflects strong capacity with room to improve.

## Revised SCS

- **Performance exhibits a high level of compliance with accreditation standards.**

# RATING INDICATORS: SUBSTANTIAL COMPLIANCE

## Current SCS

- A majority of the standard's requirements are met, but one or more factors are missing or need augmentation.

## Revised SCS

- The majority of the standard's requirements are met, but one or more factors **need clarification** or augmentation.

# RATING INDICATORS: SUBSTANTIAL COMPLIANCE

## Current SCS

- Appropriate policies and procedures are in place.

## Revised SCS

- **Policies and procedures have sufficient detail, are consistently applied, and personnel are adequately informed of policies and procedures.**

# RATING INDICATORS: SUBSTANTIAL COMPLIANCE

## Current SCS

- 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

- **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: 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.

## 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.**

# RATING INDICATORS: PARTIAL COMPLIANCE

## Current SCS

- Significant omissions or exceptions to the standard occur with regularity.
- Policies or procedures are weak or
- personnel are poorly informed about policies or procedures.

## Revised SCS

- Policies or procedures **lack sufficient detail and/or are not consistently applied;**
- personnel are **inadequately informed** of policies and procedures.

# RATING INDICATORS: PARTIAL COMPLIANCE

## Current SCS

- 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.

## Revised SCS

- **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.

# RATING INDICATORS: PARTIAL COMPLIANCE

## Current SCS

- Practice, as is, may compromise care of consumers, organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

## Revised SCS

- 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.**

# JUSTIFICATIONS

- Evaluators determine an ASP's degree of compliance by rating each standards using professional judgment and expertise; with reference to IAAME established policies and procedures, ensuring that each rating has a written justification.
- Justifications written by the assigned IAAME staff
- Justifications reviewed and approved by Management
- IAAC review and final decision

# DEMONSTRATING CAPACITY AND PERFORMANCE

## 22 CFR 96.27(b)

When the agency or person makes its **initial application for accreditation or approval** under the standards contained in subpart F of this part, **the accrediting entity may measure the capacity** of the agency or person to achieve substantial compliance with these standards where relevant evidence of its actual performance is not yet available.

Once the agency or person has been accredited or approved pursuant to this part, **the accrediting entity must**, for the purposes of monitoring, renewal, enforcement, and 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 this part, **unless the accrediting entity determines that it is still necessary to measure capacity because adequate evidence of actual performance is not available.**

# VALUE OF STANDARDS: WEIGHTING

- All of the intercountry adoption standards are important to the operation of a well-functioning adoption program and ASPs must strive to comply with them.
- Some standards have a higher weight assigned to them than others
- All standards have been designated as Mandatory, Critical, or Foundational.
- The weight of 46 of the 144 sub-standards will change effective November 1, 2020.



# MANDATORY STANDARDS

- Mandatory standards represent practices that are essential to fulfillment of the aims of the Convention, the IAA, the UAA, and the regulations, and have the greatest impact in preventing risks to children and families.
- 'Mandatory' is the highest weight assigned to regulation standards.
- An ASP must achieve a rating of full compliance on all Mandatory standards to obtain accreditation/approval or receive renewal of accreditation/ approval.

# CRITICAL STANDARDS

- Critical standards represent practices that have a significant impact on fulfillment of the aims of the Convention, the IAA, the UAA, and the regulations.
- “Critical” is a high weight assigned to regulation standards.
- A majority of the standards have a weight of Critical.
- An ASP must achieve rating of Full or Substantial Compliance on all Critical standards to obtain accreditation/approval or renewal of accreditation/ approval.

# FOUNDATIONAL STANDARDS

- Foundational standards are important to the operation of a well-functioning adoption program.
- They derive from and support compliance with the Convention, the IAA, the UAA, and the regulations.
- “Foundational” is a weight below that of Mandatory and Critical.
- An ASP must achieve a rating of partial compliance or higher on all Foundational Standards to obtain accreditation/approval or renewal of accreditation/approval.

# OVERALL SUBSTANTIAL COMPLIANCE

## Substantial Compliance with the Standards in 22 CFR 96 Subpart F:

- The regulations require agencies and persons to demonstrate they are in substantial compliance with the standards in 22 CFR Part 96, subpart F.
- In the accreditation and renewal processes, substantial compliance is achieved when an ASP achieves the minimum rating required for each standard or higher.
- Overall substantial compliance represents the level of compliance with the standards in Subpart F as a whole needed to satisfy the requirements for initial accreditation/approval or renewal of accreditation/approval.

# SUBSTANTIAL COMPLIANCE DURING MONITORING AND OVERSIGHT

- IAAME is responsible for continuous monitoring of ASP adherence to applicable standards.
- Following accreditation or renewal, if an ASP no longer meets the requirements for a full compliance rating of a Mandatory Standard; a substantial compliance rating for a Critical Standard; or a partial compliance rating for a Foundational Standard, the ASP is no longer in “substantial compliance” with the Standards.

# METHOD FOR EVALUATING SUBSTANTIAL COMPLIANCE

## Current SCS

- Receive ratings of Full Compliance on 100 percent of all applicable Mandatory Standards;
- Receive ratings of Full or Substantial Compliance on 100 percent of all applicable Critical Standards;
- Receive no rating of Non-Compliance on any Foundational Standard; and
- Receive ratings of Full or Substantial Compliance on enough Foundational Standards so that ratings of Full or Substantial Compliance have been received on 85% of all applicable Mandatory, Critical and Foundational Standards taken together.

## Revised SCS

- **Receive ratings of Full Compliance on 100 percent of all applicable Mandatory Standards;**
- **Receive ratings of Full or Substantial Compliance on 100 percent of all applicable Critical Standards; and**
- **Receive ratings of Partial Compliance or higher on 100% of all applicable Foundational Standards**

# CHANGES IN WEIGHT LICENSING AND CORPORATE GOVERNANCE

Standard	Current SCS weight	Revised SCS weight
96.32(c)	Foundational	Critical

# CHANGES IN WEIGHT

## FINANCIAL AND RISK MANAGEMENT

Standard	Current SCS weight	Revised SCS weight
96.33(b)	Critical	Mandatory
96.33(c)	Critical	Mandatory
96.33(g)	Foundational	Critical
96.33(h)	Foundational	Critical
96.33(i)	Foundational	Critical
96.34(d)	Foundational	Critical
96.34(e)	Foundational	Critical
96.34(f)	Foundational	Critical



# CHANGES IN WEIGHT

## ETHICAL PRACTICES AND RESPONSIBILITIES

Standard	Current SCS weight	Revised SCS weight
96.35.b	Critical	Mandatory
96.35.c	Critical	Mandatory
96.35.d	Critical	Mandatory

# CHANGES IN WEIGHT: PROFESSIONAL QUALIFICATIONS AND TRAINING FOR EMPLOYEES

Standard	Current SCS weight	Revised SCS weight
96.38(b)	Foundational	Critical
96.38(c)	Foundational	Critical

# CHANGES IN WEIGHT: INFORMATION DISCLOSURE, FEE PRACTICES, AND QUALITY CONTROL POLICIES AND PROCEDURES

Standard	Current SCS weight	Revised SCS weight
96.39(c)	Foundational	Critical
<b>96.39(e)</b>	<b>Critical</b>	<b>Mandatory</b>
96.40(f)	Foundational	Critical
96.40(h)	Foundational	Critical

# CHANGES IN WEIGHT: RESPONDING TO COMPLAINTS AND RECORDS AND REPORTS MANAGEMENT

Standard	Current SCS weight	Revised SCS weight
96.41(d)	Foundational	Critical
96.41(h)	Foundational	Critical
<b>96.42(e)</b>	<b>Foundational</b>	<b>Mandatory</b>

# CHANGES IN WEIGHT: SERVICE PLANNING AND DELIVERY

Standard	Current SCS weight	Revised SCS weight
96.46(a)	Foundational	Critical
96.46(b)	Foundational	Critical
96.46(c)	Foundational	Critical

# CHANGES IN WEIGHT: STANDARDS FOR CASES IN WHICH A CHILD IS IMMIGRATING TO THE UNITED STATES

Standard	Current SCS weight	Revised SCS weight
96.47(d)	Foundational	Critical
96.48(b)	Foundational	Critical
96.48(c)	Foundational	Critical
96.48(e)	Foundational	Critical
96.48(f)	Foundational	Critical
96.48(g)	Foundational	Critical
96.48(h)	Foundational	Critical

# CHANGES IN WEIGHT: STANDARDS FOR CASES IN WHICH A CHILD IS IMMIGRATING TO THE UNITED STATES (CONT.)

Standard	Current SCS weight	Revised SCS weight
96.49(b)	Foundational	Critical
96.49(c)	Foundational	Critical
96.49(h)	Foundational	Critical
96.49(i)	Foundational	Critical
<b>96.49(j)</b>	<b>Critical</b>	<b>Mandatory</b>
96.49(k)	Foundational	Critical
96.50(f)	Foundational	Critical
96.50(h)	Foundational	Critical
96.51(a)	Foundational	Critical
96.51(b)	Foundational	Critical
96.51(c)	Foundational	Critical
96.52(a)	Foundational	Critical

# CHANGES IN WEIGHT: STANDARDS FOR CASES IN WHICH A CHILD IS EMIGRATING FROM THE UNITED STATES

Standard	Current SCS weight	Revised SCS weight
<b>96.53(c)</b>	<b>Critical</b>	<b>Mandatory</b>
96.54(g)	Foundational	Critical
96.55(a)	Foundational	Critical



# IAAME JUNE 23, 2020 PORTAL NEWSFEED Q & A

**An Adoption Service Provider's (ASP)'s accreditation or approval expires after November 1, 2020. What does the delay mean for the renewal?**

If the accreditation or approval expires on or after November 1, 2020, the revised SCS will be used for the renewal process.

# IAAME JUNE 23, 2020 PORTAL NEWSFEED Q & A

What does this mean for Maintenance and Oversight (M&O) activities moving forward?

- For M&O, the updated SCS will be applied to any adoption-related actions outlined in subpart F of 22 CFR 96 that occur on or after November 1, 2020.
- For M&O activities such as self-reports or complaint reviews that involve multiple adoption-related actions, the earliest date of adoption-related action covered in the M&O activity will determine whether the current or revised SCS will be applied.

# WHERE CAN I FIND UPDATED SCS INFORMATION?

- Department of State website: [Travel.State.Gov](#) > [Intercountry Adoption](#) > [Adoption Professionals](#) > [For Adoption Agencies](#) > Substantial Compliance System
- IAAME website: [IAAME.net](#) > Accreditation and Approval

## Where to locate Standards in 22 CFR 96 Subpart F:

- [ecfr.gov](#) (Browse: Title 22)
- IAAME website: [IAAME.net](#) > Accreditation and Approval

## Where to locate the Hague Technical Guidance:

- [Travel.State.Gov](#) > [Intercountry Adoption](#) > [Adoption Professionals](#) > [For Adoption Agencies](#) > Hague Accreditation Technical Guidance

# 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.