



Intercountry Adoption Accreditation and Maintenance Entity  
Policy Manual

<b>Policy Name:</b>	Oversight Through Review of Complaints and Reporting
<b>Policy Number:</b>	005
<b>Origination Date:</b>	February 7, 2018, with Department of State Approval on March 29, 2018
<b>Revision Date:</b>	January 16, 2019, with Department of State Approval on February 21, 2019, and July 21, 2022 with Department of State Approval on September 19, 2022
<b>Effective Date:</b>	December 1, 2022

**Policy:** This policy governs Intercountry Adoption Accreditation and Maintenance Entity's (IAAME) requirements for reviewing complaints related to accredited agencies (agency) and approved persons (person) and intercountry adoption services within its jurisdiction, as assigned by the Department. IAAME processes complaints in accordance with the regulations set forth in 22 CFR 96.68, 96.69 (a) – (d), 96.71 (a) – (e) and 96.72 (a) – (c).

**A. Overview**

1. IAAME reviews complaints received against an agency or person, and those regarding the agencies or person's use of supervised providers, which raise an issue of compliance with the Hague Convention, the Intercountry Adoption Act (IAA), the Universal Accreditation Act (UAA), or the regulations implementing the IAA or the UAA.
2. Pursuant to 22 CFR 96.69, and 96.70, complaints must generally be filed through the Complaint Registry. The contact information for the Complaint Registry is located on IAAME's website ([www.iaame.net](http://www.iaame.net)) and on the Department of State's website ([adoption.state.gov](http://adoption.state.gov)).
  - a) For complaints filed by Federal, State, or local governmental official or a foreign Central Authority, pursuant to 22 CFR 96.69 (d), IAAME reviews complaints that are filed with the Complaint Registry or that are submitted in writing to IAAME.
    - i. In the event a Federal, State, or local governmental official or a foreign Central Authority files the written complaint with IAAME, IAAME records the complaint in the Complaint Registry.
    - ii. If the complaint is submitted to the Secretary, the Secretary may record the complaint in the Complaint Registry, if appropriate, and refers it to IAAME for review or provides direction for IAAME to take other action as the Secretary deems appropriate.



## Intercountry Adoption Accreditation and Maintenance Entity Policy Manual

3. When a complainant contacts IAAME via email, phone call, or a format other than with the Complaint Registry, IAAME notifies the complainant (other than Federal, State, or local governmental official or a foreign Central Authority) that all complaints must be filed with the Complaint Registry, with certain limited exceptions in accordance with 22 CFR 96.69 and 96.70. The complainant is notified that the Complaint Registry is the mechanism for recording, screening, referring, and taking action on complaints received. IAAME requests the complainant file their complaint with the Complaint Registry and provides the contact information for the Complaint Registry. IAAME forwards information relevant to the oversight functions of the Secretary to the Department.
  - a) If the complainant does not wish to file their complaint with the Complaint Registry but has provided detailed information about their concerns and the concerns are related to those under IAAME's jurisdiction or allege concerns regarding the safety of a child or fraud, IAAME forwards information relevant to the oversight functions of the Secretary to the Department.
    - i. If the complainant does not file the complaint with the Complaint Registry, IAAME may enter the complaint in the Complaint Registry on their behalf.
4. Priority is given to reviewing complaints received from a Federal, State, or local government official or a foreign Central Authority.
5. IAAME records, screens, refers, and reports actions taken on complaints received within the Complaint Registry.
6. IAAME also records all complaints in the Portal. In accordance with 22 CFR 96.93, IAAME makes semi-annual reports and provides such reports to the Secretary.
7. IAAME does not take any action to discourage an individual from, or retaliate against an individual for, making a complaint, expressing a grievance, questioning the conduct of, or expressing an opinion about the performance of an agency or person or the accrediting entity.

### **B. Determining if IAAME has Jurisdiction of the Complaint**

1. Within thirty (30) business days of receipt of a reviewable complaint, IAAME determines if IAAME has jurisdiction of the complaint.
2. IAAME determines if it has jurisdiction to address the complaint as follows:
  - a) If the complaint is made against an agency or person.



## Intercountry Adoption Accreditation and Maintenance Entity Policy Manual

- i. If the agency or person is no longer accredited or approved at the time the complaint is filed, IAAME lacks the capacity to take any appropriate adverse actions in relation to the complaint. Within ten (10) business days of this determination, IAAME conducts any necessary interview with the complainant for recordkeeping, notifies the complainant of its limited ability to act on the complaint, and that the complaint will be closed.
  - ii. If the agency or person is accredited or approved, the complaint is further reviewed to determine jurisdiction as outlined in B.2.b. and B.2.c. below.
- b) If the complaint is related to the agency's or person's services or activities, including its use of supervised providers, which raise an issue of compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA, or UAA.
- i. If the complaint does not meet the criteria in B.2.b., IAAME does not have jurisdiction over the complaint. Within ten (10) business days of this determination, IAAME notifies the complainant of this, and that the complaint will be closed.
  - ii. If the complaint meets the criteria in B.2.b., the complaint is further reviewed to determine jurisdiction as outlined in B.2.c below.
- c) If the complaint was submitted by a party to a specific adoption case and the complaint relates to the case:
- i. The complaint was first submitted in writing to the primary provider and to the agency or person providing adoption services, if a U.S. provider different from the primary provider; and
    - 1) If the complaint was not resolved through the agency's or person's complaint process, or
    - 2) If the complaint was resolved by an agreement to take action, but the agency or person failed to take such action within thirty (30) days of agreeing to do so.
  - ii. If the complaint does not meet the criteria of B.2.c., B.2.c.i., or B.2.c.ii. above, within ten (10) business days of the decision, IAAME notifies the complainant they must first submit their complaint in writing to the agency or person and/or that the complainant must first complete the complaint process with the agency or person, and that the complaint will be closed.
- d) However, if the complaint alleges significant child safety concerns and/or overtly fraudulent activity, IAAME may review the complaint without first having the complainant submit the complaint in writing to the agency or person.



Intercountry Adoption Accreditation and Maintenance Entity  
Policy Manual

- e) If the complaint meets B.2.a., B.2.b., and as applicable, B.2.c, B.2.c.i., or B.2.c.ii., IAAME completes the complaint review process.
3. IAAME does not have jurisdiction to review complaints against agencies and persons who are under the jurisdiction of another accrediting entity. IAAME will coordinate and share information with the accrediting entity with jurisdiction when a complaint implicates the conduct of an agency or person not under the jurisdiction of IAAME.

**C. Complaint Review**

1. Within one hundred and twenty (120) business days following IAAME's acceptance of the complaint for review, IAAME completes the complaint review process to determine the outcome of the complaint. IAAME's ability to meet this timeframe is contingent upon the specific circumstances of each complaint, the time to obtain evidence from the complainant and the agency or person, and any time needed to gather additional evidence as applicable. Such actions may extend the timeframe for IAAME to complete the review process beyond one hundred and twenty (120) days.
2. IAAME contacts the complainant, to:
  - a) Notify the complainant of IAAME's acceptance of the complaint for review
  - b) Provide details regarding the review process
  - c) Schedule an interview
3. Following the interview, IAAME requests evidence from the complainant to support the allegations and provides a date by which evidence must be submitted.
  - a) If the complainant does not provide requested evidence, the complaint may be determined to be unsubstantiated, if appropriate, and closed.
4. Following IAAME's receipt of evidence from the complainant, IAAME notifies the agency or person of the complaint.
5. IAAME requests evidence from the agency or person and provides a date by which evidence must be submitted.
  - a) If the agency or person does not provide requested evidence, the complaint may be determined to be substantiated, if appropriate, and closed. A substantiation of a complaint may result in adverse action. See section D.2.a. below.



Intercountry Adoption Accreditation and Maintenance Entity  
Policy Manual

6. IAAME will:

- a) Interview other parties or persons as applicable
- b) Conduct an on-site review as needed

7. IAAME reviews all evidence provided and completes its review of the complaint and makes an outcome determination.

**D. Outcome of Complaint Review**

1. Complaints are determined to be:

a) Unsubstantiated when:

- i. The complainant did not provide the requested evidence needed to complete a review
- ii. The facts uncovered during the review did not support the allegation(s) within the complaint, or
- iii. The agency or person was determined not to be out of compliance with applicable standards

b) Substantiated when:

- i. The agency or person was determined to be out of compliance with applicable standards
- ii. Additionally, an allegation may be considered substantiated if the agency or person did not provide requested evidence necessary to negate the allegations of the complaint or to demonstrate compliance with the applicable standards.

c) Within five (5) business days of the decision:

- i. IAAME provides the agency or person with written notification of the outcome of IAAME's complaint review and any action to be taken which may include adverse action. IAAME Policy 006 outlines the adverse action process.
- ii. IAAME provides the complainant with written notification of the outcome of the complaint review.



Intercountry Adoption Accreditation and Maintenance Entity  
Policy Manual

**E. Utilization of Complaint Information and Reporting**

1. Information regarding complaints and the outcome of complaints is utilized in the decision-making process for renewal of accreditation or approval and in ongoing monitoring and oversight.
2. IAAME, pursuant to 22 CFR 96.72, promptly notifies the Secretary of any substantiated complaint that:
  - a) Demonstrates an agency or person has engaged in a pattern of serious willful, grossly negligent, or repeated failures to comply with the standards in 22 CFR 96 subpart F; or
  - b) Indicates that continued accreditation or approval would not be in the best interests of children and families concerned.
3. IAAME, after consultation with the Secretary, refers as appropriate to a State licensing authority, the Attorney General, or other law enforcement authorities any substantiated complaints that involve conduct that is:
  - a) Subject to the civil or criminal penalties imposed by section 404 of the IAA;
  - b) In violation of the Immigration and Nationality Act; or
  - c) Otherwise in violation of Federal, State, or local law.

**F. Public Requests for Information**

Public requests for information related to an agency or person will be processed by IAAME management. Pursuant to 22 CFR 96.92, IAAME posts on its website ([www.iaame.net](http://www.iaame.net)) the process for making a request to obtain information on whether an agency or person has any record of a substantiated complaint, and if so, the status and nature of any substantiated complaint. IAAME only releases information in accordance with applicable State and Federal law, including the regulations in 22 CFR Part 96.