



Intercountry Adoption Accreditation and Maintenance Entity  
Policy Manual

<b>Policy Name:</b>	Adverse Action
<b>Policy Number:</b>	006
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**Policy:** This policy governs the use of adverse action under 22 CFR 96 Subpart K for both accreditation and approval renewal and monitoring and oversight of accredited agencies (agency) and approved persons (person) for intercountry adoption services.

#### **A. Overview**

1. Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME) imposes adverse action on an agency or person when it determines it is appropriate in accordance with 22 CFR Part 96 Subpart K. The accrediting entity must take adverse action when it determines that an agency or person may not maintain accreditation or approval. IAAME may impose any of the following authorized adverse actions:
  - a) Suspending accreditation or approval;
  - b) Cancelling accreditation or approval;
  - c) Refusing to renew accreditation or approval;
  - d) Requiring an accredited agency or approved person to take a specific corrective action to bring itself into compliance;
  - e) Imposing other sanctions including, but not limited to, requiring an accredited agency or approved person to cease providing adoption services in a particular case or specific foreign country.
2. During the accreditation or approval renewal process, IAAME staff review evidence and supporting documentation to determine whether an agency or person is in substantial compliance with applicable standards in 22 CFR Part 96 Subpart F.
3. In addition to the accreditation or renewal process, in accordance with 22 CFR 96.66(a) using a method approved by the Secretary, IAAME must monitor agencies and persons at least



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annually to ensure they are in substantial compliance with the standards in 22 CFR 96 Subpart F.

- a) Monitoring and oversight activities, such as review of complaints and required reports, allow IAAME to continuously monitor an agency's or person's substantial compliance with the standards in 22 CFR Part 96 Subpart F, in order to identify any deficiencies in performance.

### **B. Addressing Adverse Action that is Held in Abeyance, Prior to the Action Being Imposed**

1. Upon determining deficiencies exist in an agency's or person's performance with applicable standard(s), in accordance with 22 CFR 96.76(a) and (b), IAAME assesses the seriousness and type of violation to determine whether to provide an opportunity for the agency or person to demonstrate the adverse action is unwarranted or has been corrected prior to the adverse action being imposed. IAAME considers various factors when making this determination, including but not limited to, the weight of the standard or standards assigned by the Substantial Compliance System, the pervasiveness or egregiousness of the deficiency or deficiencies, the extent to which the agency or person has corrected or failed to correct deficiencies of which it has been previously informed, and the impact on the well-being and safety of children.
2. IAAME may hold in abeyance more than one adverse action at the same time for an agency or person.
3. IAAME notifies the agency or person in writing of the decision to hold the adverse action in abeyance. The Notice of Deficiencies (Notice) includes:
  - a) The standard(s) on which compliance was found to be deficient.
  - b) The basis by which compliance with each standard was found to be deficient.
  - c) Type of adverse action being held in abeyance.
  - d) Date(s) by which the evidence must be submitted to demonstrate the area(s) of deficiency have been corrected or to demonstrate the adverse action(s) held in abeyance is based on error.
4. Upon receipt of evidence from the agency or person to demonstrate compliance with the standard(s) or to demonstrate the adverse action held in abeyance is unwarranted based on error, within thirty (30) business days of receipt, IAAME:



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- a) Completes a review of the evidence submitted and determines whether the agency or person demonstrated it has corrected the deficiencies and has brought itself into compliance or whether the adverse action withheld in abeyance was based on error.
  - i. If the agency or person demonstrated it is in compliance or the adverse action held in abeyance was based on error, IAAME will not impose the adverse action.
  - ii. If the agency or person did not demonstrate it is in compliance or the adverse action held in abeyance was based on error, IAAME will impose the adverse action held in abeyance, or other type of adverse action.
- b) Notifies the agency or person of the decision.

### **C. Addressing Adverse Action After the Action is Imposed**

1. Upon determining deficiencies in an agency's or person's performance with applicable standard(s), in accordance with 22 CFR 96.76(a) and (b), IAAME assesses the seriousness and type of violation to determine the type of adverse action to be imposed. IAAME considers various factors when making this determination, including but not limited to, the weight of the standard or standards assigned by the Substantial Compliance System, the pervasiveness or egregiousness of the deficiency or deficiencies, the extent to which the agency or person has corrected or failed to correct deficiencies of which it has been previously informed, and the impact on the well-being and safety of children.
2. IAAME may impose more than one adverse action at the same time for an agency or person.
3. IAAME notifies the agency or person in writing of the decision to impose adverse action. The Notice of Deficiencies (Notice) includes:
  - a) The standard(s) on which compliance was found to be deficient.
  - b) The basis by which compliance with each standard was found to be deficient.
  - c) Type of adverse action imposed.
  - d) Effective date(s) of the adverse action(s).
  - e) Date by which the evidence must be submitted to demonstrate the area(s) of deficiency have been corrected or to demonstrate the imposed adverse action is based on error.
4. IAAME reserves the right to require a site visit to verify compliance with the standard(s) outlined in the Notice. The agency or person is responsible for payment of all fees associated with any site visit.



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5. Upon receipt of evidence from the agency or person to demonstrate compliance with the standard(s) or to demonstrate adverse action is unwarranted based on error, within thirty (30) business days of receipt, IAAME:
  - a) Completes a review of the evidence submitted and determines whether or not the agency or person satisfactorily demonstrated it has corrected the deficiencies and whether it has brought itself into compliance or the imposed adverse action was based on error.
    - i. If the agency or person demonstrated it is in compliance or the imposed adverse action was based on error, IAAME terminates or withdraws the imposed adverse action as applicable.
    - ii. If the agency or person did not demonstrate that it is in compliance or the imposed adverse action was based on error, IAAME may extend the imposed adverse action or impose another type of adverse action.
  - b) Notifies the agency or person of the decision.

### **D. Types of Adverse Action**

1. Suspending Accreditation or Approval (Suspension)
  - a) Suspension is an adverse action for which the agency or person must cease providing all adoption services as a primary provider, including through use of supervised providers, in connection with intercountry adoption case(s).
  - b) When IAAME imposes the adverse action of Suspension, IAAME provides the agency or person with the written Notice as outlined in section C.3. above. This Notice also includes:
    - i. Timeframe of the Suspension.
    - ii. If the agency or person must enact its case transfer plans for all cases or cases at a particular phase of the adoption process and the requirement to provide refunds to clients for services not yet rendered, as applicable.
  - c) If at any time there is evidence of prior or imminent harm to a child and/or fraud, IAAME may immediately impose the adverse action of Suspension and notify the agency or person via email or a phone call. In such circumstances, IAAME provides the written Notice as outlined in sections C.3. and D.1.b. above, to the agency or person within five (5) business days.



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2. Cancellation of Accreditation or Approval (Cancellation)

- a) Cancellation is an adverse action that immediately terminates the agency's accreditation or person's approval.
- b) When IAAME imposes Cancellation, IAAME notifies the agency or person in writing of the decision to impose Cancellation. The Notice includes:
  - i. The basis by which compliance with each standard was found to be deficient.
  - ii. The decision to impose the adverse action of Cancellation.
  - iii. The date the adverse action is effective.
  - iv. The requirement for the agency or person to enact its case transfer plans and to provide refunds to clients for services not rendered.
  - v. Instructions for requesting the adverse action be determined as unwarranted based on error.
- c) IAAME may determine the most appropriate first course of adverse action is Cancellation of the agency's or person's accreditation or approval.
- d) When IAAME imposes Cancellation and does not withdraw the adverse action based upon a finding the decision was based on error, the agency or person may reapply for accreditation or approval. Before doing so, the agency or person must request and obtain permission from IAAME to make a new application. IAAME will only grant such permission if the agency or person demonstrates to IAAME's satisfaction that the specific deficiencies that led to the Cancellation have been corrected. If the agency or person is granted permission to reapply, the agency or person may file an application with IAAME in accordance with the steps outlined in IAAME's Initial and Renewal of Accreditation and Approval Policy 003.

3. Refusal to Renew Accreditation or Approval (Refusal to Renew)

- a) Refusal to Renew is an adverse action which terminates the agency's accreditation or person's approval at the expiration of its current accreditation or approval.
- b) When an agency or person seeking renewal of accreditation or approval remains deficient with applicable standards, ten (10) business days before expiration of accreditation or approval, IAAME notifies the agency or person in writing to inform them they are at risk of Refusal to Renew. IAAME also notifies the agency or person that they must begin to prepare to implement case transfer plans in the event of a Refusal to Renew.
- c) If the agency or person's compliance remains deficient as of the date of expiration of accreditation or approval, IAAME may impose Refusal to Renew.



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- d) When IAAME imposes Refusal to Renew of an agency or person's accreditation or approval and does not withdraw the adverse action based on findings that the decision was based on error, the agency or person may reapply for accreditation or approval. Before doing so, the agency or person must request and obtain permission from IAAME to make a new application. IAAME will only grant such permission if the agency or person demonstrates that the specific area(s) of deficiency that led to the Refusal to Renew have been corrected. If the agency or person is granted permission to reapply, the agency or person may file an application with IAAME in accordance with the steps outlined in Policy 003.
4. Requiring an Accredited Agency or Approved Person to Take a Specific Corrective Action to Bring Itself into Compliance (Specific Corrective Action)
- a) Specific Corrective Action is an adverse action for which the agency or person must take action to correct noted deficiencies in its compliance with the applicable standards but may continue to provide adoption services as an accredited agency or approved person, including acting as a primary provider.
- b) When IAAME imposes the adverse action of Specific Corrective Action, IAAME provides the agency or person with the identified deficiencies and the details of the Specific Corrective Action that must be implemented for the agency or person to bring itself into compliance.
- c) IAAME provides the agency or person with the written Notice as outlined in section C.3. above. This Notice also includes:
- i. The actions the agency or person must take and/or the evidence that must be provided to correct the deficiency or deficiencies in performance or capacity when applicable.
  - ii. The timeframe for completion of each Specific Corrective Action.
5. Other Sanctions, Including but Not Limited to Cessation of Providing Service(s) in a Particular Case or in a Specific Foreign Country (Cessation)
- a) Other Sanctions including Cessation are adverse actions that require the agency or person to take or refrain from taking a particular action or to cease providing adoption services in a particular case or cases or in a particular country or countries.
- b) When IAAME imposes the adverse action of Other Sanctions, including Cessation, IAAME provides the agency or person with the written Notice as outlined in section C.3. above. This Notice also includes:
- i. The specifics related to the sanction or cessation of adoption services in a particular case(s) or country or countries.
  - ii. Timeframe of the Sanction or Cessation.



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- iii. Whether the agency or person must enact its case transfer plans for a particular case or cases in a particular country or countries, and the requirement to provide refunds to clients for services not yet rendered, as applicable.
- d) If at any time there is evidence of prior or imminent harm to a child and/or fraud, IAAME may immediately impose the adverse action of Other Sanctions, including Cessation and notify the agency or person via email or a phone call. In such circumstances, IAAME provides the written Notice as outlined in sections C.3. and D.5.b. above, to the agency or person within five (5) business days.

### **E. Recommendation for Debarment**

When IAAME has documentation and supporting evidence of an accredited agency or approved person demonstrating a pattern of serious, willful, or grossly negligent failures to comply, or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of children and families, pursuant to the requirements set forth in 22 CFR 96.85, IAAME may recommend to the Secretary to Debar the agency or person.

### **F. Reporting**

- a) IAAME notifies the Department of State within two (2) business days of:
  - i. The decision to impose an adverse action of Suspension, Cancellation, Refusal to Renew, or Other Sanctions including Cessation, including the specific details of the decision.
  - ii. The decision to withdraw or terminate a Cessation or Suspension.
  - iii. The decision to withdraw a Cancellation or Refusal to Renew when such action was determined to be unwarranted based on error.
- b) IAAME submits a report semi-annually to the Department summarizing the preceding six-month period of all adverse actions taken against an agency or person.
  - i. IAAME submits the report within thirty (30) business days following the end of each six-month time period, unless the Department has granted IAAME an extension.
- c) In addition to the notifications above to the Department, in the event an adverse action changes the accreditation or approval status of an agency or person, IAAME notifies in writing the relevant State licensing authority.

### **G. Public Information**

Information maintained on the IAAME website includes the legal name for each accredited agency or approved person, any adverse actions that result in a change in accreditation or approval status, the date the adverse action was imposed and date the adverse action is terminated. The IAAME website provides instructions for the public to request information regarding the basis for the



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adverse action. IAAME makes reasonable efforts to update the website information regarding adverse actions for each agency or person at the time the adverse action is imposed or changed. IAAME, at a minimum, posts this information on a quarterly basis as required under 22 CFR 96.91(a). IAAME only releases information as authorized by State and Federal guidelines and in accordance with the scope and authority of an accrediting entity as outlined in 22 CFR Part 96.