

Annual Report on Intercountry Adoptions Narrative

The 2016 Annual Report on Intercountry Adoption, as required by Section 104 of the Intercountry Adoption Act of 2000, provides data and other information on intercountry adoptions to and from the United States from October 1, 2015, through September 30, 2016. The report is released after a thorough review of the available data to ensure the information is accurate. In addition to the actual data, this review includes a summary of the Bureau of Consular Affairs, Office of Children's Issues, Adoption Division's efforts for the fiscal year.

Overview of 2016

In Fiscal Year (FY) 2016, the Department began to fully implement the adoption strategy developed in FY 2015, increasing proactive efforts to maintain intercountry adoption as a viable option for children in need of permanency around the world. The Department is working to identify barriers and threats to the initiation and continuation of intercountry adoption, and to develop ways to work with other countries to address those factors. In doing so, the Department traveled to 30 countries, hosted 26 delegations and representatives from other countries, and engaged in multilateral meetings and efforts to improve practices. The Department has identified three major issues impacting the viability of intercountry adoption: delays in completing post-adoption reports for children already adopted; countries' concerns about illegal or unethical practices by adoption service providers (ASPs) and the ability to appropriately monitor ASP activities; and concerns about the unregulated custody transfer (sometimes referred to as "rehoming") of adopted children. The 5,372 immigrant visas issued to children adopted abroad or coming to the United States to be adopted by U.S. citizens in FY 2016 are slightly fewer than the previous year, but generally reflect standard fluctuations in the total number of intercountry adoptions from various countries, with the exception of Ethiopia, which continued its multi-year decline. Fifteen countries with no intercountry adoptions by U.S. citizens in FY 2015 approved one or more adoptions in FY 2016. In FY 2016, 89 intercountry adoptions from the United States to other countries were reported to the Department.

Efforts to Maintain Intercountry Adoption as a Viable Option for Children

In FY 2016, the Department began to fully implement the adoption strategy developed in FY 2015, increasing proactive efforts to maintain intercountry adoption as a viable option for children in need of permanency around the world. Part of that strategy focuses on identifying barriers to intercountry adoption in places where adoption is not currently possible, and maintaining awareness of issues which threaten the continuation of adoption in countries where adoption is currently viable.

FY 2016 saw concerted efforts to engage bilaterally and multilaterally on intercountry adoption. The Department's Special Advisor for Children's Issues and the Office of Children's Issues' Adoption Division (Division) staff traveled to thirty countries and throughout the United States to engage in bilateral and multilateral efforts to strengthen and enhance adoption procedures and relations between the United States and intercountry adoption partners around the world. The Division also hosted International Visitors' Leadership Programs, where emerging

leaders from other countries travel to the United States to observe U.S. practices on issues related to child welfare, and welcomed 26 delegations from foreign governments.

Domestically the Division conducted outreach to Congressional officials, hosted calls with stakeholders, and routinely met with other federal agencies engaged in intercountry adoptions. Division staff participated in domestic conferences and other adoption-related events in Dallas, Texas, New Orleans, Louisiana, New York City, New York, Atlanta, Georgia, Detroit, Michigan, Washington D.C., and Eugene, Oregon. The Division also maintained robust engagement with the adoptive community and stakeholders, responding to thousands of phone and email inquiries and requests.

The Division worked alongside several partner countries as they joined the Hague Adoption Convention during FY 2016. On October 1, 2015, global partners Zambia and Cote d'Ivoire joined the Hague Adoption Convention, and on January 1, 2016, the Convention entered into force for Namibia. In FY 2016, Kyrgyzstan and Ghana deposited their instruments of accession to the Hague Adoption Convention with the Ministry of Foreign Affairs of the Kingdom of the Netherlands. However, their entry into force date occurred after the FY 2016 reporting period. The Division also saw meaningful progress in advancing intercountry partnerships: Vietnam issued its first adoption-related visa since joining the Hague Adoption Convention in 2014, and 360 adoptees from the Democratic Republic of Congo joined their adoptive parents after facing challenges in the legal process of their adoptions dating back to 2013. The Division plans staff travel to these countries to continue to strengthen relationships and the management of intercountry adoption cases as new processes and procedures are put in place for each country. The Division is also in talks with other countries to assess the strengths and challenges of their adoption procedures, and to explore new ways to improve their processes. In engagements with bilateral and multilateral partners on intercountry adoption, the Department has identified multiple challenges to maintaining and improving relationships and adoption processes. Three issues, however, are raised continually by other countries: post-adoption reporting, unregulated custody transfer, and ASP conduct.

Post-adoption Reporting: The importance of parental compliance with post adoption reporting obligations cannot be overstated. Virtually all countries that allow U.S. citizens to adopt children in country require some form of post-adoption reporting on child welfare. Requirements vary by country and might be limited to the first one to three years immediately following completion of the adoption, or might apply until the child reaches the age of 18. Almost every country requires adoptive parents to agree in writing to provide such reports for a designated period of time as a condition of adoption. The importance of timely completion and submission of these reports is paramount, as it may influence a country's perceptions about adoption to the United States. Even after adoption, countries maintain a strong interest in knowing how children from their countries fare. Officials become concerned when they receive no reports about a child after adoption, often fearing that the adoption has disrupted or dissolved, or that the child has been harmed. When parents fail to fulfill the obligation they agreed to, it reflects badly on U.S. adoptions and may impact the country's willingness to continue to engage and partner with the United States. The Department has led in discussions with multiple countries throughout FY 2016 regarding these concerns. The Department makes every effort to facilitate the completion and submission of the reports in order to maintain relationships with

partner countries; however, compliance frequently remains incomplete. Several countries have conditioned the resumption of intercountry adoptions on receiving post adoption reports from parents who previously adopted children from that country.

Unregulated Custody Transfer: Countries often mention the issue of non-compliance with post-adoption reporting requirements in conjunction with concerns about the unregulated custody transfer (UCT) of previously adopted children. UCT, sometimes referred to as “rehomeing,” occurs when an adoptive parent(s) unilaterally transfers physical custody of a child to another individual or family, with the intention of the placement being permanent and without the involvement of appropriate authorities. UCT circumvents established safeguards that protect children from risk of harm and is difficult to track because it is intentionally kept in the shadows. Department staff participate in a working group on this critical issue, which meets monthly. The UCT working group comprises representatives from the Departments of State, Health and Human Services (HHS), Justice (DOJ), and Homeland Security’s U.S. Citizenship and Immigration Services (USCIS), as well as the National Association of Attorneys General (NAAG), and the Association of Administrators for the Interstate Compact on the Placement of Children (AAICPC). The group’s efforts focus on developing strategies for preventing UCT and for responding to UCT situations when they occur.

Over the last three years, working group members completed several major initiatives as a result of the working group’s combined efforts: HHS awarded grants for research on post-adoption services and on improving adoption competence in mental health professionals; USCIS revised adoption immigration petition forms to require prospective adoptive parents to disclose previous adoption dissolutions or disruptions; AAICPC established a reporting mechanism to share information about UCT situations that cross state lines; DOJ and the NAAG coordinated the completion of a survey of state laws that may address UCT; and the Department proposed new regulations to strengthen training requirements for adoptive parents. During FY 2016, the working group conducted significant outreach to child welfare authorities at the state level, primarily through coordination with HHS’s Center for States, which helps public child welfare organizations and professionals build capacity to support children, youth, and families. Those efforts resulted in meetings and webinars with state adoption managers and Child Protective Services personnel, a group presentation on UCT at the National Conference on Child Abuse and Neglect, and the publication of a UCT tip sheet for child protection and child welfare professionals. The Department also worked, in conjunction with HHS and various states, to facilitate communication between U.S. states and foreign countries seeking information on children previously placed through intercountry adoption who have been subject to UCT. Foreign countries frequently raise concerns about UCT whenever information about a child’s whereabouts is unavailable. These concerns impact their willingness to maintain intercountry adoption as an option for children.

ASP Conduct: The third issue that impacts the viability of intercountry adoption is concern by countries about illegal or unethical practices by some ASPs, and about countries’ ability to appropriately monitor adoption activities. While it often takes the concerted actions of many people in order to perform intercountry adoptions well, it is the Department’s experience that it only takes one person acting in an unethical manner to imperil the continuation of intercountry adoptions for all children for an extended period of time. Indeed, a bad experience

with a U.S. ASP in one country can cause a ripple effect around the world, further weakening confidence in all U.S. ASPs. In addition, the underutilization of existing tools to address ASP misconduct is an aggravating factor. The Department maintains a complaint registry, through which complaints can be made about accredited U.S. ASPs. In the eight years the registry has been in existence, it has never been used by international NGOs that monitor, speak, and write about ASP conduct. Those most likely to have information on misconduct often express hesitancy about filing complaints. Adoptive families cite the fear of being unable to complete their adoptions, or losing their newly adopted child, if they complain. ASPs with information about other ASPs' conduct speak of ostracism within the ASP community and express concern about retaliatory actions, which include using contacts in foreign governments to get the complaining agency banned from the country.

Some countries have suspended intercountry adoption programs because of concerns about ASP conduct. In discussions about resumption of adoption activities in these countries, many countries express concern about their ability to monitor ASP activities. More and more countries that continue to allow adoptions enact restrictive policies in response to perceived weaknesses in the system for accrediting and monitoring ASPs.

Multinational Efforts: The Department is a leader in multinational efforts to identify and address problems that may imperil intercountry adoption, advocating for better tools to address problems as they arise so as to avoid the enactment of moratoria that also harm children. However, reacting quickly to address a burgeoning problem, or addressing strict requirements that other countries impose, often requires flexibility that the U.S. accreditation system might not currently have. For this reason, on September 8, 2016, the Department proposed changes to the accreditation requirements for U.S. ASPs to allow for country-specific authorization (CSA), a tool that would introduce regulatory flexibility into the U.S. accreditation system.

Accreditation Functions: To carry out accreditation functions, the Department designated an accrediting entity. The accrediting entity evaluates whether applicants for accreditation and approval are in substantial compliance with the standards in the federal accreditation regulations and arrives at a decision to accredit or approve by using a Department-approved substantial compliance system (SCS). The current substantial compliance system uses a system of weights and evidence. Each standard in the regulations has an assigned weight and required evidence to demonstrate compliance. While it is currently possible for those weights to be changed or for other evidence requested, under the current system those weights and evidence are consistent for each country. If the accrediting entity, with the Department's approval, changes the weight, or the required evidence, it does so for every country. CSA would allow for alteration of both the weight of a standard, and the required evidence, for a particular country. Thus, CSA would allow the Department to develop country-specific criteria that correspond to identified problems in a particular country. If the identified problem is not widespread, or the required solution is not feasible for other countries, only those ASPs working in that particular country would be impacted by the change. Without this flexibility, the choice might be for intercountry adoption to close or remain closed, or might require change for all 182 ASPs that are currently accredited. In addition, the proposed regulations strengthen other standards and provide that adoptive parents and others may make complaints without first filing a complaint

directly with the ASP in question. The Department is currently reviewing comments from the public on the proposed regulations.

Number of Adoptions: The 5,372 immigrant visas issued to children adopted abroad or coming to the United States to be adopted by U.S. citizens in FY 2016 are slightly fewer than the previous year, but generally reflect standard fluctuations in the total number of intercountry adoptions from various countries. For example, in Latvia, the embassy observed a notable increase in families adopting large sibling groups throughout FY 2015; however, this trend did not endure throughout FY 2016, and thus, numbers returned to their previous averages. The exception is Ethiopia, which continued its multi-year decline. In 2016, Ethiopia experienced changes in the government office that oversees processing of adoptions. A re-organization and loss of staff in the Ministry of Women and Children contributed to ongoing processing delays. The Adoption Division has maintained an engaged posture with the Ministry, and continues to advocate for the timely resolution and processing of cases.

Children were adopted from the United States to several countries in FY 2016, including Canada, Ireland, Mexico, Austria, Great Britain, the Netherlands, Austria, and Switzerland.

The Department looks forward to the opportunity to continued diplomatic engagement and outreach efforts in FY 2017, and will work to proactively increase cooperation to make intercountry adoption a viable option in all countries.

INTERCOUNTRY ADOPTION

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



FY 2016 Annual Report on Intercountry Adoption (Date of Release)

Pursuant to Section 104 of the Intercountry Adoption Act of 2000 (IAA) (PL 106-279), the U.S. Department of State submits the FY 2016 Annual Report on Intercountry Adoption.

IAA §104(b) Report Elements:

- **§104(b) (1):** Tables 1 and 2 report the number of intercountry adoptions in FY 2016 involving immigration to the United States, regardless of whether or not the adoption occurred under the Hague Adoption Convention.
- **§104(b) (2):** Table 3 reports the number of intercountry adoptions in FY 2016 involving emigration from the United States, regardless of whether or not the adoption occurred under the Hague Adoption Convention.
- **§104(b) (3):** In FY 2016, adoption service providers (ASPs) reported ten disrupted placements in Convention adoptions, i.e., cases in which there was an interruption of a placement for adoption during the post-placement (but pre-adoption) period. Table 6 summarizes this information.

In addition, information received from the Department of Health and Human Services (HHS) pursuant to §422(b)(12) of the Social Security Act indicated 102 cases of children from other countries entering state custody as a result of the disruption or the dissolution of an adoption. This information was provided in the annual update from states on progress made toward accomplishing goals and objectives in the Child and Family Services Plan. This information was submitted by states to HHS through an Annual Progress and Services Report (APSR). The most recent APSRs were submitted on October 31, 2016 and contained information from FY 2015 as well as FY 2016. All of the information provided by states in the APSR was included in this count, regardless of the date provided from the states on specific actions taken in a case or when it was reported to the state.

- **§104(b) (4):** Table 4 reports the average time required for completion of a Hague Convention adoption.
- **§104(b) (5):** The current list of agencies accredited and persons approved is available on the Council on Accreditation's website at <http://coanet.org/accreditation/who-is-accredited/who-is-accredited-search/>.
- **§104(b) (6):** The Secretary did not temporarily or permanently debar an agency or person during FY 2016.
- **§104(b) (7):** ASPs reported charging between \$0 and \$64,357 for all adoption services, with half charging less than \$30,072 and half charging more. Table 5 reports by Convention country of origin the median fees for country-specific services, including foreign country program expenses, contributions, care of child expenses, and travel/accommodations.
- **§104(b) (8):** Fees for accreditation of agencies and approval of persons ranged from \$5,000 to \$22,755. The Council on Accreditation's accreditation fee is based on documented revenues from the applicant's intercountry adoption programs. Accrediting Entity fees are found at the following links: [Council on Accreditation fees](#).