

Advocacy Submits Comments on the State Department's Proposed Rule on Intercountry Adoptions

On November 16, 2016 the Office of Advocacy submitted a letter to the State Department regarding *Intercountry Adoptions*.

- On September 8, 2016, the State Department published in the *Federal Register* a proposed rule to amend 22 C.F.R. pt. 96. This rule seeks to amend the existing requirements for U.S. adoption service providers that perform intercountry adoptions. The rule aims to increase the long-term success of adoption placements, and make the intercountry adoption process more transparent.
- The prior requirements come from the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and the Intercountry Adoption Act of 2000 (IAA). Other laws and regulations apply as well, including the Intercountry Adoption Universal Accreditation Act of 2012 (UAA).
- Every year, the Secretary of State, with guidance from the Secretary of Homeland Security, will designate an average of two countries that will require Country-Specific Authorization (CSA). CSA requires adoption agencies to meet higher standards to work in that particular country, in addition to current accreditation.
- Adoption agencies will need to disclose fees more transparently than before, and can no longer charge parents in excess of \$1,000 without specific consent for the charge.
- Due to the changing demographic of children in intercountry adoptions, the proposed rule requires parents to complete new training requirements to better prepare them. The training prepares parents for the specific challenges they could face with older children, children with special needs, and sibling groups.
- Individuals submitting complaints can submit directly to the accrediting entity and avoid undue backlash from the adoption agency that is the subject of the complaint.
- Advocacy recommended the State Department complete an Initial Regulatory Flexibility Analysis as a supplemental notice to the proposed rule or re-propose the rule at a later time.
- Advocacy encouraged the State Department to provide clarification on many of the rule's provisions and the rule's scope.

For more information, visit Advocacy's webpage at <http://www.sba.gov/advocacy>, or contact Assistant Chief Counsel Janis Reyes by email at Janis.Reyes@sba.gov or by phone at (202) 205-6533.