

TEMPORARY HAGUE CONVENTION ACCREDITATION STANDARDS

Introduction: The Department of State (the Department) issued the final rule on the accreditation and approval of agencies and persons in accordance with the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Convention) and the Intercountry Adoption Act of 2000 (the IAA) on February 15, 2006. The final rule establishes the accreditation and approval standards for agencies and persons; establishes requirements applicable to accrediting entities; and establishes a framework for the Department's oversight of accrediting entities, agencies, and persons. Subpart N provides the eligibility criteria and performance standards for temporarily accrediting agencies. The following standards are a formatted version of the Standards published by the Department.

- 96.96 (a)** An accrediting entity may not temporarily accredit an agency unless the agency demonstrates to the satisfaction of the accrediting entity that:
- (1) It has provided adoption services in fewer than 100 intercountry adoption cases in the calendar year preceding the year in which the transitional application deadline falls. For purposes of this subpart, the number of cases includes all intercountry adoption cases that were handled by, or under the responsibility of, the agency, regardless of whether they involved countries party to the Convention;
 - (2) It qualifies for nonprofit tax treatment under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or for nonprofit status under the law of any State;
 - (3) It is properly licensed under State law to provide adoption services in at least one State. It is, and for the last three years prior to the transitional application deadline has been, providing intercountry adoption services;
 - (4) It has the capacity to maintain and provide to the accrediting entity and the Secretary, within thirty days of request, all of the information relevant to the Secretary's reporting requirements under section 104 of the IAA (42 U.S.C. 14914); and
 - (5) It has not been involved in any improper conduct related to the provision of intercountry adoption or other services, as evidenced in part by the following:
 - (i) The agency has maintained its State license without suspension or cancellation for misconduct during the entire period in which it has provided intercountry adoption services;
 - (ii) The agency has not been subject to a finding of fault or liability in any administrative or judicial action in the three years preceding the transitional application deadline; and
 - (iii) The agency has not been the subject of any criminal findings of fraud or financial misconduct in the three years preceding the transitional application deadline.
- 96.96 (b)** An accrediting entity may not temporarily accredit an agency unless the agency also demonstrates to the satisfaction of the accrediting entity that it has a comprehensive plan for applying for and achieving full accreditation before the agency's temporary accreditation expires, and is taking steps to execute that plan.

¹ Eligibility Criteria in 96.96 must be fully met in order for an adoption service provider to achieve temporary accreditation.

Section 96.104 Performance Standards for Temporary Accreditation²

- 96.104 (a)**^M The agency follows applicable licensing and regulatory requirements in all jurisdictions in which it provides adoption services;
- 96.104 (b)**^M It does not engage in any improper conduct related to the provision of intercountry adoption services, as evidenced in part by the following:
- (1) It maintains its State license without suspension or cancellation for misconduct;
 - (2) It is not subject to a finding of fault or liability in any administrative or judicial action; and
 - (3) It is not the subject of any criminal findings of fraud or financial misconduct;
- 96.104 (c)** It adheres to the standards in Section 96.36 prohibiting child buying;
- 96.104 (d)** It adheres to the standards for responding to complaints in accordance with Section 96.41;
- 96.104 (e)** It adheres to the standards on adoption records and information relating to Convention cases in accordance with Section 96.42;
- 96.104 (f)** It adheres to the standards on providing data to the accrediting entity in accordance with Section 96.43;
- 96.104 (g)** When acting as the primary provider in a Convention adoption it complies with the standards in Section 96.44 and 96.45 when using supervised providers in the United States and it complies with the standards in Section 96.44 and 96.46 when using supervised providers or, to the extent permitted by Section 96.14(c), other foreign providers in a Convention country;
- 96.104 (h)** When performing or approving a home study in an incoming Convention case, it complies with the standards in Section 96.47;
- 96.104 (i)** When performing or approving a child background study or obtaining consents in an outgoing Convention case, it complies with the standards in Section 96.53;
- 96.104 (j)** When performing Convention functions in incoming or outgoing cases, it complies with the standards in Section 96.52 or Section 96.55;

² Subsections 96.104 (c-j) refer to standards from Subpart F, which follow 96.104 (m) in this document. Sub-sections 96.104 (c-j) will not be rated; the relevant sub-sections of Subpart F will be rated. Sub-sections 96.104 (c-j) do not have values assigned; the relevant standards in Subpart F have values assigned.

- 96.104 (k) ^C** It has a plan to transfer its Convention cases and adoption records if it ceases to provide or is no longer permitted to provide adoption services in Convention cases. The plan includes provisions for an organized closure and reimbursement to clients of funds paid for services not yet rendered;
- 96.104 (l) ^M** It is making continual progress toward completing the process of obtaining full accreditation by the time its temporary accreditation expires; and
- 96.104 (m) ^C** It takes all necessary and appropriate measures to perform any tasks in a Convention adoption case that the Secretary identifies are required to comply with the Convention, the IAA, or any regulations implementing the IAA.

ETHICAL PRACTICES AND RESPONSIBILITIES

Section 96.36 Prohibition on Child Buying

- 96.36 (a)**^M The agency or person prohibits its employees and agents from giving money or other consideration, directly or indirectly, to a child's parent(s), other individual(s), or an entity as payment for the child or as an inducement to release the child. If permitted or required by the child's country of origin, an agency or person may remit reasonable payments for activities related to the adoption proceedings, pre-birth and birth medical costs, the care of the child, the care of the birth mother while pregnant and immediately following birth of the child, or the provision of child welfare and child protection services generally. Permitted or required contributions shall not be remitted as payment for the child or as an inducement to release the child.
- 96.36 (b)**^M The agency or person has written policies and procedures in place reflecting the prohibitions in paragraph (a) of this section and reinforces them in its employee training programs.

RESPONDING TO COMPLAINTS AND RECORDS AND REPORTS MANAGEMENT

Section 96.41 Procedures for Responding to Complaints and Improving Service Delivery

- 96.41 (a) ^C** The agency or person has written complaint policies and procedures that incorporate the standards in paragraphs (b) through (h) of this section and provides a copy of such policies and procedures, including contact information for the Complaint Registry, to client(s) at the time the adoption services contract is signed.
- 96.41 (b) ^C** The agency or person permits any birth parent, prospective adoptive parent or adoptive parent, or adoptee to lodge directly with the agency or person signed and dated complaints about any of the services or activities of the agency or person (including its use of supervised providers) that he or she believes raise an issue of compliance with the Convention, the IAA, or the regulations implementing the IAA, and advises such individuals of the additional procedures available to them if they are dissatisfied with the agency's or person's response to their complaint.
- 96.41 (c) ^C** The agency or person responds in writing to complaints received pursuant to paragraph (b) of this section within thirty days of receipt, and provides expedited review of such complaints that are time-sensitive or that involve allegations of fraud.
- 96.41 (d) ^F** The agency or person maintains a written record of each complaint received pursuant to paragraph (b) of this section and the steps taken to investigate and respond to it and makes this record available to the accrediting entity or the Secretary upon request.
- 96.41 (e) ^C** The agency or person does not take any action to discourage a client or prospective client from, or retaliate against a client or prospective client for: making a complaint; expressing a grievance; providing information in writing or interviews to an accrediting entity on the agency's or person's performance; or questioning the conduct of or expressing an opinion about the performance of an agency or person.
- 96.41 (f) ^C** The agency or person provides to the accrediting entity and the Secretary, on a semi-annual basis, a summary of all complaints received pursuant to paragraph (b) of this section during the preceding six months (including the number of complaints received and how each complaint was resolved) and an assessment of any discernible patterns in complaints received against the agency or person pursuant to paragraph (b) of this section, along with information about what systemic changes, if any, were made or are planned by the agency or person in response to such patterns.

- 96.41 (g)** ^C The agency or person provides any information about complaints received pursuant to paragraph (b) of this section as may be requested by the accrediting entity or the Secretary.
- 96.41 (h)** ^F The agency or person has a quality improvement program appropriate to its size and circumstances through which it makes systematic efforts to improve its adoption services as needed. The agency or person uses quality improvement methods such as reviewing complaint data, using client satisfaction surveys, or comparing the agency's or person's practices and performance against the data contained in the Secretary's annual reports to Congress on intercountry adoptions.

Section 96.42 Retention, Preservation, and Disclosure of Adoption Records

- 96.42 (a)** ^C The agency or person retains or archives adoption records in a safe, secure, and retrievable manner for the period of time required by applicable State law.
- 96.42 (b)** ^C The agency or person makes readily available to the adoptee and the adoptive parent(s) upon request all non-identifying information in its custody about the adoptee's health history or background.
- 96.42 (c)** ^C The agency or person ensures that personal data gathered or transmitted in connection with an adoption is used only for the purposes for which the information was gathered and safeguards sensitive individual information.
- 96.42 (d)** ^C The agency or person has a plan that is consistent with the provisions of this section, the plan required under Section 96.33, and applicable State law for transferring custody of adoption records that are subject to retention or archival requirements to an appropriate custodian, and ensuring the accessibility of those adoption records, in the event that the agency or person ceases to provide or is no longer permitted to provide adoption services under the Convention.
- 96.42 (e)** ^F The agency or person notifies the accrediting entity and the Secretary in writing within thirty days of the time it ceases to provide or is no longer permitted to provide adoption services and provides information about the transfer of its adoption records.

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- 96.43 (a)** ^C When acting as the primary provider, the agency or person maintains all the data required in this section in a format approved by the accrediting entity and provides it to the accrediting entity on an annual basis.
- 96.43 (b)** ^F When acting as the primary provider, the agency or person routinely generates and maintains reports as follows:
- (1) for cases involving children immigrating to the United States, information and reports on the total number of intercountry adoptions undertaken by the agency or person each year in both Convention and non-Convention cases and, for each case:
 - (i) the Convention country or other country from which the child emigrated;
 - (ii) the State to which the child immigrated;
 - (iii) the State, Convention country, or other country in which the adoption was finalized;
 - (iv) the age of the child; and
 - (v) the date of the child's placement for adoption.
 - (2) for cases involving children emigrating from the United States, information and reports on the total number of intercountry adoptions undertaken by the agency or person each year in both Convention and non-Convention cases and, for each case:
 - (i) the State from which the child emigrated;
 - (ii) the Convention country or other country to which the child immigrated;
 - (iii) the State, Convention country, or other country in which the adoption was finalized;
 - (iv) the age of the child; and
 - (v) the date of the child's placement for adoption.
 - (3) for each disrupted placement involving a Convention adoption, information and reports about the disruption, including information on:
 - (i) the Convention country from which the child emigrated;
 - (ii) the State to which the child immigrated;
 - (iii) the age of the child;
 - (iv) the date of the child's placement for adoption;
 - (v) the reason(s) for and resolution(s) of the disruption of the placement for adoption, including information on the child's re-placement for adoption and final legal adoption;
 - (vi) the names of the agencies or persons that handled the placement for adoption; and
 - (vii) the plans for the child.

- (4) wherever possible, for each dissolution of a Convention adoption, information and reports on the dissolution, including information on:
 - (i) the Convention country from which the child emigrated;
 - (ii) the State to which the child immigrated;
 - (iii) the age of the child;
 - (iv) the date of the child's placement for adoption;
 - (v) the reason(s) for and resolution(s) of the dissolution of the adoption, to the extent known by the agency or person;
 - (vi) the names of the agencies or persons that handled the placement for adoption; and
 - (vii) the plans for the child.
- (5) information on the shortest, longest, and average length of time it takes to complete a Convention adoption, set forth by the child's country of origin, calculated from the time the child is matched with the prospective adoptive parent(s) until the time the adoption is finalized by a court, excluding any period for appeal;
- (6) information on the range of adoption fees, including the lowest, highest, average, and the median of such fees, set forth by the child's country of origin, charged by the agency or person for Convention adoptions involving children immigrating to the United States in connection with their adoption.

96.43 (c) ^F If the agency or person provides adoption services in cases not subject to the Convention that involve a child emigrating from the United States for the purpose of adoption or after an adoption has been finalized, it provides such information as required by the Secretary directly to the Secretary and demonstrates to the accrediting entity that it has provided this information.

NA The agency or person does not provide any services in outgoing cases.

96.43 (d) ^F The agency or person provides any of the information described in paragraphs (a) through (c) of this section to the accrediting entity or the Secretary within thirty days of request.

SERVICE PLANNING AND DELIVERY

Section 96.44 Acting as Primary Provider

- 96.44 (a)** ^c When required by Section 96.14(a), the agency or person acts as primary provider and adheres to the provisions in Section 96.14(b) through (e). When acting as the primary provider, the agency or person develops and implements a service plan for providing all adoption services and provides all such services, either directly or through arrangements with supervised providers, exempted providers, public domestic authorities, competent authorities, Central Authorities, public foreign authorities, or, to the extent permitted by Section 96.14(c), other foreign providers (agencies, persons, or other non-governmental entities).
- 96.44 (b)** ^c The agency or person has an organizational structure, financial and personnel resources, and policies and procedures in place that demonstrate that the agency or person is capable of acting as a primary provider in any Convention adoption case and, when acting as the primary provider, provides appropriate supervision to supervised providers and verifies the work of other foreign providers in accordance with Section Section 96.45 and 96.46.

Section 96.45 Using Supervised Providers in the United States

- 96.45 (a)** ^c The agency or person, when acting as the primary provider and using supervised providers in the United States to provide adoption services, ensures that each such supervised provider:
- (1) is in compliance with applicable State licensing and regulatory requirements in all jurisdictions in which it provides adoption services;
 - (2) does not engage in practices inconsistent with the Convention's principles of furthering the best interests of the child and preventing the sale, abduction, exploitation, or trafficking of children; and
 - (3) before entering into an agreement with the primary provider for the provision of adoption services, discloses to the primary provider the suitability information listed in Section 96.35.
- 96.45 (b)** ^c The agency or person, when acting as the primary provider and using supervised providers in the United States to provide adoption services, ensures that each such supervised provider operates under a written agreement with the primary provider that:
- (1) identifies clearly the adoption service(s) to be provided by the supervised provider and requires that the service(s) be provided in accordance with the applicable service standard(s) for accreditation

and approval (for example: home study (Section 96.47); parent training (Section 96.48); child background studies and consent (Section 96.53));

- (2) requires the supervised provider to comply with the following standards regardless of the type of adoption services it is providing: Section 96.36 (prohibition on child-buying), Section 96.34 (compensation), Section 96.38 (employee training), Section 96.39(d) (waivers of liability), and Section 96.41(b) through (e) (complaints);
- (3) identifies specifically the lines of authority between the primary provider and the supervised provider, the employee of the primary provider who will be responsible for supervision, and the employee of the supervised provider who will be responsible for ensuring compliance with the written agreement;
- (4) states clearly the compensation arrangement for the services to be provided and the fees and expenses to be charged by the supervised provider;
- (5) specifies whether the supervised provider's fees and expenses will be billed to and paid by the client(s) directly or billed to the client through the primary provider;
- (6) provides that, if billing the client(s) directly for its service, the supervised provider will give the client(s) an itemized bill of all fees and expenses to be paid, with a written explanation of how and when such fees and expenses will be refunded if the service is not completed, and will return any funds collected to which the client(s) may be entitled within sixty days of the completion of the delivery of services;
- (7) requires the supervised provider to meet the same personnel qualifications as accredited agencies and approved persons, as provided for in Section 96.37, except that, for purposes of Section 96.37(e)(3), (f)(3), and (g)(2), the work of the employee must be supervised by an employee of an accredited agency or approved person;
- (8) requires the supervised provider to limit the use of and safeguard personal data gathered or transmitted in connection with an adoption, as provided for in Section 96.42;
- (9) requires the supervised provider to respond within a reasonable period of time to any request for information from the primary provider, the Secretary, or the accrediting entity that issued the primary provider's accreditation or approval;
- (10) requires the supervised provider to provide the primary provider on a timely basis any data that is necessary to comply with the primary provider's reporting requirements;
- (11) requires the supervised provider to disclose promptly to the primary provider any changes in the suitability information required by Section 96.35;

- (12) permits suspension or termination of the agreement on reasonable notice if the primary provider has grounds to believe that the supervised provider is not in compliance with the agreement or the requirements of this section.

Section 96.46 Using Providers in Convention Countries

- 96.46 (a)**^F The agency or person, when acting as the primary provider and using foreign supervised providers to provide adoption services in Convention countries, ensures that each such foreign supervised provider:
- (1) is in compliance with the laws of the Convention country in which it operates;
 - (2) does not engage in practices inconsistent with the Convention's principles of furthering the best interests of the child and preventing the sale, abduction, exploitation, or trafficking of children;
 - (3) before entering into an agreement with the primary provider for the provision of adoption services, discloses to the primary provider the suitability information listed in Section 96.35, taking into account the authorities in the Convention country that are analogous to the authorities identified in that section;
 - (4) does not have a pattern of licensing suspensions or other sanctions and has not lost the right to provide adoption services in any jurisdiction for reasons germane to the Convention; and
 - (5) is accredited in the Convention country in which it operates, if such accreditation is required by the laws of that Convention country to perform the adoption services it is providing.
- 96.46 (b)**^F The agency or person, when acting as the primary provider and using foreign supervised providers to provide adoption services in Convention countries, ensures that each such foreign supervised provider operates under a written agreement with the primary provider that:
- (1) identifies clearly the adoption service(s) to be provided by the foreign supervised provider;
 - (2) requires the foreign supervised provider, if responsible for obtaining medical or social information on the child, to comply with the standards in Section 96.49(d) through (j);
 - (3) requires the foreign supervised provider to adhere to the standard in Section 96.36(a) prohibiting child buying; and has written policies and procedures in place reflecting the prohibitions in Section 96.36(a) and reinforces them in training programs for its employees and agents;
 - (4) requires the foreign supervised provider to compensate its directors, officers, and employees who provide intercountry

- adoption services on a fee-for-service, hourly wage, or salary basis, rather than based on whether a child is placed for adoption, located for an adoptive placement, or on a similar contingent fee basis;
- (5) identifies specifically the lines of authority between the primary provider and the foreign supervised provider, the employee of the primary provider who will be responsible for supervision, and the employee of the supervised provider who will be responsible for ensuring compliance with the written agreement;
 - (6) states clearly the compensation arrangement for the services to be provided and the fees and expenses to be charged by the foreign supervised provider;
 - (7) specifies whether the foreign supervised provider's fees and expenses will be billed to and paid by the client(s) directly or billed to the client through the primary provider;
 - (8) provides that, if billing the client(s) directly for its service, the foreign supervised provider will give the client(s) an itemized bill of all fees and expenses to be paid, with a written explanation of how and when such fees and expenses will be refunded if the service is not completed, and will return any funds collected to which the client(s) may be entitled within sixty days of the completion of the delivery of services;
 - (9) requires the foreign supervised provider to respond within a reasonable period of time to any request for information from the primary provider, the Secretary, or the accrediting entity that issued the primary provider's accreditation or approval;
 - (10) requires the foreign supervised provider to provide the primary provider on a timely basis any data that is necessary to comply with the primary provider's reporting requirements;
 - (11) requires the foreign supervised provider to disclose promptly to the primary provider any changes in the suitability information required by Section 96.35; and
 - (12) permits suspension or termination of the agreement on reasonable notice if the primary provider has grounds to believe that the foreign supervised provider is not in compliance with the agreement or the requirements of this section.

96.46 (c)^F The agency or person, when acting as the primary provider and, in accordance with Section 96.14, using foreign providers that are not under its supervision, verifies, through review of the relevant documentation and other appropriate steps, that:

- (1) any necessary consent to termination of parental rights or to adoption obtained by the foreign provider was obtained in accordance with applicable foreign law and Article 4 of the Convention;
- (2) any background study and report on a child in a case involving immigration to the United States (an incoming case) performed by

- the foreign provider was performed in accordance with applicable foreign law and Article 16 of the Convention; and
- (3) any home study and report on prospective adoptive parent(s) in a case involving emigration from the United States (an outgoing case) performed by the foreign provider was performed in accordance with applicable foreign law and Article 15 of the Convention.

**STANDARDS FOR CASES IN WHICH A CHILD IS IMMIGRATING
TO THE UNITED STATES (INCOMING CASES)**

Section 96.47 Preparation of Home Studies in Incoming Cases

NA The agency or person does not provide adoption services in any incoming cases.

96.47 (a) ^c The agency or person ensures that a home study on the prospective adoptive parent(s) (which for purposes of this section includes the initial report and any supplemental statement submitted to DHS) is completed that includes the following:

- (1) information about the prospective adoptive parent(s)' identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, and the characteristics of the children for whom the prospective adoptive parent(s) would be qualified to care (specifying in particular whether they are willing and able to care for a child with special needs);
- (2) a determination whether the prospective adoptive parent(s) are eligible and suited to adopt;
- (3) a statement describing the counseling and training provided to the prospective adoptive parent(s);
- (4) the results of a criminal background check on the prospective adoptive parent(s) and any other individual for whom a check is required by 8 CFR 204.3(e);
- (5) a full and complete statement of all facts relevant to the eligibility and suitability of the prospective adoptive parent(s) to adopt a child under any specific requirements identified to the Secretary by the Central Authority of the child's country of origin; and
- (6) a statement in each copy of the home study that it is a true and accurate copy of the home study that was provided to the prospective adoptive parent(s) or DHS.

96.47 (b) ^c The agency or person ensures that the home study is performed in accordance with 8 CFR 204.3(e), and any applicable State law.

96.47 (c) ^c Where the home study is not performed in the first instance by an accredited agency or temporarily accredited agency, the agency or person ensures that the home study is reviewed and approved in writing by an accredited agency or temporarily accredited agency. The written approval must include a determination that the home study:

- (1) includes all of the information required by paragraph (a) of this section and is performed in accordance with 8 CFR 204.3(e), and applicable State law; and
- (2) was performed by an individual who meets the requirements in Section 96.37(f), or, if the individual is an exempted provider,

ensures that the individual meets the requirements for home study providers established by 8 CFR 204.3(b).

96.47 (d)^F The agency or person takes all appropriate measures to ensure the timely transmission of the same home study that was provided to the prospective adoptive parent(s) or to DHS to the Central Authority of the child's country of origin (or to an alternative authority designated by that Central Authority).

Section 96.52 Performance of Convention Communication and Coordination Functions in Incoming Cases

NA The agency or person does not provide adoption services in any incoming cases.

96.52 (a)^F The agency or person keeps the Central Authority of the Convention country and the Secretary informed as necessary about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

96.52 (b)^C The agency or person takes all appropriate measures, consistent with the procedures of the U.S. Central Authority and of the Convention country, to:

- (1) transmit on a timely basis the home study to the Central Authority or other competent authority of the child's country of origin;
- (2) obtain the child background study, proof that the necessary consents to the child's adoption have been obtained, and the necessary determination that the prospective placement is in the child's best interests, from the Central Authority or other competent authority in the child's country of origin;
- (3) provide confirmation that the prospective adoptive parent(s) agree to the adoption to the Central Authority or other competent authority in the child's country of origin; and
- (4) transmit the determination that the child is or will be authorized to enter and reside permanently in the United States to the Central Authority or other competent authority in the child's country of origin.

96.52 (c)^C The agency or person takes all necessary and appropriate measures, consistent with the procedures of the Convention country, to obtain permission for the child to leave his or her country of origin and to enter and reside permanently in the United States.

96.52 (d)^F Where the transfer of the child does not take place, the agency or person returns the home study on the prospective adoptive parent(s) and/or the child background study to the authorities that forwarded them.

96.52 (e) ^C The agency or person takes all necessary and appropriate measures to perform any tasks in a Convention adoption case that the Secretary identifies are required to comply with the Convention, the IAA, or any regulations implementing the IAA.

**STANDARDS FOR CASES IN WHICH A CHILD IS EMIGRATING
FROM THE UNITED STATES (OUTGOING CASES)**

Section 96.53 Background Studies on the Child and Consents in Outgoing Cases

NA The agency or person does not provide adoption services in any outgoing cases.

- 96.53 (a) ^C** The agency or person takes all appropriate measures to ensure that a child background study is performed that includes information about the child's identity, adoptability, background, social environment, family history, medical history (including that of the child's family), and any special needs of the child. The child background study must include the following:
- (1) information that demonstrates that consents were obtained in accordance with paragraph (c) of this section;
 - (2) information that demonstrates consideration of the child's wishes and opinions in accordance with paragraph (d) of this section and;
 - (3) information that confirms that the child background study was prepared either by an exempted provider or by an individual who meets the requirements set forth in Section 96.37(g).
- 96.53 (b) ^C** Where the child background study is not prepared in the first instance by an accredited agency or temporarily accredited agency, the agency or person ensures that the child background study is reviewed and approved in writing by an accredited agency or temporarily accredited agency. The written approval must include a determination that the background study includes all the information required by paragraph (a) of this section.
- 96.53 (c) ^C** The agency or person takes all appropriate measures to ensure that consents have been obtained as follows:
- (1) the persons, institutions, and authorities whose consent is necessary for adoption have been counseled as necessary and duly informed of the effects of their consent, in particular, whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin;
 - (2) all such persons, institutions, and authorities have given their consents;
 - (3) the consents have been expressed or evidenced in writing in the required legal form, have been given freely, were not induced by payments or compensation of any kind, and have not been withdrawn;
 - (4) the consent of the mother, where required, was executed after the birth of the child;
 - (5) the child, as appropriate in light of his or her age and maturity, has been counseled and duly informed of the effects of the adoption and of his or her consent to the adoption; and

- (6) the child's consent, where required, has been given freely, in the required legal form, and expressed or evidenced in writing and not induced by payment or compensation of any kind.

96.53 (d) ^C If the child is twelve years of age or older, or as otherwise provided by State law, the agency or person gives due consideration to the child's wishes or opinions before determining that an intercountry placement is in the child's best interests.

96.53 (e) ^C The agency or person prior to the child's adoption takes all appropriate measures to transmit to the Central Authority or other competent authority or accredited bodies of the Convention country the child background study, proof that the necessary consents have been obtained, and the reasons for its determination that the placement is in the child's best interests. In doing so, the agency or person, as required by Article 16(2) of the Convention, does not reveal the identity of the mother or the father if these identities may not be disclosed under State law.

Section 96.55 Performance of Convention Communication and Coordination Functions in Outgoing Cases

NA The agency or person does not provide adoption services in any outgoing cases.

96.55 (a) ^F The agency or person keeps the Central Authority of the Convention country and the Secretary informed as necessary about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

96.55 (b) ^C The agency or person ensures that:

- (1) copies of all documents from the State court proceedings, including the order granting the adoption or legal custody, are provided to the Secretary;
- (2) any additional information on the adoption is transmitted to the Secretary promptly upon request; and
- (3) it otherwise facilitates, as requested, the Secretary's ability to provide the certification that the child has been adopted or that custody has been granted for the purpose of adoption, in accordance with the Convention and the IAA.

96.55 (c) ^F Where the transfer of the child does not take place, the agency or person returns the home study on the prospective adoptive parent(s) and/or the child background study to the authorities that forwarded them.

96.55 (d) ^C The agency or person provides to the State court with jurisdiction over the adoption:

- (1) proof that consents have been given as required in Section 96.53(c);

- (2) an English copy or certified English translation of the home study on the prospective adoptive parent(s) in the Convention country, and the determination by the agency or person that the placement with the prospective adoptive parent(s) is in the child's best interests;
- (3) evidence that the prospective adoptive parent(s) in the Convention country agree to the adoption;
- (4) evidence that the child will be authorized to enter and reside permanently in the Convention country or on the same basis as that of the prospective adoptive parent(s); and
- (5) evidence that the Central Authority of the Convention country has agreed to the adoption, if such consent is necessary under its laws for the adoption to become final.

96.55 (e) ^c The agency or person makes the showing required by Section 96.54 (b) to the State court with jurisdiction over the adoption.

96.55 (f) ^c The agency or person takes all necessary and appropriate measures to perform any tasks in a Convention adoption case that the Secretary identifies are required to comply with the Convention, the IAA, or any regulations implementing the IAA.