



HAGUE ACCREDITATION AND APPROVAL

POLICIES

&

PROCEDURES

MANUAL

This document provides a general overview of key elements of 22 CFR Part 96, the regulation governing the accreditation and approval of intercountry adoption service providers under the Intercountry Adoption Act of 2000. It is not a substitute for the actual regulation, nor is it a comprehensive summary of the regulation. In the case of any inconsistencies between this document and the regulation itself, the language of the regulation governs.

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Introduction to COA Hague Accreditation, Temporary Accreditation¹, and Approval

For more than twenty (20) years, COA has been at the forefront of working with intercountry adoption service providers to ensure that the needs and rights of children, biological families, and adoptive families are met. COA is especially proud to have been designated by the Department of State as the sole national accrediting entity under the Intercountry Adoption Act of 2000 (IAA). COA, as an approved accrediting entity, must perform all of its responsibilities in accordance with the Convention, the IAA, the regulations implementing the IAA, and its agreement with the U.S. Department of State.

The terms “agency” and “person” as used in this document are defined in and governed by 22 CFR 96.2. For the reader’s convenience, the term “adoption service provider” is used throughout this document and may be either an agency or a person. An agency means a private, nonprofit organization licensed to provide adoption services in at least one State. A person means an individual or a private, for-profit entity that may be organized as a corporation, company, association, firm, partnership, society, or joint stock company; or other legal entity under the laws of any state.

A. Overview of Hague Accreditation and Approval Policies and Procedures

This document provides a general overview of key elements of 22 CFR Part 96, the regulation governing the accreditation and approval of adoption service providers under the Intercountry Adoption Act of 2000. **It is not a substitute for the actual regulation, nor is it a comprehensive summary of the regulation. In the case of any inconsistencies between this document and the regulation itself, the language of the regulation governs.**

This document sets forth the accreditation and approval policies and procedures of COA’s Hague accreditation/approval process. It covers:

- Accepting applicants for accreditation or approval.
- Facilitating the accreditation or approval review process.
- Assessing the adoption service provider’s substantial compliance with the standards for accreditation, temporary accreditation, or approval, as applicable, in 22 CFR part 96 (the “Hague Standards”), in accordance with the substantial compliance system.
- Reaching initial accreditation, temporary accreditation, and approval decisions.
- <Reserved 7>

An addendum to this manual addresses timeline issues related exclusively to the accreditation or approval of adoption service providers that applied by the November 17, 2006 Transitional Application Deadline (TAD). See section §XVII for addendum.

¹ “Temporary Accreditation” as referred to this manual is available only to applicants that applied by the TAD and that have a 501 (c)(3) designation or non-profit status under the law of any state and performed 100 adoptions or less in the year preceding their application.



B. Elements of the Hague Accreditation, Temporary Accreditation and Approval Process

COA's policies and procedures encompass the following elements:

- Standards set forth in 22 CFR Part 96 regulations.
- A self-study process that actively engages the adoption service provider and provides a first opportunity for correction of deficiencies.
- Trained, independent evaluators that evaluate adoption service providers' compliance with the Hague standards during a site visit.
- A trained Commission that assesses substantial compliance with applicable Hague standards, in accordance with the substantial compliance system, and reaches accreditation, temporary accreditation, or approval decisions.
- An objective decision-making process that is free from conflict of interest.
- A decision-making process that allows applicants to respond to ratings and reports by providing evidence that non-compliance with the Hague standards has been corrected.
- An internal review process for certain actions.
- Disclosure of information to the public on accreditations, temporary accreditations, and approvals.
- <Reserved 8 >

C. Self-Study Process

A key component to becoming accredited, temporarily accredited, or approved is for the adoption service provider to undertake a formal self-study. The *Guide to Hague Accreditation and Approval* contains a formatted version of the Hague standards and information about pre-site and on-site evidence, as well as on-site activities required by COA. Adoption service providers use the *Guide to Hague Accreditation and Approval* throughout the self-study period as they prepare required materials for the review process. See §VI *Self-Study* and §VII *Site Visit* for more information.

D. Accreditation/Approval and Regulation

COA has been designated by the U.S. Department of State to accredit/approve those adoption service providers that are in or show capacity to be in substantial compliance with applicable Hague standards. The memoranda of agreement between COA and the U.S. Department of State authorizes how COA will carry out its functions and responsibilities as an accrediting entity.

Hague accreditation or approval signifies that an adoption service provider has demonstrated substantial compliance with applicable Hague standards through a process that includes a rigorous review by competent evaluators who determine, on a standard-by-standard basis, whether an adoption service provider is in substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

E. Customer Service

COA strives to provide an accreditation or approval process that is a facilitative and collegial experience for adoption service providers and those they serve. COA is



committed to providing an accreditation or approval review process that is objective, comprehensive, and fair, in accordance with the Intercountry Adoption Act and its implementing regulations.

COA is available at each step of the process to answer questions, to clarify standards, and to facilitate each adoption service provider's accreditation/approval process. COA provides ongoing assistance and problem solving to adoption service providers who have applied for accreditation, temporary accreditation, or approval, during the accreditation/ approval process and following accreditation, temporary accreditation, or approval.

COA encourages adoption service providers to communicate with appropriate COA representatives and make them aware of any concerns as they arise. If, for any reason, an adoption service provider is dissatisfied with a response or solution offered by a COA representative, COA encourages the adoption service provider to contact the representative's supervisor or COA's Director of Quality Services Management. COA's President/CEO is always available to discuss any concern.

1. COA's Receipt and Review of Complaints against Itself

COA manages and responds to complaints it receives about its own actions/ performance as an accrediting entity for Hague accreditation and approval. Complaints to COA may be submitted by email, mail, fax, or telephone. If the complaint is initially submitted via telephone, COA will request the complaint in writing. All written complaints from adoption service providers or any complaining party are acted upon and responded to in a timely manner by COA. COA's procedures for receiving and responding to written complaints and the multiple media through which complaints can be made are available on COA's website, www.coanet.org.

All complaining parties deserve conscientious respect. COA takes reasonable steps to verify the information in the complaint, to take appropriate action, as applicable, and to prepare a prompt, appropriate response.

Telephone complaints should be made to the Director of Quality Services Management at 1.866.262.8088 ext. 241. Written complaints should be addressed to COA, 120 Wall Street, 11th Floor, New York, NY 10005, ATTENTION: QSM.

2. Complaints against Evaluators/Site Visit Concerns

a. Bringing Forth Evaluator Complaints/Site Visit Concerns

COA encourages an adoption service provider or other complaining party to bring any complaints or concerns about an evaluator or site visit experience to COA's attention for resolution. The complaining party may bring an evaluator/site visit complaint or concern to the attention of COA as discussed in the following paragraphs.

b. Initiation of Evaluator Complaints/Time Constraints



An adoption service provider, during or after the site visit, may initiate a complaint against an evaluator(s) due to an occurrence/incident, including evaluator(s) conduct during the site visit process, by first notifying COA verbally of the complaint/concern. All complaints by telephone or e-mail should be directed to the Director of Volunteer Services. If the complaint is initially submitted by the methods above, COA will request the complaint in writing.

A written complaint must:

- Describe clearly the evaluator(s) action(s) that are in question.
- Be signed by the complaining party (individual adoption service provider or the chief executive officer or chief administrator of an agency).
- Be received by COA within ten (10) business days after completion of the site visit.
- Be addressed to the attention of COA's Director of Volunteer Services.

COA does not consider an evaluator complaint as having been filed until the complaining party complies with all of the above requirements.

COA acknowledges the receipt of an evaluator complaint in writing after the adoption service provider complies with all filing requirements.

c. Requirement of Cooperation

COA expects the complaining party to cooperate with its evaluator complaint procedures (e.g., by responding to any requests). An adoption service provider's failure to cooperate with the established process is grounds for COA dismissing the evaluator complaint.

d. Notification of Evaluator/Opportunity to Respond

COA notifies the evaluator of a received complaint in writing by a form of transmission by which COA can demonstrate receipt by the addressee (e.g., certified mail or any other trackable delivery system). COA provides the evaluator with the opportunity to respond to the evaluator complaint within a specific period of time that is determined by COA

e. Complaint Review

COA, upon receipt of a complaint, reviews the complaint and contacts the complaining party with any preliminary questions. An evaluator complaint is reviewed by COA in a timely manner. The Director of Volunteer Services reviews all information provided regarding the complaint including, but not limited to, the complaint, supporting material(s), if provided, and the evaluator(s) response.

f. Possible Decisions/Additional Site Visits



COA either substantiates or does not substantiate a complaint against an evaluator. When COA does not substantiate a complaint against an evaluator, COA proceeds with the accreditation, temporary accreditation, or approval process.

When COA substantiates an evaluator complaint, COA determines whether the actions of the evaluator(s) require the need for an additional site visit. The adoption service provider is not charged a fee for any site visit necessitated by evaluator conduct but must cooperate with COA in connection with facilitating an additional site visit. When COA substantiates an evaluator complaint, COA must set forth as part of the written response to the complaining party the impact of the substantiated evaluator complaint, including whether evaluator actions require the need for an additional site visit.

COA notifies the complaining party and evaluator(s) of its decision in writing. Complaint decisions by COA are final and not subject to additional review.

F. Publications

The *Guide to Hague Accreditation and Approval* is available on CD-ROM. COA, as required by the Intercountry Adoption Act of 2000 (IAA) uses the procedures and standards contained in the regulations at 22 CFR Part 96 in accrediting and approving adoption service providers. Adoption service providers may consult the U.S Department of State's website, www.travel.state.gov, and *Federal Register* for information on the standards governing Hague accreditation and approval.

G. Updates and Clarifications to Policies, Procedures, Guide to Hague Accreditation and Approval, and Hague Standards

Periodically, COA updates or issues clarifications to its policies and procedures governing the accreditation, temporary accreditation, or approval process. Substantial revisions to COA's policies and procedures will be issued with an effective date. Adoption service providers are expected to regularly review clarifications and changes to the policies and procedures document on COA's website, www.coanet.org. Changes to the policies and procedures and to the *Guide to Hague Accreditation and Approval* are effective at the time of their posting.



I: Provision of Required Information by Adoption Service Providers to COA

Hague accreditation, temporary accreditation, or approval by COA is available to adoption service providers regardless of their size, structure, or revenue, as long as the adoption service provider complies with the process set forth in written COA procedures and understands that application acceptance does not guarantee accreditation, temporary accreditation, or approval.

Once the Convention has entered into force for the United States, an adoption service provider may not offer, or provide, or facilitate the provision of any adoption services in the United States in connection with a Convention adoption unless it is an accredited agency, a temporarily accredited agency, an approved person, a supervised provider, or an exempt provider (see 22 CFR 96.12). Civil and/or criminal penalties may apply in accordance with section 404 of the IAA.

A. Maintenance of Required Licenses/Notification of Action Against

An adoption service provider must be properly licensed or otherwise authorized by state law to provide adoption services in at least one state and must maintain all required licenses (see 22 CFR 96.30). At the time of applying for accreditation or approval, the adoption service provider will provide to COA copies of its licenses or other authorizations and any other necessary information on the status of its licenses or authorizations.

An adoption service provider must inform COA of the following changes to its license status:

- Loss of license
- License restrictions (e.g., provisional or probationary status)
- On-going regulatory investigations or reviews
- On-going corrective or other responsive action to current license restrictions.

COA requires each adoption service provider throughout the accreditation or approval process and during its accreditation cycle to disclose any loss of a license or authorization, or any other change in the condition of a license or authorization, e.g., provisional license, probationary status, or other compromised status imposed by licensing/regulatory authorities (see 22 CFR 96.25, 96.30, 96.35(b), 96.96(a)(13)).

An adoption service provider must notify COA in writing within ten (10) business days of any license loss or revocation and twenty (20) business days of any other adverse action taken by a licensing or other authority against an adoption service provider's license or authorization, sending the notification to the Director of Quality Services Management.



An adoption service provider may be required to make information about its current license or authorization, any adverse action(s) against its license or authorization, and any evaluation reports issued by the licensing authority available at the time of the site visit for review by the evaluation team.

COA has the discretion to request additional documents or information from the adoption service provider at any time. If an adoption service provider fails to provide requested documents or information, or to make employees available as requested, COA may deny accreditation or approval, or in the cases of an accredited agency, temporarily accredited agency, or approved person, take appropriate adverse action against the agency or person solely on that basis (22 CFR 96.25(c)).

B. Additional Notifications

COA requires each adoption service provider throughout the accreditation or approval process and during its accreditation cycle to inform COA of the loss of the right to provide services, debarment, pending investigations, or criminal charges, and/or disclose any changes in information (see 22 CFR 96.35).

C. Burden of Demonstrating Substantial Compliance

The burden of demonstrating substantial compliance is on the applicant for accreditation, temporary accreditation, or approval. COA cannot determine in advance of the accreditation, temporary accreditation or approval process whether or not a particular applicant will be able to demonstrate substantial compliance with applicable standards, in accordance with the substantial compliance system. It is the responsibility of each individual applicant to determine if it can substantially comply with applicable standards, in accordance with the substantial compliance system, before signing an accreditation, temporary accreditation, or approval agreement and submitting the fee to pursue accreditation, temporary accreditation, or approval.

COA may cease any accreditation or approval process at any time.

It is the responsibility of the adoption service provider to meet all requirements for accreditation, temporary accreditation, or approval.



II: Application

Application instructions and procedures are available on COA's website for any adoption service provider considering accreditation or approval. First-time applicants may submit an application at any time. COA provides a timely evaluation and response to all submitted applications. COA has established and follows uniform application procedures for adoption service providers seeking accreditation, temporary accreditation, or approval (see 22 CFR 96.18).

A. Corporate Structure

Adoption service providers seeking accreditation or approval may be either an agency or person (see 22 CFR 96.31). An agency must qualify for non-profit tax treatment under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or for non-profit status under the laws of any state. A person is an individual or for-profit entity organized as a corporation, company, association, firm, partnership, society, or joint stock company; or other legal entity under the laws of any State.

B. Obtaining an Application

An adoption service provider interested in applying for accreditation or approval for the first time should request an application from COA's Client Relations Department. Applications are routinely included in COA's information packets, which are available at workshops, conferences, by mail, by e-mail, or on COA's website at www.coanet.org.

<Reserved 9.1>

C. Application Requirements

An adoption service provider submits the following with its completed application:

- An application fee (*nonrefundable*)
- Brochures and/or promotional materials
- A current organizational chart (*organizations only*)
- Most recent income tax return (i.e., form 990, if applicable)
- Articles of incorporation (*organizations only*)
- Copies of all applicable licenses
- Collaborative Relationships Profile

See §I Accreditation or Approval, regarding licensing requirements and §V Accreditation or Approval Plan and Scope of Review.

D. Application Receipt and Processing

Upon receipt of a completed application and the application fee, COA calculates the accreditation or approval fee. The application requires the signature of the individual



adoption service provider or the adoption service provider's president/chief executive officer/chief administrator. COA confirms receipt and processing of an application by sending the adoption service provider a welcome letter, Hague Accreditation or Approval Agreement, and payment form.

E. Correlation Between Application Receipt and Eligibility for Accreditation or Approval

Receipt of a completed application is no guarantee that the adoption service provider can substantially comply with applicable Hague standards in accordance with the substantial compliance system, or that the adoption service provider will be accredited, temporarily accredited, or approved by COA. Adoption service providers should consult Subpart C of 22 CFR Part 96 to determine themselves if they *must* be accredited, temporarily accredited, or approved to provide adoption services. Criminal and civil penalties may apply to those adoption service providers who provide adoption services without being accredited, temporarily accredited, or approved.

F. Holding an Adoption Service Provider Out as Accredited or Approved

An adoption service provider who is an applicant may not identify itself as accredited, temporarily accredited, or approved prior to formal notification of COA's accreditation or approval decision (see 22 CFR 96.58).

G. Disclosure of Applicant Status

COA discloses the names of adoption service providers that have applied for COA accreditation or approval in accordance with COA's disclosure policy and procedure. See §XVI *Confidentiality and Disclosure of Information* for additional information about COA's public disclosure (see also 22 CFR 96.91) and confidentiality practices.

H. Application for Reaccreditation or Reapproval

<Reserved 9.2>



III: Accreditation, Temporary Accreditation, and Approval Fees

The accreditation, temporary accreditation, or approval fee schedule details the exact amounts for each fee charged by COA for becoming and maintaining accreditation, temporary accreditation, or approval. The accreditation or approval fee is calculated using budgeted revenue information for an agency or individual's Hague intercountry adoption program, which is submitted by the adoption service provider. COA's fee schedule is governed by 22 CFR.96.8 and approved by the U.S. Department of State.

Adoption service providers should consult COA's website at www.coanet.org for the Fee Schedule for Hague Accreditation and Approval.



IV: Accreditation, Temporary Accreditation, or Approval Agreement

The Hague Accreditation, Temporary Accreditation, or Approval Agreement, which must be signed by the adoption service provider and COA, stipulates the accreditation, temporary accreditation, or approval fee an adoption service provider agrees to pay to undergo COA's accreditation, temporary accreditation, or approval process, and establishes the additional enforceable terms for these processes. In all cases, the provisions of 22 CFR Part 96 governs.

A. Accreditation, Temporary Accreditation, or Approval Agreement

The accreditation, temporary accreditation, or approval agreement sets forth the accreditation, temporary accreditation, or approval fee and other related expenses an adoption service provider agrees to pay to undergo these processes and describes the understanding reached between an adoption service provider and COA related to the scope of the adoption service provider's accreditation, temporary accreditation, or approval.

The accreditation, temporary accreditation, or approval agreement requires the signature of COA's President/CEO, or his/her designee, and the individual adoption service provider or the adoption service provider's chief executive officer or chief administrator. It is a binding legal document. See *§III Accreditation, Temporary Accreditation, or Approval Fees* regarding the accreditation, temporary accreditation, or approval fees.

B. Additional Contracts

The use of a contract in addition to or in lieu of the accreditation or approval agreement requires the review and approval of COA's President/CEO, or his/her designee.

C. Disclosure of Information

Section 96.20 of 22 CFR governs the disclosure of information. The accreditation, temporary accreditation, or approval agreement, or a separate written disclosure of information form signed by the adoption service provider, may set forth any additional, specific arrangements for the disclosure of information to, among others, regulatory entities and others. Such agreements must be consistent with 22 CFR Part 96. See also *§XVI Confidentiality and Disclosure of Information*.



V: Accreditation or Approval Plan

COA reviews all adoption services provided by an adoption service provider, either directly or through arrangements with other providers.

A. Accreditation, Temporary Accreditation, or Approval Plan Development

COA expects the adoption service provider to cooperate with completing all required COA assessment forms that support the development of an individualized and complete accreditation or approval plan. During an adoption service provider's intake, COA's staff assesses the adoption service provider and develops an accreditation or approval plan, including a timetable for the accreditation or approval process. If the adoption service provider has a conflict with the site visit date or cannot adhere to the timetable, the adoption service provider must immediately contact its Accreditation Coordinator.

The adoption service provider is also assessed during intake to determine if it provides adoption services in connection with incoming cases and/or outgoing cases for inclusion in its accreditation or approval review. COA utilizes an adoption service provider's brochures and other materials submitted at application, written service descriptions completed by the adoption service provider, and discussions with the adoption service provider to determine whether the adoption service provider provides adoption services in connection with outgoing cases, incoming cases, or both. If COA and the adoption service provider are unable to agree on the scope of the review, the final decision rests with COA.

An adoption service provider must include a certification in its self-study regarding the services provided and must promptly notify its Accreditation Coordinator in writing of any additional Convention adoption services it initiates or discontinues in order to allow COA to include the additional services as part of the ongoing review process or otherwise amend the scope of the review, if appropriate.



VI: Self-Study

The purpose of the self-study is to provide an opportunity for an adoption service provider to strengthen its capacity and adopt best practices that will reflect the requirements of the Convention, the IAA, and the regulations implementing the IAA. The self-study establishes the framework for a fair and comprehensive accreditation, temporary accreditation, or approval process. It serves as a systematic way of examining and evaluating the adoption services provider's substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

A. The Function of the Self-Study

COA views the accreditation or approval process as an opportunity for an adoption service provider to strengthen its capacity and to employ a performance/quality improvement process. The self-study is a key component of COA's Hague accreditation or approval process and provides the first opportunity for an adoption service provider to demonstrate its substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

The self-study process engages an adoption service provider in self-assessment and acts as a guide to improving service delivery. The self-study process requires the participation and involvement, as applicable, of the adoption service provider's staff, governance/ advisory councils, and consumers.

The self-study also serves as the framework for the site visit. An evaluation team reviews an adoption service provider's self-study information prior to coming on site. The self-study serves as a guide and a first source of evidence for the evaluation team to determine the adoption service provider's substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

B. Completion of the Self-Study/Duty to Provide

COA's Accreditation Coordinator provides the adoption service provider with a timetable for completing the accreditation or approval process. This timetable sets forth the date by which the self-study materials are due. An adoption service provider's failure to meet the established timeline can result in a delay of the accreditation, temporary accreditation, or approval process by COA.

An adoption service provider must generally provide its completed self-study to COA no later than six (6) weeks prior to its scheduled site visit. This allows the evaluation team adequate time to review the material before the site visit. The adoption service provider must also retain a copy of its self-study and make it available to the evaluators during the site visit.

C. COA Retention of the Completed Self-Study

COA retains an adoption service provider's completed self-study material only for the



duration of the decision-making process.



VII: Site Visit

A site visit follows the self-study and allows for additional verification of the adoption service provider's eligibility for accreditation, temporary accreditation, or approval and its level of compliance with applicable Hague standards (see Subpart F 22 CFR Part 96). The site visit allows for verification of the information provided through direct review of the adoption service provider's written application and supporting information.

Verification methods may include, but are not limited to, the review of on-site documents, observation of services, and interviews with personnel, consumers, and any other individuals knowledgeable about the adoption service provider's provision of service (i.e., leadership, governance/advisory body or council, and other internal or external stakeholders as applicable). Consumers may include birth parents, adoptive parent(s), prospective adoptive parent(s), and adult adoptee(s) served by the adoption service provider (see 22 CFR 96.24).

A group of two or more evaluators who meet pre-determined, written qualification requirements conduct a site visit. A site visit is conducted pursuant to protocols that include a code of permissible and prohibited conduct for both the adoption service provider and the evaluators. COA provides adoption service providers the opportunity to raise legitimate concerns about the performance of evaluators.

The findings from the evaluators' review of an adoption service provider are included in a Pre-Commission Report that is prepared by COA following the site visit. COA offers the adoption service provider an opportunity to respond to non-compliant ratings set forth in the Pre-Commission Report by providing additional information or demonstrating, to the satisfaction of COA, correction of deficiencies and substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

A. The Evaluation Team

1. Evaluators

a. Qualifications

COA's evaluators meet qualifications pursuant to 22 CFR 96.24(a). The evaluators are trained COA volunteers who review an adoption service provider's level of compliance with applicable Hague standards based upon the adoption service provider's self-study document and site visit. COA's evaluators are experienced professionals who have been trained in the Hague accreditation or approval process, the Hague standards, and the substantial compliance system.

b. Training

Evaluators undergo basic and specialized training in accordance with COA's requirements. Completing the training is a prerequisite for serving as an evaluator. Evaluators that do not conduct a site visit for within a two-year period of time must reapply with COA and, if approved, attend training again in order to conduct future site visits.



COA trains evaluators to determine the level of the adoption service provider's compliance with applicable Hague standards and apply rating indicators to an adoption service provider's procedures, practices, and performance. Evaluators are expected to exercise professional judgment in the conduct of their work during a site visit.

2. Team Leaders

a. Role and Function

COA assigns a team leader to each evaluation team. The team leader's role is to manage and coordinate all site visit activities for his/her assigned team. The team leader is ultimately responsible for the team's performance and assures that the team functions in accordance with the *Peer Reviewer Code of Conduct*.

3. Team Size and Composition

The evaluation team consists of at least two (2) evaluators, one of whom acts as the team leader (see 22 CFR 96.24). However, for large, multi-site or multi-state adoption service providers, larger teams may be necessary. This determination is made by COA in consultation with the adoption service provider applying for accreditation, temporary accreditation, or approval. COA advises an adoption service provider of the estimated number of evaluators at the time it confirms the accreditation or approval process timeline. COA reserves the right to increase or decrease the number of evaluators at any time during the accreditation/approval process when, in its opinion, a different number of evaluators are needed to carry out the activities necessary to determine an adoption service provider's level of compliance with applicable Hague standards.

4. Selection of Team

Evaluation team assignments are based on compatibility with the adoption service provider and professional expertise. COA considers a team member's professional background and expertise to determine the appropriate fit with an adoption service provider's program(s) and structure.

5. Duty to Disclose Conflict of Interest or Appearance Thereof

The COA accreditation, temporary accreditation, and approval process prides itself on objectivity. Therefore, evaluators and adoption service providers are required to notify COA in writing of any actual or apparent conflict(s) of interest as soon as they are aware of its existence. COA reserves the right to make the final determination about evaluator assignment. COA's determination is not subject to review.

To prevent conflict of interest, evaluators are not allowed to conduct site visits in the geographic area of their residence or employment. However, in some rare circumstances exceptions will be made. Evaluators are prohibited from becoming employees or supervised providers of an agency or person for at least one (1) year after they have evaluated such agency or person for accreditation, temporary accreditation, or approval (see 22 CFR 96.6 (j)).



6. Review and Approval of the Team

COA notifies the adoption service provider of the evaluation team assignment and permits the adoption service provider to present objections at that time. COA changes an evaluator assignment only if the adoption service provider presents a valid objection (e.g., the assignment creates a conflict of interest).

7. Confidentiality

An adoption service provider's accreditation or approval process, including the site visit, is of a confidential nature (see 22 CFR 96.26). Evaluators during the site visit have confidential information communicated to them and access confidential files of the adoption service provider, including the private information of consumers. COA requires evaluators to sign a confidentiality agreement and comply with its requirements.

B. Site Visit Activities

1. Scheduling of Activities

The team leader develops a tentative site visit agenda, consulting directly with the adoption service provider. The adoption service provider is expected to provide access to information and documents and accommodate all reasonable requests of the team leader. The adoption service provider should contact its Accreditation Coordinator if it is unable to carry out a request.

The site visit includes, but is not limited to:

- An entrance meeting of the evaluation team and the adoption service provider to which the individual adoption service provider or the chief executive officer/chief administrator invites, as applicable, governing/advisory body members, management staff, and all other appropriate individuals. The purpose of the entrance meeting is to provide a formal platform to introduce the evaluation team and outline the site visit process.
- Facility visit(s), in accordance with COA's sampling guidelines.
- Staff interviews that include managerial and non-managerial employees, as requested.
- Governing/advisory body interviews, as applicable.
- Review of case records, personnel files, financial records, and, if applicable, minutes of governing body/advisory council and committee meetings, and other requested information in accordance with COA's sampling requirements. Pursuant to 22 CFR 96.25(b), in the case of first-time applicants for accreditation or approval COA may review adoption case records related to non-Convention cases for the purposes of assessing the adoption service provider's capacity, as required by the standards. COA shall permit the adoption service provider to redact/de-identify names and other identifying information pertaining to birth parent(s), prospective adoptive parent(s), and adoptee(s) from such non-Convention adoption records prior to their inspection by COA (see 22 CFR 96.25).
- The observation of routine adoption service provider activities.
- Consideration of complaints about the adoption service provider and follow up



- accordingly with the adoption service provider while on site.
- Consumer interviews, in accordance with the *Guide to Hague Accreditation and Approval* and as deemed necessary by the evaluation team.
- Community representative interviews, when deemed necessary by the evaluation team.
- An exit meeting with the individual adoption service provider or the management and governing body/advisory council of an agency providing adoption services. The purpose of the exit meeting is to provide a formal platform to conclude the on-site review. The evaluator team highlights their findings and explains the next steps in the process.

2. Site Visit Duration

COA determines the site visit duration by considering the scope of adoption services provided and service delivery locations. COA reserves the right to extend the length of a site visit to determine an adoption service provider's compliance with applicable Hague standards if necessary. The team leader may request that COA lengthen the site visit if, in preparing for or conducting a site visit, the evaluation team determines that additional time is necessary to make an appropriate determination or assessment of the adoption service provider's level of compliance with applicable Hague standards. The adoption service provider is responsible for all fees and other charges associated with extending a site visit.

3. Consideration of Additional Information

The evaluation team reviews any "additional information" about an adoption service provider supplied by COA (see also §IX. *Commission Decision-Making*, section A (4)). When possible, COA provides the adoption service provider with the opportunity to respond to the "additional information" before the site visit. COA provides any adoption service provider response to "additional information" to the evaluation team for review. COA also provides the adoption service provider with the opportunity to respond to the evaluation team's conclusions about "additional information."

C. Pre-Commission Report Preparation and Distribution

1. Ratings

After the conclusion of the site visit, the evaluation team prepares ratings and comments for inclusion into the Pre-Commission Report. The evaluation team determines the Pre-Commission Report ratings by assessing substantial compliance with applicable Hague standards, in accordance with the substantial compliance system. The *Guide to Hague Accreditation and Approval* discusses the substantial compliance system and the rating methodology approved by the U.S. Department of State. See also §VIII *Substantial Compliance System*.

2. Pre-Commission Report Completion

Upon receiving the completed rating sheets and comments from the evaluation team, COA prepares the Pre-Commission Report. The Pre-Commission Report is sent to the adoption service provider for review and response based on guidelines provided by COA.



3. Opportunity to Respond to Pre-Commission Report

COA requires that the adoption service provider to respond in writing to applicable Hague standards in the Pre-Commission Report with ratings not meeting the substantial compliance system. Failure of the adoption service provider to respond can result in COA ceasing the adoption service provider's accreditation or approval process.

COA provides the adoption service provider's response to the Pre-Commission Report to the team leader on behalf of the evaluator team for comment. The Pre-Commission Report and the adoption service provider's response, along with any team leader comment, are the primary sources of information for the Commission during its review and decision-making process.

4. Non-disclosure of Pre-Commission Report

The Pre-Commission Report is a document that is internal to the accreditation or approval decision-making process and may not be disclosed by the adoption service provider outside of the context of its accreditation, temporary accreditation, or approval process or be used by the adoption service provider as evidence of performance or an indication of a likely accreditation or approval decision.

D. Evaluator and Adoption Service Provider Responsibilities

1. Role and Function

The role of the evaluator team is to assess an adoption service provider's substantial compliance with applicable Hague standards, in accordance with the substantial compliance system. The evaluators gather and review data and other information to assess the adoption service provider's compliance level with individual standards.

At the time of the exit meeting, the evaluation team comments generally about the adoption service provider's strengths and weaknesses. The adoption service provider is also made aware of standards for which ratings may be at a level of non-compliance. Evaluators are prohibited, however, from discussing the actual numerical ratings with the adoption service provider. COA provides the adoption service provider a Pre-Commission Report after the site visit, which details the adoption service provider's standard-by-standard ratings.

Evaluators are also prohibited from stating whether an adoption service provider will or will not be accredited, temporarily accredited, or approved and, in fact, do not know whether an adoption service provider will be accredited, temporarily accredited or approved. The evaluation team does not have the authority to make a decision about an adoption service provider's accreditation, temporary accreditation, or approval, as an accreditation, temporary accreditation, or approval decision is based not only on the Pre-Commission Report, but also on the adoption service provider's response to the Pre-Commission Report, evaluator comments, and any additional information related to compliance with the Hague standards.



Evaluators are prohibited from providing advice to the adoption service provider as part of the site visit process. Evaluators are also prohibited from providing or receiving any consultation or other services to or from an adoption service provider they review for a one-year period dating from the date the adoption service provider is accredited, temporarily accredited, approved, denied accreditation or approval, or has an adverse action of cancellation or suspension imposed.

The site visit process begins when the evaluation team receives the self-study for pre-site visit review/assessment and continues through all on-site review activities. Adoption service providers are prohibited from contacting the evaluation team for additional information after the site visit has concluded. Any additional information needed by the adoption service provider must be requested from the Accreditation Coordinator.

2. Duty of Evaluators to Report Observations

While evaluators are obligated to report non-compliance with applicable Hague standards and concerning performance to COA for inclusion in the Pre-Commission Report, an evaluator or COA may also have a legal or ethical obligation to report information to a regulatory authority (see 22 CFR 96.72) in accordance with law or professional codes of ethics.

3. Evaluation

COA employs a post-site visit evaluation process to improve evaluator performance and the site visit process for all stakeholders.

The site visit experience, evaluators, and team leaders are systematically evaluated after each site visit by:

- a. the adoption service provider;
- b. the team leader; and,
- c. the evaluators themselves.

Team leader performance is also evaluated by:

- a. the adoption service provider; and,
- b. the evaluators.

COA provides evaluators with a report of the overall evaluation results and also addresses concerns, as needed, with a specific evaluator's performance on an individual basis. COA does not provide an adoption service provider with these evaluation results.



VIII: Substantial Compliance System

The Guide to Hague Accreditation and Approval sets forth a substantial compliance system that specifies the relative values or weights of the Hague standards and defines the process that will be used to assess substantial compliance with the standards. The substantial compliance system and the value assigned to each standard (or the elements of each standard) are available to all potential and actual applicants for accreditation/approval on COA's website at www.coanet.org.

The substantial compliance system and its rating methodology are governed by 22 CFR 96.27 and has been approved by the U.S. Department of State.



IX: Commission Decision-Making

The decision-making making process utilized by COA is governed by 22 CFR Part 96. COA's review and decision-making affords applicants seeking Hague accreditation or approval a fair and impartial decision-making process. COA's decision-making process incorporates multiple levels of review and the collective exercise of professional judgment.

A. Commission

1. Composition

The Commission is the decision-making body that reviews Pre-Commission Reports and responses of the adoption service provider to the report for purposes of reaching accreditation or approval decisions.

All participants in the Commission are Commissioners, team leaders, evaluators or COA senior managers. Decision-making participants are qualified individuals with professional backgrounds that enable thoughtful and skillful participation in the decision-making process.

2. Overview of Responsibilities

The primary responsibilities of the Commission include the following:

- a. Cyclical accreditation or approval decision-making.
- b. Review of the continued substantial compliance of accredited, temporarily accredited, or approved adoption service providers (resulting from COA's monitoring and oversight activities).

3. Accreditation or Approval Decision-Making

The Commission meets regularly to render accreditation or approval decisions and reviews the following information in connection with making an accreditation or approval decision:

- a. The Pre-Commission Report
- b. "Additional information," as described in paragraph four (4)
- c. Adoption service provider's responses to the Pre-Commission Report, if any
- d. Evaluator comments about the adoption service provider's responses, if any

The Commission reviews all documentation in a manner free from conflict of interest and without knowing the identity of the adoption service provider under review. Any Commissioner with an actual or apparent conflict of interest must recuse himself/herself from any deliberation or vote. COA considers a Commissioner who served as one of the evaluators for the underlying site visit to have a conflict of interest.



4. Additional Information

COA reviews any “additional information” about an adoption service provider supplied to it and considers it appropriately as part of decisions on applicants for temporary accreditation, accreditation or approval. “Additional information” includes complaints (see 22 CFR 96.9) received by COA under its agreement with the U.S. Department of State or other federal or state regulatory entities regarding matters and allegations of misconduct, which, if true, could have an impact on the adoption service provider becoming accredited, temporarily accredited, or approved. When possible, COA provides the adoption service provider with the opportunity to respond to the “additional information” before providing it to the Commission. COA provides any adoption service provider’s response to “additional information” to the Commission for consideration.

5. Accreditation, Temporary Accreditation, or Approval Cycle Review

<Reserved 10.1>

B. Possible Decisions for Initial Applicants

1. Decisions

a. Notification of Accreditation, Temporary Accreditation, or Approval

All initial applicants for accreditation/approval shall receive written notification from COA of accreditation, temporary accreditation, or approval.

An adoption service provider will not receive a formal notification letter and a final accreditation report from COA until all fees incurred for accreditation or approval have been paid.

The accreditation or approval cycle is a period of four years. Agencies who are temporarily accredited may have a one- or two-year accreditation cycle pursuant to 22 CFR 96.98.

See the *§VIII Substantial Compliance System* or the *Guide to Hague Accreditation and Approval* for information on the substantial compliance system.

b. Denial of Initial Application for Accreditation, Temporary Accreditation, or Approval

i. Reason for Denial

COA may decide to deny initial accreditation, temporary accreditation or approval for any of the following reasons:

- The adoption service provider is not properly licensed or authorized to provide adoption services in at least one state at the time of decision-making. An adoption service provider must always meet licensing



requirements to be eligible for accreditation or approval. If a regulatory authority revokes any required license or other authorization of the adoption service provider, or takes other action that impacts the adoption service provider's right to provide any adoption service, even if temporarily, the adoption service provider is no longer eligible for accreditation or approval (see 22 CFR 96.30).

- The adoption service provider fails to make employees available as requested during the accreditation or approval review process, respond to requests for information or documentation by COA staff or the Commission, or provide or disclose any other information that is or would have been germane to an accreditation or approval decision (see 22 CFR 96.25).
- The adoption service provider is not in substantial compliance with applicable Hague standards, in accordance with the substantial compliance system (see 22 CFR 96.27).
- The adoption service provider's self-study materials or other information (written application and supporting information) could not be verified through examination of underlying information as necessary to evaluate the adoption service provider's eligibility for accreditation or approval (see 22 CFR 96.24).

ii. Notification of Denial

COA will notify all adoption service providers with a written and dated notification to the adoption service provider which will clearly describe the reason(s) for COA's decision to deny accreditation or approval. This written notification will include reconsideration procedures.

iii. Effective Date

COA, through its President/CEO, will notify an adoption service provider in writing of the effective date for the denial.

iv. Effect of Denial

An adoption service provider who is denied temporary accreditation, accreditation, or approval is prohibited from holding itself out as accredited or approved, whether orally or in writing (e.g., on stationery, a certificate, or by other display indicating accreditation, temporary accreditation, or approval) from the effective date of the decision.

COA will notify the U.S. Department of State of the denial (see 22 CFR 96.93). Denial of temporary accreditation, accreditation or approval is public information (see 22 CFR 96.91).

COA takes the reason(s) for its previous denial of accreditation, temporary accreditation, or approval of an adoption service provider into account when evaluating that provider's subsequent applications for accreditation or approval (see 22 CFR 96.27 (e)).

v. Petition for Reconsideration of Denial



An adoption service provider that is initially denied accreditation or approval may petition COA after the effective date of the denial (see 22 CFR 96.59 (1)(b)) for reconsideration. COA has the discretion to require the adoption service provider to wait for a period of time up to one (1) year before recommencing the accreditation/approval process.

The adoption service provider must submit a written request to COA's Director of Commission for reconsideration that sets forth evidence that:

- demonstrates to the satisfaction of COA that previously identified deficiencies have been corrected; and/or,
- there exist changed circumstances demonstrating the likelihood of substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

COA will review the adoption service provider's request and supporting evidence within fifteen (15) business days of receipt of the petition. COA reserves the right to request additional information to determine if the deficiencies have been corrected.

COA, through its Director of Commission, will notify in writing the adoption service provider of its decision regarding the adoption service provider's petition for reconsideration.

The decision of COA with regard to an adoption service provider's request for reconsideration is final and is not subject to further review.

2. Deferral of Commission Decision

a. Deferral of Decision to Allow Clarification

The Commission has the discretion to defer reaching an accreditation or approval decision in order to allow the adoption service provider to clarify its compliance with any Hague standards about which the Commission has a question (see 22 CFR 96.58).

The adoption service provider shall have the opportunity to provide the additional information within the time set by the Commission, subject to paragraph c below.

b. Deferral of Decision to Allow Time to Correct Deficiencies

If an unaccredited or unapproved adoption service provider is not in substantial compliance with applicable Hague standards, in accordance with the substantial compliance system, the Commission has the discretion to defer reaching an accreditation or approval decision in order to allow the adoption service provider to correct deficiencies and demonstrate substantial compliance.

The adoption service provider shall have the opportunity to respond to questions about substantial compliance with the particular Hague standards that are the



subject of the deficiencies within the time set by the Commission, subject to paragraph c below.

c. Time to Clarify and/or Demonstrate Correction of Deficiencies

An adoption service provider must provide clarification and/or correct deficiencies within the specified time-frame set by COA. An adoption service provider's failure to do so within the required time-frame, as specified in the written notification of deferral, may result in the denial of accreditation/approval, unless the Commission votes unanimously to extend the time within which the adoption service provider is allowed to demonstrate clarification and/or correct deficiencies and COA's President/CEO agrees with the Commission.

d. Remedial Site Visit and Commission Review

The Commission has the discretion to require a remedial site visit as part of the deferral process.

<Reserved.1>

The Commission reviews an adoption service provider at the conclusion of the deferral timeframe to determine whether the adoption service provider has corrected deficiencies and/or is now in substantial compliance with the Hague standards, in accordance with the substantial compliance system. See Part D of this section regarding COA's expedited review process.

3. COA's Recommendation to Place the Accreditation, Temporary Accreditation, or Approval Process on Hold

COA, through its President/CEO, reserves the right to recommend to an adoption service provider at any time that the accreditation/approval process should be placed on hold when COA is informed of deficiencies that warrant such recommendation. Following the adoption service provider's acknowledgment of its intent to correct the identified deficiencies to the satisfaction of COA, the accreditation, temporary accreditation, or approval process will continue.

C. Possible Decisions for Accredited or Approved Adoption Service Providers Seeking Renewal

<Reserved 10.2>

D. Accreditation or Approval Decision-Making Requirements

1. Expedited Decisions by COA President/CEO

COA's President/CEO has the discretion to award accreditation or approval without presenting an adoption service provider to the Commission for review when the adoption service provider is in substantial compliance with applicable Hague standards, in accordance with the substantial compliance system.

<Reserved 10.3>



2. Commission Review Requirements

A quorum of the Commission must be present to review and act on an adoption service provider's accreditation or approval. All Commission decisions regarding accreditation or approval must be unanimous. See paragraph 3 below regarding split decisions, and Part A of this section regarding Commission decision-making.

3. Split Decisions

When the Commission is unable to reach unanimity, COA's President/CEO appoints a panel of three (3) Board members to review and resolve the split decision. The panel's decision must be unanimous.

E. Required Action of COA's Special Committee

1. Accreditation, Temporary Accreditation, or Approval, Corrective Action, and Deferrals

COA does not require the following Commission decisions to be reviewed and approved by its Special Committee:

- a. a decision to accredit, temporarily accredit, or approve an adoption service provider;
- b. a decision requiring an accredited or approved adoption service provider to take a specified corrective action(s) to bring itself into substantial compliance with the Hague standards and/or correct concerning operations performance; and,
- c. the deferral of an accreditation or approval decision.

COA provides an adoption service provider with written and dated notification for any of the above decisions.

2. Denial, Suspension or Cancellation

COA presents the following decisions and the reasons for the same to its Special Committee for review and ratification at timely and specially convened meetings.

The following Commission decisions require the approval of COA's Special Committee:

- a. Denial of accreditation or approval
- b. Suspension of accreditation or approval
- c. Cancellation of accreditation or approval

The Special Committee may consist of the following individuals:

- a. Commission Chairs



- b. COA senior managers
- c. COA Board Chair
- d. COA Board Secretary
- e. COA President/CEO

The Special Committee convenes in person or by conference call, or COA's President/CEO may poll the Special Committee members individually after informing them of the underlying decision and its reasons.

Decisions presented to the Special Committee for final action pursuant to this section require the presence of a quorum of the particular group. Upon obtaining a quorum, the Special Committee reviews the underlying decision and its reasons. Final action requires a majority vote of the quorum.

COA, through its President/CEO, notifies the adoption service provider in writing within five (5) business days of Special Committee decision. COA sends the decision by a form of mail requiring signature on delivery (i.e., certified mail or UPS delivery). This written notification sets forth the reasons for the decision and, as applicable, COA's imposed adverse action or its intent to impose adverse action. It also includes reconsideration and petition for re-application procedures.

F. Public Disclosure of Accreditation, Temporary Accreditation, or Approval Decisions

COA discloses accreditation or approval decisions to the public after formally notifying the adoption service provider, to the extent permitted in *§XVI Confidentiality and Disclosure of Information*, in accordance with 22 CFR 96.91.

G. Limitation of Liability

COA's officers, directors, personnel, evaluators, Commissioners, or other persons involved in the accreditation or approval decision-making processes shall not be liable to an adoption service provider for the adoption service provider's failure to achieve or maintain accreditation or approval, even when the failure is temporary (e.g., as the result of an adverse action or when a decision is modified as result of an appeal or other review process).

H. Content of Deliberations

The content of the deliberations related to COA accreditation or approval decision-making is confidential and is not considered public information. COA will not disclose the content of the deliberations to the adoption service provider under review.



X: Monitoring and Oversight of Accredited, Temporarily Accredited, or Approved Adoption Service Providers

<Reserved>



XI: Renewal of Accreditation or Approval (Reaccreditation/ Reapproval)

<Reserved>



XII. Site Visits During The Accreditation, Temporary Accreditation, or Approval Cycle (Supplemental Site Visits)

<Reserved>



XIII. Internal Review (Appeals)

<Reserved>



XIV: Delays to Accreditation or Approval Review

<Reserved>



XV: Adoption Service Provider Changed Status

<Reserved>



XVI: Confidentiality and Disclosure of Information

COA maintains and protects information learned, accessed, received or created during the accreditation or approval process consistent with the Convention, the IAA, and the regulations implementing the IAA and other applicable laws, including but not limited to, laws required to protect children from serious harm or injury.

COA protects all information and documents (including, but not limited to, documents and proprietary information) of the adoption service provider from unauthorized use or disclosure by applying reasonable and appropriate administrative procedures, physical safeguards and technical security mechanisms. All COA workforce members, volunteers and, as applicable, business associates are required to sign a confidentiality agreement upon joining the workforce or providing contracted services to COA.

The accreditation or approval process and the COA relationship with either an accredited/ approved adoption service provider or adoption service provider/initial applicant is of a confidential nature, except for disclosure of information about accreditation or approval review decisions and information about the current status of an applicant, or about an adoption service provider that is currently or has been formerly accredited or approved.

COA provides the public with access to information concerning an adoption service provider's accredited or approved status, including any adverse actions taken, the reason(s) for the adverse action, and substantiated complaints against accredited/approved adoption service providers. Dissemination of information to the public on the accredited and approved status of adoption services providers is governed by 22 CFR 96.91 and 96.92.

A. Confidential Information

1. Introduction

COA holds in confidence all information learned, accessed, received, or created about adoption service providers during the accreditation or approval review process, accreditation or approval cycle (i.e., monitoring and oversight activities), and re-application, except under the following circumstances:

- As authorized in the accreditation or approval agreement
- As authorized in a written consent, release, or request for disclosure
- As required by law, including applicable state and federal FOIA laws
- As required to be reported by COA's agreement with the U.S. Department of State, the IAA, or the regulations implementing the IAA
- Upon receipt of reliable information that raises a serious concern about the adoption service provider's substantial compliance with applicable Hague standards
- As otherwise permitted in the *Hague Accreditation and Approval Policies and Procedures Manual*

2. Information Acquired in the Course of Accreditation/Approval Review and During the Accreditation/Approval Cycle



Information accessed, learned, collected, and created about an adoption service provider in the course of the accreditation or approval review process, during the accreditation/approval cycle (i.e., monitoring and oversight activities), and re-application includes, but is not limited to, the following:

- Financial information
- Data, documents, reports, and narrative descriptions about management and professional practices
- Ratings and evaluator comments
- Forms and evaluations
- Legal and regulatory compliance information
- Decision-making and deliberation records, including work notes or votes
- COA staff notes and records referencing such information in any way
- Other information that would not have been available but for the accreditation or approval review, monitoring or oversight (including complaint investigation), and re-application

Subject to paragraph 1 above, COA considers the above information confidential. COA requires that the information and its contents be discussed only among individuals participating in decision-making processes, and only as necessary among such individuals to reach a decision about an adoption service provider's eligibility for accreditation/approval, accreditation/approval cycle actions as the result of monitoring and oversight activities, reaccreditation/reapproval, re-application, or as required by COA's memorandum of agreement with the U.S. Department of State.

3. Limited Use of Documents and Proprietary Information/Right to Use Non-Identifying Data

Any appropriation or use of an adoption service provider's proprietary information by COA, including by its evaluators, Commissioners, or anyone else engaged in the accreditation or approval review process on behalf of COA, requires the prior, written consent of the individual adoption service provider or the president/chief executive officer or chief administrator. The consent must describe the intended purpose for the appropriation or other use.

Notwithstanding the above consent requirement for use of an adoption service provider's self-study material, COA has the authority to extract non-identifying adoption service provider information submitted as part of the application, self-study tools, monitoring or oversight reports of accredited/approved adoption service providers, and initial and final accreditation or approval ratings, for internal study/analysis and for publication or other disclosure in the aggregate ("de-identified"), without obtaining the adoption service provider's permission or consent, provided COA's President/CEO has authorized such extraction or disclosure.

4. Evaluation Team and Commission Deliberations

Except as otherwise provided for in these policies and procedures, the deliberations of the evaluator team and the Commission, including any written notes reflecting the accreditation or approval decision-making process, are confidential, except that any and all such materials may be provided to the Department of State at any time.



5. Information Retention

COA maintains an accurate record of the adoption service provider's application, supporting documentation, and the basis for its decision-making. COA retains records of the adoption service provider's application and all information supporting the decision-making process, including: the Pre-Commission Report; Final Accreditation/Approval Report; evaluator comments; accreditation/approval cycle documents and correspondence; decision or intent to take adverse action notification(s) or notifications of imposed adverse actions; any actions taken governing denial or deferral; and all corrective action, suspension, or cancellation correspondence and response materials. The retention of this information is governed by COA's written information retention procedures.

B. Dissemination of Information to the Public

1. Public Information

COA, once the Convention has entered into force for the United States, will make available to the public on no less than a quarterly basis the following information (see subpart M of 22 CFR, 22 CFR 96.90-96.93):

- a. The name, address, and contact information for each accredited or approved adoption service provider.
- b. The names of adoption service providers denied accreditation or approval.
- c. The names of adoption service providers who been the subject to withdrawal of temporary accreditation, suspension or cancellation, or refused/denied reaccreditation/reapproval, or debarment.
- d. For an accredited or approved adoption service provider, the effective dates of its accreditation/approval, the adoption services for which it is accredited or approved, and any other information specifically authorized in writing by the accredited/ approved adoption service provider.
- e. Other information available to the public pursuant to the *Hague Accreditation and Approval Policies and Procedures Manual* and governed by subpart M of 22 CFR.

COA, once the Convention has entered into force for the United States, will make available to individual members of the public, upon specific request, the following information (see subpart M of 22 CFR, 22 CFR 96.90-96.93):

- a. Confirmation of whether or not an adoption service provider has a pending application for accreditation/approval, and if so, the date of application, whether the application is under active consideration or whether a decision on the application has been deferred.
- b. If an adoption service provider has been subject to withdrawal of temporary accreditation, suspension or cancellation, refusal or denial of reaccreditation/ reapproval, or debarment, and a brief statement of the reasons for the action(s).



- c. If an adoption service provider has ever been accredited or approved and the reason for the change in accredited or approved status (e.g., voluntary decision to discontinue the accreditation/approval process; voluntarily termination of its accreditation or approval).
- d. For an accredited or approved adoption service provider, verification of any substantiated complaint and information about the status and nature of such complaints (see 22 CFR 96.92 (b)).

C. Dissemination of Information to Others

1. Disclosure to Evaluators and Commissions

COA has the discretion to share information with evaluators and Commissioners, in addition to self-study and accreditation or approval decision-making documents, when the information is germane to the accreditation/approval, reaccreditation/reapproval, or adverse action decision-making processes.

2. Exchange of Information with Licensing/Regulatory/Governmental Authorities

COA has the authority to disclose necessary information about an applicant or accredited/approved adoption service provider to licensing/regulatory and/or governmental officials, in order to:

- a. respond to inquiries; and/or,
- b. cooperate with investigative activities.

COA will report to a state licensing authority any adverse actions taken against an accredited or approved adoption service provider that changes its accreditation or approval status.

Following consultation with the U.S. Department of State and governed by 22 CFR 96.72, COA must refer, as appropriate, to a state licensing authority, 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.

3. Serious Conditions

COA personnel, evaluators, Commissioners and trustees may have an ethical responsibility or legal duty to disclose information learned during an accreditation or approval review process to appropriate authorities if the information raises a serious concern about stakeholder health or safety. The COA representative notifies COA's President/CEO of the situation and the necessary steps to be taken.



4. State or Other Confidentiality Laws

COA requires adoption service providers to provide COA with copies of any state or federal confidentiality law, which, in the adoption service provider's opinion, prohibits COA from disclosing information pursuant to these procedures. COA's President/CEO will review the information presented by the adoption service provider and will seek the opinion of legal counsel.

D. Dissemination of Information to Adoption Service Providers

1. Accreditation or Approval Notifications

COA notifies the adoption service provider in writing of their accreditation or approval.

COA provides the adoption service provider a marketing toolkit with sample news releases and letters to use in publicizing its accreditation or approval.

2. Accreditation or Approval Certificate/Logo

COA provides an accredited or approved adoption service provider with a Hague Convention accreditation or approval certificate for display, as well as copies of a certification mark for use on adoption service provider stationery, while accredited or approved by COA.

If an accredited or approved adoption service provider becomes unaccredited or unapproved, it must not represent itself as an accredited or approved provider during the applicable period. Specifically, the adoption service provider must discontinue using any documentation that states or implies that it is Hague-accredited or approved, including the use of stationery with the Hague Convention certification mark and the display of a Hague Convention certificate.

3. Accredited or Approved Status Disclosure

In addition to responding to inquiries regarding the accreditation or approval status from individuals, organization, and entities (Part (B)(1)), COA provides lists of accredited or approved adoption service providers to the media, regulators, funders, and other stakeholders upon receipt of applicable requests, in addition to posting this list on its website. COA may also list its accredited or approved adoption service providers in its publications, such as its annual report or conference program.

E. Reporting to the U.S. Department of State about Accredited/Approved Adoption Service Providers and Their Activities

1. Annual and Semi-Annual Reporting

COA submits annual reports to the U.S. Department of State on information it collects from accredited or approved adoption service providers (see 22 CFR 96.93). This information includes:



- a. The total number of intercountry adoptions undertaken (cases involving children immigrating to the United States) by the adoption service provider each year in both Convention and non-Convention cases, and for each case:
 - i. the Convention country or other country from which the child immigrated;
 - 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.

- b. The total number of intercountry adoptions undertaken (cases involving children emigrating from the United States) by the adoption service provider 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.

- c. 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.

- d. 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 adoption service provider;
 - vi. the names of the agencies or persons that handled the placement for adoption; and,
 - vii. the plans for the child.



- e. 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.
- f. 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 adoption service provider for Convention adoptions involving children immigrating to the United States in connection with their adoption.
- g. if the adoption service provider 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 demonstrates to COA that it has provided such information as required by the U.S. Department of State directly to the U.S. Department of State.

COA submits no less than semi-annual reports to the U.S. Department of State that summarize for the preceding six-month period the following information:

- a. the accreditation and approval status of applicants, accredited agencies, and approved persons;
- b. any instances where it has denied accreditation or approval;
- c. any adverse actions taken against an accredited or approved adoption service provider and any withdrawal of temporary accreditations;
- d. all substantiated complaints against accredited or approved adoption service providers and the impact of such complaints on their accreditation or approved status;
- e. the number, nature, and outcome of complaint investigations carried out by COA, as well as the shortest, longest, average, and median length of time expended to complete complaint investigations; and,
- f. any discernible patterns in complaints received about specific adoption service providers, as well as any discernible patterns of complaints in the aggregate.

2. 30-Day Reporting

COA reports to the U.S. Department of State within thirty (30) days from the time it learns that an accredited or approved adoption service provider has:

- a. ceased to provide adoption services; or,
- b. transferred its Convention cases and adoption records.

3. Immediate Notification



COA will immediately notify the U.S. Department of State in writing of the following when it:

- a. accredits or approves an adoption service provider;
- b. renews the accreditation or approval of an adoption service provider;
- c. takes an adverse action against an accredited or approved adoption service provider that impacts its accreditation or approval status, or withdraws a temporary accreditation; or,
- d. substantiates a complaint that:
 - i. reveals that an accredited or approved service provider has engaged in a pattern of serious, willful, grossly negligent conduct, or has repeatedly failed to comply with the standards; or,
 - ii. indicates that continued accreditation or approval would not be in the best interests of the children and families concerned.



XVII. ADDENDUM TO HAGUE ACCREDITATION POLICIES AND PROCEDURES MANUAL FOR HAGUE ACCREDITATION OR APPROVAL

DEADLINES RELEVANT TO FIRST-ROUND APPLICANTS ONLY

This addendum is included in the manual to reinforce the importance of the deadlines established in 22 CFR Part 96 for first-round applicants for Hague accreditation or approval. The phrase “first-round applicants” refers only to those adoption service providers that applied to a designated accrediting entity for accreditation or approval by November 17, 2006 pursuant to 22 CFR 96.19, in other words, those “agencies and persons seeking to be accredited or approved as of the time the Convention enters into force for the United States”.

To the extent that the deadlines for first-round applicants appear inconsistent with the timelines described in this manual, the deadlines described below apply.

The failure of any first-round applicant to meet these deadlines may have a detrimental effect on the relevant accrediting entity’s ability to “use its best efforts to provide a reasonable opportunity” to the applicant to complete the process by the deadline for initial accreditation or approval. If the process is not completed by the deadline for initial accreditation or approval, the applicant will not be included in the initial list of accredited or approved adoption service providers.

At a minimum, first-round applicants must meet the following deadlines in order to avoid delay in the accreditation process:

- Submit application for accreditation/approval so it was received by COA by the Transitional Application Deadline (TAD), November 17, 2006.
- Sign and return an Accreditation Agreement to COA by April 5, 2007.
- Accept site visit date as proposed by COA.
- Submit self studies and requests for further information to COA by the deadlines set by the COA.