



DEPARTMENT OF STATE  
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS  
WASHINGTON

June 16, 2006

Dear Mr. Hensley:

In February, I wrote to you and your colleagues in other states about post-placement reporting on children from Ukraine who had been adopted by U.S. citizens. I am writing now about another intercountry adoption issue, but first want to thank you for your assistance regarding Ukraine. Through your efforts and those of your counterparts around the country, U.S. parents have been made aware of the situation, and the Ukrainian government has now received approximately half of the delinquent post-adoption reports. Ukrainian restrictions on new adoption applications continue to be in effect, however, and thus we remain dedicated to raising the reporting compliance level to the highest possible percentage.

I am turning to you again to ask for your assistance in informing your licensed agencies about another important intercountry adoption issue. Specifically, I request that you inform licensed adoption service providers in your state of new federal regulations implementing the Intercountry Adoption Act of 2000 (IAA) so that each provider can make an informed and timely decision about regulatory requirements that may affect them.

On February 15, 2006, the State Department published new federal regulations, 22 CFR Part 96: "Accreditation of Agencies and Approval of Persons Under the Intercountry Adoption Act of 2000," which may affect adoption agencies and other adoption service providers in your state that handle intercountry adoptions, including those who offer related services, such as home studies. The IAA is legislation that provides the framework for U.S. implementation of the Hague Convention on Intercountry Adoption, a multilateral treaty designed to strengthen protections for adopted children. Two key goals of the Convention are to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child, and to prevent the abduction, the sale of, or trafficking in children.

Mr. Bob Hensley,  
Department of Health and Human Services,  
952 Old US Highway 70, Building 17,  
Black Mountain, North Carolina 28711.

The Convention and IAA, as well as the new regulations, cover adoption service providers who handle both incoming and outgoing adoption cases, that is, adoption cases involving adopted children immigrating to the United States from Convention countries and children emigrating from the United States to Convention countries. Additional separate regulations to be published later this year will provide more information relating to Hague requirements in processing adoptions of U.S. children by foreign prospective adoptive parents (i.e., outgoing cases).

The IAA establishes the requirement that adoption service providers that offer adoption services in cases involving the U.S. and Convention countries must be “accredited” (non-profit agencies) or “approved” (for-profit agencies and individuals) once the Convention enters into force for the United States. The recently published regulations establish the accreditation/approval standards and procedures. Accreditation/approval differs from State licensing procedures in many respects; the requirement for accreditation/approval is therefore in addition to any applicable licensing requirements. The Department of State will not accredit adoption service providers itself, but will designate qualified Accrediting Entities, as defined in the IAA, to perform this task.

The State Department anticipates designating and signing agreements with Accrediting Entities in the immediate future, followed by the start of the accreditation and approval process. We will provide information on designated Accrediting Entities on our website (<http://www.travel.state.gov>) and will publish the designation agreements in the *Federal Register*; the Accrediting Entities will provide adoption service providers with specific information on the accreditation process and application procedures.

The Convention is expected to enter into force for the United States in 2007. At that time, in order to provide adoption services in cases involving the United States and another Convention country, such as China or India, private adoption service providers (both non-profit and for-profit) generally will need to be accredited, temporarily accredited, or approved, or be supervised by a provider that is accredited, temporarily accredited, or approved, in accordance with the new regulations. I am writing to you as part of our effort to ensure that we reach all adoption service providers that may be affected by the new regulations so that each can decide whether to seek Hague accreditation.

The regulations are the subject of the brochure enclosed with this letter. The brochure gives a general overview of key elements and requirements of the new regulations. Its text, and additional information about the Convention and the implementation process, as well as links to related websites, can also be found on the State Department's Bureau of Consular Affairs website [www.travel.state.gov](http://www.travel.state.gov) on the Children and Family Page under "Hague Convention" and "Hague Implementation."

The Bureau of Consular Affairs' Office of Children's Issues is available to answer any questions that you or any adoption service providers in your state may have about the Hague Convention, the IAA, and the regulations. If your office has a website or uses another method of communicating with adoption service providers in your state, I respectfully ask that you make this information available to them through that medium, as well.

The Bureau of Consular Affairs has a dedicated e-mail address [AdoptionUSCA@state.gov](mailto:AdoptionUSCA@state.gov) for any questions or other correspondence about the Hague Convention, the IAA, and the implementing regulations. Alternatively, please call Nyda Budig, our officer responsible for Hague Convention outreach, at (202) 736-9270. Ms. Budig also oversees an email list-serve that we use to alert interested parties about Hague Convention developments. We would be pleased to add your office or any of your state's licensed agencies to that list-serve on request.

Sincerely,



Maura Harty

Enclosure