



# Madison Adoption Associates

International Adoptions ~ Home studies ~ PA SWAN ~ Post-Adoption Support ~ Hague Accredited

NJ, PA, DE Office: 1102 Society Drive, Claymont, DE 19703, Ph: 302-475-8977, Fax: 302-529-1976

IL Office: 128 N. John Street, Suite 2, Rochester, IL, 62563, Ph: 217-498-9700, Fax: 217-498-9705

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## **SUPERVISED PROVIDER INFORMATION**

Dear Partner in Adoption,

Greetings from Madison Adoption Associates (“MAA”)! We are sending you this packet because we are excited for you to become a Supervised Provider for our agency!

This packet contains valuable information that you must review and return to our agency ASAP if you wish to work with our agency as a ***Supervised Provider*** **Please note, in order to work as the Supervised or home study (“HS”) provider, the following criteria must be met:**

1. The home study must be completed by a licensed adoption agency who is in compliance with applicable State licensing and regulatory requirements in all jurisdictions where it provides adoption services. Home studies by independent social workers will not be approved.
2. The social worker must be an agency employee, NOT an independent contractor.
3. The licensed home study agency must be a 501(c)(3) non-profit agency.
4. The social worker must meet the requirements of the family’s state of residence.
5. It is preferred that the home study agency have Hague or COA accreditation. Agencies must not engage in any practices inconsistent with the Convention’s principles.
6. The home study agency must disclose to MAA the suitability information listed in §96.35, which is found on Schedule D of the following agreement.

If you meet the above initial criteria, there are three steps necessary to work cooperatively with our agency for this case. They are:

1. Complete and Return Supervised Provider agreement and required documents;
2. Complete Home Study Report according to the attached guidelines;
3. Complete all Family Specific paperwork

As always, feel free to contact us with any questions as you complete each step.

### **STEP #1: SUPERVISED PROVIDER AGREEMENT AND DOCUMENTS**

As required by Hague regulation 96.45(b), please return the following documents directly to the MAA office, to finalize the relationship between MAA and your agency. These documents must be submitted to MAA immediately, **prior to starting any family’s home study.**

- ✓ Signed Supervised Provider Agreement with attachments A-H. Each page must also be initialed.

#### **Supporting Documents**

- ✓ Copy of Agency License(s) and link to or copy of State licensing and regulatory requirements
- ✓ Current or Recent (within 6 months) Letter of Good Standing
- ✓ Copy of Social Worker License (or degree if not licensed)
- ✓ Copy of License, Degree, or CV of Staff member responsible for ensuring compliance with this agreement
- ✓ Copy of Hague Accreditation Certificate or COA Accreditation Certificate (if applicable)
- ✓ Copy of Liability Insurance
- ✓ Copy of Home Study Provider fee schedule and home study guidelines



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As stated in the agreement, this relationship will require ongoing monitoring and supervision of your agency. Any changes in suitability to serve as a Supervised Provider (as per Schedule D- Hague regulation 96.35) must be reported to MAA within 30 days of learning of the change.

MAA will keep all supporting documents on file for any future cases with our agency. However, updated copies of any expired documentation must be received before starting any consecutive case.

## **STEP #2: COMPLETE HOME STUDY REPORT ACCORDING TO ATTACHED GUIDELINES**

**For consistency, accuracy, and comprehensiveness, we require you to complete the home study report using our guidelines.** Regardless of your agency's Hague accreditation status, MAA requires that we review and approve all HS reports prior to report finalization.

If concerns regarding the family arise during their process, we ask that you reach out to MAA immediately to discuss. As, if the concern would prohibit the family from moving forward with MAA, we would want to inform them of that as soon as possible.

## **STEP #3: COMPLETE AND SUBMIT ALL FAMILY SPECIFIC PAPERWORK**

To ensure that each family has received comprehensive training and discussion with the home study social worker regarding this training, the following family specific documents are required to be completed as part of the home study. They are:

- ✓ Record of Adoptive Parent Training
- ✓ Social Worker and Adoptive Parent Affirmation Statement
- ✓ Hague Training Verification Statement

These forms are found on our website here (<https://www.madisonadoption.org/wp-content/uploads/Madison-Adoption-Record-of-Adoptive-Parent-Training.pdf>) and **must be** submitted prior to MAA reviewing and/or approving the home study report. **Home studies will not be reviewed if these three forms, as well as the "Home Study Guidelines and Checklist" are not included with the HS draft.**

As the home study is the cornerstone of the adoption process, we thank you for your diligence in ensuring that every one of our mutual families has been evaluated and prepared as thoroughly as possible.

Please contact us with any questions or concerns. Thank you for your partnership and your efforts! We look forward to working with you!

Sincerely,

*Diana DeGroot*

Diana DeGroot, MBA, LMSW  
Executive Director



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## AGREEMENT WITH SUPERVISED PROVIDER

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Madison Adoption Associates (hereafter referred to as “Primary Provider”), and \_\_\_\_\_, (hereafter referred to as “Supervised Provider”).

WHEREAS, *Primary Provider* is a Delaware, Pennsylvania, New Jersey, New York, and Illinois licensed non-profit child placement agency, which develops and implements adoption programs in countries throughout the world and performs certain adoption services, including (i) placement services and (ii) home study placement reports and post-placement reports (for adoptive families who reside in Delaware, Pennsylvania and Illinois; and

WHEREAS, Supervised Provider is currently licensed in the state(s) of \_\_\_\_\_ as a non-profit Supervised Provider assisting U.S. citizens in adopting children through international and/or domestic sources by performing certain aspects of their adoption cases;

WHEREAS, Primary Provider anticipates requiring the services of the Supervised Provider to perform certain services in the adoption cases of families from Delaware, Pennsylvania and Illinois (state) who choose to adopt from Hague Convention countries, each called “Convention Adoptions” and each family is called a “Client Family”);

WHEREAS, Supervised Provider will be a non-exclusive Supervised Provider for Convention Adoptions for families from the state(s) of \_\_\_\_\_;

WHEREAS, the parties hereto wish to execute this agreement to define their roles with respect to this relationship and to define their expectations and restrictions as required by Hague Regulation 96.45.

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND, Primary Provider and Supervised Provider hereby agree as follows:

1. Representations and Warranties of Supervised Provider – Supervised Provider hereby represents and warrants as follows:
  - a. Supervised Provider IS \_\_\_\_\_ IS NOT \_\_\_\_\_ (please check) accredited by a Hague approved accrediting entity to provide intercountry adoption services. If not, please explain why not: \_\_\_\_\_
  - b. Supervised Provider is:
    - i. In compliance with applicable State licensing and regulatory requirement in all jurisdictions in which it provides adoption services;
    - ii. 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
    - iii. Before this agreement is executed with the Primary Provider, discloses the suitability information in 96.35, as set forth on Schedules hereto.
  - c. Satisfies Personnel Qualifications - Supervised Provider hereby confirms that it satisfies all personnel qualifications required for a supervised provider, as required by Hague Regulations 96.45(b)(7) and section 96.37, as set forth on Schedule A hereto.
  - d. Meets Standards - Supervised Provider hereby confirms that it complies with the requirements imposed by Section 96.45, as set forth on Schedule B hereto.



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- e. Safeguard Data - Supervised Provider hereby confirms that its policies are to limit the use of and safeguard personal data gathered or transmitted in connection with an adoption, as provided for in Hague Regulation 96.42, as set forth on Schedule C hereto.
  - f. Suitability to Provide Adoption Services – Supervised Provider hereby confirms that it meets the suitability requirements set forth in Section 96.35, and makes the specific disclosures set forth on Schedule D hereto.
2. The Supervised Provider hereby agrees to perform the following services to Client Family under the Supervision of Primary Provider:
- a. Home study
    - i. Supervised Provider will perform a home study evaluation by an agency employee (not a contractor) and make a recommendation for adoption with respect to an Adoptive Parent(s)' desire to adopt a child from a foreign country.
    - ii. Supervised Provider will take any and all steps to ensure that the home study complies with applicable state law.
    - iii. Supervised Provider will abide by the Homestudy Standards set forth in Hague Regulation 96.47, set forth on Schedule E hereto.
  - b. Parent Training
    - i. Supervised Provider may provide direct training, but will also always ensure and verify the family has taken required training under Hague Regulation 96.48. Supervised provider will discuss and ensure the family has a thorough understanding of all Hague required training taken by the Client Family with the goal of promoting a successful intercountry adoption.
    - ii. Supervised Provider will ensure Client Family understanding of the Parent Training Standards set forth in Hague Regulation 96.48, set forth on Schedule F hereto.
  - c. Post-Placement or Post-Adoption
    - i. Following placement of a child into a Client Family's home, Supervised Provider will perform visitation, counseling and reporting for the Client Family at the increments identified by Primary Provider according to the standards imposed by the foreign country and/or Primary Provider policies, as they may change from time to time in the future, as and described on Schedule G hereto. To the extent that reporting requirements change over time, Supervised Provider agrees to provide reporting in accordance with any modified rules.
    - ii. To the extent that this reporting is for a child who entered the United States without an adoption order from the foreign country, Supervised Provider will be supplying POST-PLACEMENT supervision. Therefore, Supervised Provider will abide by the terms of Hague Regulation 96.50. Further, Supervised Provider will abide by the terms of the Supervised Provider's post-placement crisis plan, as set forth on Schedule H hereto.
    - iii. To the extent that this reporting is for a child who entered the United States with an adoption order from the foreign country (can be either with an IR-3 visa or an IR-4 visa), Supervised Provider will be supplying POST-ADOPTION supervision. Therefore, Supervised Provider will abide by the terms of Hague Regulation 96.51. Supervised Provider's post-adoption crisis plan is set forth on Schedule H hereto.
  - d. Other
    - i. Supervised Provider will report to Primary Provider immediately any concerns it may have with respect to the Client Family's eligibility to adopt, problems or concerns that arise during parent training, or at any time thereafter, including after the Client Family returns home from the foreign country with the child.
    - ii. To the extent additional counseling or support services are needed at any point in time with respect to the placement, Supervised Provider will continue to provide those services to the Client Family, in cooperation with Primary Provider, to ensure that the transition of the child to the Client



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Family's home is successful. To the extent that a disruption or dissolution of adoption should occur, Supervised Provider will work cooperatively with Primary Provider to ensure that the best interests of the child are served at all times.

3. In connection with the services being provided to the Client Family, the Supervised Provider hereby agrees as follows:
  - a. Standards - Supervised Provider agrees to continue to comply with the requirements imposed by Hague Regulation 96.45.
  - b. Safeguard Data - The Supervised Provider will continue to limit the use of and safeguard personal data gathered or transmitted in connection with an adoption, as provided for in Hague Regulation 96.42.
  - c. Reasonable Response Time re Accred Request – The Supervised Provider hereby agrees to respond within three business days to any request for information from the Primary Provider, representatives of the Department of State, or the accrediting entity that issued the Primary Provider's accreditation or approval.
  - d. Reasonable Response Time re PP Reporting – The Supervised Provider hereby agrees to provide to Primary Provider on a timely basis any data that is necessary to comply with Primary Provider's reporting requirements.
    - i. For the purposes of this agreement, a timely basis shall be 5 business days, or such other time period as the parties agree in writing with respect to the specific information needed to satisfy the reporting requirements.
  - e. Prompt Notice of Change in Suitability - The Supervised Provider shall disclose promptly to Primary Provider any changes in the suitability information required by Hague Regulation 96.35 as described on Schedule A hereto.
  
4. Primary Provider
  - a. Functions
    - i. Primary Provider is providing adoption placement services to the Client Family, including the following:
      - (1) Primary Provider will work with the Client Family to obtain all materials and assist them in the completion, organization, and finalization of all documentation necessary to receive a referral of a child for adoption from the foreign country;
      - (2) Primary Provider will coordinate the delivery of all client documents in the foreign country to appropriate coordinators, governments and/or officials;
      - (3) Primary Provider will present the referral package and all referral documentation to the Client Family, and will provide the Client Family with all information on the child referred to them in its physical possession;
      - (4) Upon acceptance by the Client Family of a referral of the Child(ren), Primary Provider shall work with the Client Family to advise on what is needed for completion, organization, and finalization of all documentation necessary to complete the adoption of the Child(ren) from the foreign country;
      - (5) Primary Provider shall submit to the foreign country all documentation necessary for the Client Family to complete the adoption of the Child(ren) from the foreign country
      - (6) Primary Provider shall assist the Client Family in completing all documentation necessary for the Child(ren) to apply for and acquire an exit visa and gain admission to the United States of America;
      - (7) Primary Provider will handle, through its coordinators and facilitators, all activities necessary to meet legal requirements relating to hearing and court appearances for the client families in the foreign jurisdiction;



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- ii. Primary Provider will provide the following functions relative to the Supervised Provider on the Client Family’s case:
  - (1) Primary Provider’s Social Work Supervisor will provide to Supervised Provider general instructions necessary for the completion of the home study in a format acceptable for submission to the foreign country.
  - (2) Upon completion of the draft of the home study report, Primary Provider’s Social Work Supervisor shall review the home study draft and provide specific comments and/or changes to conform with Primary Provider policies and practices and those of the foreign country. After changes are made to the satisfaction of Primary Provider’s Social Work Supervisor, Primary Provider’s Social Work Supervisor shall approve the home study in writing prior to finalization, in the format described in paragraph 4(b)(iii).
  - (3) Upon completion of the parent training, Primary Provider will collect from the Supervised Provider a written description of the topics covered during Parent training, fully executed by the Supervised Provider and the Client Family.
  - (4) *Primary Provider* will advise the Supervised Provider of details to permit Supervised Provider to comply with all applicable requirements for post-placement reporting or follow-up on the adoption;
  - (5) Primary Provider will notify Supervised Provider immediately of any and all of the following events:
    - (a) Any changes to state law or regulations, or Primary Provider’s licensing status, should occur.
    - (b) The Client Family’s receipt of a referral of a child from the foreign country.
    - (c) The Client Family’s anticipated date of return from the foreign country with a child.
    - (d) The dates that post placement reports are due to be submitted in the foreign country.
- iii. Primary Provider will ensure completion of and compliance with Parent Training Standards Hague Regulation 96.48.
  - i. (1) Parent training shall consist of a minimum of 12 hours (independent of time spent performing the home study), and shall cover the topics specified in Hague Regulation 96.48.

b. Lines of Authority

- i. The Supervised Provider will appoint an employee representative to ensure compliance with the written agreement and the services contemplated hereunder.

Name of Staff Member	Job Title	Highest Level of Education
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Supervised Provider shall ensure compliance with the requirements of Hague Regulation 96.37 and will also provide :

- (1) Copy of Supervised Provider representative’s CV that indicates educational level and adoption experience; and/or
- (2) Copy of Supervised Provider representative’s educational degree(s) or license.
- ii. The Supervised Provider shall report to Primary Provider’s Executive Director of Operations or Illinois Executive Director with respect to all services contemplated hereunder. The Supervised Provider shall submit all draft reports to, and take instruction from, Primary Provider’s designated staff above with respect to providing the services required hereunder in accordance with applicable US and foreign law and policy.
- iii. The Supervised Provider will comply with the rules of 96.47, as set forth on Schedule E hereto.
- iv. Approval of Home Study – Approval of the home study shall be accomplished by the written approval by Primary Provider, with a statement that the home study: (i) includes all of the



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information required on Schedule F hereto, and is performed in accordance with 8 CFR 204.3(e), and applicable state law and (ii) was performed by an individual who meets the requirements for home study provides established by 8 CFR 204.3(b).

5. Compensation

- a. The fees payable to the Supervised Provider shall be paid by the Client Family directly to the Supervised Provider.
- b. The fees due shall be determined by mutual consent between the Supervised Provider and the Client Family directly.
  1. \$ \_\_\_\_\_ Home Study
  2. \$ \_\_\_\_\_ Parent Training
  3. \$ \_\_\_\_\_ Post-Placement - TO BE PRE-PAID IN ADVANCE OF FAMILY TRAVELING TO FOREIGN COUNTRY TO ENSURE COMPLIANCE AFTER FAMILY RETURNS.
  4. \$ \_\_\_\_\_ Other Fees (please explain) \_\_\_\_\_
- c. The Supervised Provider will give the Client Family an itemized bill of all fees and expenses to be paid with a written explanation of the refund policy if services are not completed, and will entitle the client to any such refund within 60 days of completion of services.

6. Governing Law/Choice of Forum. All matters affecting the interpretation of this Agreement and the rights of the parties hereto shall be governed by the laws of the State of Delaware and the laws of the United States of America, without resort to its or their conflicts of laws principles regardless of the jurisdiction in which any action is initiated. The parties further agree that the Delaware Court of Chancery and the United States District Court, District of Delaware, are the exclusive venues for the resolution of any disputes arising under or relating to this Agreement. The parties consent to personal jurisdiction in these jurisdictions and expressly agree that service of process shall be deemed to be sufficient if original process is sent via any method evidencing receipt to the last known address of the party.

7. Termination. This Agreement will be in effect so long as both agencies share any mutual clients completing home study or post placement services. This agreement will automatically terminate at the conclusion of the last post-placement report for both agencies last shared client family. Should either party wish to terminate prior to this time, this agreement may be terminated in writing by either party submitting such a letter of termination to the other. Family adoption cases in process will be addressed and handled on a case-by-case basis. Primary Provider may terminate this agreement on reasonable notice if Primary Provider has grounds to believe that the Supervised Provider is not in compliance with the agreement or the requirements of this section.

8. Headings. Headings are inserted for the convenience of the parties only and shall not be attributed with any substantive meaning for purposes of interpreting this Agreement.

9. Entire Understanding. This Agreement contains the entire understanding of the parties, who hereby acknowledge that there have been and are no representations, warranties, covenants or understanding other than those expressly set forth herein and that the parties have not entered into this Agreement in reliance upon any provision or understanding not expressly contained herein.



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## PRIMARY PROVIDER

\_\_\_\_\_  
By: Diana DeGroot, MBA, LMSW  
Its: Executive Director - Madison Adoption Associates

\_\_\_\_\_  
Date

## SUPERVISED PROVIDER

\_\_\_\_\_  
**BY:**  
Its: Executive Director

\_\_\_\_\_  
**Date**





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## **Schedule A – Personnel Qualifications (Section 96.45(7) and 96.37)**

The supervised provider meets the following (which are the same personnel qualifications as accredited agencies and approved persons, as provided for in §96.37), except that the Supervised Provider will be supervised by Primary Provider's Social Work Supervisor.

1. The Supervised Provider only uses employees with appropriate qualifications and credentials to perform, in connection with a Convention adoption, adoption-related social service functions that require the application of clinical skills and judgment (home studies, child background studies, counseling, parent preparation, post-placement, and other similar services).
2. The Supervised Provider's employees meet any State licensing or regulatory requirements for the services they are providing.
3. The Supervised Provider's executive director, the supervisor overseeing a case, or the social service employee providing adoption-related social services that require the application of clinical skills and judgment (home studies, child background studies, counseling, parent preparation, post placement, and other similar services) has experience in the professional delivery of intercountry adoption services.
4. *Supervisors.* The Supervised Provider's social work supervisors have prior experience in family and children's services, adoption, or intercountry adoption and either:
  - (1) A master's degree from an accredited program of social work;
  - (2) A master's degree (or doctorate) in a related human service field, including, but not limited to, psychology, psychiatry, psychiatric nursing, counseling, rehabilitation counseling, or pastoral counseling; or
  - (3) In the case of a social work supervisor who is or was an incumbent at the time the Convention enters into force for the United States, the supervisor has significant skills and experience in intercountry adoption and has regular access for consultation purposes to an individual with the qualifications listed in paragraph (4)(1) or paragraph (4)(2) of this section.
5. *Non-supervisory employees.* The Supervised Provider's non-supervisory employees providing adoption-related social services that require the application of clinical skills and judgment other than home studies or child background studies have either:
  - (1) A master's degree from an accredited program of social work or in another human service field; or
  - (2) A bachelor's degree from an accredited program of social work; or a combination of a bachelor's degree in any field and prior experience in family and children's services, adoption, or intercountry adoption.
6. *Home studies.* The Supervised Provider's employees who conduct home studies:
  - (1) Are authorized or licensed to complete a home study under the laws of the States in which they practice; and
  - (2) Meet the INA requirements for home study preparers in 8 CFR 204.3(b).
7. *Child background studies.* The Supervised Provider's employees who prepare child background studies:
  - (1) Are authorized or licensed to complete a child background study under the laws of the States in which they practice.



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## **Schedule B – Standards Supervised Provider Abides By (Section 96.45)**

The Supervised Provider complies with the following standards:

### 1. **Prohibition on child-buying** (§ 96.36)

- a. Supervised Provider 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 Supervised Provider may remit reasonable payments for activities related to the adoption proceedings, prebirth 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.
- b. The Supervised Provider has written policies and procedures in place reflecting the prohibitions above and reinforces them in its employee training programs.

### 2. **Compensation** (§ 96.34)

- a. **No Incentive Fees** - The Supervised Provider does not compensate any individual who provides intercountry adoption services with an incentive fee or contingent fee for each child located or placed for adoption.
- b. **Reasonable compensation** - The Supervised Provider compensates its directors, officers, employees, and supervised providers who provide intercountry adoption services only for services actually rendered and only on a fee-for-service, hourly wage, or salary basis rather than a contingent fee basis.
- c. **Salaries and Fee Systems Only** - The Supervised Provider does not make any payments, promise payment, or give other consideration to any individual directly or indirectly involved in provision of adoption services in a particular case, except for salaries or fees for services actually rendered and reimbursement for costs incurred. This does not prohibit an Supervised Provider from providing in-kind or other donations not intended to influence or affect a particular adoption.
  - i. **Fees Not Unreasonably High for D,O, E, SP** - The fees, wages, or salaries paid to the directors, officers, employees, and supervised providers of the Supervised Provider are not unreasonably high in relation to the services actually rendered, taking into account the country in which the adoption services are provided and norms for compensation within the intercountry adoption community in that country, to the extent that such norms are known to the accrediting entity; the location, number, and qualifications of staff; workload requirements; budget; and size of the Supervised Provider.
  - ii. **Reasonable Fees**. Any other compensation paid to the Supervised Provider's directors or members of its governing body is not unreasonably high in relation to the services rendered, taking into account the same factors listed in paragraph (4) of this section and its for-profit or nonprofit status.
  - iii. **Identify all Non-Adoption Vendors for Clients to Accrediting Agency** - The Supervised Provider identifies all vendors to whom clients are referred for non-adoption services and discloses to Primary Provider any corporate or financial arrangements and any family relationships with such vendors.

### 3. **Employee Training** (§ 96.38)

- a. **Comprehensive Training for Newly Hired Employees/Orientation** - The Supervised Provider provides newly hired employees who have adoption-related responsibilities involving the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post placement and other similar services) with a comprehensive orientation to intercountry adoption that includes training on:
  - i. **Requirements of Hague** - The requirements of the Convention, the IAA, the regulations implementing the IAA, and other applicable Federal regulations;
  - ii. **Immigration Regs** - The INA regulations applicable to the immigration of children adopted from a Convention country;



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- iii. Foreign Country Adoption Law - The adoption laws of any Convention country where the Supervised Provider provides adoption services;
  - iv. State Law - Relevant State laws;
  - v. Ethics and Child Buying Restrictions - Ethical considerations in intercountry adoption and prohibitions on child-buying;
  - vi. Mission - The Supervised Provider's goals, ethical and professional guidelines, organizational lines of accountability, policies, and procedures; and
  - vii. Cultural Diversity - The cultural diversity of the population(s) served by the Supervised Provider.
- 2) **Initial Training** - In addition to the orientation training required under paragraph (1) of this section, the Supervised Provider provides initial training to newly hired or current employees whose responsibilities include providing adoption-related social services that involve the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post placement and other similar services) that addresses:
- i. Foreign Background on Countries - The factors in the countries of origin that lead to children needing adoptive families;
  - ii. Grief, Loss, Separation - Feelings of separation, grief, and loss experienced by the child with respect to the family of origin;
  - iii. Attachment and post-traumatic stress disorders;
  - iv. Impact of Abuse - Psychological issues facing children who have experienced abuse or neglect and/or whose parents' rights have been terminated because of abuse or neglect;
  - v. Institutionalization - The impact of institutionalization on child development;
  - vi. Outcomes for children placed for adoption internationally and the benefits of permanent family placements over other forms of government care;
  - vii. Health - The most frequent medical and psychological problems experienced by children from the countries of origin served by the Supervised Provider;
  - viii. Bonding - The process of developing emotional ties to an adoptive family;
  - ix. Acculturation and assimilation issues, including those arising from factors such as race, ethnicity, religion, and culture and the impact of having been adopted internationally; and
  - x. Child, adolescent, and adult development as affected by adoption.
- 3) **30 Hours Training/2 Years**. The Supervised Provider ensures that employees who provide adoption-related social services that involve the application of clinical skills and judgment (home studies, child background studies, counseling services, parent preparation, post placement and other similar services) also receive, in addition to the orientation and initial training described in paragraphs (a) and (b) of this section, no less than thirty hours of training every two years, or more if required by State law, on current and emerging adoption practice issues through participation in seminars, conferences, documented distance learning courses, and other similar programs. Continuing education hours required under State law may count toward the thirty hours of training as long as the training is related to current and emerging adoption practice issues.
- 4) **Limited Exemptions**. The Supervised Provider exempts newly hired and current employees from elements of the orientation and initial training required in paragraphs (1) and (2) of this section only where the employee has demonstrated experience with intercountry adoption and knowledge of the Convention and the IAA.
4. **Waivers of liability** (§ 96.39(d))
- a. The Supervised Provider requires client to sign a waiver of liability as part of the adoption service contract only where that waiver complies with applicable State law.
  - b. Any waiver requires is limited and specific, based on risk that have been discussed and explained to the client in the adoption services contract.



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## 5. **Complaints** (§ 96.41(b) through (e))

- a. The Supervised Provider permits any birth parent, prospective adoptive parent or adoptive parent, or adoptee to lodge directly with the Supervised Provider signed and dated complaints about any of the services or activities of the Supervised Provider (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 Supervised Provider's response to their complaint.
- b. The Supervised Provider responds in writing to complaints received pursuant to paragraph (1) 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.
- c. The Supervised Provider maintains a written record of each complaint received pursuant to paragraph (1) 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.
- d. The Supervised Provider 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 Supervised Provider's performance; or questioning the conduct of or expressing an opinion about the performance of an Supervised Provider.



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## **Schedule C – Safeguard Data (Section 96.45(b)(8) and 96.42)**

The Supervised Provider shall limit the use of and safeguard personal data gathered or transmitted in connection with an adoption, as provided for in § 96.42 and as described below:

Safe, Lawful Archive – The Supervised Provider shall retain or archive adoption records in a safe, secure, and retrievable manner for the period of time required by applicable State law.

Non-Identifying Info - The Supervised Provider shall make 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.

Limited Use of Personal Data - The Supervised Provider shall ensure 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.

Plan to Transfer Record Custody if Shut Down - The Supervised Provider has a plan that is consistent with the provisions of this section, the plan required under § 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 Supervised Provider ceases to provide or is no longer permitted to provide adoption services under the Convention.

Notice of Closure within 30 Days - The Supervised Provider shall notify the Supervising Provider 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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## **Schedule D - Suitability to Serve as Supervised Provider (Section 96.35)**

The Supervised Provider hereby states the following with respect to suitability to serve as an adoption service provider by indicating specific deviations in writing below.

I, \_\_\_\_\_, authorized representative of Supervised Provider, hereby disclose the following (as described in § 96.35):

The Supervised Provider provides adoption services ethically and in accordance with the Convention’s principles of:

- 1) Ensuring that intercountry adoptions take place in the best interests of children; and
- 2) Preventing the abduction, exploitation, sale, or trafficking of children.

I, \_\_\_\_\_, authorized representative of Supervised Provider, hereby advise the following with respect to each of the categories set forth below:

Information for Agency, under its current or any former names:

N/A    See Below

- \_\_\_\_\_ a.    Agency Lost Right to Provide Adoption Services - Any instances in which the Supervised Provider has lost the right to provide adoption services in any State or country, including the basis for such action(s);
- \_\_\_\_\_ b.    Agency Denied Authority for Adoption Services in US or Abroad - Any instances in which the Supervised Provider was debarred or otherwise denied the authority to provide adoption services in any State or country, including the basis and disposition of such action(s);
- \_\_\_\_\_ c.    Licensure Suspensions, Sanctions - Any licensing suspensions for cause or other negative sanctions by oversight bodies against the Supervised Provider, including the basis and disposition of such action(s);
- \_\_\_\_\_ d.    Ten Year Disciplinary Record - For the prior ten-year period, any disciplinary action(s) against the Supervised Provider by a licensing or accrediting body, including the basis and disposition of such action(s);
- \_\_\_\_\_ e.    10 Year Complaint Record - For the prior ten-year period, any written complaint(s) related to the provision of adoption-related services, including the basis and disposition of such complaints, against the Supervised Provider filed with any State or Federal or foreign regulatory body and of which the Supervised Provider was notified;
- \_\_\_\_\_ f.    10 Year Criminal/Civil Charges - For the prior ten-year period, any known past or pending investigation(s) (by Federal authorities or by public domestic authorities), criminal charge(s), child abuse charge(s), or lawsuit(s) against the Supervised Provider, related to the provision of child welfare or adoption-related services, and the basis and disposition of such action(s).
- \_\_\_\_\_ g.    10 Year Criminal/Civil Violations - Any instances where the Supervised Provider has been found guilty of any crime under Federal, State, or foreign law or has been found to have committed any civil or administrative violation involving financial irregularities under Federal, State, or foreign law;
- \_\_\_\_\_ h.    5 Year Bankruptcy Record - For the prior five-year period, any instances where the Supervised Provider has filed for bankruptcy;

\_\_\_\_\_  
SP Initials



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- \_\_\_\_\_ i. Related Business Activities Contrary to Hague - Descriptions of any businesses or activities that are inconsistent with the principles of the Convention and that have been or are currently carried out by the Supervised Provider, affiliate organizations, or by any organization in which the Supervised Provider has an ownership or controlling interest.

Information about the Supervised Provider's individual directors, officers, and employees.

- \_\_\_\_\_ a. 10 Year Disciplinary Record - For the prior ten-year period, any conduct by any such individual related to the provision of adoption-related services that was subject to external disciplinary proceeding(s);
- \_\_\_\_\_ b. Convictions or Investigations re Financials - Any convictions or current investigations of any such individual who is in a senior management position for acts involving financial irregularities;
- \_\_\_\_\_ c. State Criminal/Child Abuse Checks - The results of a State criminal background check and a child abuse clearance for any such individual in the United States in a senior management position or who works directly with parent(s) and/or children (unless such checks have been included in the State licensing process); and
- \_\_\_\_\_ d. Completed FBI Form in File - A completed FBI Form FD-258 for each such individual in the United States in a senior management position or who works directly with parent(s) and/or children, which the Supervised Provider must keep on file in case future allegations warrant submission of the form for a Federal criminal background check of any such individual.
- \_\_\_\_\_ e. Related Businesses Contrary to Hague - Descriptions of any businesses or activities that are inconsistent with the principles of the Convention and that are known to have been or are currently carried out by current individual directors, officers, or employees of the Supervised Provider.

If Supervised Provider is an individual,

- \_\_\_\_\_ a. State Criminal Backgrounds/Child Abuse Clearances - Provides the results of a State criminal background check and a child abuse clearance to the accrediting entity;
- \_\_\_\_\_ b. Completed FBI Form - Completes and retains a FBI Form FD-258 on file in case future allegations warrant submission of the form for a Federal criminal background check;
- \_\_\_\_\_ c. Lawyer Good Standing Certificate - If a lawyer, for every jurisdiction in which he or she has ever been admitted to the Bar, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation and immediately reports to the accrediting entity any disciplinary action considered by a State bar association, regardless of whether the action relates to intercountry adoption; and
- \_\_\_\_\_ d. Social Work Good Standing Certificate - If a social worker, for every jurisdiction in which he or she has been licensed, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation.

Notice of Changes within 30 days - The Supervised Provider must disclose any changes to the above within 30 business days of learning of the change.







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## **Schedule E - Homestudy Standards (Section 96.47)**

A. The Supervised Provider will ensure that the home study 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.

B. The Supervised Provider ensures that the home study is performed in accordance with 8 CFR 204.3(e), and any applicable State law.

C. The home study will be reviewed and approved by Primary Provider's Social Work Supervisor in writing together with the following statements:

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 § 96.37(f) (i.e. hs provider is authorized by state, meets requirements if INA and 204.3, and supervised by supervisor of hs.) 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).

D. The Supervised Provider 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).



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## **Schedule F - Parent Training Requirements (Section 96.48) and 8 CFR 204.3(e)**

Hague Regulation requirement:

- A. The Supervised Provider discusses and verifies that prospective adoptive parent(s) have taken **at least twelve (MAA requirement) hours** (independent of the home study) of preparation and training, as described in paragraphs (b) and (c) of this section, designed to promote a successful intercountry adoption. The Supervised Provider discusses and verifies initial home study training before the prospective adoptive parent(s) home study is completed and before they travel to adopt the child or the child is placed with the prospective adoptive parent(s) for adoption. Primary Provider provides child specific training before the prospective adoptive parent(s) travel to adopt the child or the child is placed with the prospective adoptive parent(s) for adoption.
- B. The initial training discussed and verified by the Supervised Provider addresses the following topics:
  1. The intercountry adoption process, the general characteristics and needs of children awaiting adoption, and the in country conditions that affect children in the Convention country from which the prospective adoptive parent(s) plan to adopt;
  2. The effects on children of malnutrition, relevant environmental toxins, maternal substance abuse, and of any other known genetic, health, emotional, and developmental risk factors associated with children from the expected country of origin;
  3. Information about the impact on a child of leaving familiar ties and surroundings, as appropriate to the expected age of the child;
  4. Data on institutionalized children and the impact of institutionalization on children, including the effect on children of the length of time spent in an institution and of the type of care provided in the expected country of origin;
  5. Information on attachment disorders and other emotional problems that institutionalized or traumatized children and children with a history of multiple caregivers may experience, before and after their adoption;
  6. Information on the laws and adoption processes of the expected country of origin, including foreseeable delays and impediments to finalization of an adoption;
  7. Information on the long-term implications for a family that has become multicultural through intercountry adoption; and
  8. An explanation of any reporting requirements associated with Convention adoptions, including any post-placement or post-adoption reports required by the expected country of origin
- C. The Supervised and/or Primary Provider also provides the prospective adoptive parent(s) with training that allows them to be as fully prepared as possible for the adoption of a particular child. This includes counseling on:
  1. The child's history and cultural, racial, religious, ethnic, and linguistic background;
  2. The known health risks in the specific region or country where the child resides; and
  3. Any other medical, social, background, birth history, educational data, developmental history, or any other data known about the particular child.
- D. The Supervised and/or Primary Provider provides such training through appropriate methods, including:
  1. Collaboration among agencies or persons to share resources to meet the training needs of prospective adoptive parents;
  2. Group seminars offered by the Supervised Provider or other agencies or training entities;
  3. Individual counseling sessions;
  4. Video, computer-assisted, or distance learning methods using standardized curricula; or
  5. In cases where training cannot otherwise be provided, an extended home study process, with a system for evaluating the thoroughness with which the topics have been covered.
  6. The Supervised Provider and/or Primary Provider provides additional in-person, individualized counseling and preparation, as needed, to meet the needs of the prospective adoptive parent(s) in light of



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the particular child to be adopted and his or her special needs, and any other training or counseling needed in light of the child background study or the home study.

7. The Supervised Provider and/or Primary Provider provides the prospective adoptive parent(s) with information about print, internet, and other resources available for continuing to acquire information about common behavioral, medical, and other issues; connecting with parent support groups, adoption clinics and experts; and seeking appropriate help when needed.
8. The Supervised Provider and/or Primary Provider exempts prospective adoptive parent(s) from all or part of the training and preparation that would normally be required for a specific adoption only when the Supervised Provider determines that the prospective adoptive parent(s) have received adequate prior training or have prior experience as parent(s) of children adopted from abroad.
9. The Supervised Provider records the nature and extent of the initial training and preparation provided to the prospective adoptive parent(s) in the adoption record. The Primary Provider records the child specific and individualized training in the adoption record.

## Immigration Law Requirement - Sec. 204.3(e)

Home study requirements. For immigration purposes, a home study is a process for screening and preparing prospective adoptive parents who are interested in adopting an orphan from another country. The home study should be tailored to the particular situation of the prospective adoptive parents: for example, a family which previously has adopted children will require different preparation than a family that has no adopted children. If there are any additional adult members of the prospective adoptive parents' household, the home study must address this fact. The home study preparer must interview any additional adult member of the prospective adoptive parents' household and assess him or her in light of the requirements of paragraphs (e)(1), (e)(2)(i), (iii), (iv), and (v) of this section. A home study must be conducted by a home study preparer, as defined in paragraph (b) of this section. The home study, or the most recent update to the home study, must not be more than six months old at the time the home study is submitted to the Service. Only one copy of the home study must be submitted to the Service. Ordinarily, a home study (or a home study and update as discussed above) will not have to be updated after it has been submitted to the Service unless there is a significant change in the household of the prospective adoptive parents such as a change in residence, marital status, criminal history, financial resources, and/or the addition of one or more children or other dependents to the family prior to the orphan's immigration into the United States. In addition to meeting any State, professional, or agency requirements, a home study must include the following:

(1) Personal interview(s) and home visit(s). The home study preparer must conduct at least one interview in person, and at least one home visit, with the prospective adoptive couple or the unmarried prospective adoptive parent. Each additional adult member of the prospective adoptive parents' household must also be interviewed in person at least once. The home study report must state the number of such interviews and visits, and must specify any other contacts with the prospective adoptive parents and any adult member of the prospective adoptive parents' household.

(2) Assessment of the capabilities of the prospective adoptive parents to properly parent the orphan. The home study must include a discussion of the following areas:

(i) Assessment of the physical, mental, and emotional capabilities of the prospective adoptive parents to properly parent the orphan. The home study preparer must make an initial assessment of how the physical, mental, and emotional health of the prospective adoptive parents would affect their ability to properly care for the prospective orphan. If the home study preparer determines that there are areas beyond his or her expertise which need to be addressed, he or she shall refer the prospective adoptive parents to an appropriate licensed professional, such as a physician, psychiatrist, clinical psychologist, or clinical social worker for an evaluation. Some problems may not necessarily disqualify applicants. For example, certain physical limitations may indicate which categories of children may be most appropriately placed with



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certain prospective adoptive parents. Certain mental and emotional health problems may be successfully treated. The home study must include the home study preparer's assessment of any such potential problem areas, a copy of any outside evaluation(s), and the home study preparer's recommended restrictions, if any, on the characteristics of the child to be placed in the home. Additionally, the home study preparer must apply the requirements of this paragraph to each adult member of the prospective adoptive parents' household.

(ii) Assessment of the finances of the prospective adoptive parents. The financial assessment must include a description of the income, financial resources, debts, and expenses of the prospective adoptive parents. A statement concerning the evidence that was considered to verify the source and amount of income and financial resources must be included. Any income designated for the support of one or more children in the care and custody of the prospective adoptive parents, such as funds for foster care, or any income designated for the support of another member of the household must not be counted towards the financial resources available for the support of a prospective orphan. The Service will not routinely require a detailed financial statement or supporting financial documents. However, should the need arise, the Service reserves the right to ask for such detailed documentation.

(iii) History of abuse and/or violence.

(A) Screening for abuse and violence.

1) Checking available child abuse registries. The home study preparer must ensure that a check of each prospective adoptive parent and each adult member of the prospective adoptive parents' household has been made with available child abuse registries and must include in the home study the results of the checks including, if applicable, a report that no record was found to exist. Depending on the access allowed by the state of proposed residence of the orphan, the home study preparer must take one of the following courses of action:

2) If the home study preparer is allowed access to information from the child abuse registries, he or she shall make the appropriate checks for each of the prospective adoptive parents and for each adult member of the prospective adoptive parents' household;

3) If the State requires the home study preparer to secure permission from each of the prospective adoptive parents and for each adult member of the prospective adoptive parents' household before gaining access to information in such registries, the home study preparer must secure such permission from those individuals, and make the appropriate checks;

4) If the State will only release information directly to each of the prospective adoptive parents and directly to the adult member of the prospective adoptive parents' household, those individuals must secure such information and provide it to the home study preparer. The home study preparer must include the results of these checks in the home study;

5) If the State will not release information to either the home study preparer or the prospective adoptive parents and the adult members of the prospective adoptive parents' household, this must be noted in the home study; or If the State does not have a child abuse registry, this must be noted in the home study.

6) Inquiring about abuse and violence. The home study preparer must ask each prospective adoptive parent whether he or she has a history of substance abuse, sexual or child abuse, or domestic violence, even if it did not result in an arrest or conviction. The home study preparer must include each prospective adoptive parent's response to the questions regarding abuse and violence. Additionally, the home study preparer must apply the requirements of this paragraph to each adult member of the prospective adoptive parents' household.

(B) Information concerning history of abuse and/or violence. If the petitioner and/or spouse, if married, disclose(s) any history of abuse and/or violence as set forth in paragraph (e)(2)(iii)(A) of this section,



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or if, in the absence of such disclosure, the home study preparer becomes aware of any of the foregoing, the home study report must contain an evaluation of the suitability of the home for adoptive placement of an orphan in light of this history. This evaluation must include information concerning all arrests or convictions or history of substance abuse, sexual or child abuse, and/or domestic violence and the date of each occurrence. A certified copy of the documentation showing the final disposition of each incident, which resulted in arrest, indictment, conviction, and/or any other judicial or administrative action, must accompany the home study. Additionally, the prospective adoptive parent must submit a signed statement giving details including mitigating circumstances, if any, about each incident. The home study preparer must apply the requirements of this paragraph to each adult member of the prospective adoptive parents' household.

(C) Evidence of rehabilitation. If a prospective adoptive parent has a history of substance abuse, sexual or child abuse, and/or domestic violence, the home study preparer may, nevertheless, make a favorable finding if the prospective adoptive parent has demonstrated appropriate rehabilitation. In such a case, a discussion of such rehabilitation which demonstrates that the prospective adoptive parent is and will be able to provide proper care for the orphan must be included in the home study. Evidence of rehabilitation may include an evaluation of the seriousness of the arrest(s), conviction(s), or history of abuse, the number of such incidents, the length of time since the last incident, and any type of counseling or rehabilitation programs which have been successfully completed. Evidence of rehabilitation may also be provided by an appropriate licensed professional, such as a psychiatrist, clinical psychologist, or clinical social worker. The home study report must include all facts and circumstances which the home study preparer has considered, as well as the preparer's reasons for a favorable decision regarding the prospective adoptive parent. Additionally, if any adult member of the prospective adoptive parents' household has a history of substance abuse, sexual or child abuse, and/or domestic violence, the home study preparer must apply the requirements of this paragraph to that adult member of the prospective adoptive parents' household.

(D) Failure to disclose or cooperate. Failure to disclose an arrest, conviction, or history of substance abuse, sexual or child abuse, and/or domestic violence by the prospective adoptive parents or an adult member of the prospective adoptive parents' household to the home study preparer and to the Service, may result in the denial of the advanced processing application or, if applicable, the application and orphan petition, pursuant to paragraph (h)(4) of this section. Failure by the prospective adoptive parents or an adult member of the prospective adoptive parents' household to cooperate in having available child abuse registries checked in accordance with paragraphs (e)(2)(iii)(A)(1) and (e)(2)(iii)(A)(1)(i) through (e)(2)(iii)(A)(1)(iii) of this section will result in the denial of the advanced processing application or, if applicable, the application and orphan petition, pursuant to paragraph (h)(4) of this section.

(iv) Previous rejection for adoption or prior unfavorable home study. The home study preparer must ask each prospective adoptive parent whether he or she previously has been rejected as a prospective adoptive parent or has been the subject of an unfavorable home study, and must include each prospective adoptive parent's response to this question in the home study report. If a prospective adoptive parent previously has been rejected or found to be unsuitable, the reasons for such a finding must be set forth as well as the reason(s) why he or she is now being favorably considered as a prospective adoptive parent. A copy of each previous rejection and/or unfavorable home study must be attached to the favorable home study. Additionally, the home study preparer must apply the requirements of this paragraph to each adult member of the prospective adoptive parents' household.



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(v) Criminal history. The prospective adoptive parents and the adult members of the prospective adoptive parents' household are expected to disclose to the home study preparer and the Service any history of arrest and/or conviction early in the advanced processing procedure. Failure to do so may result in denial pursuant to paragraph (h)(4) of this section or in delays. Early disclosure provides the prospective adoptive parents with the best opportunity to gather and present evidence, and it gives the home study preparer and the Service the opportunity to properly evaluate the criminal record in light of such evidence. When such information is not presented early in the process, it comes to light when the fingerprint checks are received by the Service. By that time, the prospective adoptive parents are usually well into preadoption proceedings of identifying a child and may even have firm travel plans. At times, the travel plans have to be rescheduled while the issues raised by the criminal record are addressed. It is in the best interest of all parties to have any criminal records disclosed and resolved early in the process.

(3) Living accommodations. The home study must include a detailed description of the living accommodations where the prospective adoptive parents currently reside. If the prospective adoptive parents are planning to move, the home study must include a description of the living accommodations where the child will reside with the prospective adoptive parents, if known. If the prospective adoptive parents are residing abroad at the time of the home study, the home study must include a description of the living accommodations where the child will reside in the United States with the prospective adoptive parents, if known. Each description must include an assessment of the suitability of accommodations for a child and a determination whether such space meets applicable State requirements, if any.

(4) Handicapped or special needs orphan. A home study conducted in conjunction with the proposed adoption of a special needs or handicapped orphan must contain a discussion of the prospective adoptive parents' preparation, willingness, and ability to provide proper care for such an orphan.

(5) Summary of the counseling given and plans for post-placement counseling. The home study must include a summary of the counseling given to prepare the prospective adoptive parents for an international adoption and any plans for post-placement counseling. Such preadoption counseling must include a discussion of the processing, expenses, difficulties, and delays associated with international adoptions.

(6) Specific approval of the prospective adoptive parents for adoption. If the home study preparer's findings are favorable, the home study must contain his or her specific approval of the prospective adoptive parents for adoption and a discussion of the reasons for such approval. The home study must include the number of orphans which the prospective adoptive parents may adopt. The home study must state whether there are any specific restrictions to the adoption such as nationality, age, or gender of the orphan. If the home study preparer has approved the prospective adoptive parents for a handicapped or special needs adoption, this fact must be clearly stated.

(7) Home study preparer's certification and statement of authority to conduct home studies. The home study must include a statement in which the home study preparer certifies that he or she is licensed or otherwise authorized by the State of the orphan's proposed residence to research and prepare home studies. In the case of an orphan whose adoption was finalized abroad and whose adoptive parents reside abroad, the home study preparer must certify that he or she is licensed or otherwise authorized to conduct home studies under the law of any State of the United States, or authorized by the adoption authorities of the foreign country to conduct home studies under the laws of the foreign country. In every case, this statement must cite the State or country under whose authority the home study preparer is licensed or authorized, the specific law or regulation authorizing the preparer to conduct home studies, the license number, if any, and the expiration date, if any, of this authorization or license.



# Madison Adoption Associates

*International Adoptions ~ Home studies ~ PA SWAN ~ Post-Adoption Support ~ Hague Accredited*

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(8) Review of home study. If the prospective adoptive parents reside in a State which requires the State to review the home study, such a review must occur and be documented before the home study is submitted to the Service. If the prospective adoptive parents reside abroad, an appropriate public or private adoption agency licensed, or otherwise authorized, by any State of the United States to place children for adoption, must review and favorably recommend the home study before it is submitted to the Service.

(9) Home study updates and amendments.

(i) Updates. If the home study is more than six months old at the time it would be submitted to the Service, the prospective adoptive parents must ensure that it is updated by a home study preparer before it is submitted to the Service. Each update must include screening in accordance with paragraphs (e)(2)(iii)(A) and (B) of this section.

(ii) Amendments. If there have been any significant changes, such as a change in the residence of the prospective adoptive parents, marital status, criminal history, financial resources, and/or the addition of one or more children or other dependents to the family, the prospective adoptive parents must ensure that the home study is amended by a home study preparer to reflect any such changes. If the orphan's proposed State of residence has changed, the home study amendment must contain a recommendation in accordance with paragraph (e)(8) of this section, if required by State law. Any preadoption requirements of the new State must be complied with in the case of an orphan coming to the United States to be adopted.

(10) "Grandfather" provision for home study. A home study properly completed in conformance with the regulations in force prior to September 30, 1994, shall be considered acceptable if submitted to the Service within 90 days of September 30, 1994. Any such home study accepted under this "grandfather" provision must include screening in accordance with paragraphs (e)(2)(iii)(A) and (B) of this section. Additionally, any such home study submitted under this "grandfather" provision which is more than six months old at the time of its submission must be amended or updated pursuant to the requirements of paragraph (e)(9) of this section.

## 8 CFR 204(b) – Homestudy Preparer Requirements of Immigration Regulations

Home study preparer means any party licensed or otherwise authorized under the law of the State of the orphan's proposed residence to conduct the research and preparation for a home study, including the required personal interview(s). This term includes a public agency with authority under that State's law in adoption matters, public or private adoption agencies licensed or otherwise authorized by the laws of that State to place children for adoption, and organizations or individuals licensed or otherwise authorized to conduct the research and preparation for a home study, including the required personal interview(s), under the laws of the State of the orphan's proposed residence. In the case of an orphan whose adoption has been finalized abroad and whose adoptive parents reside abroad, the home study preparer includes any party licensed or otherwise authorized to conduct home studies under the law of any State of the United States, or any party licensed or otherwise authorized by the foreign country's adoption authorities to conduct home studies under the laws of the foreign country.



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## Schedule G – Primary Provider Post-Placement and Post-Adoption Reporting Requirements

With respect to post-placement or post-adoption reports, the Primary Provider hereby agree to provide post-placement or post-adoption reports to Madison Adoption Associates and/or to any and all state and federal licensing agencies that Madison Adoption Associates directs at the intervals set forth below. The reports must be completed by a duly licensed social worker or home study agency at the expense of the Adoptive Parents. All reports must be completed in the home by a licensed social worker. All such post-placement or post-adoption reports shall be submitted, notarized and apostilled in a timely manner so that such reports are received by Madison Adoption Associates and any and all state and federal licensing agencies that Madison Adoption Associates directs, no event later than thirty (30) days from the deadlines set forth below. With each report, the Adoptive Parents agree to include six (6) photographs of the Child(ren).

- (a) The *minimum* number of reports required is scheduled at:

Philippines

- (i) One month post-placement
- (ii) Three months post-placement
- (iii) Five months post-placement
- (iv) Eight months post-placement

Thailand

- (i) One month post-placement
- (ii) Two months post-placement
- (iii) Four months post-placement
- (iv) Six months post-placement

- (b) Additional reporting requirements exist for certain countries. Madison Adoption Associates will notify the Adoptive Parents and Primary Provider regarding the post-placement requirements of the country from which they adopt the Child(ren) as they exist at the time of placement.
- (c) The Adoptive Parents' failure to comply (a) may result in immediate and irreparable harm and/or damage to Madison Adoption Associates, and (b) entitles Madison Adoption Associates to consider an immediate ex parte injunction and/or specific performance ordering the Adoptive Parents' compliance with the request for documentation, with all legal fees and expenses resulting from such action to be the Adoptive Parents' responsibility.
- (d) Assistance with Adjustment Difficulties. Should difficulties be encountered in the adjustment of the Adoptive Parents and/or the Child(ren), the Adoptive Parents agree to seek out such assistance and guidance as shall be suggested by Madison Adoption Associates or the social worker and/or home study agency completing the post-placement reports.





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## **Schedule H – Supervised Provider’s Post-Placement and Post-Adoption Crisis Plan**

Please attach your post-placement/ post-adoption crisis plan here or kindly attach to this agreement.