



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

September 26, 2016

ALL COUNTY LETTER NO. 16-63

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE PROGRAM MANAGERS
ALL ADOPTION REGIONAL AND FIELD OFFICES
ALL COUNTY ADOPTION OFFICES
ALL PRIVATE ADOPTION AGENCIES

SUBJECT: IMPLEMENTATION OF UNIVERSAL ACCREDITATION ACT OF 2014
AND INTERCOUNTRY REPORTING REQUIREMENTS

REFERENCE: ALL COUNTY LETTER (ACL) [09-10](#), [09-67](#), AND [12-51](#); ALL COUNTY INFORMATION NOTICE (ACIN) [I-12-08](#); [HAGUE CONVENTION ON INTERCOUNTRY ADOPTION \(HCIA\) INTERCOUNTRY ADOPTION ACT OF 2000 \(IAA\)](#); [INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012](#); FAMILY CODE [8502](#), [8900](#), [8905](#); TITLE 22 CODE OF FEDERAL REGULATIONS PARTS [96](#), [97](#), [98](#), AND [99](#).

The purpose of this ACL is to notify all licensed California intercountry adoption agencies of the extension of the Intercountry Adoption Act of 2000 (IAA) by the passage of federal adoption standards known as the Universal Accreditation Act (UAA) of 2012. This act took effect in the United States (U.S.) on July 14, 2014. The IAA required all U.S. intercountry adoption agencies working in Hague Convention countries to become accredited by the Council on Accreditation (COA) or supervised by a COA accredited adoption agency acting as a primary provider. In addition, the UAA requires that all U.S. intercountry adoption agencies are now held to Hague Adoption Convention standards for both convention and non-convention adoption cases throughout the U.S. and abroad.

Additionally, this ACL incorporates new reporting requirements and federal guidance regarding rehoming of adopted children. The California Department of Social Services (CDSS), in consultation with COA and assistance from Community Care Licensing

(CCL) will monitor the compliance of licensed California intercountry adoption agencies in the implementation of these and existing requirements explained in ACL No. 09-10. This will ensure that licensed California adoption agencies practices are consistent with the requirements of the UAA.

Intercountry adoption agencies are required and expected to adhere to all internationally recognized principles, standards and procedural safeguards which protect the best interests of children and are required by the Title 22 Code of Federal Regulations Parts [96](#), [97](#), [98](#) and [99](#).

Rehoming of Adopted Children

In the past several years there have been reports of a number of adopted children who have been unduly relinquished to the care of strangers; this process is often referred to as rehoming. Many of these arrangements involve the transfer of physical custody across state lines without involvement from state or local agencies or utilization of measures that safeguard the appropriateness of a placement, including the Interstate Compact of the Placement of Children. Compliance with the UAA and other regulations mentioned in this ACL will aid the process of ensuring children and families are protected and safe.

Background and Implementation of the Universal Accreditation Act

The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption was concluded at the Hague Convention on May 29, 1993. The Intercountry Adoption Act of 2000 is located at 42 United States Code (USC) sections 14901 through 14954. The federal implementing regulations became effective in 2006. The initial 75 participating Hague Convention countries (currently 93 are participants) agreed upon uniform protections for children, adoptive parents and birth families. These protections were implemented to prevent the abduction, exploitation, sale or trafficking of children involved in intercountry adoptions.

The UAA extends the safeguards provided by accreditation to orphans as defined under the Immigration and Nationality Act (INA) section [101\(b\)\(1\)\(f\)](#), their adoptive parents, and birth parents by applying Hague Adoption Convention-compatible standards to both convention and non-convention cases.

The UAA adds the following provisions to the IAA, all of which are currently required in California as implemented through ACL [09-10](#) and ACL [12-51](#):

- Adds a requirement that all U.S. intercountry adoption agencies receive accreditation from the COA as is required in convention adoption cases.
- Provides uniform standards and accountability for adoption provider conduct regardless of whether the case is a convention or non-convention adoption.
- Requires that intercountry adoption agencies handling non-Hague Convention adoptions that fall under the Immigration and Nationality Act (INA) section 101(b)(1)(F) follow the same accreditation or approval process required of agencies that handle convention adoptions under INA section 101(b)(1)(G).

Current California statute enacted under [Senate Bill 703](#) (Chapter 583, Statutes of 2007), which amended Family Code section 8900 mirror the new federal requirements under the UAA (refer to ACL No. 09-10). These requirements provide consistency and assure prospective adoptive parents pursuing an intercountry adoption that the same standards and conduct will be followed by all California intercountry adoption agencies.

Updated or Amended Home Studies

Prospective adoptive parents who had an approved intercountry adoption home study conducted prior to the passage of the UAA may request a COA accredited provider to update or amend their existing home study in accordance with the UAA. A COA accredited agency must review the existing home study to determine if it is in compliance with existing state and federal law.

Accreditation Standards

As a condition of licensure for providing intercountry adoption services in California, all intercountry adoption agencies are required to be accredited by COA or supervised by an accredited primary provider. Additionally, under the UAA, California agencies who meet the licensure and accreditation requirement may act as a primary provider for adoption agencies outside of California under a written agreement that specifies the roles and responsibilities of each agency. Under these agreements the California agency is responsible for the conduct and practice of the supervised agency in accordance with all state, federal and COA requirements (Title 22 CFR section 96.12). Pursuant to Family Code section 8900 (c) any primary provider intercountry adoption agency in California that supervises a supervised provider must provide the CDSS with a copy of the written agreement executed between the two entities containing all requirements of Title 22 CFR section 96.45. Such written agreements must be forwarded to your Community Care Licensing Division (CCLD) program analyst prior to the use of any supervised provider.

Re-Adoption

All intercountry adoption agencies must document in each adoptive family's case file that the family has been instructed by the agency on the process of re-adoption, consistent with Family Code section 8919. For more detailed information on re-adoption, please refer to ACL No. 09-67 and ACIN No. 12-08.

Post Placement Monitoring/Reports and Post Adoption Services

Family Code section 8905 requires intercountry adoption agencies to execute and maintain written agreements with the foreign adoption agencies with whom they work. These agreements must contain the responsibilities of each entity in compliance with federal and state law. The intercountry adoption agency must inform the prospective adoptive parent in the adoption services contract whether the agency will or will not provide post adoption services and whether post adoption reports are required by the child's country of origin (Title 22 CFR section 96.51). Additionally, adoption agencies are required to make good faith efforts to encourage adoptive parents to provide such reports (22 CFR section 96.51(c)). Failure to comply with the provision of such reports may negatively impact a country's continued willingness to allow American families to adopt.

Accordingly, CDSS requires current copies of each agency's agreement(s) with individual countries to be provided to the agency's CCLD program analyst. This includes submission of any subsequent changes or modifications to an agreement initiated either by the adoption agency or a country.

The CDSS requires all intercountry adoption agencies to identify and report the type of services delivered in each reporting quarter on the Intercountry Adoption Program Quarterly Statistical Report (AD 202B). Effective July 1, 2016, CDSS shall require all adoption service providers to record the number of required, attempted and received post adoption reports on the AD 202B. The CDSS has updated the AD 202B, Part C, #19, to capture this data. Enforcement of these measures is necessary to reinforce and maintain diplomatic relations with countries entrusting us with their children by providing updated information about the children's progress in their adoptive homes. Further information on post adoption services and post placement monitoring can be found in ACL No. 09-10.

Disruption of Placement and Dissolution of Adoption Reporting Requirements

Per federal requirements, the CDSS requires all licensed intercountry adoption agencies to report disrupted placements and dissolved adoptions. The Family Code section 8900.5 (6) states "an accredited agency is responsible for assuming custody

and providing or facilitating child care or any other social service pending an alternative placement if an adoptive placement disrupts prior to finalization.” Additionally, it is the responsibility of the accredited agency to report all disrupted placements or dissolved adoptions to the department as described in ACL No. 09-10.

Agencies are now required to include the following information in the comment section of the updated Intercountry Adoption Program Quarterly Statistical Report (AD202B) as it relates to Part C, 15 and 18 (a) and (b):

Disrupted placements

- The country from which the child immigrated.
- The age of the child.
- The date of the child’s initial placement for adoption.
- The services provided to the family and child.
- The reason, intervention attempts, and resolution for the disruption including information on child’s re-placement and if there was a subsequent finalized adoption.

Dissolved Adoptions

- The country from which the child immigrated.
- The age of the child.
- The date of the child’s initial placement for adoption.
- The services provided to the family and child.
- The reason, attempts at intervention; and resolution of the dissolution of adoption.
- The plans for the child.

Form AD 202B can be found at the following link:

<http://www.cdss.ca.gov/cdssweb/entres/forms/English/AD202B>

Agencies that become aware of any child and/or family at risk of, or in the process of disruption or dissolution, are required to immediately contact the COA via email at haquecompliance@coanet.org or by calling (212) 797-3000.

Enforcement and Complaints

The Secretary of State (SOS), under the U.S. Department of State, provides and facilitates direct communication between foreign governments and local and state authorities when foreign governments express concern for the welfare of a child

(refer to ACL No. 09-10). The following agencies are responsible for the monitoring, investigation, and oversight of all licensed California adoption agencies:

- The COA monitors accredited agencies annually to ensure they are in compliance with the HCIA standards. The COA retains the authority to suspend or revoke an adoption agency's accreditation.
- The CCLD within CDSS investigates complaints against agencies and refers serious violators to the California Attorney General's Office, COA and/or the appropriate state agency.
- The Permanency Policy Bureau (PPB) within CDSS provides technical assistance related to adoption policy, regulation and support to CCLD, the California Attorney General's Office, and COA, as requested during an investigation.

In order to ensure intercountry adoption agencies in California are providing services consistent with state, federal and UAA requirements, the Department, the California Attorney General, SOS and COA will continue to monitor all complaints received and work together to enforce state and federal laws.

For questions related to state and federal intercountry adoption requirements, please contact the PPBs Adoption Policy Unit at APU@dss.ca.gov. For questions or information regarding licensing policies and requirements, contact CCLD at (916) 651-5380. For questions or information regarding the submission of the AD 202B, contact the Data Systems and Survey Design Bureau at (916) 657-1631.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division