

**CONCERNED UNITED STATES INTERCOUNTRY ADOPTION AGENCIES
ACCREDITED BY THE COUNCIL ON ACCREDITATION
UNDER THE HAGUE CONVENTION ON INTERCOUNTRY ADOPTION**

November 15, 2016

The Honorable John Kerry, Secretary of State
The Honorable Michele Thoren Bond, Assistant Secretary, Bureau of Consular Affairs
Department of State, United States of America
Washington, DC 20522

RE: 81 FR 62321; 22 CFR 96; Document Number 2016-20968

Dear Secretary Kerry and Assistant Secretary Bond,

The undersigned adoption agencies, accredited by the Council on Accreditation under the Hague standards on intercountry adoptions, respectfully request that the proposed rules published by the Department of State on September 8, 2016, be withdrawn immediately. The proposed rules, which we believe are unnecessary and discriminatory against accredited adoption agencies and foreign child welfare officials, represent an attempt by representatives of the State Department to exercise subjective and anti-adoption influence and control over the field of intercountry adoption. The rules fail to identify what problems or issues they seek to address, are an effort to control rather than regulate intercountry adoptions and create conflicts in law that cannot be resolved.

We have seen the number of intercountry adoptions decline by 75% since 2004 and the proposed rules would further restrict adoptions, leaving hundreds of thousands of children who may otherwise be adopted with no hope for a family. These proposed rules hurt orphan children and remove what little hope they have for a family. The Department of State should be an advocate and champion for these vulnerable children around the world and not promulgate regulations that will leave these children in a worse position. We favor sound, ethical and transparent intercountry adoption practices.

Our primary objections to the proposed rules include, but are certainly not limited to:

1. Through the Country Specific Accreditation (CSA) category, the rules create a two-tier accreditation system with a "super accreditation" for certain countries with as-yet undefined subjective standards to be determined at a later date and subject to discriminatory application to favored agencies. Foreign countries have no input into whether their country would be subjected to such a "super accreditation" process for agencies which have already been accredited here in the United States and may have also already been licensed to work in their countries. This rule is a blatant abuse of power.

2. Requiring prospective adopting families to complete foster family training at the state level, with no cost to the family, is a naïve and ill-conceived approach to improving current training requirements for families. Just a few calls made to foster care officials across the nation reveal that opening foster family training to intercountry adopting families at no cost is an entirely unrealistic expectation and the uniform reaction was shock at yet another federal government mandate with no funding. Moreover, the lack of access to foster family training provided by the states will certainly extend an already lengthy adoption process, thereby extending the time period that vulnerable children remain institutionalized causing them further harm. Finally, and perhaps most importantly, the kind of additional child specific training which would benefit families is not even available through foster family training.
3. The Department of State seeks to impose potentially unlimited and uninsurable liability on agencies for supervising individuals in foreign countries when the level of supervision and control is neither legally allowable (in the case of foreign attorneys or government-run orphanages) nor possible. The current regulations require agencies to carry a minimum of \$1 million of professional liability insurance. Discussions with insurers have verified that the cost of insurance for expanding coverage to include individuals or organizations in foreign countries is more than financially prohibitive but would drive the cost of intercountry adoption higher and would probably not even be available.
4. In an attempt to further control the activities of agencies in foreign countries, the proposed rules seek to broaden the activities which are subject to agency supervision to include individuals such as interpreters, guides and drivers under the guise of the word “facilitating” an adoption. “Facilitating” remains undefined in the proposed regulations and leaves it open to the broad, unfettered discretion of the Department and the accrediting entity.
5. In an unprecedented overreach, the proposed rules also seek to fix the compensation of in-country workers assisting the adoption agencies and adopting families. Rather than simply requiring disclosure, so that prospective adopting families can compare the amounts due for all parts of an adoption, the Department of State seeks to determine what is “reasonable” without any prescribed methodology, guidance, input or supervision, again giving the Department discretion exceeding the scope permissible by law. There is no assurance that foreign workers assisting one agency will be restricted to the same compensation of workers assisting another agency; another path for the subjective, inequitable treatment of agencies. Nowhere else in federal regulations does the government seek to set a maximum level of compensation, and it should not be permitted here.

Unlike the initial Final Hague Rules, published February 15, 2006 after 2 ½ years of consultation with the adoption community, adoption agencies, and experts from a wide variety of disciplines, the proposed rules issued on September 8, 2016 offer no rationale or need for rule changes and demonstrably will result in the further decline in the number of intercountry adoptions. It is a proposed solution for a problem that either has not been identified publicly or simply does not exist.

Orphaned children face a dismal future and those remaining in orphanages are the demographic most at risk for trafficking. We ask that the Department of State demonstrate a commitment to adoption as an effective means of protecting vulnerable children and keeping their hope alive by immediately withdrawing the proposed rules.

Sincerely,

Signed and endorsed by the listed Endorsing Agencies

Cc: Office of Legal Affairs, Overseas Citizens Services, U.S. Department of State, CA/OCS/L, SA-17, Floor 10, Washington, DC 20522-1710

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Endorsing Agencies

ABC Adoption Services, Inc.

Advocates for Children and Families

A Family in Bloom Adoption

A Love Beyond Borders, LLC

Across the World Adoptions

Adopt Abroad

Adopt! inc.

Adoption Assistance, Inc.

Adoption Associates

Adoption Avenues

Adoption & Beyond, Inc.

Adoption by Shepherd Care

Adoption Center of Washington

Adoptions International, Inc.

Africa Adoption Services (DRC Adoption Services, LLC)

Agape Adoption dba Americans Adopting Orphans

Agape of Central Alabama

A Helping Hand Adoption Agency

All Blessings International Inc.

Amazing Grace Adoptions

America World Adoption Association

Bal Jagat – Children’s World

Building Arizona Families

Carolina Adoption Services

Catholic Charities of the Diocese of Arlington, Inc.
Catholic Charities of the Diocese of La Crosse, Inc.
Catholic Charities Baltimore, Associated Catholic Charities, Inc.,
 Child and Family Services Division
Catholic Family Center
Children's Aid Society in Clearfield County
Children's Hope International
Children's House International
Christian Adoption Services
Christian Family Services of the Midwest, Inc.
Chrysalis House
Counseling & Family Services dba FamilyCore
Cradle of Hope Adoption Center
Creative Adoptions, Inc.
Embraced by Grace, Inc.
Embracing Children Adoption Services
Evolve Adoption and Family Services
Faith International Adoptions
Families United Network, Inc.
Family Connections, Inc.
Family Focus Adoption Services
Forever Families Adoption Services, Inc.
Frank Adoption Center (NC)
Gateway Woods Family Services
Generations Adoptions
Great Wall China Adoptions / Children of All Nations
Hands Across the Water
Holston United Methodist Home for Children
Homestudies and Adoption Placement Services
Hope Adoption, dba Hope International
Hope's Promise
Hopscotch Adoptions, Inc.
Illini Christian Ministries, Inc.
International Adoption Net
International Child Foundation
Joshua Tree Adoptions, Inc. / American International Children's Alliance
KidsFirst International Adoption, Inc.
Life Adoption Services, Inc.
Lifelink International Adoption
Lilyfield, Inc.
Little Miracles International, Inc.
Lutheran Social Services of Colorado, dba Lutheran Family Services Rocky Mountains
Lutheran Social Services of Wisconsin and Upper Michigan, Inc.
Michael S. Goldstein, Esq.

MLJ Adoptions, Inc.
New Beginnings International Children's and Family Services
New Horizons Adoption Agency, Inc.
Nightlight Christian Adoptions
Open Door Adoption Agency, Inc.
Options for Families and Youth
Premier Adoption Agency, Inc.
Promise Kids A Future
Small World, Inc.
TFI Family Services, Inc.
The Alliance for Children
The Datz Foundation
The Gladney Center for Adoption
The Sacred Portion Children's Outreach
Upbring (Lutheran Social Services of the South, Inc.)
Vista Del Mar Child and Family Services
Wasatch International Adoptions
West Sands Adoptions
World Links Association, Inc.
Wyoming Children's Society

Other Endorsing Organizations

Adoption.com
Adoptions from the Heart
Americans for African Adoptions, Inc.
Global Orphan Foundation
Harvard Law School Child Advocacy Program
KidSave