

# INTERCOUNTRY ADOPTION

U.S. Department of State • Bureau of Consular Affairs



## Intercountry Adoption Dispatch December 16, 2019

The Office of Children's Issues (CI) is pleased to send the inaugural issue of what we intend to be a regular series of communications to keep ASPs abreast of developments that may be relevant to your work in intercountry adoption. The information below is not intended to be comprehensive, but instead offers a snapshot of the issues we have focused on and information we believe may be useful to you as intercountry adoption professionals.

We welcome your input and feedback about this issue, as well as suggestions for future versions. As always, we want to hear from you about specific questions or concerns as well. Please email [Adoption@state.gov](mailto:Adoption@state.gov).

**Special Advisor for Children's Issues:** Assistant Secretary Carl Risch has appointed Michelle Bernier-Toth as the new Special Advisor for Children's Issues. A Department of State employee since 1987 in both Foreign and Civil Services roles, Ms. Bernier-Toth has been the Managing Director for the Office of Overseas Citizens Services in the Bureau of Consular Affairs for the past eight years. Previously, she served as Director and Deputy Director of the Office of Children's Issues and in several overseas



and Washington assignments. She is thrilled to return to focus her attention full-time on supporting the Department of State's policies on intercountry adoption and international parental child abduction. Ms. Bernier-Toth will assume responsibilities associated with this important position in early 2020.

**Adoption Division Reorganization:** CI is in the process of restructuring the intercountry adoption team into two divisions. One will focus on the bilateral aspects of our work, engaging other countries about the benefits of intercountry adoption and making the process as smooth as possible. The other will focus on oversight of accrediting entities and other regulatory functions. We will share information about this change as it becomes available. There will be no interruption to any aspect of our work, and you may continue to reach any adoption staff member, including acting division chief LaTina Marsh and branch chief Mark Carlson, at [Adoption@state.gov](mailto:Adoption@state.gov).

**Contact information for foreign competent and Central Authorities:** We sometimes hear from ASPs who are unsure of how to reach the appropriate adoption authorities in another country. In addition to the relevant foreign government's website, there are two primary resources available for locating this information: 1) On the Department's website, the "contact information" tab for each [country-specific information page](#) includes details about the adoption authorities, and 2) The Hague Conference on Private International Law website provides information about the [Central Authorities](#) for all countries that have joined the Convention.



**ADOPTION TRACKING SYSTEM (ATS) – Case Reassignments:** We have received a high number of ASP requests for ATS case reassignments and are processing them as efficiently as we are able. If there is an urgent need for expedited handling, such as an upcoming site visit, please let us know. For all case assignment requests, please provide the client name, the child’s name and date of birth, and the country of origin. Case reassignment requests generally fall into the following categories:

- ASP cannot find a case that should be assigned to them in ATS.
- ASP has a case assigned to them but has no knowledge of the client.
- ASP has a case assigned to them but only functioned as the home study provider, not as the primary provider. Requests in this category may take longer to process because we must confirm the primary provider before we can remove it from your list. ASPs should provide evidence to support the request, such as a home study or update that lists the primary provider; a contract between you and the primary provider; an I-600 or I-800 listing the primary provider; correspondence clearly specifying who is acting as the primary provider. If you are unable to provide any of the supporting documents enumerated above, please let us know and we will work with you to identify other ways to rectify this matter.

**POST-ADOPTION REPORTING:** Thank you to all ASPs who have worked with us or independently to encourage their clients to submit missing post-adoption reports (PAR) and to commit to future reporting! As announced at the Symposium, we have reviewed and begun to implement a system of providing assistance to ASPs with this important but challenging task when ASPs. In general, the Department will engage directly with adoptive parents about missing PARs when:

- The ASP is no longer in operation, and no other accredited agency has assumed the case; or
- The ASP has demonstrated significant but unsuccessful efforts to engage the family on this issue; or
- The country of origin specifically requests the Department contact adoptive families and the Department agrees this is an appropriate course of action.

ASPs who wish to request Department assistance should send the following information to [Adoption@state.gov](mailto:Adoption@state.gov):

- Country and date(s) of adoption for each family.
- Status of PARs (e.g. how many are missing and when were they due?)
- Details regarding efforts to encourage the family to comply, including dates, format (e.g. phone call, email, letter) – please be as specific as possible.
- Outcome of those efforts (e.g. did they simply not respond or did they indicate a reason for not complying?)
- Point of contact within your agency for the family to contact about missing PARs.
- Explanation of how post-adoption reporting was discussed in the pre-adoption period.
- A copy of the family’s adoption contract that includes PAR requirements.
- Possible reasons for non-compliance.



Our next steps will generally be:

- Will review information provided to determine whether it is appropriate for the Department to engage with the parents.
- May decline to be involved if it appears the ASP could have success through further efforts.
- May agree to write to parents if ASP efforts were sustained but unsuccessful.
- Will refer parents to the ASP for guidance and support for PAR submission.

**AT-RISK ADOPTIONS:** We encourage ASPs who become aware of at-risk adoptions or of a parent's intent to dissolve an adoption or remove a child from their home to assist the family in finding appropriate post-adoption services and to remind parents they should consult with an attorney to understand the legal implications under their state law for making an alternative placement of their child. CI always appreciates knowing about such situations so that we may communicate appropriately with relevant state and foreign authorities.

**OUTGOING:** Throughout the summer of this year, we experienced significant delays in processing Hague Adoption Certificates. Having identified and rectified the issues that resulted in the delays, we are now working on the backlog as well as recent applications. We are also planning to increase outreach to U.S. state child welfare authorities, attorneys and state judges on outgoing intercountry adoptions and how states can work with interested prospective parents, including U.S. citizens who are living abroad while serving in the U.S. military or working for the U.S. federal government. We welcome your questions and observations about these issues. We also welcome your suggestions on specific state authorities that may be receptive to and would benefit from our outreach. Based on an ASP's request at the Symposium, we traveled to New York in October to train social workers on the Convention and outgoing intercountry adoption.

## **COUNTRY UPDATES**

**BULGARIA – New Requirements:** The Bulgarian Ministry of Justice has announced the following new requirements for prospective adoptive parents: 1) Prospective adoptive parents must prepare an action plan, approved by a social worker in the United States, for how they will handle crisis situations or difficulties in the period of adjustment; and 2) Prospective adoptive parents must submit a statement that they agree to maintain contact with Bulgarian agencies after the adoption has been completed and provide information about the adopted child (ren) if requested. We do not have any additional details about these requirements at this time. ASPs who work in Bulgaria may wish to consult with their representatives in Bulgaria for more information.

**CHINA –Chinese Delegation Meeting in Washington, DC:** In November 2019, representatives from CI met with China Center for Children's Welfare and Adoption (CCCWA) Deputy Director Tang. The Chinese delegation, which also included other representatives from CCCWA and the Ministry of Civil Affairs, was in the United States to visit a hosting pilot-program. CI conveyed the priority the United States places on our relationship with China around intercountry adoption and reiterated the importance of regular communication between the U.S. and Chinese Central Authorities to facilitate intercountry adoptions. Several matters were discussed including the



importance of providing complete medical information for children, submission of outstanding post-adoption reports, and hosting programs. Please review the [updated information](#) on hosting programs and foreign supervised provider agreements for China. This notice is posted to our website and was disseminated via our listserv on December 11, 2019.

**COTE D'IVOIRE:** In November 2018, the Ivorian government lifted the suspension on intercountry adoption. However, the Central Authority confirmed during recent meetings with the Embassy that because their institutional and administrative units are not yet in place, and they are unable to issue the Article 23 letter that is required for Convention adoptions. Because of this, intercountry adoption in Cote d'Ivoire is still not currently possible.

**GHANA:** Ghana has processed its first intercountry adoption under the Hague Convention. The Central Authority of Ghana had a recent change of Executive Directors in the Department of Social Welfare (DSW). The new Executive Director is Stephen Tikai Dombo.

**GUYANA and HONDURAS:** Representatives from the Adoption Division traveled to Guyana to meet with the country's adoption authority, the Childcare and Protection Agency, and to Honduras for meetings with the new Central Authority, the Directorate for Children, Youth and Families. The team also provided training on the U.S. Convention process and accreditation system. USCIS led a training session on suitability and their role in the intercountry adoption process. Similar training was provided for Embassy consular staff.

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**HAITI – Ongoing Security Concerns and Delays:** The U.S. Embassy in Port-au-Prince has reported that insecurity in Haiti has caused serious delays to all Haitian governmental functions, including for the offices that issue documents necessary to complete adoptions. Most of those offices, such as the National Archives (responsible for birth certificates) are still operating, but at a limited capacity due to staff shortages. Many of the adoptive families'

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representatives in Haiti have also been unable to reach these offices because of roadblocks throughout the country. The Embassy encourages adoptive families to stay positive and to ask their representatives in Haiti to stay diligent. Safety should always be the number one priority, but there have been periods of relative calm when government offices are open and that important documents can be issued. The Adoptions Unit in Port-au-Prince has continued to process adoptions to completion throughout the current crisis. If any families or adoption service providers have questions about a specific case, they may email the Embassy at [PAPadoptions@state.gov](mailto:PAPadoptions@state.gov)

**RWANDA:** The first two Convention adoption since the lifting of the suspension in Rwanda were recently processed in Rwanda. As part of Rwanda's deinstitutionalization program, "Pride for the Family," funded by USAID through UNICEF, many children have been moved out of orphanages and into family life, foster care, and domestic adoptions. The Department is seeking clarity on how many children will now be placed on the registry of children eligible for intercountry adoption.

**SOUTH KOREA and VIETNAM – Meetings in Seoul and Hanoi:** In early December CI staff traveled to South Korea and Vietnam to meet with adoption authority counterparts and discuss adoption-related topics in the region. Embassy Hanoi reported productive meetings with the team and indicated the number of adoptions in Vietnam have increased over the past year. We continue to engage with South Korea on concerns about adoptees who did not acquire citizenship or are unsure of how to proceed with acquiring or obtaining documentation of their citizenship. **For all countries of origin**, ASPs can assist to circumvent this challenge in the future by educating adoptive parents about the need to ensure all requirements under the Child Citizenship Act of 2000 are met, particularly in cases involving children who enter the United States on IH-4 and IR-4 visas.

**UKRAINE – Meetings in Kyiv and Washington DC:** CI staff traveled to Kyiv in November to meet with Ukrainian officials about intercountry adoption practices, strengthen cooperation between our countries, and to address policy concerns raised by adoption service providers. Overall, the meetings were very productive and we continue to work closely with our Ukrainian counterparts to improve current practices. We have also had several discussions with our Ukrainian counterparts regarding concerns about dissolutions, unregulated custody transfers, and adoptive parents requesting to send children back to Ukraine. We will be working with our Ukrainian counterparts to facilitate their understanding of U.S. laws pertaining to these important matters and to develop outreach materials for adoptive parents who approach Ukraine about at-risk adoptions.



**ZAMBIA** – In November, the Embassy processed the first two Hague cases since Zambia joined the Convention in 2015.

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