

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, DC 20501

Dear Secretary Kerry:

We write to express our concerns with the Department of State's proposed rule related to intercountry adoption listed under docket ID: DOS-2016-0056-0001.

As co-chairs of the Congressional Coalition on Adoption (CCA), we appreciate your efforts to improve accountability, preparedness, and transparency in the international adoption process. Millions of children across the world await adoption by loving, caring families, and we commend those working to strengthen intercountry adoption and uphold our obligations under the Hague Convention on Intercountry Adoption.

While we agree with the motivation for many of the policy changes in the proposed regulation, adoption advocates and families have raised significant concerns and suggest the high potential for negative unintended consequences. Specifically, the proposed rule seeks to improve training and preparation for prospective adoptive parents, but many take issue with the proposed solution, which mandates prospective parents undergo state-based foster care training before they can initiate the international adoption process. The timing and use of foster care training seems inappropriate for international adoptive families as they face a different set of circumstances and challenges. Further, the resources used for foster care trainings were authorized to benefit youth in foster care – where funding is already limited.

Congress addressed the issue of training requirements for adoptive parents in the legislative history accompanying the Intercountry Adoption Act of 2000 (IAA). The authorizing committee noted that regulations implementing training requirements should “provide flexibility to allow appropriate training for parents that already have experience, such as a previous international adoption. Recognizing that each adoption could raise different issues because of the age, health, or institutional care of the child, the adoption agencies should tailor training or educational programs to the specific circumstances of the adoption, even with respect to experienced families to be sure they are prepared for the adoption.”^[1]

Another issue of concern relates to country-specific authorization (CSA). Under the proposed rule, adoption service providers would be required to obtain country-specific authorization in order to act as a primary adoption provider in specific countries. We support bringing greater accountability to international adoption and believe more accountability will help build trust

¹ See House Report 106 – 691

among partner countries that are skeptical of international adoption. We know that you are familiar with this issue from your time in the Senate. Your bill, the *Universal Accreditation Act*, helped to bring parity to ethical standards of practice and conduct in international adoption. A strong and fair CSA system could build on that work. However, a list of countries where new accreditation standards would apply is not provided and there is ambiguity regarding how the new standard would be enforced. The lack of specificity and likely increase in cost for adoption agencies, which almost certainly would be absorbed by adoptive parents, has resulted in significant concern. Lastly, we are concerned that the country-specific authorization does not take into account the possible negative impact on emergency relative adoptions from countries that do not typically participate in intercountry adoption.

In addition to the issues addressed above, the rule's potential impact on small agencies is of concern. In crafting the IAA, Congress urged the Department to carefully consider the impact implementing regulations would have on small agencies. We ask the Department to do so again with this rule.

International adoptions in the United States are at their lowest level in more than thirty years. We recognize there are multiple reasons for fewer international adoptions and not all of them are bad. Cracking down on human trafficking, stronger domestic adoption systems in the developing world, and greater resources for the families and communities that care for orphans have greatly improved outcomes for orphans. However, millions of children across the world still live without a loving family, and for many prospective adoptive parents, the bureaucracy, cost, and years-long process acts as a significant deterrent to international adoption. Experts in international adoption are concerned that the proposed regulations will exacerbate this problem. We believe these concerns warrant a revision of the regulations following additional input.

We look forward to working with you to strengthen international adoption. Thank you for your consideration.

Sincerely,

Co-chairs of the Congressional Coalition on Adoption