UNIVERSAL ACCREDITATION ACT IMPLEMENTATION ARRIVES WITHOUT USEFUL GUIDANCE FOR FAMILIES AND ADOPTION SERVICE PROVIDERS

July 16, 2014

On Monday, July 14, 2014, the scheduled implementation of the Intercountry Adoption Universal Accreditation Act of 2012 (UAA) took effect. The UAA was signed into law on January 14, 2013, providing the U.S. Department of State (DOS) and U.S. Citizenship and Immigration Services (USCIS) a full 18 months to provide guidance on implementation for families and adoption service providers (ASPs). Implementation without adequate preparation and guidance raises concerns that children and families may not be adequately served in the adoption process and adoption processing times may extend causing children to remain outside of family care unnecessarily.

The aim of the UAA is positive: to extend safeguards to orphans, adoptive families, and birth families in all countries and to ensure ongoing monitoring and oversight of ASPs. However, at the time of implementation, many questions remain unanswered for adoptive families and adoption service providers seeking to comply with this law.

Families already in the process of adoption may now be required to transfer to a new supervising provider. While accredited ASPs may be willing to consider helping these families, they have not been given clear guidance on what their liability and responsibility will be with regards to these cases and families. It is unclear if they will be held responsible for any or which of the past actions of the ASP who initiated the adoption. It is unclear what their full responsibilities are going forward to support clients. Due to the lack of clarity, ASPs are unsure, among other things, how to set reasonable fees, ensure adequate insurance coverage, employ appropriate staff both domestically and internationally, and provide the highest levels of protection and service to children and families. The environment created by this uncertainty is not in the best interest of children who can be legally and ethically served by intercountry adoption and must be remedied immediately.

In many countries, U.S. accredited agencies are not permitted to operate. In those countries, adoption services are performed by Central Authorities, competent authorities, and public foreign authorities. The prospective adoptive parents act on their own behalf in cooperation with these government entities. To require the prospective adoptive parents to locate a U.S. agency to serve as a primary provider when that U.S. agency has no authority or oversight ability in the foreign country...
contradicts foreign law and will have the practical effect of eliminating adoptions from those countries. Members report that families are having great difficulty finding a U.S. agency in such a situation to serve as a primary provider since the U.S. agency is unfamiliar with the laws and adoption practices of those countries and it is not economically feasible for the U.S. agency to hire staff to operate in those countries and may not be permitted to do so.

This same difficulty applies to countries where U.S. agencies may be accredited to provide services but the foreign government does not require the assistance of a U.S. agency for a relative adoption. Again, it contradicts foreign law and is not economically feasible for a U.S. agency to serve as a primary provider in that instance.

The failure to provide clear guidance on UAA up to this point is more than disappointing. It creates yet another barrier to finding a permanent family for all children. We call on DOS and USCIS to expediently provide increased clarification and training on UAA in order to ensure adequate protections for children, birth families, and adoptive families while providing a clear understanding of what is required to act within the bounds of the Intercountry Adoption Universal Accreditation Act of 2012 and to provide a safe permanent family to a child in need.

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*Founded in 1980, National Council For Adoption (NCFA) is a global adoption advocacy nonprofit that promotes a culture of adoption through education, research, legislative action, and collaboration. As the authoritative voice for adoption, NCFA’s areas of focus include domestic infant adoption, adoption and permanency outcomes for youth in foster care, and intercountry adoption. Passionately committed to the belief that every child deserves to thrive in a nurturing, permanent family, NCFA serves children, birth parents, adopted individuals, adoptive families, and adoption professionals. In addition, we work tirelessly to educate U.S. and foreign government officials and policymakers, members of the media, and all those in the general public with an interest in adoption.*

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