



November 22, 2016

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

Dear Ms. Rosalia:

RE: Notice of Proposed Rule on Intercountry Adoptions: Regulatory Change to Accreditation and Approval Regulations to Clarify Authorization to Act in Countries of Origin, to Provide For Country-Specific Authorization, and to Expand Preparation of Prospective Adoptive Parents for Success in Intercountry Adoption RIN: 1400-AD91 Docket No: DOS-2016-0056 CFR Citation: 22 CFR 96

On behalf of Catholic Charities USA (CCUSA) and the United States Conference of Catholic Bishops (USCCB), we respectfully submit the following Comments in response to the above-referenced notice of proposed rulemaking.

CCUSA is a national membership organization representing more than 170 diocesan Catholic Charities member and affiliate agencies. These member agencies operate more than 2,600 service locations across 49 states, the District of Columbia, and five U.S. territories. The diverse array of social services offered by agencies reached more than 8.2 million individuals in need last year. The services included partnering with international agencies to provide intercountry adoptions to 194 children.

The U.S. Conference of Catholic Bishops (USCCB) is the public policy arm of the Catholic Bishops of the United States.

The Hague Convention brought forth some positive changes to intercountry adoption including: a more informed standard of practice among adoption professionals, more qualified adoption practitioners, greater transparency with adoption fees, and stronger oversight. However, since the enactment of the 2008 Hague Convention, there has been a 75 percent decline in the numbers of children being adopted internationally. Much of this is attributed to the U.S. Central Adoption Authority's restrictive implementation of the Hague Convention. Complicated procedures and overall standardization of process have already added to expected timeframes and delays of placement of children. We urge the U.S. Central Adoption Authority to review closely additional barriers and unrealistic expectations for Adoption Service Providers (ASPs).

We believe that the proposed rule is fundamentally flawed for the following reasons: it is ambiguous, overreaching, and fails to take into consideration the capacity of agencies to comply with the new standards. The proposed rule also further complicates the intercountry adoption process and has the potential to harm children and leave them without adoptive families. Therefore, we recommend that the proposed rule be withdrawn and, after further study by the government, that a new rule be proposed and published for comment.

CCUSA and USCCB support adoption policies that put the best interest and well-being of the child first. Therefore, we respectfully submit the following views regarding proposed changes to the accreditation regulations rule as it relates to Country Specific Authorization, Compensation and Fees, Education and Training, and Insurance.

Country Specific Authorization (CSA):

The proposed change regarding CSA is broad and vague. The rule does not set forth the scope of how many countries will be subject to the CSA, provides no explanation of the necessary requirement to acquire CSA status, and does not specify whether the CSAs will limit the number of agencies or the number of adoptions agencies may perform.

The new change would undermine the Hague Convention's goal of establishing a system of cooperation among States to safeguard children by allowing CSAs to unilaterally override sending countries' determinations on which Adoption Service Providers (ASPs) may work in their country. This provision is of concern since limiting agencies work in the same country could very well limit families' access to ASPs permitted to work in that country, thus leaving children un-parented and without a family. We believe that children have an inherent right to grow up in the safe, nurturing care of a family.

We are also concerned with the potential increased cost to prospective adoptive parents (PAPs) associated with the proposed changes in the CSA system due to the imposition of additional requirements of ASPs. In addition increased costs of CSA systems to ASPs may be more than smaller agencies can afford and thus, have the potential to force agencies to close. Such closures would eliminate options for PAPs.

Compensation and Fees

The provision that directs ASPs to compensate their agents in amounts that are "not unreasonably high in relation to the services actually rendered" provides an ineffectual framework for determining compensation. Establishing standards for the compensation of foreign supervised providers by the Department of State should be done in collaboration with experienced agencies in that country or similar countries to determine the appropriate and reasonable compensation for the ASPs. In addition, instead of granting the Department of State the discretion to determine what is 'reasonable', a workable solution is to require disclosure so that prospective adopting families can compare the amounts due for all parts of an adoption.

Education and Training Requirement

The requirement that adoptive family training be compliant with the state's foster care training requirements, or alternatively, one of the "four primary training systems" used throughout the training regulation, is inadequate for the following reasons:

- 1) Training among state foster care systems vary.
- 2) The specific training that would benefit adoptive families may not be available via state foster care training;
- 3) Limiting the number of computer assisted or distance learning methods to not exceed more than 25 percent of the service would be unworkable for families who do not have access to in-person training. We recommend revising the rule to limit the number of computer assisted or distance learning methods to not exceed more than 40 percent.

Insurance

The mandate to require agencies to expand coverage to include individuals or organizations supervised in foreign countries is unfair given the level of supervision and control is neither legally allowable nor possible. Moreover, the cost of insurance for expanding coverage to include individuals or organizations in foreign countries is financially prohibitive and would also increase the cost of intercountry adoption. Currently, the cost for each ASP varies and is estimated to cost between \$80 and \$250 per individual client case for insurance. However, under the new regulation the cost would start at \$250. It is not clear if these additional costs were considered in the regulatory analysis.


Given the breadth and scope of the services and expertise of Catholic Charities agencies and adoption practitioners across the country, we hope that you will work with us to redraft rules on intercountry adoption that not only address the concerns of the Department of State, but also provide workable solutions for children, birth and adoptive parents, and adoption practitioners. CCUSA and USCCB appreciate the opportunity to provide public comment. We hope that you will give due consideration to our feedback, and work to strengthen intercountry adoptions so that the human rights of children are protected, children have access to adoptive families, people are encouraged to adopt, and the intent of the Intercountry Adoption Act is maintained.

We look forward to working with you on this issue. For further information, please contact Lucreda Cobbs at lcobbs@catholiccharitiesusa.org.

Respectfully submitted,



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