

United States Senate

WASHINGTON, DC 20510

October 26, 2020

The Honorable Carl C. Risch
Assistant Secretary
Bureau of Consular Affairs
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Assistant Secretary Risch,

We write to you today regarding the announcement that the Department of State is searching for qualified organizations interested in becoming an accrediting entity for intercountry adoption service providers.

We urge the Department to use this search as an opportunity to recommit to one of the purposes of the Intercountry Adoption Act, “to improve the ability of the Federal Government to assist” families seeking to adopt children from other countries. Specifically, we believe that this purpose should be applied through careful consideration of what fee schedules prospective accrediting entities intend to develop. To the same end of improving the ability to assist intercountry adoption, we request additional information on the rationale behind changes to the Substantial Compliance System announced in 2019.

Since the designation of the first accrediting entities in 2006, it has become clear that the intercountry adoption process can be influenced as much by the policies and procedures of an accrediting entity as the laws or regulations that govern intercountry adoption. The selection of a new accrediting entity or entities—with the right priorities in mind—can play an important role in ensuring that the federal government will facilitate rather than encumber the ability of a child in need to have a family willing to provide a stable and loving home.

With the aim of improving intercountry adoptions, we respectfully ask that the following priorities are considered during this process.

Fee Schedules

1. Child-placement adoption service providers play a valuable role in the intercountry adoption process. The Department should consider the burdens of an accrediting entity’s fee schedule on child-placement adoption service providers.

In February 2018, the Department announced its approval of the fee schedule for Intercountry Adoption Accreditation and Maintenance Entity, Inc. (IAAME). Based on outreach to our offices since that time, we are concerned that IAAME’s fee schedule puts child-placement

adoption service providers in the position of paying significantly higher fees compared to the fee schedule of the previous accrediting entity.

It has come to our attention that some child-placement adoption service providers have seen their fees increase multifold under IAAME's fee schedule. One service provider, for instance, shared that its monitoring and oversight fees cost \$3,500 over a four-year cycle under the previous accrediting entity. But the same service provider estimates that it will spend \$214,000 for the same fees over a four-year cycle under the current accrediting entity. Several service providers have shared that the costs of their accreditation fees have doubled or are estimated to double under the current accrediting entity as well. In the most recent annual intercountry adoption report, the Department asserted that several service providers have been able to pass on monitoring and oversight fees and that providers generally "have experienced a fee decrease under" the new accreditation and reaccreditation fees. In light of the feedback we have received, we believe that this report paints an incomplete picture of the scope of the impact that IAAME's fee schedule has had on child-placement adoption service providers.

2. The Department should also consider the downstream effects of an accrediting entity's fee schedule on families who are below a certain income level or who are seeking to adopt sibling groups or children with disabilities.

In fiscal years 2019 and 2020, appropriations report language directed the Department to ensure that the fee schedule approved for IAAME "does not impose undue financial burdens on families seeking to adopt internationally, especially low-income families, families seeking to adopt sibling groups, or families seeking to adopt children with disabilities."

We care about these groups because adoptive families come from a variety of financial backgrounds, and families seeking to adopt a sibling group or a child with disabilities often face high adoption costs. Even if prospective adoptive parents can provide a positive family environment and meet all of a child's needs, we are concerned that the sheer costs of intercountry adoption could essentially disqualify otherwise suitable families because they are below a certain level of income. If a family wants to adopt a sibling group from a country where sibling groups are uncommon, they could see adoption costs multiplied by the number of siblings they are seeking to adopt. Families who want to adopt children with disabilities can expect frequent doctor visits and the prospect of high medical costs.

The most recent annual intercountry adoption report provided the Department's view that IAAME's fees are justified. However, it did not mention the consequences of the fee schedule on low-income families or on families seeking to adopt sibling groups or children with disabilities, as required by the fiscal years 2019 and 2020 Senate Appropriations' Committee Reports.

Substantial Compliance System

In March 2019, the Department announced updates to the “Substantial Compliance System” (SCS). As you know, the SCS helps determine whether a service provider substantially complies with governing regulations. The standards under the SCS have been unchanged for over a decade, and we welcome a reevaluation that improves the intercountry adoption process.

However, we have received feedback from intercountry adoption stakeholders that the updates increase demand for compliance in some existing measures without increasing flexibility in others. Their feedback appears to lie in the concern that the updates might undermine a holistic view of the adoption service provider’s substantial compliance with governing regulations.

Once the Department designates another accrediting entity, substantial compliance should be measured consistently between the accrediting entities. In the interest of improving the ability of the federal government to be of assistance to the intercountry adoption process, we request written answers to the following questions. Your expeditious reply will help us understand the consequences of these changes before the final implementation on November 1, 2020.

1. The Department states on its website* that adoption service providers’ “understanding of the accreditation standards is more robust and well documented than it was when the current SCS was published,” and this was given as part of the reason for the changes made to the standards. How did the Department reach this conclusion? What is meant by the statement that service providers’ understanding is “well documented”?
2. What are the foundational-weighted standards that currently fail to “adequately reflect ‘the relative importance of that standard to compliance’” with the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, the Intercountry Adoption Act, and the Universal Accreditation Act? Under what sections of these authorities are the standards of compliance meant to correspond?
3. The Council on Accreditation proposed lowering the weighting of one standard from mandatory to critical. Why will the Department leave this standard unchanged?
4. The Department will change eight standards from a weighting of foundational to critical. The Council on Accreditation did not propose this. Why will the Department change these standards?
5. What written notice is available to adoption service providers besides the announcements on Travel.State.Gov and on IAAME’s website for how to achieve substantial compliance under the updated SCS?

We appreciate the Department’s ongoing commitment to a strong intercountry adoption system and efforts in searching for a new accrediting entity. We look forward to remaining in touch

* “Substantial Compliance System,” Travel.State.Gov, <https://travel.state.gov/content/travel/en/Intercountry-Adoption/adoption-professionals/For-Adoption-agencies/Substantial%20Compliance%20System.html> (last visited Oct. 1, 2020).

with you about the selection of a new accrediting entity and the impact that this effort and others will have on intercountry adoption in America. Please keep the above considerations in mind, and thank you for your attention to this important matter.

Sincere regards,



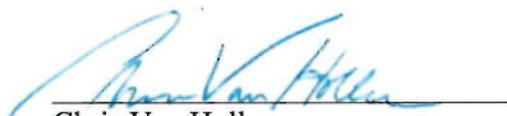
Roy Blunt
United States Senator



Amy Klobuchar
United States Senator



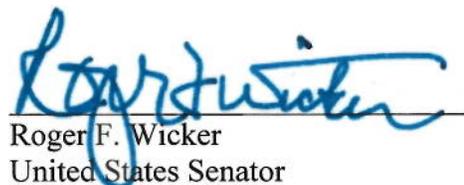
Richard Burr
United States Senator



Chris Van Hollen
United States Senator



James Lankford
United States Senator



Roger F. Wicker
United States Senator



James M. Inhofe
United States Senator



Michael S. Lee
United States Senator

cc: Scott Renner, Director, Office of Children's Issues, Bureau of Consular Affairs, U.S.
Department of State