



EO 12866 Meeting – RIN: 1400-AE39

The Coalition for Intercountry Adoption is a grassroots network of volunteers formed in 2018 to unite individuals, families and organizations to support and strengthen Intercountry Adoption as a priority option for waiting children around the world who are unparented, abandoned and orphaned.

Adoptive parents are key stakeholders in the intercountry adoption process. We have a vested interest in our families and children being served well by transparent policies that are grounded in appropriate safeguards and ethical practices. We agree that there are gaps in the current system, and specifically, improvements to be made in the area of parent training and post placement support. We believe this can be done without enacting cumbersome regulations that would serve to drive costs even higher out of reach for the average American family, and add layers of unfruitful complexity to an already difficult process.

We concur with the comments offered by likeminded groups such as the National Council for Adoption, Academy of Adoption and Assisted Reproduction Attorneys and the Center for Adoption Policy. These experts have gone into great detail regarding the specifics of the regulations that would have a crippling impact on adoption service providers and a significantly negative effect on prospective adoptive parents and waiting children. We believe these groups have the best interests of families and children in mind and we stand behind their analysis.

Proposed Regulations

Our comments are in regard to RIN: 1400-AE39, but as State has only provided a summary statement and referred to 1400-AD91 as a related RIN, we make our comments more broadly in regards to both.

First, it is our position that any new set of regulations must adhere to Executive Order 13771/13777 of the Administration that for every new regulation, two existing regulations must be repealed, as part of the Administration's commitment to reduce regulations and control regulatory costs. It appears that the proposed regulations do the opposite, if not explicitly, certainly implicitly.

Second, we believe that these regulations should be consistent with four key principles that are espoused by this administration, reflect the will of the American people, and are critical to the future of Intercountry Adoption:

1. Affirm our shared commitment to champion the value of all human life, including those children that are future citizens of the United States.
2. Reduce burdensome regulations in favor of workable, efficient solutions
3. Restrict cost increases for adoptive families
4. Limit overreaching regulations that result in fewer agencies and reduced choice for prospective adoptive parents. Instead, empower adoptive service providers to provide high quality social services to children and families.

VALUE THE LIVES OF WAITING CHILDREN AND FUTURE CITIZENS

1. Children who are institutionalized and eligible for international adoption need to be placed in a permanent, prepared family as quickly as possible.
 - a. There is a wealth of comprehensive research across a range of medical and scientific fields that establishes the harm caused to the brain, body and emotional wellbeing of children who suffer neglect, trauma, and institutionalization. Our policies should reflect an urgency to find and support adoptive families and bring them home sooner than later.
 - b. The Pre-Approval process of allowing prospective families to be pre-matched with a child prior to completion of a homestudy, as established and utilized under the Hague Convention by multiple countries, has been an incredibly successful advocacy tool in finding permanent homes for these waiting children, shortening the length of time they are incurring harm. Efforts to end this practice, and therefore further reduce the number of adoptions and increase the amount of time children suffer, should be rejected.
2. Children who have been matched with a permanent family deserve the opportunity for the best possible care while they wait.
 - a. Limiting or ending the ability of families to provide post-match, childcare payments for the care of their child – a future U.S. citizen – denies that child much needed basic life resources. In our private system of domestic adoption in the U.S., we applaud adoptive parents who provide financial resources to the birth mother and child. Yet these regulations would regard this same practice as “unethical” in intercountry adoption. This is not in the best interests of waiting children or the parents who desire to adopt them.

REDUCE BURDENSOME REGULATIONS IN FAVOR OF WORKABLE, EFFECTIVE SOLUTIONS

1. Pre-placement training is vital to the long-term success of adoptive placements and families. The Coalition recognizes a need for improvement to the current system and would welcome *evidence-based solutions* that reflect *consensus from all stakeholder experts* in the field, as to workability, solvency, and comparative advantages.
2. The regulations propose to require a 200% increase in the number of required training hours, with each state's foster care training to be integrated in the pre-training program. Additionally, it proposes to mandate that 75% of the training be completed in person.
 - a. The goals of foster care and adoption are at odds – one is intended for permanency and one is intended as a temporary solution. This is confusing, unhelpful and certainly not the best we can offer adoptive parents.
 - b. Many international adoptive parents who are also foster parents have told us that their state's foster training was insufficient, unhelpful and even in some cases, a total waste of time. In some states, the training doesn't even touch on basic issues like the unique aspects of transracial adoption, attachment, or trauma.
 - c. The rate of dissolution from foster care is higher than the rate of dissolution from international adoption. To our knowledge, no research-based evidence has been offered to demonstrate that foster care training (which varies by state) results in more successful outcomes for intercountry adoptive placements.
 - d. It is extremely burdensome to ask families to have *both parents* be away from home to attend over 20 hours of training in person, particularly for families who live in more rural areas requiring extensive travel, and for families who would incur significant childcare costs for children already in the home. This will likely lead to fewer families who are able to start the process at all, and longer process times, which leaves children waiting in institutions longer.
3. We ask that this portion of the regulations especially be rejected and that State would offer regulations in collaboration with the expertise of adoption service providers, social workers and child welfare professionals, and even a cross section of adoptive parents, to develop a balanced pre-placement training, and post-placement support model in which targeted, multi-faceted educational tools and technology serve to enhance the quality of training and support for families and children both *before and after* placement.

RESTRICT COST INCREASES FOR ADOPTIVE FAMILIES

Any new regulations should serve to stem the tide of ever increasing costs, implementing measures of increased efficiencies and ways to make intercountry adoption more affordable for American families who desire to offer love and permanency to waiting children.

It appears that the proposed regulations are actually doing the opposite and working in favor of increased costs in multiple ways. Specifically, we are most concerned about the increased costs as a result of:

1. Country Specific Accreditation
2. Foreign Supervised Provider Regulations, specifically the liability insurance requirement.
3. Pre-placement/training requirements – increased hours, foster care system training, in person requirements
 - a. States cannot provide this training – they don't have the staff capacity nor the financial resources. Agencies will have to recruit, hire and train new staff who will have to travel or the families will have to travel. These costs will be passed on to parents.
 - b. This is especially concerning when you consider that these are upfront costs, meaning *a family can't even get started in the adoption process until these fees are paid*. Anecdotally we can attest that homestudy costs range from \$1800 - \$3000+ depending on the agency and the travel fees associated with the family's location from the closet agency staff. IAAME's new \$500 fee, therefore, was already a significant increase to upfront costs. One can only imagine the additional costs of another 20+ hours of in-person training with staff time, and travel costs for both parents. It is not unreasonable to estimate that families would be facing thousands in additional costs. This is unacceptable. Families will need to have the cash up front (highly unlikely for the typical adoptive family), or go into debt with a loan, to start the process. Most grant organizations will not accept an application until the family has a completed homestudy and it's typically weeks or months until the money is received. Fundraising is nearly impossible prior to a homestudy for international adoption because the family hasn't yet been approved and donors want to see the approval first.
 - c. Instead of these unworkable and costly requirements, the Dept of State should collaborate with ASPs, and other stakeholders to develop cost-effective, measured solutions for appropriate, high quality training specific to intercountry adoption.
4. The Small Business Administration offered significant comment as to the workability, and solvency of the 2016 proposed regulations and the crippling impact they will have on adoption service providers, especially the smaller agencies. Unless there have been substantial changes to the structure of the regulations now on the table, the analysis of the SBA remains critically relevant and we hope it would carry great weight with an Administration that highly values businesses and organizations of all sizes. After all,

small businesses are often among the most innovative, agile and solution oriented organizations, and this is vital when dealing with child welfare and social services. We need adoption services providers of all sizes – small, medium, and large – to be healthy and stable, empowered to focus on their core services which includes providing high quality social services to American adoptive families both pre and post placement.

SUPPORT CHOICE AND EXCELLENCE IN SOCIAL SERVICES FOR ADOPTIVE FAMILIES AND CHILDREN

Assessment of the proposed regulations should consider whether the regulations encourage and promote the growth of healthy agencies of all sizes, or bog them down in layers of bureaucracy and unnecessary administrative paperwork that detracts vital resources from their core work and reduces their ability to provide services to families, waiting children and adoptees.

Two of the biggest ways in which we see these regulations hindering, rather than empowering adoption service providers to serve children and families well are as follows:

1. Anonymous complaints - This is unnecessary and steps way outside the current accepted practice which has various mechanisms to protect adoptive parents.
 - Families are already afforded the right to file an anonymous complaint once they attempt to resolve the matter by addressing it with the agency first. APs are provided with comprehensive complaint procedures as part of the initial application paperwork and give their signature as understanding of the process and their rights. The current process is sufficient and can serve families and ASPs well if complaints are handled in an appropriate, timely and transparent manner by the accrediting entity.
 - Just as our judicial system requires due process and the right to face your accuser, ASPs should be afforded those same rights, rather than navigating accusations shrouded in secrecy.
 - When agencies have to allocate countless hours of manpower to defending themselves against anonymous complaints, those are hours they can't spend serving families or helping waiting children find families. The majority of adoption service professionals chose their field because they believe in the good of the work they are doing and they want to help kids and families. They want to make a difference in society. Not to make money, not to get embroiled in legal debates, not to spend their days navigating red tape.

2. Increased costs from CSA, FSP, insurance and accreditation will result in agency closures. This has been well documented by other groups and acknowledged by multiple agencies. Ultimately, this creates a more tightly government controlled agency system in which American families have very few options when making such an important decision about whom to trust as guide and service provider for the life changing and lifelong journey of adoptive parenting. There is widespread agreement in the adoptive parent community that when it comes to agencies, choice is good and preferable. There are many good agencies that do solid work. But they have varying degrees of expertise and relationships with specific country programs. They are in all different parts of the country. Some are small and some are large and each brings distinct advantages to the field that should be preserved. Having a number of healthy agencies also provides additional incentive for agencies to continually put their best foot forward knowing that families have options and high-value client care and service must remain at the top level. To limit the choices to just a handful of agencies would likely further deter otherwise willing prospective families who are already hesitant about embarking on a costly and complicated process.

Finally, we ask you to keep in mind that we believe the regulations do not reflect the majority opinion of the adoption stakeholder community at large. In 2016, and since then, a cross section of experienced professionals from social work, adoption service providers, related NGOs and adoptive parents have provided feedback and analysis establishing that the comparative disadvantages of these regulations far outweigh any proposed advantage. At a time when we are leaving children behind by the thousands, we cannot afford to make things worse. We can, and should, make them better by harnessing innovative solutions that strengthen the integrity of the process and lead to willing, prepared and supported American families being able to bring their children home.