

United States' International Adoption Requirements



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CATHOLIC CHARITIES

United States' Intercountry
Adoption process is
governed by one of three
laws:



Hague Convention Cases: INA 101 (b)(1)(G)

- This law governs cases where the U.S. citizen prospective adoptive parent(s) live in the U.S., and the child resides in a Hague Convention Partner Country (94 countries, including China, the Philippines, Kenya, Colombia, Haiti)



Orphan Cases: INA 101 (b) (1) (F)

This law governs cases where U.S. citizen prospective adoptive parent(s) live in the U.S., and the child resides in a non-Hague Convention Partner Country (e.g. Nigeria, Cameroon, Ghana, and 102 other countries)



Adopted Child Cases: 101(b)(1)(E)

- **Adopted Child cases: 101 (b) (1) (E)**

This law governs cases where the U.S. citizen adoptive parent(s) and child reside together for two years, and the final adoption order must be entered while child is under age 16 (from any country)



Universal Accreditation Act of 2012

- In 2012, the U.S. passed a law requiring that all U.S. Adoption Services Providers working with “orphan” (non-Hague) adoption cases need to comply with the same accreditation requirement and standards that apply in Hague Convention cases. This law went into effect on July 14, 2014 and applies to every U.S. state.

Implications of the UAA

- All international adoption cases must now be “supervised” by an accredited U.S. adoption agency
- This is called being a “Primary Provider” in the case.
- Primary Providers are responsible for:
 - Ensuring that all six adoption services are provided in each case
 - Supervising and being responsible for supervised providers in the child’s country of origin (when allowed by the child’s country)
 - Developing and implementing a “Service Plan” for each case.

Implications of the UAA

- All prospective adoptive parents must identify a Primary Provider for their adoption case by the time of the filing of the I600.
- Primary Providers are responsible for ensuring that the adoption process in the child's country of origin was conducted correctly.
- In Nigeria, since U.S. agencies are not authorized to work within the country, Primary Providers can only ensure this by developing Memorandums of Agreement with the appropriate Ministries or their designees (Morgan Hill Children's Foundation)

Purposes of the Memorandums of Agreement

- Identifies who is responsible for providing each of the six “Adoption Services” defined by the Hague Convention on Intercountry Adoption:
 1. Identifying a child for adoption and arranging an adoption (responsibility of Nigeria)
 2. Securing the necessary consent to termination of parental rights and to adoption (Nigeria)
 3. Performing a background study on a child or a home study on prospective adoptive parent(s), and reporting on such a study (responsibility of Catholic Charities)

Six Adoption Services

4. Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child (Nigeria's responsibility)

5. Monitoring a case after a child has been placed with prospective adoptive parents until final adoption (Catholic Charities' responsibility)

6. When necessary because of a disruption before final adoption, assuming custody of a child and providing or facilitating the provision of childcare or any other social service pending an alternative placement (Catholic Charities' responsibility)

Purposes of the MOA

- Assures the U.S. government that the Nigerian Ministry is involved in each case, and therefore the case is being conducted in accordance with Nigerian law.
- Assures all parties that the best interests of the child are served.



Orphan Cases: INA 101 (b) (1) (F)

- Definition of “Orphan”
- A child may be considered an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents. The child of an unwed mother or surviving parent may be considered an orphan if that parent is “unable to care for the child properly” and has, in writing, irrevocably released the child for emigration and adoption. Age deadline is 16 when the I600 is filed or 18 when the I600 is filed if a bio sibling is also being adopted under 16.



Definition of “Orphan”

- The child of an unwed mother may be considered an orphan, as long as the mother **does not marry** (which would result in the child’s having a stepfather) and as long as the child’s biological father has not legitimated the child. If the father legitimates the child or the mother marries, the mother is no longer considered a sole parent. The child of a surviving parent may also be an orphan if the surviving parent has **not married since the death of the other parent (which would result in the child’s having a stepfather or stepmother)**.

Best practice scenario:

- Prospective adoptive parents approach a U.S. Primary Provider for guidance regarding Nigerian adoption, BEFORE identifying a child.
- The Primary Provider conducts an initial screening to determine if family meets Nigerian and U.S. law.
- If family meets U.S. and Nigerian law, we can guide the family in applying to the appropriate Ministry.
- Catholic Charities can begin the home study process
- Home study is completed after 3-4 months.

Best practice situation

- Home study is distributed to the Nigerian Ministry and to USCIS when the family files I600A
- Family's I600A is approved by USCIS as a prospective adoptive family.
- Family completes the adoption process in Nigeria, after complying with all requirements of the ministry and the magistrate.
- Family files part 2 of the I-600 at the U.S. Embassy in Lagos.

Best practice situation

- U.S. Embassy reviews the case, determines if case is immediately approvable or if the case needs a field investigation.
- If case is immediately approvable, the consular officer schedules the visa interview with the parents and child, and issues the visa.
- If the case requires a field investigation, the officer makes arrangements to meet with the orphanage or other parties to discuss concerns, or to gather further information.

More common situations

- Prospective adoptive family applies to the Ministry without involving the Primary Provider.
- Prospective adoptive parents complete the adoption in Nigeria.
- Prospective adoptive parents attempt to apply for a visa for the child and are told that they need to locate a Primary Provider and must obtain a home study.
- Family is in distress and is anxious to have all these services completed quickly.
- They are often surprised that there are fees involved.

More common situations

- Family has already spent years on this process, only to come to what they think is the end, and then find out that they still have months and months of work to accomplish.
- Our clients are angry, defeated, confused, grief-stricken, and worried about the fees.

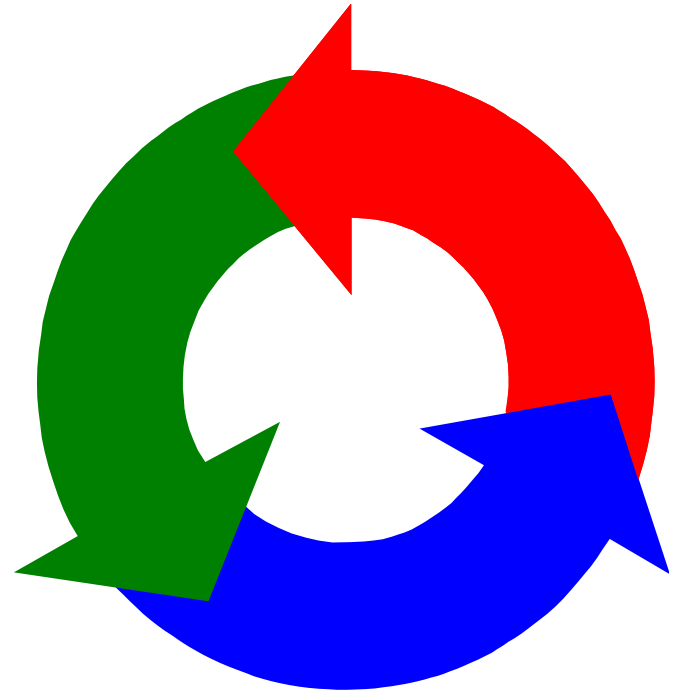


How to avoid this problem is a discussion for this afternoon:

- Ensuring that each Nigerian adoption authority responds appropriately to U.S. Applicants about the need for a Primary Provider, BEFORE working with them on a case.
- Developing a consistent template for child background reports, containing USCIS required information.

A HOME STUDY IS A PROCESS OF

- Education
- Assessment
- Documentation



EDUCATION

- Unique Challenges and Responsibilities of Adoptive Parenting
- **Different** From Raising Biological Children
- A Lifelong Journey



EDUCATION:

- Group Meetings — 1 ½ days
- Online Courses
- Required Readings
- Individual Interviews
- Home visits
- Face to Face visits with references



ASSESSMENT

- Family's ability to meet the needs of a particular adopted child
- Issues which may need further exploration:

Health/Mental Health

Alcohol/Substance Use/Abuse/Addiction

Marital History/Previous Divorce

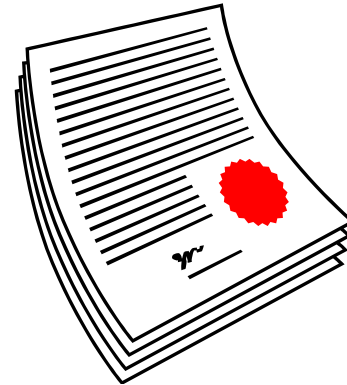
Criminal Background/Previous Arrests

- ❑ Commitment to learning skills of successful adoptive parenting



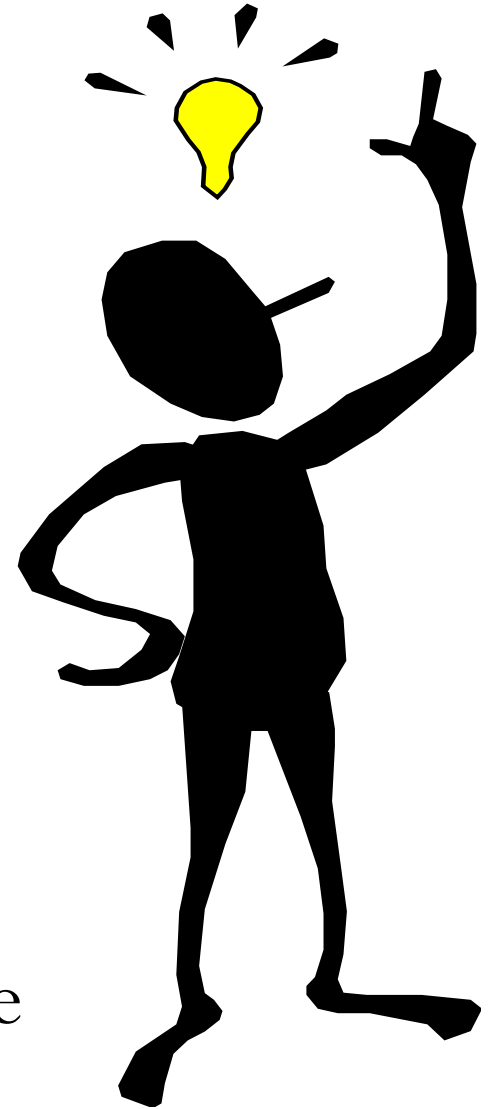
DOCUMENTATION

- Autobiographies
- Criminal Clearances
- Financial Statements
- References
- Birth, Marriage, Divorce Certificates
- Parenting questionnaires
- Medical examinations
- Child Protective Service Clearances
- Employment Verification



THE BENEFITS OF THE HOME STUDY PROCESS

- Well-prepared, Adoptive Parent
- Connection to Lifelong Resources Through Your Relationship
 - With your social worker
 - With Catholic Charities
 - With other adoptive families
 - Post adoption monitoring is in place, so that challenges or difficulties can be addressed immediately.



TIME FRAME

- Average Time

3-4 months from

Preliminary Interview to
completion of Home
Study Process



AT CATHOLIC CHARITIES YOU WORK WITH ONE SOCIAL WORKER

- All Are State Licensed Professionals
- You will work with the same social worker if the family adopts again
- Over 120 Years of Adoption Experience

