

## §96.16

W and places him in foster care until an alternative adoptive placement can be found. Agency X is not required to be accredited, approved, or supervised because it is not providing an adoption service in the United States as defined in §96.2. Agency P, on the other hand, is providing an adoption service and would have to be accredited, approved, or supervised.

*Example 11.* Making non-judicial determinations of best interest of child and appropriateness of adoptive placement of child. Agency X receives information about and a videotape of Child W from the institution where Child W lives in a foreign country. Based on the age, sex, and health problems of Child W, Agency X matches Prospective Adoptive Parent(s) Y with Child W. Prospective Adoptive Parent(s) Y receive a referral from Agency X and agree to accept the referral and proceed with the adoption of Child W. Agency X determines that Prospective Adoptive Parent(s) Y are a good placement for Child W and notifies the competent authority in W's country of origin that it has found a match for Child W and will start preparing adoption paperwork. All of Agency X's services are provided in the United States. Agency X is performing an adoption service and must be accredited, approved, or supervised.

*Example 12.* Securing necessary consent to termination of parental rights and to adoption. Facilitator Y is accredited by Convention Country Z. He has contacts at several orphanages in Foreign Country Z and helps Agency X match children eligible for adoption with prospective adoptive parent(s) in the United States. Facilitator Y works with the institution that is the legal guardian of Child W in order to get the documents showing the institution's legal consent to the adoption of Child W. Agency X is the only U.S. agency providing adoption services in the case. Agency X must be accredited, or approved and must either treat Facilitator Y as a foreign supervised provider in accordance with §96.46(a) and (b) or verify the consents Facilitator Y secured, in accordance with §96.46(c).

[71 FR 8131, Feb. 15, 2006, as amended at 79 FR 40634, July 14, 2014]

### §96.16 Public domestic authorities.

Public domestic authorities are not required to become accredited to be able to provide adoption services in intercountry adoption cases, but must comply with the Convention, the IAA, the UAA, and other applicable law when providing services in an intercountry adoption case.

[79 FR 40634, July 14, 2014]

## 22 CFR Ch. I (4–1–24 Edition)

### §96.17 Effective date of accreditation and approval requirements.

The Convention entered into force for the United States on April 1, 2008. As of that date, the regulations in subpart C of this part govern Convention adoptions between the United States and Convention countries, and require agencies or persons providing adoption services on behalf of prospective adoptive parent(s) to comply with §96.12 and applicable Federal regulations. The Secretary maintains for the public a current listing of Convention countries. The effective date of the UAA is July 14, 2014. As of that date, consistent with the UAA, the regulations in subpart C of this part will govern adoptions of children described in INA §101(b)(1)(F), and will require agencies or persons providing adoption services on behalf of prospective adoptive parent(s) in connection with a child described in section 101(b)(1)(F) to comply with §96.12 and applicable Federal regulations.

[79 FR 40634, July 14, 2014]

### Subpart D—Application Procedures for Accreditation and Approval

#### §96.18 Scope.

(a) Agencies are eligible to apply for “accreditation.” Persons are eligible to apply for “approval.” Applications for accreditation or approval will be processed in accordance with §§96.19 and 96.20.

(b) If an agency or person is reapplying for accreditation or approval following cancellation of its accreditation or approval by an accrediting entity or refusal by an accrediting entity to renew its accreditation or approval, it must comply with the procedures in §96.78.

(c) If an agency or person that has been accredited or approved is seeking renewal, it must comply with the procedures in §96.63.

[79 FR 40634, July 14, 2014]

#### §96.19 First-time application procedures for accreditation and approval.

(a) Agencies or persons seeking accreditation or approval for the first

time may submit an application at any time, with the required fee(s), to an accrediting entity with jurisdiction to evaluate the application.

(b) The accrediting entity must establish and follow uniform application procedures and must make information about those procedures available to agencies and persons that are considering whether to apply for accreditation or approval. An accrediting entity must evaluate the applicant for accreditation or approval in a timely fashion.

[71 FR 8131, Feb. 15, 2006. Redesignated and amended at 79 FR 40634, July 14, 2014]

#### § 96.20 Choosing an accrediting entity.

(a) An agency that seeks to become accredited must apply to an accrediting entity that is designated to provide accreditation services and that has jurisdiction over its application. A person that seeks to become approved must apply to an accrediting entity that is designated to provide approval services and that has jurisdiction over its application. The agency or person may apply to only one accrediting entity at a time.

(b)(1) If the agency or person is applying for accreditation or approval pursuant to this part for the first time, it may apply to any accrediting entity with jurisdiction over its application. However, the agency or person must apply to the same accrediting entity that handled its prior application when it next applies for accreditation or approval, if the agency or person:

- (i) Has been denied accreditation or approval;
- (ii) Has withdrawn its application in anticipation of denial;
- (iii) Has had its accreditation or approval cancelled by an accrediting entity or the Secretary;
- (iv) Has been temporarily debarred by the Secretary; or
- (v) Has been refused renewal of its accreditation or approval by an accrediting entity.

(2) If the prior accrediting entity is no longer providing accreditation or approval services, the agency or person may apply to any accrediting entity with jurisdiction over its application.

[71 FR 8131, Feb. 15, 2006. Redesignated at 79 FR 40634, July 14, 2014]

§§ 96.21–96.22 [Reserved]

### Subpart E—Evaluation of Applicants for Accreditation and Approval

#### § 96.23 Scope.

The provisions in this subpart govern the evaluation of agencies and persons for accreditation or approval.

[79 FR 40634, July 14, 2014]

#### § 96.24 Procedures for evaluating applicants for accreditation or approval.

(a) The accrediting entity must designate at least two evaluators to evaluate an agency or person for accreditation or approval. The accrediting entity's evaluators must have expertise in intercountry adoption, standards evaluation, or experience with the management or oversight of child welfare organizations and must also meet any additional qualifications required by the Secretary in the agreement with the accrediting entity.

(b) To evaluate the agency's or person's eligibility for accreditation or approval, the accrediting entity must:

- (1) Review the agency's or person's written application and supporting documentation;
- (2) Verify the information provided by the agency or person by examining underlying documentation;
- (3) Consider any complaints received by the accrediting entity pursuant to subpart J of this part; and
- (4) Conduct site visit(s).

(c) The site visit(s) may include, but need not be limited to, interviews with birth parents, adoptive parent(s), prospective adoptive parent(s), and adult adoptee(s) served by the agency or person, interviews with the agency's or person's employees, and interviews with other individuals knowledgeable about the agency's or person's provision of adoption services. It may also include a review of on-site documents. The accrediting entity must, to the extent practicable, advise the agency or person in advance of the type of documents it wishes to review during the site visit. The accrediting entity must require at least one of the evaluators to participate in each site visit. The