

Hague FAQ



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What is the Hague Convention?

The formal term is the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, commonly referred to as “The Hague.” Hague is the city in the Netherlands where many international meetings take place. This multilateral treaty was completed on May 29, 1993. (Multilateral means many countries working together.)

When did the United States become involved with the Hague Convention?

The United States signed onto the Hague Convention in 1994. Lawmakers spent the next six years working on the laws that would provide for the implementation of the regulations required by the Hague Convention. These laws, called the Intercountry Adoption Act (IAA), were passed by Congress in 2000. The Intercountry Adoption Act also designated the Department of State as the central adoption authority as required by the Hague Convention.

Why has it taken so long for the Hague Convention to enter into force?

Between 2000 and 2006, specific regulations were written to govern intercountry adoption agencies and the process of accrediting those agencies. The IAA required that these regulations be published for public comment. The final regulations were approved and published in the Federal Register on February 15, 2006. The next two years were spent establishing the accrediting entities and evaluating and approving intercountry adoption agencies.

The Timeline:

- 1994 – United States signed onto the Hague Convention
- 2000 – United States passed the Intercountry Adoption Act to implement the Hague Convention.
- February 15, 2006 - United States published the Final Regulations governing adoption agencies and the accreditation of agencies. The application period for accrediting entities began.
- October 4, 2006 – State Department and two approved accrediting entities finalized negotiations.
- 2007 – February 15, 2008 - Adoption agencies prepared their documentation and updated their policies and procedures to align with the principles of the Hague. Each agency was thoroughly evaluated by an accrediting entity in every area from finances to parent training.

- December 12, 2007 – The United States deposited the final instruments of ratification with the Hague Convention. (This is the final step required to establish the U.S. as a Hague Convention country.)
- February 29, 2008 – All agencies are informed by their accrediting entity of their accreditation status.
- April 1, 2008 – The Hague Convention officially enters into force (begins) for the United States. All agencies working with other Hague Convention countries **MUST** be accredited to continue to do so and must follow the guidelines established by the Final Regulations published in 2006.

What is the central authority and accrediting entity?

The Hague Convention resulted in the U.S. implementing laws and regulations that adoption agencies placing children from other Hague countries **MUST** follow. These laws also require agencies to be overseen and evaluated by a central authority. The central authority for the U.S. is the Department of State and they work closely with the approved accrediting entities to oversee agencies.

An accrediting entity for the Hague Convention is one that evaluates intercountry adoption agencies to determine that their standards, practices, policies and procedures are in line with the Hague Convention, the Intercountry Adoption Act and the U.S. Final Regulations on the Hague. The United States has two accrediting entities: Council on Accreditation, which covers all of the U.S., and the State of Colorado, which can evaluate Colorado agencies.

How long are Dillon’s and Buckner’s Hague accreditation valid?

Dillon International and Buckner Adoption and Maternity Services are both accredited by the Council on Accreditation. Our accreditation is valid until March 31, 2013.

What countries are Hague Convention countries?

There are approximately 80 countries who have signed onto the Hague Convention. Of the countries our agency works with, China, Hong Kong and India are Hague Convention countries.

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How does the Hague Convention affect adoption agencies?

Agencies must follow many new guidelines in order to facilitate adoptions of children from other Hague Convention countries. Below are just a few of the requirements agencies now work under:

1. Agencies must be accredited by a Department of State-approved accrediting entity in order to place children in the U.S. from other Hague Convention countries.
 2. Agencies must disclose all fees and refund policies to prospective adoptive parents up front.
 3. Agencies must provide a copy of the Adoption Services Contract to families up front.
 4. Agencies must provide training in specific topics for adoptive families before their child comes home.
 5. Agencies must follow certain referral procedures in obtaining and providing information on children available to prospective adoptive parents.
 6. Agencies must provide a written agreement to families stating who is responsible for each portion of the adoption process.
- And most importantly:**
7. Agencies must provide safeguards to protect children from being bought and sold and to protect the best interest of children.

Additionally, agencies that have gone through accreditation have had their financial, business and adoption policies and procedures thoroughly evaluated. Agencies have set safeguards in place to protect adoptive families in case of agency closure, to provide information and statistics to the Department of State and to govern how they work with other agencies both in the United States and in the foreign country.

How does the Hague Convention affect adoptive families?

There are a number of ways the Hague Convention can affect families:

1. Families adopting from other Hague Convention countries **MUST** work with an accredited agency.
2. Families adopting from other Hague Convention countries **MUST** use a home study provider that is approved

and, in some cases, supervised, by their placing agency. (Agencies are under strict guidelines regarding who they can work with for home study services. Families should always get the home study provider they wish to work with approved by their placing agency **BEFORE** paying any money or signing any agreements with the home study agency.)

3. Families adopting from other Hague Convention countries who file their documents with USCIS after March 31, 2008 will use different forms and a slightly different citizenship process.

4. Families working with accredited agencies will receive information on their adoption policies and procedures, supervised providers, fees and adoption contract up front. Families can also request statistical information from accredited agencies.

What if I want to adopt from a country that is NOT a Hague Convention country?

Adoptions between the United States and non-Hague countries will continue like before. There will be no change in the way these adoptions are processed. Accredited agencies, however, will be required to report statistics to the Department of State on these countries

This seems like a lot more work for families and agencies. What are the benefits of the Hague Convention?

There are many benefits to consider:

1. Accredited agencies have gone through a rigorous process of improving their services, policies and procedures. Agencies will be held to these standards throughout the years and evaluated regularly.
2. Families can check an agency's accreditation status at any time by going to www.adoption.state.gov.
3. Families can lodge official complaints against adoption agencies in the Hague Complaint Registry on the Department of State's website. (This can only be done if the complaint is of a nature that goes against the Hague Convention and the family has already attempted to resolve the issue with the agency in question through that agency's complaint procedure.)

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