



# Ethical Practices and Responsibilities

## **Table of Evidence**

### **Self-Study Evidence**

No Self-Study Evidence

### **On-Site Evidence**

Revised Executive verification form provided to Evaluators on site.

### **On-Site Activities**

No On-Site Activities



## Ethical Practices and Responsibilities

### **EPR 96.35: Suitability of agencies and persons to provide adoption services consist**

Suitability of Agencies and Persons to Provide Adoption Services  
Consistent with the Convention

#### **Table of Evidence**

##### **Self-Study Evidence**

- Ethical Practice Policy **96.35 (a)**
- A narrative describing the agency/person's approach and processes for ensuring that intercountry adoptions take place in the best interests of children **96.35 (a)**
- A narrative describing how the agency/person prevents the abduction, exploitation, sale or trafficking of children. Provide examples of actions taken by the agency **96.35 (a)**
- Executive Verification **96.35 (b), 96.35 (c)**
- Governing Body Profile **96.35 (c)**
- Employee Profile **96.35 (c)**
- Certificate(s) of good standing **96.35 (d)**
- Procedure for reporting changes in suitability information and for submitting Self Reports to COA **96.35 (e)**

##### **On-Site Evidence**

Revised Executive Verification, provided to Evaluator team on-site

##### **On-Site Activities**

- Interview:
  - a. Personnel **96.35 (c)**
- Review personnel files **96.35 (c)**
- Review personnel files, as necessary **96.35 (d)**

#### **(M) EPR 96.35.a**

The agency or person provides adoption services ethically and in accordance with the Convention's principles of:

- (1) ensuring that intercountry adoptions take place in the best interests of children; and
- (2) preventing the abduction, exploitation, sale, or trafficking of children.

Additional technical guidance provided by the Department of State. - C.1



## Ethical Practices and Responsibilities

When to invoke 96.35(a). 96.35(a)

Additional technical guidance provided by the Department of State. - C.6  
Criminal and Child Abuse Background Checks: Are both supervised and  
foreign supervised providers subject to criminal and child abuse background  
checks? 96.35, 96.45(a)(3), and 96.46(a)(3)

Additional technical guidance provided by the Department of State. - C.7  
Child Buying: Evidence to show not engaged in child buying. (Updated  
08/2007) 96.36

### **(C) EPR 96.35.b**

In order to permit the accrediting entity to evaluate the suitability of an agency or person for accreditation or approval, the agency or person discloses to the accrediting entity the following information related to the agency or person, under its current or any former name:

- (1) any instances in which the agency or person has lost the right to provide adoption services in any State or country, including the basis for such action(s);
- (2) any instances in which the agency or person was debarred or otherwise denied the authority to provide adoption services in any State or country, including the basis and disposition of such action(s);
- (3) any licensing suspensions for cause or other negative sanctions by oversight bodies against the agency or person, including the basis and disposition of such action(s);
- (4) for the prior ten-year period, any disciplinary action(s) against the agency or person by a licensing or accrediting body, including the basis and disposition of such action(s);
- (5) for the prior ten-year period, any written complaint(s) related to the provision of adoption-related services, including the basis and disposition of such complaints, against the agency or person filed with any State or Federal or foreign regulatory body and of which the agency or person was notified;
- (6) for the prior ten-year period, any known past or pending investigation(s) (by Federal authorities or by public domestic authorities), criminal charge(s), child abuse charge(s), or lawsuit(s) against the agency or person, related to the provision of child welfare or adoption-related services, and the basis and disposition of such action(s).
- (7) any instances where the agency or person has been found guilty of any crime under Federal, State, or foreign law or has been found to have committed any civil or administrative violation involving financial irregularities under Federal, State, or foreign law;



## Ethical Practices and Responsibilities

(8) for the prior five-year period, any instances where the agency or person has filed for bankruptcy; and

(9) descriptions of any businesses or activities that are inconsistent with the principles of the Convention and that have been or are currently carried out by the agency or person, affiliate organizations, or by any organization in which the agency or person has an ownership or controlling interest.

### **(C) EPR 96.35.c**

In order to permit the accrediting entity to evaluate the suitability of an agency or person for accreditation or approval, the agency or person (for its current or any former names) discloses to the accrediting entity the following information about its individual directors, officers, and employees:

(1) for the prior ten-year period, any conduct by any such individual related to the provision of adoption-related services that was subject to external disciplinary proceeding(s);

(2) any convictions or current investigations of any such individual who is in a senior management position for acts involving financial irregularities;

(3) the results of a State criminal background check and a child abuse clearance for any such individual in the United States in a senior management position or who works directly with parent(s) and/or children (unless such checks have been included in the State licensing process);

(4) a completed FBI Form FD-258 for each such individual in the United States in a senior management position or who works directly with parent(s) and/or children, which the agency or person must keep on file in case future allegations warrant submission of the form for a Federal criminal background check of any such individual; and

(5) descriptions of any businesses or activities that are inconsistent with the principles of the Convention and that are known to have been or are currently carried out by current individual directors, officers, or employees of the agency or person.

*Additional technical guidance provided by the Department of State. - C.2  
Fingerprinting requirement does not apply to board members. 96.35(c)*

*Additional technical guidance provided by the Department of State. - C.3  
Who must comply with 96.35(c)?*

*Additional technical guidance provided by the Department of State. - C.4  
FBI fingerprint chart: Keep in file ready to go. 96.35(c)(2)*

*Additional technical guidance provided by the Department of State. - C.4a  
FBI fingerprint chart: Who must complete one? 96.35(c)(4)*

*Additional technical guidance provided by the Department of State. - C.4b*



## Ethical Practices and Responsibilities

FBI Fingerprint Chart FD-258: What is required? 96.35(c), (d)

### **(C) EPR 96.35.d**

In order to permit the accrediting entity to evaluate the suitability of a person who is an individual practitioner for approval, the individual:

- (1) provides the results of a State criminal background check and a child abuse clearance to the accrediting entity;
- (2) completes and retains a FBI Form FD-258 on file in case future allegations warrant submission of the form for a Federal criminal background check;
- (3) if a lawyer, for every jurisdiction in which he or she has ever been admitted to the Bar, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation and immediately reports to the accrediting entity any disciplinary action considered by a State bar association, regardless of whether the action relates to intercountry adoption; and
- (4) if a social worker, for every jurisdiction in which he or she has been licensed, provides a certificate of good standing or an explanation of why he or she is not in good standing, accompanied by any relevant documentation.

Additional technical guidance provided by the Department of State. - C.4b

FBI Fingerprint Chart FD-258: What is required? 96.35(c), (d)

Additional technical guidance provided by the Department of State. - C.5

Certificates of Good Standing: Demonstrating compliance with standard where State does not issue. 96.35(d)

### **(C) EPR 96.35.e**

In order to permit the accrediting entity to monitor the suitability of an agency or person, the agency or person must disclose any changes in the information required by Section 96.35 within thirty business days of learning of the change.



## Ethical Practices and Responsibilities

### EPR 96.36: Prohibition on Child Buying

Prohibition on Child Buying

#### Table of Evidence

##### Self-Study Evidence

- A narrative describing safeguards to ensure that employees and agents do not provide payment for a child or as an inducement to release a child for adoption **96.36 (a)**
- Written policy and procedures prohibiting payment for a child or as inducement to release **96.36 (b)**
- Table of contents of employee training curricula **96.36 (b)**

##### On-Site Evidence

- Review available complaint information, as necessary **96.36 (a)**
- Review financial records, as necessary **96.36 (a)**
- Review Training Curricula **96.36 (b)**
- Review training logs **96.36 (b)**

##### On-Site Activities

- Interview:
  - a. CEO **96.36 (a)**
  - b. Personnel **96.36 (a)**
  - c. Adoptive parents **96.36 (a)**
  - d. Domestic and Foreign supervised providers, when necessary **96.36 (a)**

#### (M) EPR 96.36.a

The agency or person prohibits its employees and agents from giving money or other consideration, directly or indirectly, to a child's parent(s), other individual(s), or an entity as payment for the child or as an inducement to release the child. If permitted or required by the child's country of origin, an agency or person may remit reasonable payments for activities related to the adoption proceedings, pre-birth and birth medical costs, the care of the child, the care of the birth mother while pregnant and immediately following birth of the child, or the provision of child welfare and child protection services generally. Permitted or required contributions shall not be remitted as payment for the child or as an inducement to release the child.



## Ethical Practices and Responsibilities

Additional technical guidance provided by the Department of State. - C.8

Agent: Definition. 96.36(a)

Additional technical guidance provided by the Department of State. - C.9

Requiring Repayment of Medical Expenses Provided to Birth Mother when no Placement with the PAPs Occurs 96.36(a) and 96.27(g)

### **(M) EPR 96.36.b**

The agency or person has written policies and procedures in place reflecting the prohibitions in paragraph (a) of this section and reinforces them in its employee training programs.

Additional technical guidance provided by the Department of State. - C.7a

Child Buying: training curriculum on prohibition against child buying. 96.36(b)