



## Hague Convention on Intercountry Adoption to Take Effect April 1, 2008

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The Hague Convention on Intercountry Adoption will become enforceable in the United States on April 1, 2008, and will dramatically change the process of international adoption. The multilateral treaty is founded on the principle that every child has the right to a permanent family, even if that family is in another country. It is designed to protect children and families involved in the adoption process against the risks of unregulated adoptions, and to decrease the incidences of exploitation in international adoption.

Beginning on April 1, 2008, the Convention will apply to all adoptions in which children move from one Convention country to another. (Those adoptions involving children from non-signatory countries will continue unaffected.) So-called Convention adoptions will be permitted only if (1) the country of origin has established that the child is adoptable, (2) due consideration has been given to the child's adoption in its country of origin and an intercountry adoption is in the child's best interests, (3) the necessary consents to the adoption have been given freely after counseling and (4) the receiving country has determined that the prospective adoptive parents are eligible and suited to adopt, and that the child they wish to adopt will be authorized to enter and reside permanently in the country.

The Convention requires that ratifying countries (including the U.S.) establish a central authority to oversee intercountry adoptions. In the United States, the Department of State will serve as the supervising agency. The Department of State has designated the Council on Accreditation (COA) as the

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primary entity to accredit adoption service providers in the U.S. The COA will assess the ethical practices, financial stability and expertise of all applicants before accrediting adoption service providers. Currently, there are approximately ninety accredited adoption service providers in the State of Ohio with similar numbers in neighboring states. Only accredited agencies and approved persons will be permitted to provide “adoption services” under the Convention. Attorneys perform legal services such as drawing up contracts, powers of attorney and other legal instruments; providing advice and consent to adoptive parents on completing DHS or Central Authority forms; and providing advice and counsel to accredited agencies, temporarily accredited agencies, approved persons or prospective adoptive parents on how to comply with the Convention.

In addition, under the Convention, adoptive parents will have access to a national database of verified complaints about accredited adoption service providers. The Convention also requires that countries placing children for adoption internationally provide comprehensive information to adoptive families, including translated medical records and an assurance that no undue influence was used to obtain consent from the child’s birthparents. New immigration procedures will identify children by name before an adoption is finalized to assure entry into the U.S., and sending countries will agree to maintain background records for all children placed in international adoptions.

Since more than half the children entering the U.S. through international adoption have traditionally come from Hague countries, many adoptions will be subject to these new laws when they take effect in April 2008. You may wish for assistance to determine the impact the Convention will have on your pending or contemplated international adoption, or the accreditation of your entity as an adoption service provider.



*For a list of countries that have ratified the Hague Convention on Intercountry Adoption, or for more information on domestic or international adoption, please call Ms. Borman or Ms. Wabeke at 419-241-6000.*

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