



CEAS POLICY AND PROCEDURE

Policy Name: Policy on Oversight through Review of Complaints
Policy Number: ICA 7
Relevant Citations: 22 CFR Part 96.68-72
Approvals: CEAS Board of Directors: August 11, 2022
U.S. Department of State: September 19, 2022

POLICY

Policy: Center for Excellence in Adoption Services (CEAS) processes complaints in accordance with the regulations set forth in 22 CFR 96.68, and 96.69-96.72 and in accordance with the Convention, the Intercountry Adoption Act (IAA), the Universal Accreditation Act (UAA), 22 CFR Part 96, and any other applicable regulations, as additionally specified in the Memorandum of Agreement with the Department of State. In performing these functions, CEAS operates consistent with Department of State policies and written directives regarding U.S. obligations under the Convention and regarding the functions and responsibilities of an accrediting entity under the IAA, UAA, and any other applicable regulations.

Note: This policy governs CEAS' requirements for reviewing complaints related to accredited agencies (agency) and approved persons (person) and intercountry adoption services within its geographical jurisdiction, as assigned by the Department. This policy is not applicable to initial applicants seeking accreditation or approval.

PROCEDURES

A. Overview

1. CEAS reviews complaints received against an accredited agency or approved person, and those regarding the agency or person's use of supervised providers, which raise an issue of compliance with the Hague Convention, the Intercountry Adoption Act (IAA), the Universal Accreditation Act (UAA), or the regulations implementing the IAA or the UAA.
2. In accordance with 22 CFR 96.69 and 96.70, complaints must be generally filed through the Complaint Registry. The contact information for the Complaint Registry is located on CEAS's website (www.ceadoption.org) and on the Department of State's website (www.adoption.state.gov).
 - a) For complaints filed by a Federal, State, or local governmental official or a foreign Central Authority, in accordance with 22 CFR 96.69 (d), CEAS reviews complaints that are filed with the Complaint Registry or that are submitted in writing to CEAS.

- i. In the event a Federal, State, or local governmental official or a foreign Central Authority files the written complaint with CEAS, CEAS records the complaint in the Complaint Registry.
 - ii. If the complaint is submitted to the Secretary, the Secretary records the complaint in the Complaint Registry, if appropriate, and refers it to CEAS for review or provides direction for CEAS to take other action as the Secretary deems appropriate.
- 3. When an individual or entity contacts CEAS to express a complaint via email, phone call, or a format other than with the Complaint Registry, CEAS notifies the complainant (other than Federal, State, or local governmental official or a foreign Central Authority) that all complaints must be filed with the Complaint Registry with certain limited exceptions in accordance with 22 CFR 96.69 and 96.70. The complainant is notified that the Complaint Registry is the mechanism for recording, screening, referring, and taking action on complaints received. CEAS requests the complainant file their complaint with the Complaint Registry and provides the contact information for the Complaint Registry. CEAS forwards information relevant to the oversight functions of the Secretary to the Department. If the individual or entity does not file the complaint with the Complaint Registry within 10 business days, CEAS may enter the complaint in the Complaint Registry on their behalf, describing the concerns conveyed via email or phone.
 - a) If the person or entity specifically states that they do not wish to file their complaint with the Complaint Registry but has provided detailed information about their concerns and the concerns are related to those under CEAS's jurisdiction or allege concerns regarding the safety of a child or fraud or other illegal or egregious conduct, CEAS forwards information relevant to the oversight functions of the Secretary to the Department.
- 4. Priority is given to reviewing complaints received from a Federal, State, or local government official or a foreign Central Authority.
- 5. CEAS records, screens, refers, and reports actions taken on complaints received within the Complaint Registry.
- 6. CEAS also records complaint information in its database. In accordance with 22 CFR 96.93, CEAS makes semi-annual reports and provides such reports to the Secretary.
- 7. CEAS does not take any action to discourage an individual from, or retaliate against an individual for, making a complaint, expressing a grievance, questioning the conduct of, or expressing an opinion about the performance of an agency or person or the accrediting entity.

B. Screening Complaints: Determining if CEAS has Jurisdiction to Open a Review of the Complaint

- 1. Within thirty (30) business days of receipt of a complaint, CEAS determines if CEAS has jurisdiction to open a review of the complaint.
- 2. CEAS has jurisdiction to open a review of a complaint if the criteria outlined in (a)(b) and (c) are met, as follows.
 - a) CEAS determines if the complaint is made against an accredited agency or approved person.
 - i. If the agency or person is no longer accredited or approved at the time the complaint is filed, CEAS lacks the capacity to take any appropriate adverse actions in relation to the complaint. Within ten (10) business days of this determination, CEAS conducts any necessary interview with the complainant for recordkeeping, notifies the complainant of its limited ability to act on the complaint, and that the complaint will be closed.
 - ii. If the agency or person is accredited or approved at the time the complaint is filed, the complaint is further reviewed to determine jurisdiction as outlined in B.2.b. and B.2.c. below.

- b) CEAS determines if the complaint is related to the agency or person's services or activities, including its use of supervised providers, which raise an issue of compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA, or UAA.
 - i. If the complaint does not meet the criteria in B.2.b., CEAS does not have jurisdiction over the complaint. Within ten (10) business days of this determination, CEAS notifies the complainant that the complaint was closed.
 - ii. If the complaint meets the criteria in B.2.b., the complaint is further reviewed to determine jurisdiction as outlined in B.2.c below.
 - c) CEAS determines if the complaint was already submitted to the accredited agency or approved person if required to do so in accordance with 22 CFR 96.69(b).
 - i. If the complainant is a party to a specific intercountry adoption case and the complaint relates to the case, the complainant must first submit their complaint in writing to the primary provider and to the United States provider, if different than the primary provider. If the complainant has not already done so, CEAS may not have jurisdiction over the complaint. Within ten (10) business days of this determination, CEAS notifies the complainant they must first submit their complaint in writing to the accredited agency or approved person and/or that they must complete the complaint process with the agency or person, and that the complaint was closed.
 - ii. CEAS has jurisdiction to open a review of the complaint if the complaint was filed with and reviewed by the accredited agency or approved person and:
 - 1. not resolved through the agency or person's complaint process, or
 - 2. the complaint was resolved by an agreement to take action, but the agency or person failed to take such action within thirty (30) days of agreeing to do so.
 - iii. If the complaint alleges significant child safety concerns and/or overtly fraudulent, illegal, or egregious conduct CEAS may review the complaint without first having the complainant submit the complaint in writing to the agency or person.
 - b. If the complaint meets (a)(b) and (c), CEAS completes the complaint review process as described below.
3. CEAS does not have jurisdiction to review complaints against agencies and persons who are under the jurisdiction of another accrediting entity. CEAS will coordinate and share information with the accrediting entity with jurisdiction when a complaint implicates the conduct of an agency or person not under the jurisdiction of CEAS.

C. Complaint Review Procedures

- 1. Within one hundred and twenty (120) business days following CEAS's acceptance of the complaint for review, CEAS completes the complaint review process to determine the outcome of the complaint. CEAS's ability to meet this timeframe is contingent upon the specific circumstances of each complaint. Some factors that impact on the timeframe include: the time to obtain evidence from the complainant and the agency or person which can include multiple requests of the parties, the time needed to conduct a site visit, when necessary, and any time needed to gather additional evidence, as applicable. Such actions may extend the timeframe for CEAS to complete the review process beyond one hundred and twenty (120) days.
- 2. CEAS contacts the complainant, to:
 - a) notify the complainant of CEAS's decision to open a review of the complaint,
 - b) provide details regarding the review process, and
 - c) schedule an interview.

3. Interviews may be recorded in accordance with applicable law. Following the interview, CEAS requests evidence from the complainant and provides a date by which evidence must be submitted.
 - a) If the complainant does not provide requested evidence, the complaint may be determined to be unsubstantiated, if appropriate, and closed.
4. CEAS notifies the agency or person of the complaint in writing.
5. CEAS requests evidence from the agency or person and provides a date by which evidence must be submitted.
 - a) If the agency or person does not provide requested evidence, CEAS will issue a finding that the agency or person has failed to comply with 22 CFR 96.25, and will take adverse action, as appropriate. CEAS may also substantiate the complaint when evidence collected through other sources demonstrates the agency or person has failed to maintain substantial compliance with the standard and the complaint review may be closed. A substantiation of a complaint may result in adverse action. See section D.2.a. below.
6. In accordance with 22 CFR 96.71 (b)(2), CEAS conducts any investigative activity it considers necessary, including, but not limited to:
 - a) interviews or requests for information or documents from other parties or individuals, and
 - b) on-site review at the agency or person's offices as needed.
7. CEAS reviews evidence collected and evaluates the agency or person's level of compliance with the standards to complete its review of the complaint and make an outcome determination.

D. Outcome of Complaint Review

1. Complaints are determined to be:
 - a) Unsubstantiated when:
 - i. there is insufficient evidence to support the allegation and demonstrate a failure to maintain substantial compliance, or
 - ii. there is sufficient evidence demonstrating the facts uncovered during the review did not support the allegation(s) within the complaint and/or the agency or person was determined not to be out of compliance with applicable standards.
 - b) Substantiated when:
 - i. there is sufficient evidence demonstrating the agency or person was out of compliance with applicable standards,
 - ii. the agency or person did not provide requested evidence necessary to negate the allegations of the complaint or to demonstrate compliance with applicable standard.
2. Within five (5) business days of the decision:
 - a) CEAS provides the agency or person with written notification of the outcome of CEAS's complaint review and any action to be taken which may include adverse action. CEAS Policy and Procedures for Adverse Action outline the adverse action process.
 - b) CEAS provides the complainant with written notification of the outcome of the complaint review.

E. Utilization of Complaint Information and Reporting

1. Information regarding complaints and the outcome of complaints is utilized in the decision-making process for renewal of accreditation or approval and in ongoing monitoring and oversight.
2. CEAS, pursuant to 22 CFR 96.72, promptly notifies the Secretary of any substantiated complaint that:

- a) demonstrates an agency or person has engaged in a pattern of serious willful, grossly negligent, or repeated failures to comply with the standards in 22 CFR 96 subpart F, or
 - b) indicates that continued accreditation or approval would not be in the best interests of children and families concerned.
3. CEAS, after consultation with the Secretary, refers, as appropriate, to a state licensing authority, the Attorney General, or other law enforcement authorities any substantiated complaints that involve conduct that is:
- a) subject to the civil or criminal penalties imposed by section 404 of the IAA,
 - b) in violation of the Immigration and Nationality Act, or
 - c) otherwise in violation of Federal, State, or local law.

F. Public Requests for Information

Public requests for information related to an agency or person are be processed by CEAS management. Pursuant to 22 CFR 96.92, CEAS posts on its website (www.ceadoption.org) the process for making a request to obtain information about whether an agency or person has any record of a substantiated complaint, and if so, the status and nature of any substantiated complaint. CEAS only releases information pursuant to applicable State and Federal law, including the regulations in 22 CFR Part 96.