



## **CEAS POLICY AND PROCEDURE**

### **ROUTINE OVERSIGHT**

**Policy Name:** Policy on Routine Oversight of Accredited Agencies and Approved Persons

**Policy Number:** ICA 6

**Relevant Citations:** 22 CFR Part 96

**Approvals:** CEAS Board of Directors: August 16, 2022

Department of State: September 1, 2022

#### **POLICY**

**Policy:** CEAS gathers, tracks, evaluates, and acts on information to ensure accredited agencies and approved persons maintain substantial compliance with the standards and requirements of 22 CFR Part 96. CEAS conducts routine oversight in accordance with the Convention, the IAA, the UAA, 22 CFR Part 96 and any other applicable regulations. 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, 22 CFR Part 96 and any other applicable regulations.

#### **Overview**

Routine Oversight Policies and Procedures detail CEAS' process for routine oversight of accredited agencies and approved persons. The procedures only apply to accredited agencies and approved persons.

CEAS conducts routine oversight of accredited agencies and approved persons to monitor their compliance with applicable standards and requirements.

## **PROCEDURES**

Routine Oversight Procedures include the following.

1. Self-Reports
  - a. Suitability Disclosures
  - b. Changes
  - c. Critical Incidents
2. Monthly Adoption Case Reporting
3. Quarterly Oversight Contact
4. Semi-Annual Report on Complaints
5. Annual Reports and Attestation
  - a. Annual Adoption Report (96.43)
  - b. Financial Reports
  - c. Annual Attestation
6. Special Compliance Reviews
7. Site Visits
8. Evaluation of Compliance
  - a. Provision of Information
  - b. Receipt and Review of Oversight Reports and Information
  - c. Decision and Notification

### **RO.1: PROCEDURES FOR SELF REPORTS**

CEAS reviews all information received with self-reports in accordance with the Substantial Compliance System and 22 CFR 96 to ensure the agency or person has maintained substantial compliance with the standards.

The agency or person must submit the required information using the Self-Report Form provided by CEAS.

Tables below detail:

- each reporting requirement,
- a list of standards CEAS includes in its review of the report,
- an explanation and/or examples of the requirements, and
- a list of information and/or documents to be provided with the self-report
- timeframe or due date for the report.

Agencies and persons may contact their assigned Evaluator with any questions about the reporting requirements.

CEAS may review additional standards based on the nature and circumstances of the report.

Additional documents and information may be required depending on the status and nature of the report.

Agencies and persons may submit new and additional information after submitting a self-report. If any required information or documents are not available at the time the report is submitted, the agency or person should provide an explanation of why the information is not available and a description of the steps the agency has taken and/or will take to obtain the information or documents.

The agency or person must follow up in a timely manner on submitted reports to provide updates and/or additional information and documents that become available and to notify CEAS when the issue, situation, or change is resolved or completed, if it was unresolved or not completed at the time the report was filed.

Due dates for self-reports are typically either thirty (30) or five (5) business days from the event/change, but CEAS encourages agencies and persons to submit reports as soon as possible.

**a) Suitability Disclosures**

In accordance with 22 CFR 96.35 (b) and (e), the agency or person must disclose information to CEAS to permit CEAS to evaluate and monitor the suitability of the agency or person for accreditation or approval.

Required Disclosures	Explanation and Examples	Information Required	Due
<p><b>Agency or person has lost the right to provide adoption services in any State or Country or has been debarred or otherwise denied the authority to provide adoption services in any State or Country</b> See: 22 CFR 96.35 (b)(1)(2), 96.35 (e) and as applicable: 96.30 (a)(b)(c)(d), and 96.42 (e)</p>	<p><b>Examples:</b> This includes but is not limited to the following actions:</p> <ul style="list-style-type: none"> <li>• revocation of license or authorization</li> <li>• expiration of license or authorization with no extension or temporary authorization</li> <li>• debarment</li> <li>• denial of application for licensure or authorization to provide adoption services</li> </ul> <p><b>Note:</b> Report should be submitted upon receipt of initial notice, even if the agency or person plans to exhaust opportunities for appeal or review of the action.</p>	<ul style="list-style-type: none"> <li>• Notice from the authority including any review and/or investigative findings, and the basis for the action</li> <li>• Actions taken or to be taken to address the issue</li> <li>• As applicable, a copy of the agency or person’s request for review or appeal of the action and final disposition of the review or appeal if available, and</li> <li>• List of active cases in the foreign country, including status of each active case and the plan for initiation of case transfers, as applicable</li> </ul>	<p>Within 30 business days of receiving notice</p>
<p><b>Agency or person has received a disciplinary action or sanction by an oversight body</b> See: 22 CFR 96.35 (b)(3)(4), 96.35 (e), and as applicable: 96.30 (a)</p>	<p><b>Examples:</b> This includes the following actions:</p> <ul style="list-style-type: none"> <li>• suspension of license</li> <li>• change in license, including provisional, probationary, or other compromised status</li> <li>• receipt of financial or other sanctions or penalties</li> <li>• hold placed on referrals and/or new applicants for adoption services</li> <li>• corrective action required</li> </ul> <p><b>Examples of oversight bodies can include but are not limited to:</b> the Internal Revenue Service, Federal Trade Commission, U.S. Citizenship and Immigration Services, Department of State, Department of Justice, Federal Bureau of Investigation, Department of Homeland Security, state attorney general and state licensing authorities.</p>	<ul style="list-style-type: none"> <li>• Notice of the disciplinary action or sanction, including the basis of the action</li> <li>• Action taken or to be taken to address the action</li> <li>• Copy of the agency or person’s request for review or appeal of the action and final disposition of the review or appeal if available, as applicable</li> </ul>	<p>Within 30 business days of receiving notice</p>

Required Disclosures	Explanation and Examples	Information Required	Due
<p><b>Agency or person received notice that a written complaint related to the provision of adoption-related services was filed against the agency or person with any State or Federal or foreign regulatory body</b></p> <p>See: 22 CFR 96.35 (b)(5), and 96.35 (e)</p>	<p>The agency or person received notification of a complaint related to the provision of adoption-related services filed with any State, Federal or foreign regulatory body</p>	<ul style="list-style-type: none"> <li>• A copy of the notice and the complaint</li> <li>• Status of the action by the State, Federal or Foreign Regulatory Body</li> <li>• Actions taken or to be taken to address the complaint, as applicable</li> </ul>	<p>Within 30 business days of receiving notice</p>
<p><b>Any known:</b></p> <ul style="list-style-type: none"> <li>• <b>Investigation(s) (by Federal authorities or by public domestic authorities of the agency or person,</b></li> <li>• <b>criminal charge(s) against the agency or person</b></li> <li>• <b>child abuse charge(s) against the agency or person</b></li> <li>• <b>lawsuit(s) against the agency or person</b></li> </ul> <p><b>related to the provision of child welfare or adoption-related services</b></p> <p>See: 22 CFR 96.35 (b)(6), and 96.35 (e)</p>	<p><b>Examples:</b> This can include:</p> <ul style="list-style-type: none"> <li>• situations where the agency receives notice that they are the subject or target of an investigation, or a subpoena or document retention order related to child welfare or adoption,</li> <li>• the agency receives notice of a civil or criminal complaint against the agency</li> </ul> <p>Examples of Federal and public domestic authorities can include but are not limited to: the Internal Revenue Service, Federal Trade Commission, U.S. Citizenship and Immigration Services, Department of State, Department of Justice, Federal Bureau of Investigation, Department of Homeland Security, state attorney general, and state licensing authorities.</p>	<ul style="list-style-type: none"> <li>• A copy of the notice and the complaint</li> <li>• Actions taken or to be taken to address the complaint, as applicable</li> </ul>	<p>Within 30 business days of receiving notice.</p>

Required Disclosures	Explanation and Examples	Information Required	Due
<p><b>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</b></p> <p>See: 22 CFR 96.35 (b)(7), and 96.35 (e)</p>	<p>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</p>	<ul style="list-style-type: none"> <li>• Copy of the finding / decision</li> <li>• Actions taken or to be taken to address the complaint, as applicable</li> </ul>	<p>Within 30 business days of receiving notice</p>
<p><b>The agency or person has filed for bankruptcy</b></p> <p>See: 22 CFR 96.35 (b)(8), and 96.35 (e)</p>	<p>The agency or person filed for bankruptcy</p>	<ul style="list-style-type: none"> <li>• Explanation of reason(s) for the bankruptcy</li> <li>• Court filings related to the bankruptcy</li> <li>• The agency or person’s plan for continued service delivery to clients and/or the plan for discontinuing service delivery</li> </ul>	<p>Within 30 business days of the filing</p>
<p><b>Any business 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, or by individual directors, officers, or employees of the agency or person</b></p> <p>See: 22 CFR 96.35 (b)(9), (c)(5), and 96.35 (e)</p>	<p><b>Explanation:</b> Affiliate organizations can include supervised providers and other providers the agency has engaged to provide adoption related services.</p> <p><b>Examples:</b> This can include situations where an entity or individual is alleged to have been involved with, or is being or has been charged with, under investigation for, arrested for, or having been convicted of child abduction, child buying, child exploitation, inducement, or fraud.</p>	<ul style="list-style-type: none"> <li>• Detailed explanation of the business or activities</li> <li>• Actions taken or to be taken in response to the agency learning of the business or activities</li> </ul> <p>Note: CEAS requests additional information and documentation depending on the nature of the report.</p>	<p>Within 30 business days of learning of the business or activities</p>

Required Disclosures	Explanation and Examples	Information Required	Due
<p><b>Conduct by a director, officer, or employee related to the provision of adoption-related services that was subject to external disciplinary proceedings</b> See: 22 CFR 96.35 (c)(1), and 96.35 (e)</p>	<p>The agency learns that a director, officer, or employee was subject to external disciplinary proceedings.</p>	<ul style="list-style-type: none"> <li>• Copies of the notice of the disciplinary proceeding</li> <li>• Action taken or to be taken to address the issues that led to the disciplinary proceeding</li> </ul>	<p>Within 30 business days of learning of the disciplinary proceeding</p>
<p><b>Initiation of an investigation of or conviction of a director, officer, or employee in a senior management position for acts involving financial irregularities</b> See: 22 CFR 96.35 (c)(2) and 96.35 (e)</p>	<p>The agency or person is notified of the convictions or current investigations of any individual in a senior management position for acts involving financial irregularities</p>	<ul style="list-style-type: none"> <li>• Notice related to the convictions or current investigation, including the name, title/position of the individual, and the basis of the conviction(s) or investigation(s)</li> <li>• Action(s) taken or to be taken to address the issues related to the convictions or current investigations</li> </ul>	<p>Within 30 business days of the notification</p>
<p><b>Loss of Good Standing Status, Loss of License, or Initiation of Disciplinary Action by a State Bar Association or Professional Social Work Authority or Review Body</b> See: 22 CFR 96.35 (d)(3)(4), and 96.35 (e)</p>	<p>This only applies to approved persons who are approved as individual practitioners</p>	<ul style="list-style-type: none"> <li>• Copies of the notice</li> <li>• Actions taken or to be taken to address the loss of good standing and/or disciplinary action</li> </ul>	<p>Within 30 business days of receiving notice</p>

**b) SELF-REPORTS - CHANGES**

In accordance with 22 CFR 96.66, CEAS must monitor accredited agencies and approved persons at least annually to ensure they are in substantial compliance with the standards. CEAS requires accredited agencies and approved persons to report certain changes so that CEAS can ensure:

- accredited agencies and approved persons have maintained compliance with the standards and requirements,
- CEAS and the Department of State are aware of certain changes and to facilitate communications with foreign authorities, as appropriate and as needed, and/or
- to ensure the information disclosed by CEAS about the agency or person’s services, locations, and status is up to date and accurate.

Occurrence	Explanation and Examples	Required Information	Due
<p><b>Change in address or location or state of licensure</b> See 22 CFR 96.30 (a), 96.32 (e), 96.33 (e), 96.42 (d), and 96.91 (a)</p>	<p><b>Explanation:</b> The agency or person is changing an address, opening a new office(s) or closing an existing office(s), or adding or relinquishing or reducing a state license for adoption services</p>	<ul style="list-style-type: none"> <li>• Address for the office / location</li> <li>• Adoption services to be / that were provided at the location</li> <li>• Indication if the office / location is / will be the primary location</li> <li>• Copy of the new state license or authorization or documentation of the relinquishment of a state license, as appropriate</li> <li>• Effective date for the change</li> <li>• For office closures, a plan for the transfer of cases and records, and plan to issue refunds as needed</li> </ul>	<p>Within 30 business days of the effective date</p>
<p><b>Change in corporate structure</b> See 22 CFR 96.31 (a)(b), 96.32(e), and 96.60 (b)</p>	<p><b>Explanation:</b> The agency or person undergoes a change in non-profit or for-profit status, or has decided to merge with, acquire, or be acquired by another organization or entity.</p> <p><b>NOTE:</b> Accreditation or Approval is not transferrable to a separate legal entity. Agencies and persons are encouraged to contact CEAS as early as possible when considering a change to corporate structure to discuss potential impacts on an agency or person’s accreditation or approval.</p>	<p><u>Change in Non-Profit or For-Profit Status:</u></p> <ul style="list-style-type: none"> <li>• Detailed explanation of reason(s) for a voluntary change or a copy of the notification of loss of non-profit status received from the IRS, if applicable</li> <li>• Copy of the Minutes of Board Meeting with the decision was made</li> </ul> <p><u>Decision to Merge with, acquire or be acquired by another organization:</u></p> <ul style="list-style-type: none"> <li>• Name of organization and accreditation/approval status</li> <li>• Narrative including reason for merger or acquisition, estimated timeline, and anticipated changes in service delivery, impact on financial position, impact on or plan for active intercountry adoption cases.</li> </ul>	<p>Within 30 business days of the decision or within 5 business days of an unplanned change</p>

Occurrence	Explanation and Examples	Required Information	Due
		CEAS requests additional documentation as the merger or acquisition process progresses.	
<b>Change in the agency or person’s CEO or equivalent official</b> see 22 CFR 96.32(a), and 96.34(d)	<b>Explanation:</b> The agency or person has made a change in CEO or equivalent official. This includes resignation of CEO or equivalent official and appointment of an interim or temporary CEO or equivalent official.	<ul style="list-style-type: none"> <li>Name of new or interim CEO equivalent official</li> <li>Documentation of qualifications as outlined in 96.32(a)</li> <li>Offer letter, contract, and/or other documents detailing the compensation package and effective date of the change</li> </ul>	Within 30 business days of the effective date of the change
<b>Agency Closure, Relinquishment of Accreditation or Approval, Notice of Intent not to Renew</b>  See 22 CFR 96.33(e), 96.42(d)(e), and 96.52 (e)	<b>Explanation:</b> The agency or person plans to close the agency/dissolve the corporation or to discontinue provision of intercountry adoption services which require accreditation or approval (see 22 CFR 96.2 for definition of “adoption service”) and either relinquish accreditation or approval prior to its expiration or the agency or person has decided not to renew accreditation or approval	<ul style="list-style-type: none"> <li>Request to relinquish or notification of decision to close or not to renew including planned effective date</li> <li>Plan to transfer any adoption records, as applicable</li> <li>For primary providers, list of active cases in each foreign country, including status of each active case</li> <li>Plan to complete active cases prior or to transfer active cases and provide refunds, as applicable</li> </ul>	Within 30 business days of the decision
<b>Intent to initiate incoming adoption services</b> See 22 CFR 96.47 - 96.52	<b>Explanation:</b> The agency or person plans to begin providing intercountry adoption services in connection with incoming cases, and the agency or person designated “not applicable” for the incoming standards during the last accreditation or approval or review.	<ul style="list-style-type: none"> <li>Minutes from the Governing Body Meeting at which the decision was made</li> <li>Evidence listed in the Tables of Evidence for Standards for Convention Cases in Which a Child is Immigrating to the United States (96.47 - 96.52)</li> </ul>	Within 30 business days of the decision
<b>Intent to initiate outgoing adoption services</b> See 22 CFR 96.53 - 96.55	<b>Explanation:</b> The agency or person plans to begin providing intercountry adoption services in connection with outgoing cases and the agency or person designated “not applicable” for the outgoing standards during the last accreditation or approval review.	<ul style="list-style-type: none"> <li>Minutes from the Governing Body Meeting at which the decision was made</li> <li>Evidence required as listed in the Tables of Evidence for Standards for Convention Cases in Which a Child is Emigrating from the United States (96.53 - 96.55)</li> </ul>	Within 30 business days of the decision

Occurrence	Explanation and Examples	Required Information	Due
<p><b>Decision to initiate or discontinue adoption services as a primary provider in a foreign country</b> See 22 CFR 96.32 (b), and 96.44(a)(b)</p>	<p><b>Explanation:</b> The agency or person decides to initiate or discontinue providing services as a primary provider in a foreign country</p> <p>This includes initiating or discontinuing primary provider services in a single case, small number of cases, a pilot program, or opening/closing a program.</p> <p>Note: If the agency or person plans to initiate or discontinue primary provider services in multiple or all countries, consult with CEAS to determine if separate self-reports should be completed for each country.</p>	<p><u>If initiating services in a foreign country:</u></p> <ul style="list-style-type: none"> <li>• Minutes from the Governing Body Meeting at which the decision was made</li> <li>• Authorization from the Central Authority or identified foreign entity to provide adoption services, if applicable</li> <li>• Service Plan Template</li> <li>• Fee Schedule</li> </ul> <p><u>If discontinuing services in a foreign country:</u></p> <ul style="list-style-type: none"> <li>• Minutes from the Governing Body Meeting at which the decision was made to discontinue primary provider services in a particular country</li> <li>• Plan for organized closure of the program, completion or transfer of any open case(s), and the projected date by which the agency or person will no longer provide adoption services in the foreign country</li> <li>• Complete list of active cases in the foreign country, including status of each active case and plans for completion of cases or initiation of case transfers as applicable</li> </ul>	<p>Within 30 business days of the decision</p>
<p><b>Change in non-accredited or approved Supervised Provider in the United States</b> See 22 CFR 96.45(a)(b)</p>	<p><b>Explanation:</b> The agency or person has initiated or discontinued the relationship with a non-Accredited or Approved Supervised Provider in the United States.</p>	<p><u>If initiating a relationship:</u></p> <ul style="list-style-type: none"> <li>• A copy of the agreement, including all applicable attachments</li> <li>• Evidence of agency or person ensuring the supervised provider operates in compliance with all applicable licensing and regulatory requirements of the jurisdictions where it provides adoption services</li> <li>• Evidence the supervised provider disclosed suitability information required in 96.35 to the agency or person, prior to entering into an agreement with the supervised provider</li> </ul>	<p>Within 30 business days of the effective date</p>

Occurrence	Explanation and Examples	Required Information	Due
		<p><u>If discontinuing the relationship:</u></p> <ul style="list-style-type: none"> <li>• A copy of the correspondence to the supervised provider documenting the termination of the relationship</li> </ul>	
<p><b>Change in Foreign Supervised Provider</b> See 22 CFR 96.46 (a)(b)</p>	<p><b>Explanation:</b> The agency or person has initiated or discontinued the relationship with a Foreign Supervised Provider</p>	<p><u>If initiating a relationship</u></p> <ul style="list-style-type: none"> <li>• A copy of the agreement, including all applicable attachments</li> <li>• Evidence the agency or person ensured the foreign supervised provider operates in compliance with the laws of the foreign country</li> <li>• Evidence the agency or person ensured the supervised provider does not engage in practices inconsistent with the Convention’s principles of furthering the best interests of the child, and preventing sale, abduction, exploitation or trafficking of children</li> <li>• Evidence the supervised provider disclosed suitability information required in 96.35 to the agency or person, prior to the agency or person entering into an agreement with the supervised provider</li> <li>• Evidence the agency or person ensured the foreign supervised provider does not have a pattern of licensing suspensions or sanctions and has not lost the right to provide adoption services in any jurisdiction</li> <li>• Evidence the supervised provider is accredited in the foreign country, if required</li> </ul> <p><u>If discontinuing a relationship:</u></p> <ul style="list-style-type: none"> <li>• A copy of the correspondence to the supervised provider documenting the discontinued relationship</li> </ul>	<p>Within 30 business days of the effective date</p>

**c) SELF-REPORTS - CRITICAL INCIDENTS**

In accordance with 22 CFR 96.66, CEAS must monitor accredited agencies and approved persons at least annually to ensure they are in substantial compliance with the standards. CEAS requires accredited agencies and approved persons to report certain critical incidents so that CEAS can ensure:

- accredited agencies and approved persons have maintained compliance with the standards and requirements,
- CEAS and the Department of State are aware of certain critical incidents and to facilitate communications with foreign authorities, as appropriate and as needed, and/or
- to ensure any urgent child safety issues are being addressed.

These reports are the responsibility of the Primary Provider, unless the Primary Provider is no longer accredited or approved. In such circumstances, the responsibility falls to the accredited agency or approved person who received the information.

Occurrence	Explanation and Examples	Required Information	Due
<p><b>Serious injury of a child post-placement or post-adoption</b> See 22 CFR 96.52 (a), 96.55 (a), and as applicable, 96.50 (a)(b)(e)</p>	<p><b>Explanation:</b> A minor child sustains a serious injury during the agency or person’s post-placement monitoring period or after the adoption is finalized as a result of abuse, neglect, and/or a criminal offense.</p>	<ul style="list-style-type: none"> <li>• A detailed explanation of the occurrence</li> <li>• Additional information may be requested based on the nature of the incident</li> </ul>	<p>Within 5 business days of learning of the injury</p>
<p><b>Disruption of a placement for intercountry adoption</b> See 22 CFR 96.43(b), 96.50 (c)-(f), 96.52 (e), and 96.55 (f)</p>	<p>During the post-placement period, there has been an interruption of the placement for adoption. This includes but is not limited to when the prospective adoptive parents report they no longer wish to move forward with the adoption.</p> <p>See 22 CFR 96.2 for definition of post-placement</p>	<p>Disruption Summary, including information required by 96.43 (b) and the following:</p> <ul style="list-style-type: none"> <li>• Narrative regarding the efforts of providing or arranging for counseling</li> <li>• Narrative outlining who assumed/ is assuming custody, how the agency or person assisted with the arrangement of another placement or assumed custody of the child for the purpose of making another placement</li> <li>• Narrative outlining how the child’s views were considered, as applicable</li> <li>• Narrative indicating if the child was returned/is being returned to the country of origin,</li> <li>• Evidence of consultation with the Secretary to notify the foreign Central Authority about any new prospective adoptive placement or potential return to country of origin</li> </ul>	<p>Within 5 business days of learning of the disruption</p>
<p><b>Information regarding a potential</b></p>	<p>Information is received by the agency or person of the adoptive parent’s intent to dissolve the adoption</p>	<ul style="list-style-type: none"> <li>• Information known about the potential dissolution</li> </ul>	<p>Within five (5) business days of</p>

Occurrence	Explanation and Examples	Required Information	Due
<p><b>dissolution of an adoption</b> See 22 CFR 96.52 (e), and 96.55 (f)</p>			learning of the intent to dissolve the adoption
<p><b>Dissolution of an intercountry adoption</b> See 22 CFR 96.43 (b), 96.51 (d), 96.52 (e), and 96.55 (f)</p>	There has been a termination of the adoptive parents' parental rights	<ul style="list-style-type: none"> <li>• Dissolution Summary</li> <li>• Evidence of consultation with the Department if the child was or is to be returned to the country of origin</li> </ul>	Within five (5) business days of learning of the termination of parental rights
<p><b>Death of a child post-placement or post-adoption</b> See 22 CFR 96.51(a)-(c), 96.52(e), 96.55 (f), and 96.50(a)-(g), ad applicable.</p>	<p>During the post-placement period, a minor child dies. <b>OR</b> After the adoption is finalized, a minor child dies while being accompanied from the country of origin. <b>OR</b> After the adoption is finalized, a minor child dies and:</p> <ul style="list-style-type: none"> <li>• and the death is attributed a medical condition(s) the child had/may have had prior to adoption but was not known at the time of the adoption; or</li> <li>• the child committed suicide, or</li> <li>• abuse, neglect, endangerment, and/or homicide were cited as the cause or a contributing factor in the death.</li> </ul>	<ul style="list-style-type: none"> <li>• A detailed explanation of the occurrence</li> <li>• A description of any investigations, criminal charges, or other action by law enforcement that the agency or person is aware of</li> </ul>	Within 5 business days of learning of the death
<p><b>Legal action relating to intercountry adoption case(s) or services filed by the agency or person against a current or previous intercountry adoption client, a current or former exempt or supervised provider or other entity who provided adoption related services</b></p>	The agency or person initiated legal action against a current or former intercountry adoption client, a current or former exempt or supervised provider, or another current or former entity who provided services in relation to an intercountry adoption AND the action relates to an intercountry adoption case or intercountry adoption services.	<ul style="list-style-type: none"> <li>• Copy of the filing</li> <li>• Description of the status of the proceeding</li> </ul>	Within 5 business days of the filing

<b>Occurrence</b>	<b>Explanation and Examples</b>	<b>Required Information</b>	<b>Due</b>
Reviewed Standards to be determined based on the nature of the report			

## **RO.2: MONTHLY ADOPTION CASE REPORTING**

### 22 CFR 96.43 Report

Agencies or persons who are acting as primary providers are required to maintain all the data required by 22 CFR 96.43 in a format approved by CEAS, and to submit this data to CEAS on an annual basis. CEAS requires ASPs to maintain adoption case data in CEAS' database, submitting data on at least a monthly basis to add new cases and updated information in accordance with CEAS' Instructions for Adoption Case Reporting. See also, Annual Reporting below.

## **RO.3: QUARTERLY OVERSIGHT CONTACT**

CEAS initiates contact with each accredited agency and approved person at least once per quarter for routine oversight. CEAS and the agency or person reviews:

- a) information regarding any changes in procedures, requirements, laws, or regulations,
- b) the status of any open reviews,
- c) any questions relating to case data and any missing case data,
- d) any missing required reports, and
- e) upcoming due dates.

The agency or person may use this time to discuss any questions or concerns and share news of any significant changes or events it anticipates. Agencies are welcome to contact CEAS at any time with questions or concerns.

## **RO.4: SEMI-ANNUAL REPORT ON COMPLAINTS**

Agencies and person are required pursuant to 22 CFR 96.41 (f) to submit a semi-annual report on complaints (SARC) to the Accrediting Entity and the Secretary. The SARC reports information related to written complaints received by the agency or person in the prior six-month period.

The SARC Report Form is made available to agencies and persons on April 1st and October 1st of each calendar year and must be submitted by April 30th and October 31st of each calendar year respectively.

CEAS staff notify the agency or person once the SARC has been reviewed and instructs the agency or person to submit the SARC to the Department.

## **RO.5: ANNUAL REPORT(S)**

CEAS requires agencies or persons to provide certain mandatory reports. These reports assist CEAS and the Department with collecting, maintaining, and reporting data and information, as required and to monitor the agency or person's ongoing compliance with the standards.

### **a) 22 CFR 96.43 Annual Report**

Agencies or persons who are acting as primary providers are required to maintain all the data required by 22 CFR 96.43 in a format approved by CEAS, and to submit this data to CEAS on an annual basis. (See also Monthly Adoption Case Reporting above.)

- CEAS generates the required reports for the standards 96.43 (b)(1-4) on behalf of accredited agencies and approved persons using the adoption case data entered on a monthly basis by primary providers.
- See below for procedures for submitting annual report on adoption fees.

**b) Financial Reports**

As per the requirements in 22 CFR 96.33 and 96.43, agencies or persons must submit certain financial and fee information to CEAS a periodic basis.

CEAS uses the information to assess the agency or person’s financial stability, and verify the agency or person maintains, on average, sufficient cash reserves or other assets or resources to meet operating expenses for 2 months. CEAS also verifies that client fees paid in advance are properly accounted for and can be refunded in accordance with the standards and the agency or person’s refund policy.

Financial Report	Explanation and Examples	Required Information	Due
<p><b>Completion of the agency or person’s annual internal financial review</b> See 22 CFR 96.33(b)(e)</p>	<p><b>Explanation:</b> The agency’s finance, management team, and/or Board of Directors has completed their internal review of the fiscal year-end financial statements.</p>	<ul style="list-style-type: none"> <li>• A copy of minutes of the meeting at which the review was completed, or a copy of a report detailing the review, or other documentation verifying the internal financial review was completed</li> <li>• A copy of the year-end financial statements</li> </ul>	<p>Within thirty (30) business days from the completion of the review</p>
<p><b>Completion of agency or person’s independent audit</b> 22 CFR 96.33(b) and (c)</p>	<p><b>Explanation:</b> The standard requires the agency or person’s finances to be subject to independent audits at least once every four years, so this report is required, at a minimum, once every four years. The standard requires the agency or person to submit copies of each audit to CEAS, so every audit actually completed must be submitted.</p>	<ul style="list-style-type: none"> <li>• A copy of independent audit including any accompanying management letter or qualified opinion letter</li> </ul>	<p>Within thirty (30) business days from the receipt of the completed independent audit</p>
<p><b>Annual reporting of the agency or person’s adoption services fees</b> See 22 CFR 96.40 (b), 96.43 (b), and 96.52 (e)</p>	<p><b>Explanation:</b> Annual reporting of fees and expenses charged by the agency or person in connection with intercountry adoptions</p> <p>This data is provided to the Department of State for inclusion in their Annual Report.</p>	<p>For each country:</p> <ul style="list-style-type: none"> <li>• Information on the range of adoption fees, including the lowest, highest, average, and the median of such fees, set forth by the child's country of origin, charged by the agency or person for intercountry adoptions involving children immigrating to the United States in connection with their adoption</li> </ul>	<p>Within thirty (30) calendar days of the request by the Accrediting Entity</p>

**c) Annual Attestation**

Pursuant to 22 CFR 96.66 (c), agencies or persons are required to submit an Annual Attestation of Substantial Compliance. CEAS provides an Annual Attestation Form on January 1st of each calendar year, and it is due by January 31st.

## **RO.6 Special Compliance Reviews**

CEAS completes a special compliance review when CEAS receives information or learns of a potential deficiency in an agency or person's compliance that is:

- a) discovered outside of routine monitoring and oversight activities (e.g., information is published in a news article), or
- b) discovered during routine monitoring and oversight activities, but the potential deficiency is significantly outside the scope of the review and CEAS determines a separate review is the most efficient course of action.

CEAS notifies the agency or person of any information or records to be submitted for the special compliance review and of any interviews needed.

Special Compliance reviews are different from complaint investigations and are not a substitute for the review of a complaint that is, or should be, filed in the Complaint Registry.

## **RO.7: Monitoring and Oversight Site Visits**

CEAS may conduct an on-site review as needed. If CEAS decides to conduct an on-site review, CEAS notifies the agency or person of intended dates and may provide the agency or person the opportunity to request alternate dates as appropriate. CEAS reserves the right to make unannounced on-site reviews, when it determines such a review is necessary.

When an on-site review is needed, CEAS sends a minimum of one reviewer.

The agency or person is responsible for all expenses related to the on-site review.

## **RO.8: Evaluation of Compliance**

- a) Provision of Information
  - i. Pursuant to CFR 96.25(a), the agency or person must provide access to information and documents, including adoption records and proprietary information, that CEAS requires or requests to perform its oversight. The agency or person must also cooperate by making employees available for interviews upon request. In accordance with 96.25, the agency or person must give CEAS access to all information and documents requested, as outlined above and as may be additionally requested. While these procedures detail the information and documents required, the nature or circumstances of the review may warrant requests for additional or different information.
  - ii. Agencies or persons who submit false or fraudulent statements or misrepresentations to CEAS are subject to adverse action including possible debarment. Pursuant to section 404 of the IAA, criminal penalties and civil penalties/enforcement may also result from such actions. Pursuant to 96.25 (c), if an agency or person fails to provide the requested evidence or information or fails to make employees available as requested, the agency or person may be subject to adverse action.
- b) Receipt and Review of Oversight Reports and Information
  - i. Within ten (10) business days of receipt of a self-report, SARC, Annual Report/Attestation, CEAS completes an initial review. CEAS requests additional evidence from the agency or person as needed, providing an identified timeframe for submission.
  - ii. Once all evidence is received, CEAS processes the self-report within forty-five (45) business days unless a shorter timeframe is needed in cases involving child safety or other egregious, or illegal reports
- c) CEAS reviews all information received and evaluate the agency or person's level of compliance with the applicable standards.
  - i. In accordance with 96.27 (b), CEAS must consider the agency or person's actual performance in deciding whether the agency or person is in substantial compliance with the standards and requirements, unless

CEAS has determined that it is still necessary to measure capacity because adequate evidence of actual performance is not available.

- ii. CEAS notifies the agency upon completion of all routine oversight reviews. Notification includes any findings made.
- iii. If CEAS determines the agency or person has not maintained substantial compliance, it takes adverse action in accordance with the Policies and Procedures for Adverse Action.

See also:

Adverse Action Policy and Procedure