

Hague Convention Protocols for Adoption

(Revised 12/01/23)

[Forms](#)

[Background](#)

[How to Identify a Hague Case](#)

[Hague Protocols for Adoption](#)

[Juvenile Court Orders at Finalization](#)

[Hague Compliant Registry](#)

[How to Apply for a Hague Adoption Certificate](#)

[Final Steps Once the HAC is Received](#)

[References](#)

[Alignment with SET](#)

Forms

The following forms are referenced in this policy:

- 04-309 International Liaison Office Request (CWS/CMS Template)
- [DS-5509](#) Application for U.S Hague Adoption Certificate or Custody Declaration

Background

The Hague Convention establishes a system of cooperation between authorities in each country, designed to ensure that intercountry adoption takes place under conditions which help to guarantee the best adoption practices and elimination of abuses. In 2000, Congress designated a federal department, *The U.S. Department of State* as the “central authority” with lead responsibility for implementing the Hague Convention throughout the United States for any child placed for adoption in another country.

- Effective for the United States on April 1, 2008.
- Establishes international standards of practices for intercountry adoptions.
- Designed to ensure that intercountry adoption takes place under conditions, which help to guarantee the best adoption practices and elimination of abuses.
- Aims to prevent the abduction, sale of, or trafficking of children.
- Emphasizes the best interests of children.
- Provides increased protections to children, birth families and adoptive families.
- Acknowledges intercountry adoption as a valid means of finding homes for children outside of their country of origin.
- Establishes the functions in the adoption process that are to be performed by each country.
- Is a multilateral treaty between approximately 80 countries.

How to Identify a Hague Case

For children being placed out of the country. The Hague Convention applies when:

1. A child residing in the US (U.S. citizen and/or non-U.S. citizen) has been, is being, or is to be moved to another Convention country for the purposes of adoption where the prospective adoptive parent(s) is considered to be a resident.
2. The prospective adoptive parents have been or will be Home Studied by an agency in their country (e.g. DIF Mexico).
 - a. In this example the U.S. is considered the Outgoing Country and Mexico is considered the Receiving Country.

The Adoption SW must submit form 04-309 to the CFWB International Liaison requesting a determination that this case falls under the requirements of The Hague Convention and that an appropriate agency in the receiving country conduct an adoption home study and provide post-placement supervision.

Hague Protocols for Adoption

Once an adoption case has been confirmed by the CFWB International Liaison as a Hague Case, the Adoption SW must continue to coordinate efforts at every step in the adoption process with the CFWB International Liaison for **any** placement in which a child is going to leave the U.S. Both the Adoption SW and the CFWB International Liaison will coordinate contract and service payment with the Adoptions SW and PSS.

The Adoption SW must provide documentation to The U.S. State Department that shows compliance with the following elements:

1. The child is eligible for adoption and adoption is in the best interest of the child. The TPR process remains the same and the usual 366.26 Termination of Parental Rights Order from Juvenile Court is sufficient.
 2. A home evaluation has been completed by the receiving country stating that the prospective adoptive parents are suitable for adoption. The CFWB International Liaison will assist in identifying the correct agency in the receiving country to provide the adoption home study and post-placement supervision. For Mexico cases, the home study will be approved by DIF.
 3. The Adoption SW needs to share crucial information with the receiving country regarding the child's background. (The Adoption SW will prepare the child's Telling document as usual, but the International Liaison will assist in identifying to whom it should be sent and when. The Telling will satisfy this requirement).
 4. The Adoption SW and the receiving country have both signed the Interagency Adoption Placement Agreement and the Notice of Placement. (The Adoption SW requests the placement packet be prepared by Adoption Clerical as usual, but the CFWB International Liaison will send it to the receiving country).
-

Hague Protocols for Adoption (cont.)

5. The receiving country's central authority needs to issue a letter stating:
 - that they are in agreement with the adoption
 - that the adoptive parents are suitable and that adoptive parents have been counseled as may be necessary
 - that the child is authorized to remain legally in the Receiving Country, commonly referred to as an "Article 17 Letter".

NOTE: The Article 17 Letter will be requested at the time the adoption placement papers are sent to the Receiving Country by the CFWB International Liaison. In Mexico cases, DIF will issue the Article 17 Letter and return the entire placement packet to the CFWB International Liaison.
6. The placement and transfer of the child to the receiving country must take place in secure and appropriate circumstances.

The CFWB International Liaison, in coordination with the CFWB travel clerk, will assist in identifying and arranging the correct international travel documentation for the children and the PSW transporting them.

The Juvenile Dependency Court must issue a court order expressing findings of compliance with each of the above elements (*see below*).

Juvenile Court Orders at Finalization

In addition to obtaining the above documentation, there is a special set of Juvenile Court recommendations to be used for Hague Adoptions at the Finalization Hearing.

The Adoption SW must ensure the Adoption Program Clerk in charge of processing the finalization packet uses the correct set of recommendations. These findings are crucial for Hague Compliance as the US State Department will use these findings as the basis for determining eligibility for the Hague Adoption Certificate (HAC). The recommendations below are consistent with Juvenile Court language and meet the verifications and determinations needed for a Hague Certificate.

1. The Court has terminated all parental rights and declared the child free from the custody and control of said parents (Convention Article 4(a)).
2. The Court has made a finding by clear and convincing evidence that adoption is in the best interest of the child (Convention Article 4(b)).
3. The Agency has met the substantive regulatory requirements set forth in 22 CFR 97.3 (a) – (k) for the following categories:
 - a) The child's social background history was prepared by the assigned social worker and shared with [*the Receiving County's Central Authority*] (i.e., DIF, Mexico) (Convention Article 16);
 - b) Placement with a relative is in the best interest of the child and efforts to find another adoptive family within the United States were not necessary (22 CFR 96.54 (b));
 - c) An approved Adoption Home study was completed by [*the Receiving County's Central Authority*]. (Convention Article 15);

**Juvenile Court
Orders at
Finalization (cont.)**

- d) [The Receiving County's Central Authority] as a designated central authority for international adoption cases in [the Receiving Country] has "favorably recommended" and consented to this adoption, as indicated on their Convention Article 17 letter/Certificate of Suitability (Convention Article 15);
- e) The Agency and [the receiving country's Central Authority] have both signed Adoption Placement Papers that included the Interagency Adoption Placement Agreement and the Notice of Placement (22 CFR 97.3 (i));
- f) No party to the adoption has derived improper financial or other gain from an activity related to the adoption, and only costs and expenses (including reasonable professional fees of persons involved in the adoption) were charged and/or paid (22 CFR 97.3 (k)).

**Hague Compliant
Registry**

The U.S. State Department requires CFWB to report those cases where a child is being, or has been placed outside of the U.S., for the purpose of an adoption. This step must be done **after** the termination of parental rights hearing (366.26) and **before** the adoption finalizes.

The PSS is responsible for registering **ALL** Hague Adoption Cases via <http://adoption.state.gov>.

The Adoptions SW must provide the following information to the PSS within the required time frame:

- Name of Prospective Adoptive Parent(s)
- Address of Prospective Adoptive Parent(s)
- Contact Information of Prospective Adoptive Parent(s) (i.e. phone, email)
- Prospective Adoptive Parent(s) citizenship
- Prospective Adoptive Parent(s) marital status
- The date the Prospective Adoptive Parent(s) was identified (Article 15 Report: RFA Written Report/Home Study/background check of PAP)
- The date the Child was identified as adoptable (Article 16 Report: Telling)
- The date the Article 17 Letter was sent/received by the Receiving Country's Central Authority and the Adoption Program.

**How to Apply for a
Hague Adoption
Certificate**

After the Juvenile Court grants the Adoption Decree with these specialized orders, the Adoption SW **must** apply to the U.S. Department of State for a Hague Adoption Certificate (HAC).

The Hague Adoption Certificate will:

1. Ensure that the adoption will be recognized by the receiving country.
 2. Certify that the adoption has been completed in the United States in accordance with the Convention and the Intercountry Adoption Act.
-

How to Apply for a Hague Adoption Certificate (cont.)

The assigned Adoptions PSW obtains a HAC through the following steps:

1. Completes the two-page U.S. State Department application [DS-5509](#). The application is available through the State Department's website.
2. Attaches **supporting documents** along with the DS-5509
 - Article 17 Letter/equivalent
 - Final Adoption Decree/Court Order
 - 366.26 Juvenile Court Order

NOTE: Juvenile Court Orders need to be certified or have the Court's water seal. Do not submit original copies as the U.S. State Department will keep the supporting documents for their records.
3. Mail the documents to:

Mailing Address:

U.S. Department Of State
CA/OCS /CI
SA-17, 9TH Floor
Washington, DC 20522-1709

There is a 3-week turnaround time. The worker can follow up with the State Department by emailing to AdoptionUSCA@state.gov.

Final steps after the HAC is received

Once the HAC is received, the Adoptions SW will:

1. Make a copy of the certificate for the permanent adoption file.
 2. Provide the Hague Certificate to the Adoptive parents.
 3. Send a copy to the CFWB International Liaison to send to the receiving country's Central Authority (e.g. DIF Mexico).
-

References

ACL 09-10 Intercountry Adoptions (02/27/2009)

http://adoption.state.gov/hague_convention/adoptions_from_us/certificates.php

<https://travel.state.gov/content/travel/en/Intercountry-Adoption/adoptions-from-us.html>

Alignment with SET

This policy aligns with SET [Value 3](#), helping children and youth achieve their full potential and develop lifelong relationships
