



Understanding the Hague Accreditation and Approval Standards and the Substantial Compliance System

1. How are the Hague standards organized?

The Hague Standards (Subpart F of 22 CFR Part 96) are organized in a two-tier structure: section and sub-section. This structure contains increasing levels of specificity as one moves from the section to the sub-section.

Section:

The section represents a numbered section of the regulations. It is comprised of a group of sub-sections and represents an overall theme for the group of standards.

Sub-section:

The sub-section is the most measurable, specific standard for which the adoption service provider is required to demonstrate its degree of compliance. Sub-sections are represented by a letter within each section of the regulations. Some sub-sections contain multiple requirements that specify the details of a particular practice.

In the following example, the section is 96.30 and the sub-section is 96.30 (c).

Section	Section 96.30	State Licensing
Sub-Section	96.30 (c)	If it provides adoption services in a State in which it is not itself licensed or authorized to provide such services, the agency or person does so only: (1) through agencies or persons that are licensed or authorized by State law to provide adoption services in that State and that are exempted providers or acting as supervised providers; or (2) through public domestic authorities.



2. What are Rating Indicators and how do the evaluators assign ratings?

Rating Indicators:

The Substantial Compliance System uses a four-point indicator rating system to guide the evaluators in determining the adoption service provider’s degree of compliance with each standard. With prior approval from an accrediting entity or as indicated by a particular standard, an adoption service provider can be assigned a rating of “not applicable” for some standards. For descriptions of each rating, please see Appendix A.

Hague Accreditation/Approval Rating Indicators	
1	Full Compliance
2	Substantial Compliance
3	Partial Compliance
4	Non-Compliance
NA	Not Applicable
Ratings of (1) and (2) are considered “passing.”	

Evaluators determine an adoption service provider’s degree of compliance by rating all sub-section standards using their professional judgment and expertise.

If the evaluators decide to assign a rating of Partial Compliance (3) or Non-Compliance (4) to a sub-section, they will provide the adoption service provider a written explanation of the rating. The adoption service provider will have an opportunity to respond to all ratings of Partial Compliance or Non-Compliance following the site visit. The accrediting entity will take these responses into account before assigning a final rating.



3. What value is assigned to each standard?

All of the Hague standards are important to the operation of a well-functioning adoption program and adoption service providers must strive to comply with them. However, some standards are weighed more heavily than others, and failure to comply with certain standards reflects a fundamental weakness in operations or inconsistency with the principles of the Hague Convention. All sub-sections have been designated as Mandatory, Critical, or Foundational Standards. For a complete list of Mandatory, Critical, and Foundational standards, see Appendix B.

Mandatory Standards:

Mandatory standards represent practices that are essential to fulfillment of the aims of the Hague Convention and the Intercountry Adoption Act (IAA), and 22 CFR Part 96, and have the highest value in accreditation/approval. Mandatory standards require a rating of Full Compliance in order for the adoption service provider to be accredited or approved (see below).

Critical Standards:

Critical standards represent practices that have a significant impact on fulfillment of the aims of the Hague Convention and the Intercountry Adoption Act (IAA), and 22 CFR Part 96, and have a high value.

Foundational Standards:

Foundational standards are important to the operation of a well-functioning adoption program. They derive from and support compliance with the Hague Convention, the IAA, and the Hague Regulations.

4. What ratings do we need to be accredited or approved?

An ASP's overall compliance demonstrates "substantial compliance" by receiving a rating of Full or Substantial Compliance on 85% of applicable standards.

In order to be accredited or approved, the adoption service provider must:

- receive ratings of Full Compliance on 100 percent of all applicable Mandatory Standards;
- receive ratings of Full or Substantial Compliance on 100 percent of all applicable Critical Standards;
- receive no rating of Non-Compliance on any Foundational Standard; and
- receive ratings of Full or Substantial Compliance on enough Foundational Standards so that ratings of Full or Substantial Compliance have been received on 85 percent of all applicable Mandatory, Critical and Foundational Standards taken together.

APPENDIX A: RATING INDICATOR LEGEND

Following are descriptions of the indicators used by the evaluators to assess an adoption service provider's degree of compliance with the standards.

1 **Full Compliance**

Description: The relevant policies, procedures, and/or practices, fully meet the standard as written. All elements or requirements are evident in practice with extremely rare or no exceptions. Exceptions in compliance do not affect, in any way, consistency with the aims of the Hague Convention and the IAA, organizational performance or quality of service.

2 **Substantial Compliance**

Description: Practice is basically sound and reflects strong capacity with room to improve. A majority of the standard's requirements are met, but one or more factors are missing or need augmentation. Appropriate policies and procedures are in place. Minor inconsistencies and underdeveloped practices are noted; however such inconsistencies do not jeopardize persons served; or overall performance, or consistency with the aims of the Hague Convention and the IAA in any way.

3 **Partial Compliance**

Description: A significant aspect of the organization's operations or service delivery deviates from the standard's requirements or from written material, or capacity is at a basic level. Significant omissions or exceptions to the standard occur with regularity. Policies or procedures are weak or personnel are poorly informed about policies or procedures. A majority of the standard's requirements are met, but several factors are missing or need augmentation. The standard requires written procedures or documentation but the organization can only anecdotally describe how it meets the standard. Practice, as is, may compromise care of consumers organizational functioning, or consistency with the aims of the Hague Convention and the IAA.

4 **Non-compliance**

Description: The adoption service provider's observed operations and service delivery show signs of neglect, stagnation or deterioration, and there is a clear need for increased capacity. Practice or documentation does not address, or is in opposition to, the standard's requirements. Few, if any, of the standard's requirements are met. The organization does not have any of the necessary components of the basic framework the standard requires. (This may be due to glaring lack of attention to practice or service delivery, or administrative decisions that are not consistent with the standard.) Omissions or exceptions occur so frequently that they are the norm. Organizational functioning or integrity is seriously compromised. Health and safety of persons served may be at risk. The organization demonstrates inconsistency with the aims of the Hague Convention and the IAA.

Appendix B Weighted Standards

Mandatory Sub-Section Standards

96.30 (a)	96.30 (d)	96.34 (a)	96.35 (a)
96.30 (b)	96.31 (a)	96.34 (b)	96.36 (a)
96.30 (c)	96.31 (b)	96.34 (c)	96.36 (b)

Critical Sub-Section Standards

96.32 (a)	96.38 (a)	96.43 (a)	96.51 (d)
96.32 (b)	96.39 (a)	96.44 (a)	96.52 (b)
96.32 (d)	96.39 (d)	96.44 (b)	96.52 (c)
96.32 (e)	96.39 (e)	96.45 (a)	96.52 (e)
96.33 (a)	96.39 (f)	96.45 (b)	96.53 (a)
96.33 (b)	96.40 (a)	96.47 (a)	96.53 (b)
96.33 (c)	96.40 (b)	96.47 (b)	96.53 (c)
96.33 (d)	96.40 (c)	96.47 (c)	96.53 (d)
96.33 (e)	96.40 (d)	96.48 (a)	96.53 (e)
96.33 (f)	96.40 (e)	96.49 (a)	96.54 (a)
96.35 (b)	96.40 (g)	96.49 (d)	96.54 (b)
96.35 (c)	96.41 (a)	96.49 (e)	96.54 (c)
96.35 (d)	96.41 (b)	96.49 (f)	96.54 (d)
96.35 (e)	96.41 (c)	96.49 (g)	96.54 (f)
96.37 (a)	96.41 (e)	96.49 (j)	96.54 (h)
96.37 (b)	96.41 (f)	96.50 (a)	96.54 (j)
96.37 (c)	96.41 (g)	96.50 (b)	96.54 (k)
96.37 (d)	96.42 (a)	96.50 (c)	96.55 (b)
96.37 (e)	96.42 (b)	96.50 (d)	96.55 (d)
96.37 (f)	96.42 (c)	96.50 (e)	96.55 (e)
96.37 (g)	96.42 (d)	96.50 (g)	96.55 (f)

Foundational Sub-Section Standards

96.32 (c)	96.40 (f)	96.48 (b)	96.50 (f)
96.33 (g)	96.40 (h)	96.48 (c)	96.50 (h)
96.33 (h)	96.41 (d)	96.48 (d)	96.51 (a)
96.33 (i)	96.41 (h)	96.48 (e)	96.51 (b)
96.34 (d)	96.42 (e)	96.48 (f)	96.51 (c)
96.34 (e)	96.43 (b)	96.48 (g)	96.52 (a)
96.34 (f)	96.43 (c)	96.48 (h)	96.52 (d)
96.38 (b)	96.43 (d)	96.49 (b)	96.54 (e)
96.38 (c)	96.46 (a)	96.49 (c)	96.54 (g)
96.38 (d)	96.46 (b)	96.49 (h)	96.54 (i)
96.39 (b)	96.46 (c)	96.49 (i)	96.55 (a)
96.39 (c)	96.47 (d)	96.49 (k)	96.55 (c)