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SUBCHAPTER V—GENERAL PROVISIONS

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§ 14901. Findings and purposes

(a) Findings

Congress recognizes—

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993); and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,

and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) Purposes

The purposes of this chapter are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

(Pub. L. 106-279, § 2, Oct. 6, 2000, 114 Stat. 825.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 106-279, Oct. 6, 2000, 114 Stat. 825, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATES; TRANSITION RULE

Pub. L. 106-279, title V, § 505, Oct. 6, 2000, 114 Stat. 844, provided that:

“(a) EFFECTIVE DATES.—

“(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) [enacting this section and sections 14902, 14911 to 14913, 14922 to 14924, 14941(a), 14943, and 14953 of this title and amending section 622 of this title] shall take effect on the date of the enactment of this Act [Oct. 6, 2000].

“(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) [enacting sections 14914, 14921, 14931, 14932, 14941(b), (c), 14942, 14944, 14951, 14952, and 14954 of this title, amending sections 1101 and 1154 of Title 8, Aliens and

Nationality, and enacting provisions set out as notes under this section] shall take effect upon the entry into force of the Convention [Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption] for the United States pursuant to Article 46(2)(a) of the Convention [The Convention entered into force for the United States on Apr. 1, 2008].

“(b) TRANSITION RULE.—The Convention and this Act [see Short Title note below] shall not apply—

“(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

“(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).”

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-184, § 1, Oct. 30, 2020, 134 Stat. 897, provided that: “This Act [amending section 14914 of this title and enacting provisions set out as notes under section 14914 of this title] may be cited as the ‘Intercountry Adoption Information Act of 2019’.”

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 112-276, § 1, Jan. 14, 2013, 126 Stat. 2466, provided that: “This Act [enacting section 14925 of this title, amending sections 14922 and 14943 of this title, and enacting provisions set out as a note under section 14925 of this title] may be cited as the ‘Intercountry Adoption Universal Accreditation Act of 2012’.”

SHORT TITLE

Pub. L. 106-279, § 1(a), Oct. 6, 2000, 114 Stat. 825, provided that: “This Act [enacting this chapter and amending section 622 of this title and sections 1101 and 1154 of Title 8, Aliens and Nationality] may be cited as the ‘Intercountry Adoption Act of 2000’.”

§ 14902. Definitions

As used in this chapter:

(1) Accredited agency

The term “accredited agency” means an agency accredited under subchapter II to provide adoption services in the United States in cases subject to the Convention.

(2) Accrediting entity

The term “accrediting entity” means an entity designated under section 14922(a) of this title to accredit agencies and approve persons under subchapter II.

(3) Adoption service

The term “adoption service” means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.

The term “providing”, with respect to an adoption service, includes facilitating the provision of the service.

(4) Agency

The term “agency” means any person other than an individual.

(5) Approved person

The term “approved person” means a person approved under subchapter II to provide adoption services in the United States in cases subject to the Convention.

(6) Attorney General

Except as used in section 14944 of this title, the term “Attorney General” means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) Central authority

The term “central authority” means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) Central authority function

The term “central authority function” means any duty required to be carried out by a central authority under the Convention.

(9) Convention

The term “Convention” means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) Convention adoption

The term “Convention adoption” means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) Convention record

The term “Convention record” means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 14941(a) of this title by the Secretary of State or the Attorney General.

(12) Convention country

The term “Convention country” means a country party to the Convention.

(13) Other Convention country

The term “other Convention country” means a Convention country other than the United States.

(14) Person

The term “person” shall have the meaning provided in section 1 of title 1 and shall not include any agency of government or tribal government entity.

(15) Person with an ownership or control interest

The term “person with an ownership or control interest” has the meaning given such term in section 1320a-3(a)(3) of this title.

(16) Secretary

The term “Secretary” means the Secretary of State.

(17) State

The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

(Pub. L. 106-279, § 3, Oct. 6, 2000, 114 Stat. 826.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in introductory provisions, was in the original “this Act”, meaning Pub. L. 106-279, Oct. 6, 2000, 114 Stat. 825, known as the Intercountry Adoption Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 14901 of this title and Tables.

Subchapter II, referred to in pars. (1), (2), and (5), was in the original “title II”, meaning title II of Pub. L. 106-279, Oct. 6, 2000, 114 Stat. 830, which enacted subchapter II of this chapter and amended section 622 of this title. For complete classification of title II to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 6, 2000, with transition rule, see section 505(a)(1), (b) of Pub. L. 106-279, set out as an Effective Dates; Transition Rule note under section 14901 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

SUBCHAPTER I—UNITED STATES CENTRAL AUTHORITY

§ 14911. Designation of central authority

(a) In general

For purposes of the Convention and this chapter—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) Performance of central authority functions

(1) Except as otherwise provided in this chapter, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this chapter.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children’s Issues shall have a strong background in con-