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**JOINT COUNCIL ON INTERNATIONAL CHILDREN'S SERVICES
MEMBERSHIP CRITERIA AND DISCIPLINARY ACTION PROCEDURES**

ORGANIZATIONAL MEMBERSHIP

(a) Membership Criteria

1. Organization membership shall include any non-profit North American organizations or U.S. licensed, non-profit agencies that directly or indirectly arrange for intercountry adoption placements; or provide pre-placement or post-placement services; or provide adoptive parent support services, that are concerned with international adoption, or provide services to children in countries other than Canada and the United States of America. Each Member organization shall have one vote.
 - (a) All U.S. agency Members must be 501(c) (3) entities in good standing.
 - (b) All U.S. agency Members must be currently licensed entities in good standing.
 - (c) Non-agency Members must have proof of non-profit status.
 - (d) All non-U.S. organizations shall be considered for approval by the BOD on a case-by-case basis.
2. Members whose application is denied will receive written notice within 10 days as to the reasons for denial. Members who have had their application denied may file an appeal within 10 business days and provide additional documentation to the BOD for review. If the application is again denied, the Member may reapply for Membership in the following calendar year.

JCICS DISCIPLINARY POLICY

(b) Disciplinary Policy

1. **Introduction**
 - a. JCICS members agree to abide by the tenets of JCICS's Standards of Practice and to remain free from disciplinary action. When JCICS receives information about a member who is alleged to have violated the Standards of Practice or has otherwise been subject to formal disciplinary action in a matter related to professional practice or conduct by a state licensing board or accrediting entity or through the judicial process, the JCICS Review Committee will review the matter and determine whether disciplinary action against the member is warranted. All JCICS disciplinary procedures have been developed to make sure that JCICS acts fairly and in accordance with due process principles.
 - b. All timelines and deadlines set out in this document may be extended, at the discretion of the Review Committee, for periods of up to an additional thirty (30) days upon written request containing a reasonable explanation of the need for the extension.
2. **Standing to Lodge a Complaint**
 - a. Any individual may lodge a complaint of possible violation of the Standards of Practice or JCICS policies and procedures, whether or not the individual is a member of JCICS. A complaint must be in writing. Complaints must include the name, position, address, telephone number, and signature of the author(s) of the complaint, a statement of the alleged violation including references to specific JCICS Standards

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of Practice that are believed to have been violated, and any supporting documentation including a summary of attempts taken with the agency to resolve the problem. The events in question must have occurred after May 2003, the date this policy was enacted, for the complaint to be considered. Complaints will not be considered if they fail to meet these requirements. Complaints will be logged by JCICS staff and forwarded to the JCICS Executive Director.

- b. Upon receipt of the complaint, JCICS staff or the JCICS Executive Director will perform a preliminary assessment of the complaint. The preliminary assessment will determine if the submission (i) contains unreliable or insufficient information on which to proceed, (ii) is frivolous or inconsequential, or (iii) does not raise a matter within the scope of JCICS's jurisdiction. JCICS will have thirty (30) days to evaluate the complaint.
- c. The JCICS complaint procedure is not a substitute for a court of law. JCICS may, in its discretion, defer complaints if litigation or other enforcement action has commenced or is pending with regard to the subject matter of the complaint, or for other exigent circumstances. JCICS may also, in its discretion, refer matters to federal state, or local government agencies in appropriate situations.
- d. The complainant will be notified if the complaint has been dismissed after the preliminary review by staff, referred to the JCICS Review Committee, and/or referred to the appropriate federal, state, or local agency.
- e. In the event an interim Executive Director with an agency affiliation is appointed, complaints will be logged by JCICS staff and forwarded directly to the JCICS Review Committee.

3. Relationship to and Effect of State Disciplinary or Legal Action

- a. JCICS's disciplinary actions are independent of disciplinary sanctions imposed by state licensing boards, accrediting entities, or through the judicial process. JCICS reserves the right to take disciplinary action irrespective of any action taken or not taken by any state licensing board, accrediting agency, or any other administrative, regulatory, or judicial body.
- b. A JCICS member that is the subject of investigation by a state licensing board, accrediting agency, or criminal investigation notify the JCICS Executive Director, in writing, within 10 business days of receipt of notification from a state licensing board, accrediting entity, or judicial body of possible investigation or disciplinary action against the Member in a matter related to professional practice or conduct.
- c. Upon receiving information that a state or other entity is investigating a member, but has not issued a final decision, JCICS will not normally take action until there has been a final order issued in the state or judicial proceeding unless there are exigent circumstances or immediate action appears necessary to protect the safety of the public.
- d. If the JCICS Executive Director receives information regarding a complaint(s) against a member, or information about a member otherwise comes to the attention of JCICS, JCICS may initiate a complaint based upon the material and/or notify the appropriate state licensing board or accrediting entity of the complaint. If the state or entity proceeds to investigate the member or is investigating the member but has not issued a final decision, then JCICS will not normally take action until there has been a final order issued in the state or judicial proceeding unless there are exigent

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circumstances or immediate action appears necessary to protect the safety of the public.

- e. When a final order of disciplinary action has been issued by a state licensing board or accrediting agency, or a final action is taken by a court for conduct that relates to the member's professional practice, JCICS will contact the member to request an explanation as to why the member should not be subject to disciplinary action. If a response is not received within thirty (30) days, then the Review Committee may immediately revoke or suspend JCICS membership or take other disciplinary action that it deems appropriate.

4. *Review of Complaints*

- a. If the Executive Director or staff reasonably believes that an actionable complaint within the scope of the Review Committee's authority has been presented, then a review of the record will be conducted to clarify, expand, or corroborate the information provided by the complainant. The JCICS Board of Directors, with a 2/3 majority vote, appoints a Review Committee to investigate and make an appropriate determination with respect to each such valid and actionable complaint; the Committee may review one or more such complaints as determined by the Board.
- b. The Review Committee will consist of three or more members of the international adoption, advocacy, governmental or legal communities which have knowledge of intercountry adoption procedures, and that are not members of the Joint Council. Members of the Review Committee hearing the complaint must have no personal involvement or conflict of interest with the Member or the matter being investigated.
- c. The member who is the subject of the investigation will be notified by certified mail of the complaint and review. The member will be given 30 days to submit a written response to the complaint and/or additional evidence in support of the member's position. Failure by the member to respond to the request for response will be sufficient ground on which the JCICS Review Committee may impose sanctions.
- d. All reviews and deliberations are conducted objectively, with no prejudice, on a confidential basis. All matters are reviewed based on the written record. Staff and the JCICS Review Committee may consult or seek assistance from JCICS legal counsel or other appropriate individuals or organizations.
- e. At the conclusion of the review, the JCICS Review Committee will evaluate the findings as well as any evidence and/or explanations submitted by the member. In the event that a final order of disciplinary action has been issued by a state licensing board or accrediting agency, or a final action is taken by a court for conduct that relates to the member's professional practice, the JCICS Review Committee will include such information in its review.
- f. A determination by the JCICS Review Committee does not include a hearing or any similar trial-type proceeding; only the facts and documents in the record will be reviewed. Any evidence that the JCICS Review Committee considers relevant and appropriate to the disposition of the complaint may be considered, however the formal legal rules of evidence will not apply to JCICS disciplinary proceedings.
- g. As a result of its review, the JCICS Review Committee may (i) dismiss the complaint, (ii) direct the staff to obtain additional information (iii) postpone a determination until related proceedings, litigation, or state disciplinary action has been completed, or (iv) make a determination of disciplinary action.

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- h. If the JCICS Review Committee determines that disciplinary action should not be taken, the complaint is dismissed with written notice to the member. If the JCICS Review Committee makes a determination that the member is not free from disciplinary action and imposes a sanction, the member will be informed of that determination in writing within 30 days. The member will also be notified of the right to appeal the decision to the JCICS Appeal Committee. If the decision is not appealed, the action of the JCICS Review Committee is final.

5. Sanctions

- a. The JCICS Review Committee may impose disciplinary sanctions it deems appropriate to the particular matter, including but not limited to: (i) written reprimand, (ii) probation pending completion of specified conditions, (iii) termination/revocation of membership.
- b. In imposing disciplinary actions, the JCICS Review Committee will consider the severity of the violation, the intent of the member, the extent of injury to other persons or the profession, and whether the violation was willful or negligent. The JCICS Review Committee may, in its discretion, impose any disciplinary action, as warranted, in specific cases.
- c. Annual dues paid by Members who are subsequently placed on probationary status, or whose membership is revoked, will not be refunded.
- d. A Member who is placed on probationary status or whose membership is revoked shall not use the JCICS name or logo in any way, including but not limited to use in materials, on a website, or Member letterhead; shall not be listed as a JCICS Member in JCICS directories; shall not be able to vote on matters placed before the Membership; or have any other formal membership privileges, until the matter is resolved.

6. Appeal Procedures

- a. A Member having the right to appeal has 30 days from receipt of notification of the JCICS determination to appeal the decision to the Joint Council Appeal Committee. The Member must send a notice of appeal to the Appeal Committee via the Executive Director and must state the grounds for the appeal. The appeal will not include a hearing or any similar trial-type proceeding; only the facts and documents in the record will be reviewed.
- b. The Board of Directors, by a 2/3 majority vote, will appoint an Appeal Committee which will consist of three members of the international adoption, advocacy, governmental or legal communities which have knowledge of intercountry adoption procedures, that are not members of the Joint Council. Members of the Appeal Committee hearing the appeal must have no personal involvement or conflict of interest with the Member or the matter being investigated.
- c. The Appeal Committee will review the record to determine whether the JCICS Review Committee determination was inappropriate because of: (i) material errors of fact, or (ii) failure of the Joint Council staff or Review Committee to conform to published criteria, policies, or procedures. Only facts and conditions up to and including the time of the Review Committee determination as represented by the facts known to the Review Committee will be considered during an appeal.
- d. The Appeal Committee will conduct and complete the appeal within 30 days after receipt of the request for an appeal. The decision of the Appeal Committee affirms,

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modifies, or overrules the Review Committee's determination and is final. The Appeal Committee will notify the member and the JCICS Review Committee within 30 days of reaching a decision.

- e. In addition to disclosures required by law, the Joint Council reserves the right to disclose final disciplinary actions to others as it deems appropriate, including but not limited to any state licensing or accrediting entity.

7. Records

- a. After disciplinary proceedings are completed, all records and reports are to be returned to JCICS. That information shall be kept confidentially and permanently in the Member's file. If no disciplinary action is taken, the complaint record to that point will be removed from the Member's file in accordance with JCICS's normal record retention procedures.



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Standards of Practice

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Glossary:

- *Direct Service Provider - individual or agency providing education, home study, and/or post placement services.*
- *Placing Agency – organization that works with sending country institution/individual that has custody of child, identifies child who is free for adoption and makes referral to family eligible for placement of such child.*

JCICS member agencies base their practice on the understanding that children need permanent, loving families in order to reach their full potential, and that children deprived of this care suffer effects which may last a lifetime. JCICS agencies believe that when there is no family in the child's country able to care for the child permanently and without undue delay, then international adoption can be an excellent option. JCICS agencies view international adoption as a child welfare service that focuses on the best interests of the child.

JCICS member agencies follow a professional standard of practice that has as its core values integrity, honesty, transparency, and professional service delivery. JCICS subscribes to the following tenets:

- Member agencies annually renew their commitment to adhere to the JCICS Standards of Practice.
- Failure to comply with the Standards may result in disciplinary action taken within the JCICS association pursuant to the JCICS Grievance Process and Disciplinary Policy.
- These Standards address what agencies shall do to adhere to ethical and professional practices.

Professional Conduct

Member agencies will:

- Be knowledgeable of and adhere to relevant laws and regulations and policies pertaining to adoption-related services provided by the member agency.
- Refrain from posting photos of children on web sites if prohibited by the sending country. Children shall be placed on hold only for families who have a valid Home Study. All efforts shall be made to protect the privacy of listed children.

- Develop written policies and procedures that recognize and respect the rights of families and children, such as response times, support, methods of communication, and payment practices.
- Encourage the continuing education and professional development of agency staff that shall include training in ethics.
- Encourage staff participation and leadership in professional organizations.
- Provide a written grievance policy to clients and staff.
- Maintain records that include case notes, written information given to families about the agency policies, procedures, fees, and current projected costs, as well as characteristics of children eligible for placement.
- Communicate and attempt to resolve professional conduct or practice matters in writing with other agencies or individuals. Should such issues not be resolved in this way, member agencies use the JCICS Grievance and Disciplinary Policy.
- Treat all case records as confidential material. Release of such information shall be done only with informed written consent of the person whose information will be released (or the parent or legal guardian of such a person who is unable to provide informed consent").

Financial

Member Agencies Will:

Provide to all applicants, prior to the acceptance of any fees, 1) a written schedule of current estimated fees and expenses, 2) a statement on when and how the fees and expenses must be paid, and 3) an explanation of the circumstances under which fees or expenses may be charged, increased, waived, reduced, or refunded. In addition it shall include a statement when and how fees and expenses must be paid. Agencies may also wish to include a statement on the costs beyond their control, including but not limited to immigration fees, travel expenses, and legal fees for adoption or re-adoption in the US.

Prohibit the use of payments or other material transactions meant to 1) induce or encourage any parent or relative to place a child for adoption, 2) induce or encourage any person or entity with jurisdiction over the child to release a child for adoption, or 3) influence a decision to place any child with a particular person or entity over another entity.

Prohibit payments to any international staff or facilitators solely on a contingency basis (such as a minimum number of placements by facilitators) in an effort to curb financial incentive or profiteering as motivation for adoptive placements. Payment for child placement services shall be based on fee for service model based on the average estimated amount of time, and other costs related to that placement and/or other related child welfare services.

Provide an Annual Report or most recent form 990 or 990 EZ to clients upon request.

Acquire professional liability insurance and/or establish an arbitration or mediation process.

Education/Preparation/Home

Member Agencies Will:

Provide their clients with complete and current information about policies and procedures related to the referral and placement of children and post placement requirements.

Apprise clients in writing of the services and information they provide.

Provide clients with full and accurate information about their programs before submission of a formal application, including the projected waiting times, the costs, risks, and uncertainties inherent in international adoption.

Disclose to clients in writing the nature of their association with 1) a separate home study/post placement provider (Direct Service Provider), 2) any placement provider the clients might select, or 3) a foreign or domestic entity placing children in the clients' selected program.

If acting as the placing agency, be in compliance with US and International adoption regulations, as well as eligibility requirements of the clients selected country/program.

Ensure that each new adopting parent receives a minimum of 10 hours of pre-adoption education (either through the agency or through other professionals or entities) which goes beyond that provided during the home study but not including meetings with the agency/social workers in preparation for the home study. The pre-adoption education will include the legal, medical, emotional, institution, psychosocial, attachment, and cultural issues that affect all adoptions.

Thoroughly assess the suitability and eligibility of prospective parents with the understanding that some clients may not be appropriate for an international adoption, for a particular international country program, or for the challenges inherent in the adoption of children with special needs. Based on this assessment, the home study document shall include a recommendation as to the nationality, age range, medical condition, and special circumstances of the child/children to be placed.

Provide accurate information about adoptive parents to other placement agencies or entities and to US government officials and the clients' selected country/program. Confidentiality practices must be adhered to, and agreements/releases of information must be signed by the clients as appropriate.

Placement

We begin with the premise that any international adoption must be in the best interest of the child. Siblings should be placed together when in the best interest of all children concerned. When possible, if member agencies and/or their representatives are involved in the intake of children, should ensure that qualified staff is available to assess such cases for family preservation and/or domestic adoption if requested by the child welfare officials in the country of origin.

Adhere to the adoption rules of sending countries including the use of publications and the Internet to promote the placement of children.

Make a good faith effort to work with reputable, ethical organizations and individuals.

Placing Agencies shall keep abreast of travel advisories or warnings and changes in the child welfare and international adoption laws that affect international adoptions. Should such changes occur that impact current or future international adoptions, the agency will inform their clients of these changes as expeditiously as possible. In addition, member agencies should encourage families to visit the State Department Website, to monitor travel advisories, and to check medical care and travel safety information.

Provide to prospective adoptive parents all information received to date and allowed by law pertaining to children eligible for international adoption including copies of documents in the original language. This information must be translated into English. Placing agencies should advise parents that this information and its translation may not be entirely accurate or complete. Such legally allowed documentation should include medical, social, legal, and psychological and/or developmental information.

Allow clients a reasonable period of time to make their decision, and provide support in whatever decision they make.

Strongly encourage families to seek professional help in evaluating child referral information, and provide listings of resources, including medical professionals who specialize in international adoption.

Maintain permanent records of all information received about the children placed through the agency.

Placing Agency will provide adopting parents who are making required overseas trips assistance with:

- receiving the child
- attending the meetings and hearings to complete the adoption
- necessary paperwork to return to the United States with their child
- telephone contact numbers of the nearest US consulate
- 24 hour (or on-call) non-medical emergency contact telephone number(s)

Ensure that systems are established in the US between Direct Service Provider and the Placing Agency regarding the fulfillment of post placement reporting requirements of sending and receiving countries. The Placing Agency shall inform adoptive parents of such post placement reporting requirements prior to departure or before the child's arrival in the US.

Encourage families to learn about and celebrate their child's cultural heritage by providing or referring families to relevant resources.

Provide information about local and national services, educational opportunities, and support to adoptive families as a part of post adoption services.

Provide or refer clients to counseling, respite, or other therapeutic services in the event of placement issues, potential disruption, or potential dissolution of the adoption.

Post Adoption

Member Direct Service Providers and Placing Agencies will designate in writing which agency will be responsible for providing or arranging post adoption services. That agency will:

Advise families to obtain a medical evaluation within 3-4 weeks of arrival as advised by International Medical Professionals.

Follow up with their clients to ensure that they have access to information on the laws and regulations of the foreign country and the United States concerning the finalization process.

Make an effort to see that the post placement reporting requirements of the sending and receiving countries are completed. Placing Agency shall provide written post placement reports, as allowed by law, in the fulfillment of the agreements made with foreign countries.

Encourage families to learn and celebrate their child's cultural heritage by

providing or referring families to resources in this regard.

Provide ongoing post adoption services and information about local and national services, educational opportunities and support to adoptive families.

Provide to adoptive parents all additional documentation about a child given to the placing agency after the placement, such as additional siblings eligible for adoption, medical, social, or family history. Attempt to find answers in response to parents' questions within a reasonable period of time.

If requested, make a good faith effort to provide adoptive parents information on any known resources or legal procedure that may assist them in the search for birth families in a foreign country.

Maintain written family crisis intervention procedures with the other agency on managing family adjustment crises and recommendations for appropriate professional counseling options.

Should a family not complete the adoption, and counseling has not succeeded in resolving the crisis, and the placement is disrupting, the Placing Agency and Direct Service Provider shall act promptly and in accord with any applicable legal requirements to 1) remove the child from the pre-adoptive home, 2) assume custody of the child, and 3) arrange another placement of the child.

If the adoption has already been finalized, the Placing Agency shall offer to provide services for the re-placement of the child.

Interagency Relationships

Member agencies will work collaboratively to share information about such issues as changes in adoption procedures in the US and abroad, effective professional practices, new research, community resources, and opportunities for additional support to child welfare sectors of sending countries.

The responsibilities of each collaborating agency will be delineated in a written service agreement that shall include statements on establishing lines of communication, disclosure of information on children, notification of the child's arrival, post placement visit schedule, expectations for the post placement reports and family crisis intervention procedures. (See Post Adoption, lines 189-90).

The Placing Agency shall involve the Direct Service Provider or independent social worker, where allowed by law, in the referral process. Minimally, they should be informed of the referral and receive the child referral information at the same time it is sent to the adoptive parents. Doing so allows the Direct Service Provider both to counsel the prospective adoptive parents in their decision-making process and to provide appropriate post placement services.

Member agencies will respect the communication and marketing boundaries established with each agency's client relationships. Agencies shall not actively recruit clients from another agency to their own adoption programs. The Placing Agency shall provide country specific information, and the Direct Service Provider shall encourage their clients to obtain that information directly from the Placing Agency.

Humanitarian Aid

Member Agencies will:

Support overseas child welfare services that make a positive impact on the welfare of children and families.

Membership Policies

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Ensure that any humanitarian aid from prospective adoptive families does not create a conflict of interest or a situation in which preferential treatment is given to any family, agency, facilitator, or orphanage.

Encourage Joint Council member agencies to work cooperatively to support and promote humanitarian aid projects that benefit children and families.

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