



Hague Home Study Tip Sheet For Adoption Service Providers and Prospective Adoptive Parents

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form M-738

U.S. Citizenship and Immigration Services (USCIS) has received many questions about documentation and specific material that needs to be included in the home study required for Hague Adoption Convention (Hague) cases. While USCIS is not able to specifically advise what language should be included in a Hague home study, this tip sheet will provide adoption service providers and prospective adoptive parents (PAP) guidance for some of the areas where there have been many questions.

All names and information provided in this tip sheet are fictitious, and any resemblance to actual persons or events is purely coincidental. Furthermore, this tip sheet is a guide to help home studies meet USCIS Hague requirements, and in the event of any discrepancies between these tips, and the laws and regulations, the laws and regulations are overriding.

Tips to Avoid a Processing Delay

1. All home studies must be conducted by an accredited agency, temporarily accredited agency, approved person, exempted provider, supervised provider, or public domestic authority (see definition of home study preparer in 8 CFR 204.301). Additionally, a home study must always be reviewed and approved by an accredited agency except in the case of a home study that was actually conducted by a public domestic authority. For a complete list of accredited agencies, visit the following Web site: www.adoption.state.gov.
2. The home study must be reviewed by the accredited agency (or public domestic or foreign authority) and signed no more than six months before submission to USCIS and will include a complete evaluation of the suitability of the PAP to adopt a child from a Hague country. The home study preparer should include the following information in the home study:
 - A. Identity information on the PAP and members of their household;
 - B. Identity of any other adult members of the household and their dates of birth; and
 - C. Any other identity requirements that must be included in the home study according to your State requirements. Check with your State adoption authorities.
3. Include a summary of the contacts that the preparer has had with the prospective adoptive family and state the number of interviews and visits, the participants, and date and location of those contacts.

In order to meet USCIS requirements, at least one in-home visit is required. See examples below:

Example 1:

Contacts with the Family	Adoption Agency Pre-Adoption Workshop/Couple Interview - February 15, 2008, Adoption Agency Headquarters
	Initial Home Visit/Couple Interview-February 20, 2008
	Individual Interview with Susan Smith - February 20, 2008 - local restaurant

Example 2:

“The home study preparer first interviewed Bradley and Susan Smith at the home study preparer’s office in City X, State Y, on December 1, 2008. The home study preparer first interviewed them together for about half an hour, and then met with each of them separately for about 15 minutes each.

The home study preparer then interviewed them again at their home in City Z, State Y, on December 8, 2008. No other individuals were present for this home visit. There are no other members of their household.”

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4. If the preparer recommends approval of the case, the home study preparer must identify the specific characteristics of the child for which this family is approved to adopt. The home study should provide a detailed assessment of the suitability of the PAP(s) to the most serious degree of medical or psychological needs and age requirements for a child who they are prepared to parent. If the home study preparer wishes to restrict the recommendation only to specific conditions, these should be listed. See sample below:

Sample Wording:

“This worker recommends approval of Mr. and Mrs. Smith to adopt one female child, age 0-4 years at time of referral, from Country X. I also recommend Mr. and Mrs. Smith for the adoption of one child with special needs (explain).”

OR: “The Smiths are recommended to adopt a child with minor medical needs limited to the following: low birth weight, heart defect or murmur, webbed fingers or toes, club foot, cleft lip and/or palate, or issues that can be assisted with orthopedic intervention.”

OR: “The Smiths are recommended to adopt a child who has Down’s syndrome or delayed motor and mental development.”

5. The home study should also include a medical assessment of the PAP and any adult member of the household. This assessment should address the physical, mental, and emotional health of the PAP and any adult member of the household. The summary in the home study should cover the type of information contained in the samples below:

Sample Wording #1:

“Bradley Smith was examined by his physician, Dr. John Rhoades, on February 22, 2008. Bradley was found to be in good physical and mental condition and is free of communicable diseases. Dr. Rhoades has indicated no history of physical, mental, emotional health, or behavioral issues. This report was reviewed by this worker, and the above findings are as stated. It is this worker’s assessment that Bradley is emotionally, physically, and mentally stable and will provide a loving home for any child placed in this family. No referrals to medical or mental health professionals were made.”

“Susan Smith was examined by her physician, Dr. Amy Rhoades, on February 22, 2008. Susan was found to be in good physical and mental condition and is free of communicable diseases. Dr. Rhoades has indicated no history of physical, mental, emotional health, or behavioral issues. This report was reviewed by this worker, and the above findings are as stated. It is this worker’s assessment that Susan is emotionally, physically, and mentally stable and will provide a loving home for any child placed in this family. No referrals to medical or mental health professionals were made.”

Sample Wording #2:

“Mr. and Mrs. Smith are both in good health. Neither have any medical issues that would affect their ability to adopt and parent a child.” (State basis for such conclusion.)

6. The home study should also address information relative to the PAP’s finances. This assessment should include the following:
- A. A description of the applicant’s income, financial resources, debts, and expenses; and
 - B. A statement identifying what evidence was considered to verify the source and amount of income and financial resources.

See sample below:

Sample Wording:

“According to the 1040 Income Tax Form submitted by Bradley and Susan Smith for 2007, their adjusted gross income was \$100,000. They have monthly expenses of \$2,400, including a mortgage and debts. This leaves an abundant monthly income to care for an additional child. The Smiths meet or exceed State X financial guidelines for adoption. The Smith home is valued at \$220,000 with mortgage remaining of \$150,000. The family has savings of \$10,000 and an IRA/401K worth \$400,000. Bradley has a life insurance policy worth \$125,000, and Susan has a policy worth \$100,000.”

7. The home study should address the pre-placement preparation and training that the parents have completed or plan to complete to prepare for their adopted child’s arrival. This would also include the plans for post-placement monitoring in the event the adoption will be finalized in the United States rather than in the country of birth.
8. The home study should also include a detailed description of the living accommodations where the PAP(s) currently reside. If they plan to move, the home study should include a description of the future living accommodations, if known. Each description should include an assessment of the suitability of the accommodations for a child (or children) having the characteristics of the child (or children) that the PAP(s) are approved to adopt and a determination whether such space meets State requirements, if any. See sample below:

Sample Wording:

“Bradley, Susan, Ngoye, and Emma have recently moved into a newly developed residential area that was built within a top-rated school district. The development has a diverse population, including a family from Country X.

The home consists of 3,500 square feet of living space. The first level of the home contains an open foyer, living room, formal dining room, office, 1/2 bath, eat-in kitchen, and a family room with a fireplace. The second level of the home contains a laundry room, master bedroom and bath, three bedrooms, and one shared bathroom. One of the additional bedrooms belongs to Ngoye and Emma, and one has been decorated as the nursery for their new sister from Country X. The third bedroom is the guest bedroom. The basement contains a bathroom, movie/game room, an additional bedroom, and a craft/playroom. The home also has an attached three- car garage and a large fenced-in backyard.

Each level of the home is fully equipped with smoke alarms, carbon monoxide detectors, and fire extinguishers. This home also has access to public utilities, shopping, local fire and police departments, medical services, major roadways, and recreational and cultural activities.

This home exceeds the State X requirements for safe and suitable accommodations for a child.”

9. If the PAP wishes to adopt a child with a disability or special needs, the home study must contain a discussion of the preparation, willingness, and ability of the applicant to provide proper care for a child with a disability or special needs. See samples below:

Sample Wording - Known special needs condition of a child:

“Bradley and Susan are seeking to adopt one female child from Country X, age 0-4 years with mild to moderate special needs. Baby Chen, who was born on June 1, 2007, has the minor special need of congenital heart defect and ASD, or atrial septal defect. The Smith’s have reviewed the child’s medical records and consulted with medical professionals, including those who work in the field of intercountry adoption medicine. Having done the research on this medical condition, they feel well prepared to parent a child with this special need and would like to pursue the adoption of this child. It is the opinion of this home study preparer that the Smiths have demonstrated the appropriate preparedness, willingness, and ability to parent a special needs child with the above stated health issues.”

Sample Wording - Unknown special needs of an unknown child:

“Bradley and Susan are seeking to adopt one female child from Country X, age 0-4 years with mild to moderate special needs. Both Bradley and Susan have experience and training working with children having various special needs. It is the opinion of this home study preparer that the Smiths have demonstrated the appropriate preparedness, willingness, and ability to parent a special needs child.”

NOTE: Remember it is always best to address specific special needs to the most serious degree of disability/health condition where possible.

- 10.** The home study should include a statement that the home study was prepared and reviewed in light of the Convention Country requirements. See samples below:

Sample Wording - PAP meets the country requirements:

“Bradley and Susan meet all requirements to adopt a child from Country X. They have been married for over 2 years. They are both between the ages of 30 and 50. They are both physically and mentally stable. Bradley has reliable employment and their net worth is at least \$80,000. Their annual income is at least \$10,000 for each family member in the home.

Both Bradley and Susan have at least a high school diploma. They have fewer than five children under the age of 18, and the youngest child is at least 1 year old. Neither parent has a significant criminal record. They both have a history of positive character. The PAP has demonstrated an ability to provide a positive family environment and will be capable of meeting all of the orphaned child’s needs.

Both Bradley and Susan have a body mass index (BMI) less than 40. They also understand the risks of international adoption to include the processes, expenses, difficulties, and delays. They have also agreed to any post-placement visits required by law and their adoption agency.”

Sample Wording - PAP does not meet the country requirements:

“Bradley and Susan have been married for over 2 years. They are both 54 years old. They are both physically and mentally stable.

Bradley has reliable employment, and their net worth is at least \$60,000. Their annual income is at least \$10,000 for each family member in the home. Both Bradley and Susan have at least a high school diploma.

They have fewer than five children under the age of 18, and the youngest child is at least 1 year old. Neither parent has a significant criminal record. They both have a history of positive character. The PAPs have demonstrated an ability to provide a positive family environment and will be capable of meeting all of the needs of the child they are seeking to adopt.

Bradley’s body mass index (BMI) is 42 and Susan’s BMI is less than 40. They also understand the risks of international adoption to include the processes, expenses, difficulties, and delays. They have also agreed to any post-placement visits required by law and their adoption agency.”

NOTE: In such cases, the home study preparer’s recommendation should include his or her specific approval of Mr. and Mrs. Smith for the adoption of a child from Country X in light of the country-specific requirements.

- 11.** The home study should include a summary of the results of child abuse registry checks. Child abuse registry checks must be completed for the PAP and any additional adult member of the household 18 years of age or older. This should be completed for all states and countries in which they have resided in since the age of 18, where there are child abuse registries available.

If the checks result in the State or the country responding stating that a registry does not exist in that particular State or country, this should be noted in the home study. Until USCIS is able to verify whether a particular foreign country has a child abuse registry, USCIS will find that a home study complies with this requirement if the home study preparer states in the home study that the home study preparer has consulted the Central Authority of the foreign country (for a Hague Convention country) or other competent authority (for a Non-Hague Convention country), and it is determined upon this consultation that the foreign country does not have a child abuse registry available. When it has been determined that a foreign country does not have a child abuse registry, it is sufficient to note this fact in the home study, however, the home study preparer must always exercise due diligence to ensure the prior determination remains accurate. Please see our Web site at www.uscis.gov for a list of countries that currently do not have an available child abuse registry. See sample below:

Sample Wording:

“In order to comply with the requirements of the Hague Adoption Convention, the appropriate child abuse registries were checked for each State or country where each of the Smiths has lived since their 18th birthdays. A computer search of State X’s Child Abuse and Neglect Registry on March 26, 2008, for Bradley Smith revealed no record. A computer search of the Department of Family and Protective Services Central Registry Abuse/Neglect Database for State X on March 27, 2008, revealed no record or reports on Susan Smith (Jones). On March 28, 2008, all appropriate child abuse registries were checked in Country X, where Susan previously resided. No records were found under either her maiden or married name. On March 29, 2008, the Central Authority of Country Y indicated that there was no child abuse registry in the country where Bradley resided for 6 months in 1999. Further, USCIS has verified that there is no child abuse registry in Country Z, where Bradley and Susan lived from 2002-2003. The computer search of the State Y, USA Child and Vulnerable Persons Abuse and Neglect Registry on March 26, 2008, for Bradley Smith and Susan Smith (Jones) revealed no records.”

12. The home study must also include the results of any arrest history or history as an offender of the PAP and any additional adult member of the household. This information must be disclosed to the preparer and to USCIS.

There are some specific questions that must be asked of the PAP(s) and adult household members. Three of these questions are:

- A. Have you ever been arrested or convicted, whether in the United States or abroad?
- B. Do you have a history of child abuse, sexual abuse, or domestic violence, whether in the United States or abroad?
- C. Do you have a history of alcohol, drug, or substance abuse, whether in the United States or abroad?

See the following sample:

Sample Wording:

“A computer search of the State X, USA State criminal archives revealed no record for Bradley Allen Smith or Susan Erin Smith (Jones). In response to direct questions from this worker, Bradley and Susan each stated they do not have histories as offenders, whether in the United States or abroad, of substance abuse, sexual abuse, child abuse, or family violence, even if such history did not result in an arrest or conviction. Bradley and Susan individually replied “no” to the following questions:

- A. Have you ever been arrested or convicted, whether in the United States or abroad?
- B. Do you have a history of child abuse, sexual abuse, or domestic violence, whether in the United States or abroad?
- C. Do you have a history of alcohol, drug or substance abuse, whether in the United States or abroad?

Bradley and Susan are aware that a single incident of sexual abuse, child abuse, or family violence is sufficient to constitute a “history” of abuse and/or violence.”

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- 13.** The home study preparer must ask each PAP and any additional adult household member, whether or not he or she previously has had a prior home study completed or began a home study process related to an adoption or any form of foster or other custodial care of a child that was not completed, whether or not the prior home study related to an intercountry adoption. Each individual's response to this question must be included in the home study report.

If the applicant or any additional adult member of the household did have a previous home study completed, and the results were unfavorable, a copy of the unfavorable home study should be submitted, if available, as supporting documentation to USCIS as part of filing Form I-800A. See sample on the following page.

Sample Wording:

"In response to a direct question from this worker, Bradley indicates that he had never previously had a home study completed or began a home study process related to an adoption or for any form of foster or custodial care of a child that was not completed.

In response to a direct question from this worker, Susan indicated that she has previously had a home study completed for the purpose of international adoption. Susan previously adopted one child from Country X in June 2002 with a former spouse. The prior home study was initiated by Baby Town Adoption Agency on December 3, 2001, and was completed on March 17, 2002.

In response to direct questions asked by this worker, both Bradley and Susan responded "no" to the following questions:

- A.** Have you ever been denied as a PAP or been the subject of an unfavorable home study?
- B.** Have you ever begun a home study process in relation to an adoption or to any form of foster or other custodial care of a child that was not completed?"

- 14.** The home study preparer must specifically state the reasons for the decision. If approving the PAP to adopt, the home study preparer must include his or her specific approval of the PAP for adoption of a child from the specific Convention country or countries and a discussion of the reasons for such approval. The discussion must address: **1)** the number of children for which they are recommended to adopt at the same time, **2)** whether there are any specific restrictions to the adoption based on age or gender or other characteristics of the child, and **3)** if they are approved to parent a child with a disability or special needs. See sample below:

Sample Wording:

"Mr. and Mrs. Smith are approved to adopt one female child, age 0-4 years from Country Z. The family is approved for a child with minor to moderate special needs, including but not limited to cleft lip and palate, thalassemia, partial hearing loss, webbed fingers or toes, congenital heart defect, ASD, or a child who is a Hepatitis B carrier. It is my pleasure to recommend that Country Z place such a child with the Smith family of State X, USA."

- 15.** The home study must include a summary of the home study preparer's authority to conduct home studies. This should include the license number, if any, or authorization of the home study preparer as an adoption service provider. See sample below:

Sample Wording #1 - Exempted Provider:

"Prepared by Anne Marie Davis, LCSW, license 17895, expires 12/31/2010, who is authorized by the State of X to research and prepare home studies.

In accordance with 22 CFR Part 96, American Adoption Services, Inc. (State X license # 99451, expires November 10, 2009) is an accredited agency on file with the U.S. Department of State as having the authority to conduct Hague Convention Country home studies and has reviewed and approved the home study for Mr. and Mrs. Smith and met the conditions set forth in 22 CFR 96.47(c)."

Sample Wording #2 - Supervised Provider:

“Prepared in foreign country by Anne Marie Davis, LCSW, license # 17895, expires 12/31/2008, who is authorized by the State of X to research and prepare home studies. Anne Marie Davis is a supervised provider for American Adoption Services, Inc., based on an agreement executed on July 26, 2008, signed by American Adoption Services, Inc. In accordance with 22 CFR Part 96, American Adoption Services, Inc. (State X license # 99451, expires November 10, 2009) is an accredited agency on file with the U.S. Department of State as having the authority to provide adoption services in a Convention adoption. American Adoption Services, Inc., supervised, reviewed, and approved the home study for Mr. and Mrs. Smith conducted by Anne Marie Davis and has met the conditions set forth in 22 CFR 96.47(c).”

Sample Wording #3 - Accredited Agency

“Prepared by Madeline Duncan, LCSW, license 17895, expires 12/31/2008, who is authorized by the State of X under LAW 12345 (e) to prepare home studies and is employed by American Adoption Services, Inc. In accordance with 22 CFR Part 96, American Adoption Services, Inc., is an accredited agency on file with the U.S. Department of State as having the authority to conduct Hague Convention home studies.”

Sample Wording #4 - Public Domestic Authority

“Prepared by Josephine Smith, a case worker under the authority of the Department of Social Services Child Welfare Division of the State of X.”

- 16.** The home study must contain the home study preparer’s signature. In the case of a home study that is reviewed and approved by an accredited or temporarily accredited agency, the home study should include the signature of the preparer AND the designated representative of the accredited agency assuming responsibility for the home study. The home study preparer’s signature must include a declaration, under penalty of perjury under U.S. law, that:
- A.** The signer personally, and with the professional diligence reasonably necessary to protect the best interests of any child whom the applicant might adopt, either actually conducted or supervised the home study, including personal interviews, home visits, and all other aspects of the investigation needed to prepare the home study;
NOTE: If the signer did not personally conduct the home study, the person who actually did so must be identified.
 - B.** The factual statements in the home study are true and correct to the best of the signer’s knowledge, information, and belief; and
 - C.** The home study preparer has advised the applicant of the duty of candor, specifically including the ongoing duty concerning disclosure of new events or information warranting submission of an updated or amended home study.

Sample Wording - Home study was conducted by signer

“I, Anne Marie Davis, hereby certify under penalty of perjury that I personally, and with professional diligence reasonably necessary to protect the best interests of any child whom the applicant might adopt, conducted this home study, including personal interviews, the home visit, and all other aspects of the investigation needed to prepare the home study. The factual statements in the home study are true and correct to the best of my knowledge, information, and belief. I have advised the applicants of the duty of candor, specifically noting the ongoing duty of disclosure of new events or information, that may require an updated or amended home study. This home study was performed in accordance with 8 CFR 204.311 and is a true and accurate copy of the home study provided to the PAP or USCIS.”

See the following sample:

Sample Wording:

Duty of candor and disclosure

“At the initial interview on December 1, 2008, both during the initial joint interview and during each separate interview, the home study preparer advised Bradley and Susan Smith of the duty of candor and disclosure, as set out in 8 CFR 204.311(d). The home study preparer also discussed this issue during the home visit on December 8, 2008. Both PAP(s) expressed their understanding that they must answer all question truthfully and must disclose adverse criminal history, whether the event occurred within the United States or abroad, even if the event did not lead to any conviction, or if any conviction was expunged, sealed, pardoned, or otherwise ameliorated. They also indicated their understanding that this duty is ongoing, and that they must disclose to USCIS and the home study preparer any additional events that might occur before the admission of a child into the United States based on the child’s adoption by Bradley and Susan Smith.

The home study preparer also advised Bradley and Susan Smith, and they expressed their understanding, of 8 CFR 204.311(c)(13) and (14) and 204.311(j) concerning history of substance abuse, sexual abuse, child abuse, or family violence. In particular, they both understand that a single incident of sexual abuse, child abuse, or family violence is sufficient to constitute a “history”.”