

## PEAR Guide to Researching US Adoption Agencies

There is no one place to go to research an adoption agency. Information must be **obtained and interpreted** from several sources (*see special notes on the last page*). At minimum, we suggest that prospective adoptive parents do the following:

1. Refer to PEAR Prospective Parents Bill of Rights as you assess the agency and/or country program <http://www.pear-now.org/PAPBillOfRights.pdf>
2. Check the Better Business Bureau\* local to the adoption agency and state licensing authorities for complaints. PEAR state directories have this information in the Bureaucracy section. <http://www.pear-now.org/resources.html> If a state has not been released yet, the information can be found by internet search.
3. Contact the Council on Accreditation (COA)\*\* to see if any complaints have been lodged against the agency. Contact information: [jschmidt@coanet.org](mailto:jschmidt@coanet.org) or 866-262-8088 ext. 203.
4. If adopting internationally, check Hague status.

A list of Convention countries can be found at the US Department of State website <http://www.adoption.state.gov/hague/overview/countries.html>

If the foreign country you are adopting from is part of the convention, you need to use a Hague-accredited agency as the primary provider of your adoption services. See the list of accredited agencies at <http://adoption.state.gov/hague/accreditation/agencies.html>

Some agencies have been denied Hague accreditation. See the list at <http://www.adoption.state.gov/hague/accreditation/deniedagencies.html>

Even if you are not adopting from a country that is party to Hague, it is important to note that the denied agencies could not meet Hague requirements. Proceed with caution when considering an agency that has been denied this accreditation.

Some agencies work with supervised providers. These are agencies that have not applied for Hague accreditation or have not met Hague requirements. The explanation of this can be found at <http://www.adoption.state.gov/hague/accreditation/supervised.html>

**There is no published listing of all the relationships of Hague accredited agencies and supervised providers, making due diligence the burden of the prospective adoptive parent. Proceed with caution when considering a placing agency that is working under the supervision of an accredited provider.**

5. If adopting internationally, contact the US Embassy in the country you are considering (contact information found at <http://www.usembassy.gov/>) to see if any complaints have been lodged against the agency.
6. Join the Adoption Agency Research(AAR) group:  
[http://groups.yahoo.com/group/Adoption\\_Agency\\_Research](http://groups.yahoo.com/group/Adoption_Agency_Research) for international adoptions and Adoption Agency Research Domestic (AARD) group  
<http://groups.yahoo.com/group/AARD/> for US domestic adoptions and ask questions.
7. Join email lists, chat boards and country specific Yahoo groups. Talk to families who have recently completed adoptions with the agency, from the country you are considering there. You can find a list at <http://www.karensadoptionlinks.com/> and <http://pear-now.blogspot.com/2010/04/crises-in-adoptions-resources.html>
8. Join local adoption support groups. Talk to families who have recently completed adoptions with the agency, from the country or state you are considering. Some local adoption groups can be found in state directories support sections at <http://www.pear-now.org/resources.html> or local country-specific groups can be found at <http://pear-now.blogspot.com/2010/04/crises-in-adoptions-resources.html>
9. Check adoption ethics related websites for information on agencies and practices that may raise ethical or legal concerns:  
  
Schuster Institute: <http://www.brandeis.edu/investigate/gender/adoption/index.html>  
  
Adoption Agency Checklist: <http://www.adoptionagencychecklist.com>  
  
Pound Pup Legacy: <http://poundpuplegacy.org>
10. Check the archives on PEAR's blog for agency specific or country specific information: <http://pear-now.blogspot.com/>

\*Special note about interpreting BBB complaints or **lack** of BBB complaints. BBB terms of memberships and procedures for complaints vary by region but the BBB will often attempt to mediate a case with both parties. How successful this is varies by the program with some being very aggressive about complaints and having vigorous professional mediation (community dispute resolution) programs and others just having someone review submitted statements on the phone with each party and making an attempt to get the matter informally settled. BBB members must agree to arbitrate their unresolved grievances if demanded by the customer. It is usually binding arbitration. This can give the adoptive parent/prospective adoptive parent recourse against the agency without going to court. If the agency declines, then they get a black mark and cannot claim they are member in good standing. **However, once the agency agrees to arbitration, the adoptive parent/prospective adoptive parent forfeits their right to litigate. Contact your attorney for advice before agreeing to any contract or arrangement which forfeits their right to seek redress in the courts. Furthermore, the BBB has no ability to enforce the arbitration or a decision against a member.** The arbitrator may be bound to strictly interpret the contract even if the contract is unconscionable, overreaching and biased against the adoptive parent/prospective adoptive parent. If the contract says the agency isn't liable for their subcontractors, unforeseen foreign circumstances, failure of foreign government or the myriad other exculpatory excuses that agencies put into their contracts, then the action by the complainant adoptive parents/prospective adoptive parents may fail. The arbitrator can examine any evidence presented by either party and decide how credible it is. The arbitrator has latitude to accept or reject evidence and does not have to comply with the formal rules of evidence.

In this respect, an adoptive parent/prospective adoptive parent may do better in the courts, even small claims, where a judge has the authority to decide the contract is unreasonable (an "adhesion" contract) and unfair and award damages to the complainant despite a contract basically saying the agency can never be held liable for anything ( as we see so often).

There is no downside to making an initial complaint but for many programs nothing will happen unless the adoptive parents/prospective adoptive parents are aggressive and push the BBB and follow up and demand they do something about the complaint. Many BBBs are understaffed and work is done by a lot of volunteers.

\*\*Special note about interpreting **lack** of COA complaints: Lack of complaints against an agency is not equivalent to lack of issues or ethical business practice. There is a barrier to prospective adoptive parents filing a complaint in that the agency is immediately informed of who has lodged the complaint; rightly or wrongly, a prospective parent may feel that their ability to complete an adoption is in jeopardy if they come forward.