

adoptive parent(s), and reporting on such a study;

(4) Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child;

(5) Monitoring a case after a child has been placed with prospective adoptive parent(s) until final adoption; or

(6) When necessary because of a disruption before final adoption, assuming custody and providing (including facilitating the provision of) child care or any other social service pending an alternative placement.

*Agency* means a private, non-profit organization licensed to provide adoption services in at least one State. (For-profit entities and individuals that provide adoption services are considered "persons" as defined in this section.)

*Approved home study* means a review of the home environment of a child's prospective adoptive parent(s) that has been:

(1) Completed by an accredited agency or temporarily accredited agency; or

(2) A home study that has been completed by an approved person or exempted provider and approved by an accredited agency or a temporarily accredited agency.

*Approved person* means a person that has been approved, in accordance with the standards in subpart F of this part, by an accrediting entity to provide adoption services in the United States in cases subject to the Convention.

*Best interests of the child* shall have the meaning given to it by the law of the State with jurisdiction to decide whether a particular adoption or adoption-related action is in a child's best interests.

*Case Registry* means the tracking system jointly established by the Secretary and DHS to comply with section 102(e) of the IAA (Pub. L. 106-279, section 102(e), 42 U.S.C 14912).

*Central Authority* means the entity designated as such under Article 6(1) of the Convention by any Convention country (in the case of the United States, the United States Department of State).

*Central Authority function* means any duty required under the Convention to be carried out, directly or indirectly, by a Central Authority.

*Child welfare services* means services, other than those defined as "adoption services" in this section, that are designed to promote and protect the well-being of a family or child. Such services include, but are not limited to, recruiting and identifying adoptive parent(s) in cases of disruption (but not assuming custody of the child),

arranging or providing temporary foster care for a child in connection with a Convention adoption, or providing educational, social, cultural, medical, psychological assessment, mental health, or other health-related services for a child or family in a Convention adoption case.

*Competent authority* means a court or governmental authority of a foreign country that has jurisdiction and authority to make decisions in matters of child welfare, including adoption.

*Complaint Registry* means the entity established by the Secretary pursuant to § 96.70 as responsible for receiving complaints about accredited agencies, temporarily accredited agencies, and approved persons and performing such other services as the Secretary may determine.

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

*Convention adoption* means the adoption of a child resident in another Convention country by a United States citizen, or an adoption of a child resident in the United States by an individual or individuals residing in another Convention country when, in connection with the adoption, the child has moved or will move from one Convention country to another Convention country.

*Convention country* means a country that has become a party to the Convention and with which the Convention has come into force for the United States.

*Country of origin* means the country in which a child is resident and from which a child is emigrating in connection with his or her adoption.

*Debarment* means the loss of accreditation or approval by an agency or person as a result of an order of the Secretary under which the agency or person is temporarily or permanently barred from accreditation or approval.

*Department of Homeland Security* encompasses the former Immigration and Naturalization Service (INS) or any successor agency entity designated by the Secretary of Homeland Security to assume the functions vested in the Attorney General by the IAA relating to the Immigration and Naturalization Service's responsibilities.

*Disruption* means the interruption of a placement for adoption before the adoption has become final.

*Dissolution* means the termination of an adoption after it has become final.

*Exempted provider* means a social work professional or organization that performs a home study on prospective adoptive parent(s) or a child background

study in connection with a Convention adoption (including any reports or updates), but that does not provide any other adoption service in the case.

*IAA* means the Intercountry Adoption Act of 2000, Public Law 106-279 (2000) (42 U.S.C. 14901-14954).

*Legal custody* means having legal responsibility for a child under the order of a court of law, a public body, competent authority, public authority, or by operation of law.

*Legal services* means services, other than those defined as "adoption services" in this section, that relate to the provision of legal advice and information and to the drafting of legal instruments. Such services include, but are not limited to, drawing up contracts, powers of attorney, and other legal instruments; providing advice and counsel to adoptive parent(s) on completing DHS or Central Authority forms; and providing advice and counsel to accredited agencies, temporarily accredited agencies, approved persons, or prospective adoptive parent(s) on how to comply with the Convention, the IAA, and the regulations implementing the IAA.

*Person* means an individual or a private, for-profit entity (including a corporation, company, association, firm, partnership, society, or joint stock company) providing adoption services. It does not include public bodies or public authorities.

*Primary provider* means the accredited agency, temporarily accredited agency, or approved person that is identified pursuant to § 96.14 as responsible for ensuring that all six adoption services are provided and for supervising and being responsible for supervised providers where used.

*Public authority* means an authority operated by a national or subnational government of a Convention country.

*Public body* means a body operated by a State, local, or tribal government within the United States.

*Secretary* means the Secretary of State, the Assistant Secretary of State for Consular Affairs, or any other Department of State official exercising the Secretary of State's authority under the Convention, the IAA, or any regulations implementing the IAA, pursuant to a delegation of authority.

*State* means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.

*Supervised provider* means an agency, person, or other non-governmental entity, including a foreign entity, that is providing one or more adoption services