

# Jamaica UAA Country Specific Guidance

## Rev. 7-14-14

### Background:

This guidance pertains to IR-3 and IR-4 intercountry adoption cases initiated on or after the Intercountry Universal Accreditation Act of 2012 (UAA) effective date, July 14, 2014. For guidance on cases already in process before July 14, 2014, see the [UAA transition guidance and example cases](#).

Children adopted in Jamaica by U.S. citizens are adopted through *adoption order* procedures resulting in a full and final adoption (IR-3 visa cases) or are adopted utilizing *adoption license* procedures resulting in a grant of custody for the purpose of adoption abroad (IR-4 visa cases). Adoption services<sup>1</sup> in Jamaica are provided by Jamaican public authorities (either Jamaican public foreign authorities or competent authorities<sup>2</sup>). The Adoption Board is the only body that is authorized under Jamaican adoption law to approve the adoption of children in Jamaica. The work of the Board is managed by the Jamaican Child Development Agency (CDA) which accepts, processes, and assesses all applications for adoption; and presents the cases to the Board for further evaluation. The Board reviews the cases and makes a determination regarding approval or denial. U.S. accredited and approved adoption service providers (ASPs) are not permitted to provide adoption services, or to supervise others providing adoption services, in Jamaica. (See [The Adoption of Children Act, Section 5](#).)

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<sup>1</sup> 22 CFR 96.2 Definitions:

**Adoption service** means any one of the following six services:

- (1) Identifying a child for adoption and arranging an adoption;
- (2) Securing the necessary consent to termination of parental rights and to adoption;
- (3) Performing a background study on a child or a home study on a prospective 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.

<sup>2</sup> 22 CFR 96.2 Definitions:

*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.

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

In addition to the information provided below, see the Jamaica [adoption country information sheet](#) for a description of the steps in the adoption process in Jamaica, including the Jamaican public authorities involved at each step.

### **Using Primary Providers in Jamaica on or after July 14, 2014, when Adopting by *Adoption Order*: Resident Adoptions**

Prospective adoptive parents resident in Jamaica adopt through the Jamaican *adoption order* procedures in which a Jamaican court issues an adoption decree granting a full and final adoption. Before the court orders a full and final adoption, the prospective adoptive parents and the child undergo a three month post-placement monitoring period in Jamaica supervised by the CDA. Children adopted through this process may qualify for IR-3 visas.

Primary providers have the following responsibilities in Jamaican *adoption order* cases initiated on or after July 14, 2014:

- Under 22 CFR Part 96 (the accreditation regulations), a primary provider is responsible for:
  - Ensuring that all six adoption services defined at 22 CFR 96.2 are provided consistent with applicable laws and regulations;
  - Supervising and being responsible for supervised providers where used (see 22 CFR 96.14); and
  - Developing and implementing a service plan in accordance with 22 CFR 96.44.
- The primary provider's service plan would reflect that adoption services provided in Jamaica will be provided directly by Jamaican authorities and courts and not by any non-governmental entity. The plan would identify the appropriate Jamaican public authorities responsible for providing each of these adoption services. For example, adoption services provided in Jamaican *adoption order* cases include:
  - (1) Identifying a child for adoption and arranging an adoption:
    - Provided by the Jamaican Adoption Board with professional and administrative support from the CDA;
  - (2) Securing the necessary consent to termination of parental rights and to adoption;
    - Provided by the Jamaican Adoption Board with professional and administrative support from the CDA;

- (3) Performing a background study on a child and reporting on such a study;
    - Provided by the CDA;
  - (4) Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child;
    - Provided by the Jamaican Adoption Board with professional and administrative support from the CDA;
- Any post-placement monitoring required in *adoption order* cases (adoption services 5 and possibly 6) would be provided by Jamaican social work authorities under the CDA's jurisdiction in Jamaica.
  - While the primary provider needs to ensure that all six adoption services are provided, under 22 CFR 96.14(d), the primary provider "is not required to provide supervision or to assume responsibility for" services provided in Jamaica by Jamaican public authorities.
  - The primary provider would be responsible for performing or completing adoption service 3 (the home study), and for other services required under the accreditation standards, such as training of the prospective/adoptive parents.

### **Using Primary Providers in Jamaica on or after July 14, 2014, when Adopting by *Adoption License*: Non-resident Adoptions**

Prospective adoptive parents not resident in Jamaica adopt through the Jamaican *adoption license* procedures. Under these procedures, a Jamaican court grants approval for the child to be released to a citizen of any country on the list of approved countries in order for the adoption process to be completed overseas. (The United States of America is an approved country.) These children may qualify for IR-4 visas.

Primary providers have the following responsibilities in Jamaican *adoption license* cases initiated on or after July 14, 2014:

- Under 22 CFR Part 96 (the accreditation regulations), a primary provider is responsible for:
  - Ensuring that all six adoption services defined at 22 CFR 96.2 are provided consistent with applicable laws and regulations;
  - Supervising and being responsible for supervised providers where used (see 22 CFR 96.14); and

- Developing and implementing a service plan in accordance with 22 CFR 96.44.
- The primary provider's service plan would reflect that adoption services provided in Jamaica will be provided directly by Jamaican authorities and courts and not by any non-governmental entity. The plan would identify the appropriate Jamaican public authorities responsible for providing each of these adoption services. For example, adoption services provided in Jamaican *adoption license* cases include:
  - (1) Identifying a child for adoption and arranging an adoption:
    - Provided by the Jamaican Adoption Board with professional and administrative support from the CDA;
  - (2) Securing the necessary consent to termination of parental rights and to adoption;
    - Provided by the Jamaican Adoption Board with professional and administrative support from the CDA;
  - (3) Performing a background study on a child and reporting on such a study;
    - Provided by the CDA;
  - (4) Making non-judicial determinations of the best interests of a child and the appropriateness of an adoptive placement for the child;
    - Provided by the Jamaican Adoption Board with professional and administrative support from the CDA;
- While the primary provider needs to ensure that all six adoption services are provided, under 22 CFR 96.14(d), the primary provider "is not required to provide supervision or to assume responsibility for" services provided by Jamaican public authorities.
- The primary provider would be responsible for the following adoption services:
  - (3) a home study on a prospective adoptive parent(s), and reporting on such a study;
    - Provided by the primary provider directly or by a supervised provider or by an exempted provider, and reviewed and approved by an accredited agency if not initially provided by one;
  - (5) Monitoring a case after a child has been placed with prospective adoptive parent(s) until final adoption;

- Provided by the primary provider directly or by a supervised provider; and
- (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;
  - Potentially provided by the primary provider directly or by a supervised provider.
- The primary provider is also responsible for other services required under the accreditation standards, such as training of the prospective/adoptive parents.
- The license<sup>3</sup> document provided by the Jamaican court stipulates any conditions and restrictions, including reporting requirements. The primary provider may be responsible for some or all of these requirements as determined on a case-by-case basis by the CDA.

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<sup>3</sup> Section 24 of the Adoption of Children Act of 1958 and the regulations in the Third Schedule with its appendices containing forms for executing the regulations establishes the court's responsibilities in the case and the manner in which court orders are issued, including providing conditions and restrictions as part of the grant of license to take the child abroad for adoption.