

96.40(g) Policy for charging additional fees and expenses beyond those disclosed in the adoption services contract

Standard:

The agency or person does not customarily charge additional fees and expenses beyond those disclosed in the adoption services contract and has a written policy to this effect. In the event that unforeseen additional fees and expenses are incurred in the foreign country, the agency or person charges such additional fees and expenses only under the following conditions:

- (1) it discloses the fees and expenses in writing to the prospective adoptive parent(s);
- (2) it obtains the specific consent of the prospective adoptive parent(s) prior to expending any funds in excess of \$1000 for which the agency or person will hold the prospective adoptive parent(s) responsible or gives the prospective adoptive parent(s) the opportunity to waive the notice and consent requirement in advance. If the prospective adoptive parent(s) has the opportunity to waive the notice and consent requirement in advance, this policy is reflected in the written policies and procedures of the agency or person; and
- (3) it provides written receipts to the prospective adoptive parent(s) for fees and expenses paid directly by the agency or person in the foreign country and retains copies of such receipts.

Technical Guidance:

E.5 Must disclose third party fees

Question: Is this standard limited to fees that might be directly charged by an agency? In other words, would it apply to fees that are being directly charged to prospective adoptive parents by a third party (e.g., a foreign official or foreign agency)?

Response: Under 96.40(g), the agency or person does not “customarily charge additional fees and expenses beyond those disclosed in the adoption services contract.” If unforeseen additional fees are incurred in the Convention country, the agency or person charges them only if the enumerated conditions are met. Third-party fees—including fees to competent authorities for services rendered or Central Authority processing fees—are disclosed in writing under 96.40(c). To the extent that third-party fees are not disclosed, then they are “additional fees and expenses beyond those disclosed in the adoption services contract,” and the disclosure and specific consent provisions of 96.40(g)(1) and (2) apply.

Policy:

Global will not charge for services outside of the adoption service agreement. Should unexpected expenses arise in the Convention country, Global will adhere to the following policy:

- Notify the client in writing of the updated fees and expenses via email and/or mail.

- Obtain written consent prior to expending any funds regardless of whether the fund is in excess of \$1000.00, that is standard with the Hague requirements.
- Global will not charge any additional fees without obtaining a written consent. Global will not ask for waiver from the prospective adoptive parents because written consent from the prospective adoptive parent ensures that prospective adoptive parents are fully aware of the additional fees, and agree to the additional fees.
- Global will provide written receipt upon request to prospective adoptive parents for fees and expenses paid directly by Global in the convention country and retain copies of the receipts.
- The prospective adoptive parents are informed of this policy on Global's website and upon request for a written copy.