Creating Families: The Story of International Adoption

Katrina Spencer
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Introduction

There are roughly 10 million children located in orphanages worldwide. Within these institutions children are often neglected and basic human needs remain unmet. Upon witnessing children in institutions first hand, images become ingrained in your mind. The summer of 2013 was a transformative time in my life; as my eyes were opened to the injustices of the world, and the statistics I had once heard about were replaced with faces. Among the hundreds of children I interacted with, one young boy left a lasting impact.

I was sitting on an elevated piece of cement in a run down Romanian orphanage when I had the most difficult conversation of my life. Sitting next to me was a 10-year-old Romanian named Loati. The feeling of unconditional love was mutual and it was in this moment that my life would be forever changed. We had spent the morning running around, playing soccer and duck-duck-goose, and were now enjoying a piece of watermelon. With the help of a translator Loati looked up at me and said, “I have never had someone love me the way you do.” As my eyes began to fill with tears all I could do was wrap my arms around him and repeatedly say, “I love you.”

The following conversation sparked my passion to research international adoption. I sat there with my arms around Loati when he looked up at me and then down at a box of cookies. After noticing the logo he instantaneously looked up and pointed at me saying: “Mama, Mama, Mama!” Placed on this cookie box was a logo that represented a family. It was a dad, mom and child holding hands. My heart stopped, I was unprepared for how
to respond. Loati asked me to take him home, to become his mom. When I left the orphanage Loati looked at me and said, “Don’t cry for me, I love you. I will be okay.”

In reviewing international crises across the globe, understanding and evaluating international policy on adoption can assist the 10+ million children living in orphanages worldwide. Through examining the history of international adoption and the process of policy development we will find an underlying debate between international and domestic adoption. To better understand each argument we will explore domestic adoption in America, as well as five countries to see how adoption policy has affected orphans living within these countries. Finally, a scripture analysis will reveal how followers of Christ are directed to respond to the orphans of the world.

**Foundations of International Adoption**

**What is adoption?**

International adoption, also know as intercountry adoption, involves a change in the child’s habitual country of residence. International adoption is recognized as a means for establishing a permanent home with a suitable family for the child internationally, when a suitable family cannot be found in the child’s country of origin. The root word of adoption (adopt) is defined as: To take and rear (the child of other parents) as one’s own child, specifically by a formal legal act. When a couple or an individual is deciding to pursue adoption a variety of factors need to be taken into consideration. First the adopting party must decide if they would like to look into domestic or international adoption. Both types of adoption will appeal to people for similar and different reasons depending on priorities and current life situations. This paper is not to proclaim that
international adoption is superior to domestic adoption, but to inform the reader of the pitfalls within the international adoption process, in hopes to bring awareness of the dire situation plaguing the international community.

A country that allows foreign nations to provide homes for children of their nationality is referred to as open adoption. Sending countries are the countries from which the child resided prior to moving to a new country. A receiving country can be defined as the country into which a foreign born and adopted child will take citizenship and residence.\(^4\) Closed adoption policy has started to create international tension between countries. One reason a country may close their adoption borders is the sending country no longer trusts the receiving country to properly care for the child when he or she arrives in country. There have been reports of children being abused or trafficked when going to other countries, this causes sending countries to be wary of sending their children abroad.\(^5\)

### History of International Adoption in America

The economic and social devastation following the end of World War II brought about the beginnings of international adoption. The war in Europe left children orphaned, abandoned or separated from their parents. Americans specifically were moved to provide assistance to the children affected by the war and thus began the practice of international adoption.

### International Adoption History and Policy Development

The theory and development of international adoption has been aggravated by the drastic increase of individuals being sold into human trafficking. As the market of selling
individuals is escalating in popularity, international policy has increased regulations in an attempt to attain cessation of child exploitation.

**Global View of International Adoption**

Starting in the mid-1980s international adoption began involving Central and Latin America. Including countries such as Peru, Guatemala, Honduras, and El Salvador—all who had been torn apart by war. Eastern Europe felt the effects of political entanglement. After the overthrow of the Romanian communist regime in December of 1989 American and Western European couples turned to Eastern Europe seeking children eligible for adoption. In 1991, American families adopted 2,552 Romanian children. During this time frame, babies were being sold on the black-market sparking up intense international outrage. As a result, Romania decreased the amount of foreign adoptions and reformed their adoption process with the goal of reducing long-term institutionalization. An institution can be briefly defined as a place where an organization takes care of individuals for a long period of time. Adoption in Russia was also very popular following the collapse of the Soviet Union; in 1999 American families adopted over 4,300 Russian children. Once China enacted its first international adoption law in 1992, adoption rapidly increased. By the year 1995 over 2,500 children from China were adopted into foreign countries.

In 2004, international adoption hit its peak, nearly 23,000 children were adopted by Americans, and roughly 45,300 children were adopted worldwide. Figure 1 shows the drastic decline on a global scale from 2003 to 2004. Statistically speaking, the United States is number one for adopting children. In 2012 only 8,668 children were
adopted. New regulations have decreased the number of children being adopted by forty-three percent.\textsuperscript{10}

As the number of children adopted decreases, institutions are overflowing with children. In 2011, 92,000 orphans remained in China according to China’s Ministry of Civil Affairs.\textsuperscript{11} Prior to closing adoption in 2008, Guatemala sent one in every 110 children abroad.\textsuperscript{12}

\textbf{Institutionalizing Children}

Countries associated with the European Union have traditionally relied on institutions to care for children who have been abused or neglected or may have a disability. In the early 1990s, children were frequently placed in institutions to cope with family poverty. The institutions have become home to millions and millions over children over the last decade. The migration of children into institutions alleviated the burden on the families, but children were now an economic burden on the state systems.

In 2000, UNICEF and the World Bank in association with Central and Eastern Europe (CEE) and Commonwealth of Independent States (CIS) joined forces in an attempt to alleviate children of institutional care and place them in family-based homes. The reformation of this organization is currently ongoing. The 2008 global economic crisis made a significant impact on the amount of children going into formal, institutionalized care. \textit{Figure 2} shows the global estimates based on a study from UNICEF of children that have been involved in institutionalized care by region at any given moment.\textsuperscript{13} The lack of psychological, emotional, and cognitive development of children has shown a strong correlation to time spent in institutions.\textsuperscript{14} “Studies continue
to affirm that orphanage care is an unsatisfactory option for young children who cannot remain with their own families."

Institutions that are overburdened with a vast amount of children typically face economic instability. Majority of these institutional environments leave young children at risk. These orphans lack adequate food and proper shelter, while some undergo physical, sexual, and emotional abuse, leaving them vulnerable to infectious diseases. Lack of care for children in an institutional setting is common; adults are poorly trained and cannot attend to the developmental needs of all children in their care. Studies show that unusual abnormal behavior is linked to the amount of time spent in an institution. As time increases the behaviors become evident, making the transition from institution to family-care all the more difficult.

The logical way to help with the influx of children would be to reduce the qualifications for an individual to become eligible to adopt. As countries are becoming a part of the Hague Convention, more restrictions are being placed on the individuals such as age, socioeconomic status, gender, martial status and length of marriage, as well as health conditions. Aside from the convention different adoption organizations and institutions have created their own regulations.

**The Hague Convention**

April of 2008 marked a new chapter in international adoption for the United States, as The Hague Convention and Intercountry Adoption Act took effect. This legislation was enacted to create a standard international adoption practice and create
uniform terms and conditions for the United States to abide by when partaking in international adoption.

The Hague is considered the Mecca for International Law, following the traditions of philosophers such as Immanuel Kant and Hugo de Groot. The Hague remains an icon of peace and justice as it continues to respond to worldwide crises. Located in Netherlands this international city is home to 160 international organizations, 102 embassies and 13 consultants. Within these 62 square miles over 100 nationalities are represented with 14,000 individuals committed to working for global peace and justice. This city is home to The World Court, which hears international disputes between countries, when both countries agree the relationship is more important than the issue, given security interests are not at stake. Here, on May 29, 1993 The Hague Adoption Convention was created and implementation began for the United States and nearly seventy-five other members.

Upon noticing the corruption occurring in international adoption, the Hague Adoption Convention began to take shape. Countries that are a part of the convention have agreed to specific requirements to create better adoption policy and outcome. One of the largest facets of the treaty requires that prior to considering international adoption as an option, members of the Hague Treaty agree to seek placement in their own country for the child.

The Hague Adoption Convention aims to place the needs of the child as the main priority. Working on legislation to prevent abduction, selling, and trafficking of the children, The Hague Adoption Convention works to ensure that international adoption is
only an option for the child if it is truly in the best interest of the child. The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption states in the preamble that signatories agree to “Take measures to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children.”22

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### The Intercountry Adoption Act

The dramatic increase in international adoption during the early 2000s brought children from over fifty different countries to the United States.23 With more than 140 million abandoned or orphaned children in the world24 arguments have been made that “While the system is imperfect and requires controls, the fate of the children in these countries is dismal and the practice serves a vital function in addressing abandoned and orphaned children’s need for families.”25

The United Nation’s Convention on the Rights of a Child established articles that each child has the rights to. Although fifty-four articles26 were created six relate to international adoption.27 These rights ensure that all children will remain in connection with their cultural heritage while protecting children from illegal family separation.1

- **Article 7:** Children have the right to know and be cared for by their parents.

- **Article 8:** Governments should respect children’s right to a name, a nationality and family ties.

- **Article 9:** Children have the right to live with their parent(s), unless it is bad for them.

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1 Full wording of these articles can be found in the appendix
Article 11: Governments should take steps to stop children being taken out of their own country illegally.

Article 20: Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

Article 21 (Adoption): Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

The Intercountry Adoption Act of 2000 also known as PUBLIC LAW 106–279 states:

“The purposes of this Act are to provide—(1) to provide for implementation by the United States of the Convention; (2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children’s best interests.”

Janice L. Jacobs United States Senior Foreign Service Officer stated in her 2009 report of Intercountry Adoptions “The children and families involved in intercountry adoption deserve all available protections...with the best interests of the child at the very center...the Convention offers a system through which countries may cooperate in the best interests of children while offering parents and children increased protections.”

In order to preserve the rights of a child as sponsored by The United Nation’s Convention on the Rights of a Child, it is important to maintain the sanctity of life of a child and provide them with the overall love and care that they deserve. The Intercountry Adoption Act of 2008 was passed as a unique way for lawmakers to deal with the United States exercising sovereign autonomy while meeting basic requirements of the Hague Convention. While children are sitting in institutions
waiting to be loved, politics and corruption are limiting humanities response to care for the orphans.

The Process of International Adoption

On the surface, international adoption seems to be the easiest way to obtain the desired family an individual has dreamed of. However, it is not until the parents are in the middle of the process do they understand the heartbreak, which can accompany this path. International adoption is open to a wide variety of parents regardless of age and marital status. The process is long and expensive lasting an average of 896 day and costing upwards of $28,000, but can go as high as $50,000. The initial part of adoption involves the parent selecting a country and an adoption agency. This process begins the overwhelming amount of paperwork as well as a home-study that is required by the State, U.S, and foreign governments. Once all of the paperwork is complete it is then sent to the birth country and a child is referred to a family. After completion of the adoption it is uncommon for contact to be had between the adopted child and his/her birth parents.

Each country has specific criteria that the adoptive parents are required to meet in order to be considered for adoption. When first beginning the process parents are advised to look into the typical restrictions of countries to see if they are eligible to adopt in the specific country. However, agencies are also known to place restrictions on adoptive parents such as time married, age, and religion amongst others. Often times restrictions are in place by the agency are because the particular agency believes these specific guidelines and restrictions are what is best for the child. Or previous experience in the particular country shows that families with the said ‘requirements’ have a better chance of adoption.
Once the parents have specified the country they would like to adopt from the referral process begins. There are three different types of referral: Standard, Blind, Semi-Blind. A standard referral is when a child is matched with a family by the orphanage or governmental agency in the birth country. The prospective parents receive information and a picture of a specific child and they then decide to accept or reject the referral before departing to the specific country to bring their child home. A blind referral is when parents decide to travel to another country without having a specific child matched with them and are presented with an individual or group of children once they are in that country. Finally, a semi-blind referral is when the parents are given minimal information about a specific child such as gender and age but have no medical or background information on this child. They will not officially accept or reject the child until they have met him/her in person. Each method involves individual highlights and downfalls but typically at least one will appeal to the prospective parent.

The Dossier: The Collection of Adoption Paperwork

The process of adopting a child internationally can be a long and daunting process. Depending on the specific country a prospective parent has chosen to adopt from and the state they reside, the process will look different. Although documentation looks to be excessive from the American standpoint, it is important to recognize each part of the process is meaningful for the sending country. When a child is being sent from one country to another, government officials on both sides are seeking to understand if the prospective parent is capable emotionally, physically, and psychologically to receive and parent the child. As stated by a parent who has gone through the entire process said: “It is the least we can do for the gift they are giving us.”
Referred to as the Dossier, this collection of documents is prepared to help with the adoption process both internationally and state side.\(^{37}\) This packet requires an extensive chain of local, national, and international authentication.\(^{38}\)

The country selected to adopt from, determines the amount of verification required for documents to be considered valid. If an individual is adopting from a country that is a member of the Hague Convention, the process is much simpler. According to the treaty, there is a specific person in each country who will handle the authentication of each document; this person is known as the apostille.\(^{39}\) However, if parents decide to adopt from a non-Hague country, it is important to understand the process needed for documents to be authenticated is different. The paperwork may be the most frustrating part of the entire process; however every document is significant in protecting each child and parent in the creation of a new family.

### Hague vs. Non-Hague Adoption

Although countries primarily prefer to deal with fellow members of The Hague Adoption Convention another process is available. The two methods that are used for international adoption are the Hague Convention Adoption Process (Convention adoptions) and Orphan Adoption Process (non-Convention adoptions). Each involves two basic determinations by the United States. The first is if the potential parents are suitable, and the second, will the child will meet the requirements to successfully immigrate to the United States.\(^{40}\) Figure 3\(^{41}\) shows an in-depth comparison of the different procedures when adopting from a Hague vs. a non-Hague country.

The Orphan Adoption Process involves six primary steps that are recommended for a non-convention adoption. To begin, prospective parents need to select an agency or
an attorney to assist them in the process, this person is referred to as an adoptive service provider. Once an adoption service provider is selected the parents need to apply for eligibility, to then be referred with a child. Then the parents will gain custody of the child and apply for the child to be eligible for Immigration to the United States. Finally, the parents apply for the child to receive a visa. Further disclosure of this process is available in the appendix.

**The Debate Surrounding International Adoption**

When discussing what is truly in the best interest of the child the legitimacy of international adoption has been widely disputed and debated. Although adoption cases are supposed to be viewed individually, overgeneralizations are determining the lives of many children.\(^42\) The initial motives for international adoption were focused solely on providing a home for children in need. Contrary to international adoption today, couples are looking overseas due to infertility and the desire to have a family of their own.\(^43\)

The concerns of child trafficking, exploitation, and fraud\(^44\) causes sending countries to debate if their respective countries should remain open for individuals to adopt from. “Some have concluded that the practice of international adoption is imperialistic, with richer countries benefiting from the poverty and ineffective family care systems in poorer countries.”\(^45\) There is a stigma that the align with the rich getting richer and the poor becoming poorer.
Humanitarian Efforts

Operation Baby Lift in 1975 was a humanitarian rescue operation that relocated 2,000 Vietnamese and mixed-raced children to the United States and approximately 1,300 children to Canada, Europe and Australia for future adoption. The evacuation in the last days of war sparked a debate if this decision was in the best interest for the children, or was the motive American imperialism. Since the Operation happened quickly, the records were often inaccurate or lost, leading to custody battles when birth parents and other relatives arrived in the United States to claim their children.\textsuperscript{46} War and natural disasters have created devastation far beyond geographical measures. The unexpectedness of parental death has increased the amount of orphans. UNICEF estimates that there are 151 million children who have lost at least one parent worldwide and 18 million who have lost both parents. According to the United Nations, globally there are more children living in foster care or institutions than there are being adopted, most of these children are older or have special needs.\textsuperscript{47}

In an effort to assist with the devastation, “The United Nations Children’s Fund (UNICEF) is the main UN organization defending, promoting and protecting children’s rights. It also works towards protecting the world’s most disadvantaged children. UNICEF believes that children have the Right to Adequate Nutrition, Right to Education, Right to Health, Right to Participate, Right to Protection, and Right to Clean Water.” \textsuperscript{48}

Proposals Based on Case Studies

What was once a quick and easy process has proven to now be lengthy and expensive. Due to international law(s) countries have been bouncing back and forth
between open and closed adoption. In April 1999, a 41-year-old single mother Laura Blitzer, decided to adopt a child. Fifteen months later the native of Brooklyn, New York, was in Hunan Province, China, holding her 9-month-old adoptive daughter, Cydney. In 2007, Blitzer applied to adopt another child from China. Six years later, she is still waiting. With the current process, the estimated time for her to receive a child is 2017. Since 2004, international adoptions has dropped nearly 50%. Figure 4 shows the drastic decrease in adoptions taking place from 2003 to 2011. The decline isn't an indicator of fewer orphans worldwide or a decreasing demand from prospective parents. This decline is a direct correlation to an increase in policy.

“The rate at which children are separated from their families has continued to increase. In 2007...approximately 1.3 million children in the European region lived, separated from their families. More than 600,000 of them grew up in residential care in hundreds of institutions.”

### Domestic Adoption Overview in America

Domestic adoption relates to both private adoptions and public adoptions. Private adoptions are usually used when adopting infants whereas a public adoption is typical for older children. Among private domestic adoptions, the parent can choose to go through an adoption agency or partake in an independent adoption with the help of an attorney or facilitator. Unlike international adoption, the birth parent(s) of a domestically adopted child will select the adoptive parents by analyzing pictures and biographical information.

Although each state has a variety of regulations one law remains the same; when partaking in private domestic adoption the birth parent(s) must relinquish or terminate their parental rights. However, prior to the completion of the adoption process birth parent(s) are given a range of time, typically 0 to 180 days to change their mind and
decide to maintain relationship and care for their own child. This time fluctuates based on
the particular state the birth parent(s) resides in, and can occur before or after birth or after
expenses have been paid by the adoptive family.

Public adoption from within foster-care system is the alternative form of domestic
adoption. This process tends to be more complicated since the child has been removed
from their birth parents for a variety of reasons including abuse and incarceration.
Although one quarter of these children can be directly placed with an adoptive family
through social services the first goal of the foster-care system is to unite the child with
extended family. It is only when the state recognizes that reconciliation is not the safest
option for the child that court will terminate parental rights.

Public Adoption includes children who are school age and legally free to engage in
the foster-to-adopt process. There are approximately 64 percent of children in the United
States foster care system over the age of six waiting to be adopted. While in the waiting
process the hopeful adoptive parents maintain the role of the foster parents while waiting
for the child to become “legally free” for adoption. If this happens the parents adopt, if
not, the child is reunited with his/her birth parents and the process begins again for the
hopeful adoptive parent(s).

The following case studies and proposals would ideally speed up the process while
maintaining the Rights of Child enacted into legislation by the Intercountry Adoption Act.
Despite well-publicized adoptions from China the amount of international adoption cases has dropped drastically from 14,496 in 2005 to 4,418 in 2011.\textsuperscript{53} The rising regulations in China have left thousands of children stuck in institutions. The One-Child Policy instituted on September 25, 1980, by the Communist Party restricted majority of Chinese families to one child each. If a family has a second child, the consequences are severe with fines reaching an average of 3-12 times the annual income, referred to as the Social Burden Fee. China is proud to announce that over the last four decades the One-Child Policy has prevented over 400 million births, and lead to over 336 million abortions.\textsuperscript{54} There is a consistent demographic crisis that is occurring amongst the Chinese population. In the Chinese culture males are found to be of more value, leaving thousands of Chinese girls aborted and abandoned every year.

The policy has also gained international criticism due to brutal enforcement. Chinese officials are obligated to meet certain quota, convincing pregnant women to undergo abortions by threatening fines, personal harm, and even job loss. When women resist the coerced abortions they may be arrested and restrained for forced abortions. In June of 2012 Feng Jianmei was abducted by five family planning officials and forced to pay a fine of 40,000 RMB ($6,270) and when she was unable to pay they aborted her daughter.\textsuperscript{55} When looking into the current policy that is in place in China it is not surprising that the amount of children living in institutions is continuing to climb every day. Currently the country is open to foreign adoptions.

Currently for a child to be adopted internationally the sending country is required to obtain a DNA test of the child as well as birth certificates that mates the parents with
the children. This is creating fear in the Chinese culture for parents who may become pregnant with a second child. In order to limit abortions and promote international adoption, I propose that the mandated DNA test be dismissed from the process. This would allow for parents who are unable to afford a second child to bring the child to full term and provide an innocent child to a family who is looking to international adoption to complete their family. This proposition would also assist in the adoption cases that have been dismissed because of natural disaster where children have survived an incident but the parents, and their birth certificate did not. In instances with natural disasters and no DNA testing children become stuck in the institutions with no hope of ever finding a family.

**Study on Haiti**

Haiti is in the process to become a member of the Hague Convention. On December 16, 2013 the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption is looking to be enforced in Haiti on April 1, 2014. The United States Department of State is currently assessing if officers will be able to verify the requirements of the Convention and the Intercountry Adoption Act of 2000 will be met with respect to individual adoption cases by the date that the Convention enters into force for Haiti.

“This decision includes determining if Haiti has designated a central authority and key competent authorities to undertake specific responsibilities outlined in the Convention as well as determining if authorities have the capacity to fulfill their stated functions. The Department must also review Haiti’s adoption laws, procedures,
practices, and infrastructure to ensure that key Convention principles will be implemented.”

In the past, the process has taken too long on certain occasions and claimed the lives of small individuals. The Dunn Family has experienced such tragedy.

“We knew we were being obedient. This was never more evident to me than when Noah, our first child we selected, passed away 11 months into the process. We had never held him or looked into his eyes. We had only received an updated picture a month. But when he passed away we were completely devastated.”

The Dunn family was a week away from completing the adoption of Noah, however due to the extensive paper trail Noah was unable to receive the medical attention that would have saved his life. Despite the loss of Noah, the next week they met Markenley and Solomon, who would eventually become their sons $25,000 later. In response to the tragedy faced by the Dunn family, I propose a change of paperwork and processing style for adoption approval. I propose that in order to avoid the runaround, a central group of officials from The Hague Convention of Adoption be over the entire international adoption process, guaranteeing to validate each prospective family, and match them with their child, inexpensively, quicker and easier.

**Study on Romania**

In 1991 2,552 Romanian children were adopted internationally. On April 7, 2012 a new law allowed for international adoption of Romanian children. However the law only allows for intercountry adoptions of Romanian children by relatives of kinship,
the spouse of the child’s birth parent, and Romanian citizens who are residents abroad. “On February 27, 2014 the U.S. Embassy in Bucharest issued the first immigrant visa to an adopted child under Romania’s new adoption law.”

The history in Romania has left thousands of children displaced, leaving them in run down and corrupt orphanages. When attempting to visit an orphanage an individual must buy their way onto the property, either through food or money. The children are desperately seeking love and affection. However when shown love, they have no recollection of what that is, and how to receive it. Children in these institutions have developed a different type of survival skills. The injuries and deformations that you will see on each child are hard to go unnoticed. This however is normal for these kids, few of them have come from loving homes, and fewer will receive them again. Until they are eighteen these children will sit in the shelter hoping to feel loved and wanted again. I propose that The Hague Convention on International Adoption re-evaluate the policy and requirements for proceeding with international adoption. I propose that the qualifications to adopt a child should be similar across the board, not higher, or more complicated for a specific nationality, or child. If Romania would allow anyone, not just Romanians to adopt from their country fewer Romanian children would be in institutions and able to find loving families instead.

**Study on Russia**

On January 1, 2013 Russia banned all adoption to the United States by passing the State Duma. In 2011, there were nearly 1,000 children placed in American homes according the U.S State Department figures. Prior to the closure, Russia was the third-
most-popular country for U.S. citizens to adopt from.\textsuperscript{59} Over the past 20 years over 60,000 children were adopted from Russia.

The decision to cease an international adoption relationship with United States and Russia was motivated by the Russian government's political interest. However Robert Shlegel, a member of the Russian parliament, submitted an amendment which would allow for children with disabilities to be adopted by Americans. The ban of Russian children being adopted by Americans came as retaliation to a law passed by President Barak Obama in December 2012. This ban also eliminates any activity by nongovernmental organizations receiving funding from the United States.\textsuperscript{60} The implementation of this new bill nullified a previous agreement between Russia and the United States that added additional safeguards, for safer transition between the children and parents during an inter-country adoption.\textsuperscript{61}

The logic behind the legislation was due to retaliation; the Russian government has ample reasoning for placing the ban on the United States. There have been multiple cases reported stating over twenty children adopted from Russia have died in the care of their adoptive parents since 1990.\textsuperscript{62} The latest case occurred in Texas during January of 2013 when three-year-old Maksim Kuzmin died while playing with his younger brother outside. An autopsy found thirty bruises covering his body and a main artery had been ruptured, resulting in his death.\textsuperscript{63} There was also an incident in 2010 when an American family returned their adoptive son to Russia on an unaccompanied one-way flight. Even with taking this into consideration, John Dalhuisen the program director for Amnesty International said: "This bill is frankly a childish response to the Magnitsky Act," he said.
"The Duma should be focusing its efforts on how it can strengthen Russian civil society and not weaken it."64

Prior to the ban in 2004 Andy Baker and his wife Gerri were fortunate enough to receive two young girls from Russia. The process was the farthest thing from easy and included constant stress for the girls and the Bakers. The paperwork associated with the adoption was tedious and frustrating to complete, as the Russian government was extremely picky. The deadlines came quick which added to the stress because the Bakers knew that their girls were waiting on them. Andy Baker states: “There were so many ups and downs through the entire thing. Not having any guarantees was torture. I did not feel safe until the plane took off from Moscow. Then I knew we would be OK once we landed in NY. They would be on USA soil.”65 During the entire process, the Bakers were told at anytime the court in Russia could decline their petition to adopt, and they could leave Russia without their girls. Andy and Gerri were blindsided about this portion as their adoption agency failed to mention this to the prospective parents prior to them proceeding through the process. When all was said and done the Bakers spent $40,000 to provide a home to two young girls “We also knew our girls had no chance if we did not take them. We knew in a matter of years they would be released from the system, and more than likely end up dead on the streets through drugs or prostitution.”66

In response to the accusations of death and abuse of adopted children, I propose following completion of adoption frequent updates be required from families. These updates can include the physical and psychological status of the child and all members of the immediate family. I propose that potential families be knowledgeable of the history,
culture, and language of the country in which they are adopting from in order to maintain cultural pride within the child.

**Study on Vietnam**

“In June 2010, the Vietnamese legislature passed a new adoption law which took effect on January 1, 2011. The Vietnamese Prime Minister subsequently signed the new adoption decree on March 21st, which took effect on May 8th of the same year. Vietnam continues their efforts to implement the new law and achieve Vietnam’s stated goal ratifying the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (the Convention).”

“On July 22, 2013, the Department of State announced that the Government of Vietnam is accepting applications from Hague Convention-accredited U.S. adoption service providers (ASPs) for authorization to operate in Vietnam. After a vetting process, Vietnam’s Hague Adoption Convention Central Authority, the Ministry of Justice’s Department of Adoptions, will authorize a maximum of two U.S. ASPs to operate a proposed, limited intercountry adoption program for children with special needs (as defined by Vietnamese law), children older than five, and children in biological sibling groups of two or more. Vietnam’s Central Authority stated that applications from ASPs must be submitted by September 22, 2013, but did not provide a specific timeline for the review or selection process, which could be lengthy. The restriction is still there for full-blown adoption as Hague Convention adoptions from Vietnam to the United States are still forbidden.
Vietnam is the only orphan-first country. The orpan-first determination was created in an effort to help prevent prospective adoptive parents from traveling overseas to complete a non-Hague adoption, only to find out they would have to return to the U.S. without the child because the Form I-604 investigation revealed the child was not technically considered to be an orphan. In an orphan-first country, a child's orphan status is determined prior to the final adjudication of the Form I-600.69

I recommend that participating members of The Hague Convention support Vietnam as they are working to become members of this treaty. In addition, I recommend that current members reach out to neighboring countries to promote membership to countries who have yet to accept and adopt the requirements to participate in active adoption via Hague standards.

Policy Conclusion

International adoption is currently working to reformat the process that is currently used in order to complete the adoption process. With the initial intent of The Hague Convention being to protect families and children from corrupt adoption practices there is a negative impact on the children waiting in institutions. Democratic Senator Mary Landrieu from Louisiana states: “I was the lead sponsor of The Hague Treaty and it was my expectation that after just a few years of implementation, we would be tripling and quadrupling the number of children adopted and the opposite has happened, sometimes I’ve said to myself, ‘why did I even help pass this treaty?’”

The Hague Adoption Convention has the potential to create unlimited families if specific policies can adapt to the world that we live in. The overall idea of the Hague
Convention has the means to successfully promote international adoption by changing a few of the current standing procedures. I recommend that a new judicial branch of the Hague Adoption Convention be created that solely focuses on paper turn around for countries adopting within the Hague Convention. By speeding this process up it will significantly decrease the amount of children who are dying in orphanages due to lack of basic medical care. I propose that the paperwork be evaluated on a case by case basis. There are countless times a child has become stuck in an orphanage or institution because their parents could not be located, therefore they could never attain orphan status and become eligible for adoption.

I recommend that in order to achieve these proposals, a meeting of signatories is held to decipher who will be in the new judicial branch of The Hague that is focused only on individual cases of international adoption. This will ensure that children are not lumped together but given the adequate attention needed to process them out of institutions. It is my recommendation that this branch be made up of multiple members from a variety of countries in order to prevent any favoritism or inadequate biases.

**Biblical Implication**

The book of James, promotes material calling believers to act as followers of Christ. The link between faith and application has been made and it is now left in our control. In James 1:19-27\(^\text{ii}\) fellow believers are encouraged to profess their faith through action.

\(^{\text{ii}}\) James 1:19-27 is located in the appendix.
Specifically in James 1:27, James defines the type of pure religion that is accepted by God our Father. *To look after the orphans.* From the beginning God has had a concern for orphans. After all, are we not all orphans of God. As our Father in Heaven, God has been chasing after, serving, caring for, and loving his children. In this section of scripture we are being called as followers of Jesus Christ to do the same thing. We are called to chase after the children, who have been abandoned, to bring restoration into their eyes, and speak life over them. We are being called to serve the children. God is calling us to suffer through any obstacle in order for His children to feel loved and encouraged.

Jesus Christ was the ultimate sacrifice, and in his death, we have been redeemed. It was the death of the one Son of God that reminds us of the deep love our Father has for us as orphans. Adoption is not an easy process to navigate but it was not easy for the Father to adopt us as his children. He fought to the death to save us, we are being called to do the same thing. We are being called to care for His children. It is the duty of the parent to teach the child about the value of life, the value of their life, and to go through every length to demonstrate care. We are called to love the children of this world. We are called to love each orphan, to reach out to them and love them well. We are called as brothers and sisters in Christ to be a physical representation of God’s love to the orphans.

Another implication of God’s passion of adoption, and the power of orphans is shown in the adoption story of Moses in Exodus 2:5-10.iii This story of adoption changed the course of history. Moses’ desire to serve his people is similar to the way God longs to serve his children. As God rescued Moses’ his desire remains to rescue all of his children.

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iii Exodus 2:5-10 is located in the appendix.
from the pride, sin, and hurt of this world. The orphans that are stranded in institutions are looking for help, they are looking to be rescued. As followers of Christ we are given the beautiful option to seek justice for these children and help to provide them with the loving family they deserve. Had Pharaoh’s daughter never accepted Moses as her son, had she never adopted him, who would have freed the Jews? Looking at children who are currently stuck in institutions, not receiving love, attention, or an education, who knows what major world accomplishments are being missed.

Although not every person is called to adopt, to take in orphans, we are all called to look after the orphans. The way to achieve this will look different per person, but nowhere in the Bible are we called to turn our head away from the orphans. Seeking justice for orphans is a valuable part of looking after the orphans. You have a voice. Are you using it as God has commanded? Are you seeking the word of God, absorbing what it means in your life and applying it? Are you humbling yourself before God, becoming his vessel and putting your faith into action?

Remember the Children: A Non-Governmental Organization
A non-governmental organization is a non-profit organization that works to promote the overall good of humanity while operating separately and independently from the state. The organizations are working for the benefit of others, in service for children, refugees, and displaced people.  

Remember the Children (RTC) is a non-profit organization that focus on bringing faith, hope, and love to Romania’s forgotten children. A visit to Romania in 1996
challenged Andy Baker to make a difference in the lives of individuals living in Romania. Upon leaving Romania for the first time, three words were whispered into his ear: “Remember the Children”. This statement sparked a new ministry that would change the lives of many individuals.

The vision of Remember the Children is rooted in bringing people together in order to serve the Romanian people. RTC is committed to encouraging the Romanian people through building relationships, while also enhancing their lives by providing financial resources for projects and programs. RTC seeks to continue empowering Romanians and mission team members to minister effectively to the surrounding people through evangelism and networking between the United States and Romania. Through these acts RTC strives to be a holistic faith based ministry that is meeting the needs of children, their families, and their surrounding communities.

Remember the Children is a based out of America and works directly with pastors living in Romania, to encourage and support them as they are working tirelessly to serve God and his kingdom. RTC strategically partners with local pastors of Romania in order to create the most effective ministry possible. Instead of attempting to Americanize the Gospel, RTC recognizes the importance of establishing lasting relationships and has focused their ministry on doing just that. RTC partners with fellow Americans, and creates teams to travel to Romania and support the individuals that are doing ministry full time. During these trips the teams will work with at risk children and orphans to share the hope and love that is found through Jesus Christ.
House of Hope is an organization that has been started to bring children out of orphanages and into forever families. Currently the House of Hope is at 21 individuals with the recent adoption of two twin boys.

We all have a voice; but the question remains, are you going to use it for those who can’t speak for themselves? Remember the Children has done just that. They have taken James 1:27 and created a thriving ministry. What will you do? How are you going to respond to this worldwide epidemic? The choice is yours.
Appendix

**Figure 1:** Overall adoption graph from 2003-2011: Showing the peak in 2004 and the total annual decline of overseas adoptions globally. (Source CNN)
Figure 2 Shows children who have been in institutionalized care at least once in their lifetime. (Source 2005 UNICEF Study)

Global estimates of children in institutional care: by region

- CEE/CIS: 42%
- OECD: 22%
- South and East Asia: 22%
- Latin America: 10%
- Middle East and North Africa: 10%
- East and Southern Africa: 7%

2 Estimates are based on a UNICEF analysis of several main sources, including national estimates, often from governments, provided by UNICEF country offices (2005 and 2006); country reports prepared for the "Second International Conference on Children and Residential Care: New Strategies for a New Millennium" held in Stockholm in 2003; and the TransMONEE database of CEE/CIS indicators (2003). The estimates represent the number of children in institutional care at any moment. Numbers in the Latin American and the Caribbean, Middle East and North Africa, Eastern and Southern Africa, and East Asia and Pacific regions are likely to be highly underestimated due to the lack of registration of institutional care facilities. No estimates were calculated for West and Central Africa due to a lack of data for this region.
**Figure 3** Provides an in-depth view to the difference between Hague Convention and Non-Convention countries.

<table>
<thead>
<tr>
<th></th>
<th>Convention Countries</th>
<th>Non-Convention Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adoption Service</strong></td>
<td>Licensed in U.S. state of residence + Accredited or approved by one of the Department of State's designated Accrediting Entities</td>
<td>Licensed in U.S. State of residence</td>
</tr>
<tr>
<td><strong>Adoption Services Contract</strong></td>
<td>Adoption services contract contains information about agency's policies, fees, history, relationships with supervised providers, etc.</td>
<td>Though many ASPs disclose policies, fees and relationships with supervised providers, they are not required by most state laws to do so.</td>
</tr>
<tr>
<td><strong>Home Study</strong></td>
<td>Must meet both State and Federal requirements; Prepared by an accredited agency, supervised provider or exempted provider</td>
<td>Must meet State level and USCIS federal requirements</td>
</tr>
<tr>
<td><strong>Adoption Fees</strong></td>
<td>Itemized in adoption services contract</td>
<td></td>
</tr>
<tr>
<td><strong>Parent Education</strong></td>
<td>10 Hours of parent education</td>
<td>Parent education only if mandated by U.S. State of residence or voluntarily provided by agency</td>
</tr>
<tr>
<td><strong>Adoptive Parent’s Eligibility</strong></td>
<td>Form I-800-A; Must be filed before being matched with a child (and before Form I-800)</td>
<td>Form 1-600-A; Can be filed at the same time as the Form I-600.</td>
</tr>
<tr>
<td>Provisional Petition Approval; Child's Eligibility</td>
<td>Country of Origin must determine the child is adoptable with Convention consents and other protections, must meet definition of Convention adoptee Form 1-800</td>
<td>Must meet orphan definition Form 1-600</td>
</tr>
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</tr>
<tr>
<td>Child's Medical Records</td>
<td>Prepared, and provided by Convention country's competent authorities; Prospective adoptive parents given at least 2 weeks to review</td>
<td></td>
</tr>
<tr>
<td>Visa Type</td>
<td>IH-3 or IH-4 Visas</td>
<td>IR-3 or IR-4 Visas</td>
</tr>
<tr>
<td>Visa Application</td>
<td>Submitted before foreign adoption/ legal custody proceedings</td>
<td>Submitted after foreign adoption/ legal custody proceedings (except Guatemala and Vietnam)</td>
</tr>
<tr>
<td>Adoption Records</td>
<td>Preserved for 75 years</td>
<td></td>
</tr>
</tbody>
</table>
Figure 4: The graphic details the changes in sending (nations of origin) and receiving countries (receiving nations) from 2003 and 2011. (Source CNN)
Loati: The young Romanian orphan: summer 2013
The following information is the full wording of articles of the United Nation’s Convention on the Rights of a Child.\textsuperscript{71}

\textbf{Article 7}
1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

\textbf{Article 8}
1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

\textbf{Article 9}
1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

\textbf{Article 11}
1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

\textbf{Article 20}
1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.

\textbf{Article 21}
States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:
(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child’s status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavor, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

The following information is the full wording of James 1:19-27:
19 My dear brothers and sisters, take note of this: Everyone should be quick to listen, slow to speak and slow to become angry, 20 because human anger does not produce the righteousness that God desires. 21 Therefore, get rid of all moral filth and the evil that is so prevalent and humbly accept the word planted in you, which can save you.

22 Do not merely listen to the word, and so deceive yourselves. Do what it says. 23 Anyone who listens to the word but does not do what it says is like someone who looks at his face in a mirror 24 and, after looking at himself, goes away and immediately forgets what he looks like. 25 But whoever looks intently into the perfect law that gives freedom, and continues in it—not forgetting what they have heard, but doing it—they will be blessed in what they do.

26 Those who consider themselves religious and yet do not keep a tight rein on their tongues deceive themselves, and their religion is worthless. 27 Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world.

The following information is the full wording of Exodus 2:5-10:
5 Then Pharaoh’s daughter went down to the Nile to bathe, and her attendants were walking along the riverbank. She saw the basket among the reeds and sent her female slave to get it. 6 She opened it and saw the baby. He was crying, and she felt sorry for him. “This is one of the Hebrew babies,” she said.

7 Then his sister asked Pharaoh’s daughter, “Shall I go and get one of the Hebrew women to nurse the baby for you?”

8 “Yes, go,” she answered. So the girl went and got the baby’s mother. 9 Pharaoh’s daughter said to her, “Take this baby and nurse him for me, and I will pay you.” So the woman took the baby and nursed him. 10 When the child grew older, she took him to Pharaoh’s daughter and he became her son. She named him Moses, saying, “I drew him out of the water.”
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