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Focus on Adoption Implores Department of State to Implement Solutions For Children and Prevent Country Shutdown.

For many years, Focus on Adoption (FOA) has been a leading force in the push for improvements to the Guatemalan adoption system that would add safeguards, while serving the mission of intercountry adoption to provide permanency in loving, stable family environments for children without parental care. In addition to suggesting viable solutions, members of the FOA Board of Directors, independently and on behalf of the organization, have attempted to forge a more vigilant approach to rooting out the ethical breaches that have unfortunately occurred in the Guatemalan system.

FOA maintains that policy makers for intercountry adoption systems need to carefully consider the needs of children when considering regulatory models in order to assure that functional delivery of necessary services is not compromised by overly restrictive regulation. Hundreds of thousands of children in other Latin American countries have been deprived of the families who would embrace them because of the current emphasis on total centralization rather than implementation of functional intercountry adoption systems.

In fact, the problem areas in Guatemalan adoptions about which the U.S. Department of State (DOS) is expressing concern have gone unregulated, in spite of requests by adoption professionals that DOS implement safeguards to prevent them. Adds FOA president Hannah Wallace, "Some, if not most, of the fraudulent practices DOS has recently uncovered could have been prevented if DOS and other governmental authorities had acted on reports from adoption professionals years ago and implemented the solutions proposed by adoption professionals with intimate working knowledge of Guatemala."

One of FOA's primary concerns is that there not be a repeat in Guatemala of what has happened in other Latin American countries where implementation of completely centralized adoption systems has resulted in virtual shutdowns of intercountry adoption. DOS is pressuring Guatemala to rapidly implement a system that is compliant with the Hague treaty on intercountry adoption. Unfortunately, that pressure appears to include a call for a system that removes private actors from the picture totally. Ironically, the U.S. (which has yet to implement a Hague-compliant intercountry adoption system 14 years after it signed the treaty) is in the process of implementing a system that would retain a significant private sector component. FOA supports progressive implementation of the Hague treaty in Guatemala in a manner that is functional and retains the features of the existing system that promote the best interests of children, which would necessarily mean retention of a significant role, just as in the U.S., for private sector actors.

On February 21 and 22, over 200 adoption service providers from the U.S and Guatemala gathered in Guatemala for FOA's conference titled "Solutions." Representatives of DOS and other governmental entities involved in intercountry adoption were invited to attend and

participate in discussions of workable solutions to the challenges in Guatemala. Not one representative of the U.S. federal government attended. Wallace expressed FOA's disappointment: "Guatemalan stakeholders were there and ready to work with the U.S. government, but it's hard to work with someone who doesn't show up."

There are solutions available right now to stop the egregious practices DOS is rightly concerned about (coercion of birthmothers, identity fraud, switching children after DNA, and inadequate foster care and medical care). Some of the workable solutions FOA has called for, that would go a long way toward preventing fraud in Guatemalan adoption while avoiding the incalculable damage that a country-wide shutdown would cause for both children and adopting families, include:

- Immediate implementation of a second DNA test on the child at the end of the adoptive process to ensure that the child the adoptive family brings home is the child they were referred at the start of the process.
- Videotaped interviews when the birth mother relinquishes and requirement of a psychological or social work report to ensure that the birth mother's consent is freely given after appropriate counseling on the import of her decision.
- Implementation as soon as adequate funding is raised of an iris scan process to ensure that no child switching occurs during the process.
- Implementation of a requirement that monthly medical reports and pictures of the child are provided to the adoptive family during the process and to the Embassy with the final papers.
- Immediate addition of adequate staff, both in Guatemala and the U.S., to enable DOS and other governmental actors to timely perform their critical functions.

To be clear, FOA supports DOS' recent efforts to identify and punish those bad actors who have engaged in fraudulent practices and harmed children. "If delays to investigate cases where concerns are raised are necessary, then we need to support DOS in performing these investigations," says Wallace. "But the best interests of children must also be considered, and unnecessary delays in placement of children with permanent families is not in their best interest."

FOA asks DOS and other involved governmental agencies to implement the above five solutions for the children of Guatemala now to prevent the greater tragedy of a future country closure.

Adoption professionals and adoptive parents are willing to implement and fund these solutions immediately.

About Focus on Adoption (www.focusonadoption.com)

Focus on Adoption is a non-profit intercountry adoption advocacy organization. The FOA Board of Directors consists of adoption service providers and adoptive parents. FOA President Hannah Wallace was a 2003 recipient of the prestigious Congressional Angel in Adoption Award.