

THE HELSINKI COMMISSION
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The topic for our meeting today is “Working Together to Reverse the Decline in Intercountry Adoptions”

The adoption community is willing and anxious to work with the Department of State to reverse the decline in intercountry adoptions. But two elements for working together must be present.

AGREEMENT ON GOALS

First, there must be basic agreement on the human rights of a child. Make no mistake, there are opposing views by people who both claim the human rights mantle – there are those who believe that a child is better served growing up in an orphanage and being cared for in their country of birth. On the other side is the view, supported by the Hague Convention, that a child deserves to grow up in a permanent, safe, loving family. I adhere to this view and quote Elizabeth Bartholet who is the Morris Wasserstein Public Interest Professor of Law at Harvard University and the Faculty Director of their Child Advocacy Program. “Those who care about children should act now to preserve and promote international adoption. It represents the best option for existing unparented children.”

Does your view on the human rights of a child matter? Absolutely – Your Outlook will Determine the Outcome for intercountry adoptions.

TRUST

The second element is trust. Remember Charlie Brown and Lucy of Peanuts fame? Every time Charlie Brown went to kick the football, Lucy would pull the ball away. Once trust is lost, it is very difficult, if not impossible, to restore.

There is a lack of trust between the adoption community and the Department of State, and specifically the Office of Children's Issues. Let me give you a couple of examples.

1. In the fall of 2015, The Office of Children's Issues (OCI) sponsored an Adoption Symposium entitled "A Collaborative Future for Adoption". Over 100 adoption agencies came to Washington DC to share their views and hear about a promised new era of collaboration. In fact, the Intercountry Adoption Act already mandated that the Department of State collaborate with the adoption community in developing regulations. But less than a year later, the State Department published revised regulations with ZERO collaboration with the adoption community. They pulled the football away. Those proposed regulations were widely opposed and eventually withdrawn.

2. Last July, in the aftermath of the withdrawal of the regulations, the Department of State published a notice that they were looking for another accrediting entity to evaluate and accredit adoption service providers. The Council on Accreditation, the current accrediting entity, had publicly opposed many of the provisions in the proposed regulations, as had the majority of the adoption community. It makes you wonder if their opposition to the regulations was a factor in OCI looking for another accrediting entity. Regardless of the motivation, OCI designated a newly formed organization that did not meet the requirements of the Intercountry Adoption Act or the implementing regulations as an accrediting entity. The adoption community once again saw the football being pulled away. The message was that rules applied only to the adoption service providers – and not to the regulators. When you own the football, you can make your own rules.

ANALYZING THE PROBLEM

So what is the problem? It could be as simple as a difference in the outlook of the rights of a child. The Office of Children's Issues stated, "We believe intercountry adoption can provide children the opportunity to grow up in a loving, protective, and permanent family environment **when they cannot be cared for in their country of birth.**" Not, when they are not adopted in their country of birth, but when they are not cared for in their country of birth. Well, they certainly can be cared for in an orphanage, can't they? Again, outlook determines outcome.

Everyone may be entitled to their own view of the human rights of a child. But, if you don't believe that a child has the right to grow up in a permanent family – either in their own country or abroad – then you shouldn't be in charge of regulating intercountry adoptions.

If you want to know what someone values, look at what they promote as their successes. When you celebrate the shutting down of an unethical agency as the ultimate success while ignoring the thousands of children who now have permanent, loving families – and the adoption agencies who successfully navigated the changing interpretation of regulations to attain re-accreditation – you make your values clear.

Are there problems with intercountry adoptions? Of course there are. We're talking about a very emotional process between different cultures with different laws. But these problems can be solved without throwing the babies out with the bath water. If you believe a child has the right to grow up in a permanent, loving family you will look for solutions that enable that to happen in an honest, ethical, transparent manner – and continue to promote intercountry adoption as the best option for children without parents.

Your outlook will determine the outcome.

A BETTER WAY FORWARD

The adoption community has a vision and hope for a better way forward. There is new leadership in the Department of State and we welcome Assistant Secretary Carl Risch and Special Advisor to the Secretary Suzanne Lawrence.

Can we successfully work together to find the better way forward? **Common goals and trust!** We understand that making personnel changes in government is a daunting task. But how hard are we willing to fight for the children who could have a permanent family instead of aging out of their orphanage and being at risk of life with no safety net and a prime target for trafficking. And what are our priorities? Remember, Adoption Prevents Trafficking. Now you need to ask yourself, “what is your outlook” and what can you do to impact the millions of orphaned children around the world. If you were the child in an orphanage in some developing country who hadn’t seen a parent or family member in a year, two years, three years – would you dream of having a permanent family? Most people resist change, even when it is good and necessary.

The easiest course of action is to allow the status quo to continue and hope the voices calling out for the children will grow quieter. There are thousands of families, like the Carvers, who will not let that happen.