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Asian Adoptions to the United States

I am honored to testify before the Senate Committee on Foreign Relations, and thank Senator Murkowski for holding this hearing on Asian Adoptions to the United States. My name is Susan Soon-keum Cox, I am Vice President of Public Policy and External Affairs for Holt International Children's Services in Eugene, Oregon.

Holt International pioneered intercountry adoptions from Korea in 1956, and has placed approximately 30,000 children from 20 countries with adoptive families in the United States. I have been an adoption professional for more than 25 years, and I have had the privilege of visiting adoption and child welfare programs in many countries. I have witnessed tremendous changes in intercountry adoption practice. Some of these changes have moved the practice forward---some have not. Sadly, what has not changed is that the number of homeless children has not diminished, but rather has increased. That reality requires a critical examination of the problems associated with international adoption and a determination to find solutions.

In 1956, when mixed-race Korean children were sent to adoptive families in the United States and Europe, it was considered an outrageous notion that children of one race, culture, and nationality could be successfully transplanted from one country to another. Particularly since white families were generally adopting Korean children. Many considered it a crazy social experiment. But in spite of the skeptics, it worked.

Worldwide, approximately 200,000 children have come to their families through international adoption, more than half of those children have come to families in the United States. In 2005, U.S. citizens adopted 22,728 children who were born in other countries.

International adoption should never be the first line of defense for homeless children. It is not meant to be a solution to world poverty, civil unrest, or urban migration. For literally thousands of children throughout the world, however, intercountry adoption is the only viable possibility for them to have a permanent loving family. Whenever there is a disaster, whether from natural causes, armed conflict, or human atrocities, the predictable consequence is that children are the most vulnerable. Their survival, both immediate and long-term, is the most fragile.

Few subjects elicit deeper passion than issues regarding children. International adoption has always been controversial and often misunderstood. It is a life-long process, one that is generational and extends even beyond the generation that the child comes into the family. The more ordinary international adoption becomes, the larger the numbers, the greater the critical mass, the more diligent we must be in setting ethical standards that assure that birth parents, adoptive parents, and especially the children be protected and safe. This diligence is also necessary to protect the institution of intercountry adoption and the hope it represents for generations of children in the future.

International adoption is complex and complicated. That is unavoidable when you consider how multi-layered the process. It extends between different cultures, languages, time zones, laws, currencies, and the official bureaucracies of at least two governments. Providing ethical adoption services requires more than just learning the laws, procedures, and nuances unique to a particular country and program.

Adoption agencies, facilitators, adoptive parents, and adoption advocates must be committed to the big-picture, long-term process of international adoption over the short-term, immediate result for a particular child. Policies and practices must be established that recognize the greater good for children who will be served.

An unfaltering commitment of adoption should be that it is intended as a means to provide families for children, rather than children for families. This commitment is especially critical in international adoption, where children of one country are being taken to another. The simplistic assumption that a poor child in a developing country will have a better life with a family in a 'rich' country is misguided, imperialistic, and overlooks the sacrifice and loss, not only to the sending country, but also to the child.

As the number of countries with international adoption programs have increased, the number of agencies and individuals placing children have increased, to nearly 500, according to the National Adoption Information Clearing House. The size of a program or agency does not determine whether or not ethical adoption practices are followed. In the United States and elsewhere, there are large and small agencies that provide sound, ethical adoption services. The measurement of a good program is the philosophy and commitment of its principals and employees to strong professional child

welfare principles. International adoption is not simply a legal process; it is a life-long process that requires consistent and professional social work practices.

International adoption is undeniably a business, and there are legitimate expenses associated with managing and operating legitimate program activity. Adoption practitioners are required to know the complex adoption requirements in the United States as well as the ever-changing international requirements. It is not the standard cost of providing services that is problematic; it is the inflated expenses passed on to families that create ethical land mines. The appearance of ‘buying and selling’ of children is unavoidable when the cost of an international adoption far exceeds the local yearly income of a family. It is in the best interest of adoption agencies and practitioners to set the ethical standards that avoid even the appearance of profiting at the expense of children and families.

Asian Adoptions to the United States:

China, Cambodia, Vietnam, and Indonesia, the countries that are the focus of this hearing, are representative of issues and concerns that overlay intercountry adoption more generally. These countries, however, also represent unique circumstances in the current intercountry adoption climate.

China

After intercountry adoption from China became more common in the early 1990s, China rapidly became the largest and most prominent “sending country” in the Asian region. More than 51,000 children have been placed for adoption in the United States from China between 1991 and 2005. Although the process has slowed in terms of the length of time that it now takes for a child to be adopted from China, the Chinese government’s adoption program is considered a model program in terms of efficiency. The conditions of orphanage care in China have improved dramatically in the last decade, and domestic adoption, foster care, and permanency programs for orphaned children in China are increasing each year.

Adoptions from China changed the landscape and profile of adoptive families. For the first time, single parents and prospective parents over the age of 40 could adopt babies and toddlers. The requirement of families to

travel to China created strong bonds and connections between adoptive families and the birth country of their adopted child. This increased understanding about the critical need for adoptive families to help their child stay connected to his or her birth heritage and culture has helped transform how adopted children identify and balance their race, culture, and heritage.

As China continues to be a more active participant in the global community, intercountry adoption is likely to be examined in the harsh light of international public opinion. As China prepares to host the Olympic Games in 2008, there are lessons to be learned from the experience in 1988 when Korea hosted the Games and intercountry adoption became the target of news media stories whose headlines described adoption as “exploitation.”

Vietnam

Before the fall of Saigon in 1975, approximately 8,000 children from Vietnam were placed for adoption with families in the United States. When relationships with that country reopened and intercountry adoption resumed in the early 1990s, there was strong interest on the part of U.S. families to adopt from Vietnam.

Those early adoptions from Vietnam were complicated by the lack of formal diplomatic and consular relations with the United States, which required children adopted in Vietnam to finalize their paperwork at the U.S. Embassy in Thailand. This procedure added both to the time and the expense of the adoption process. This situation changed in the mid 1990s, when adoptions could be finalized in Vietnam, eliminating the need to complete the process in Thailand.

In many ways, the success of adoptions from Vietnam contributed to a climate of market-driven competitiveness, and eventually to widespread abuse and unethical adoption practices. In this environment, it was virtually impossible to maintain ethical professional standards when the opposite became the norm. Predictably, there were adoption scandals, and in response to these allegations of abuse, the Vietnamese government rewrote their adoption laws in 2002.

What was expected to be a brief period of disruption resulted in an intercountry adoption moratorium to the United States that lasted for more than two years. During that time, the number of U.S. agencies that had been

working in Vietnam shrank from dozens to fewer than ten. During those two years, the disruption to the process was critical. Agencies that had invested years in developing child welfare programs simply could not afford to continue to support those services. Many children had been in the process of adoption and had already been matched with adoptive families. A few families continued to wait through the two years, but sadly, dozens of other children lost their opportunity to be adopted. For those children, the cost of delay is immeasurable. Intercountry adoption was re-established between Vietnam and the United States in 2005 and to date 19 U.S. agencies are licensed to place children from Vietnam.

Cambodia

Years of war, genocide, and political violence underlie the serious crisis of homeless children in Cambodia. A host of factors created homelessness, including children born out of wedlock, desertion of spouses, death of parents due to AIDS or other ailments, and other physical and psychological health conditions in families. All these factors are compounded by severe poverty.

Child trafficking is also a serious issue in Cambodia, partly caused by inadequate legal and social service systems governing intercountry adoption. This situation has resulted in the closure of Cambodia to intercountry adoption and a current restructuring of adoption practice there.

In the 2005 USAID Cambodia Orphanage Survey [**Attachment**], Holt International identified over 8,000 children living in 204 residential child care facilities. Most of the children expected to grow up in the institution that is caring for them. Only a few well-resourced international organizations offer services to assist local families to stabilize so parents can care for their children. Scarce resources are targeted to meeting the immediate needs of the children through model projects.

Community-based services that are far more cost effective than currently existing alternatives will be documented in these programs; emphasized in trainings; and broadly promoted to generate interest in service replication and child welfare system reform.

Funding for these programs will not be applied to intercountry adoption, but the services developed through model projects will cover key competencies required for sound, ethical intercountry and local adoption practice. These

competencies include comprehensive background checks, child developmental assessments, child-friendly temporary care models, and prioritizing family preservation, if this result is in the best interest of the child. Opportunities for promoting local adoption will be assessed.

Overwhelming evidence exists that family-based care gives children vastly improved life prospects when compared to those facing life in institutions or on the streets. In addition, family care reduces a tremendous toll on a country's economic and social fabric. The objective is that several hundred children a year will avoid institutionalization and life on the streets through community-based family alternatives.

Cambodia has the distinction of being the only country that the U.S. government has closed to intercountry adoption. This dramatic action followed reports of unethical practices and trafficking that affected dozens of families and children. Although there are differing views about how the adoption process in Cambodia deteriorated to this point, the current situation has been an important opportunity to evaluate lessons learned by everyone connected to the adoption community.

The Cambodian government acknowledges its own institutional limitations regarding accountability and infrastructure. Officials have also responded favorably to the international community's offers to help develop their capacity and the infrastructure required to establish a reasonable and effective adoption process that will meet standards of efficiency and the critical need to protect children and families.

The Cambodian government's highest current priority is to draft and enact a new adoption law, and work on this draft law is taking place within the Ministry of Justice, Ministry of Foreign Affairs, and the Ministry of Social Affairs. According to UNICEF, the changes that were made to the adoption law seek to bring the law into compliance with Cambodia's new draft civil code.

The next priority in Cambodia is to establish a Central Authority for adoptions and, through UNICEF, the process is underway to do a rapid assessment of the existing infrastructure at the ministry level. This step will be followed by an evaluation of existing mechanisms and an assessment of what is required to develop an infrastructure for intercountry adoption.

While immediate attention in Cambodia is focused on adoption activity, it is essential that priority also be given to developing a child welfare infrastructure that will serve the long-term best interests of children and families.

Advocating for Children and Families

In addition to the current closure of adoptions from Cambodia and previously from Vietnam, other countries around the world are reacting to circumstances in which internationally-adopted children were clearly not protected, with devastating consequences. Although these situations are the rare exception, they often result in increased concern about an alleged relationship between intercountry adoption and child trafficking and abuse. It is critical that policies and practices balance the urgent needs of children with the necessary safeguards that will protect them, not only at the time of adoption, but also as they address the life-long issues associated with intercountry adoption.

In the United States since 2000, there have been numerous policy advancements in support of sound, ethical intercountry adoption, including the Child Citizenship Act, the Adoption Tax Credit, and the Intercountry Adoption Act of 2000. Each of these initiatives delivered positive benefits for adoptees and adoptive families.

In this current environment, in which intercountry adoption is observed with suspicion and doubt, there is great urgency to establish and promote policies and systems that are respectful of homeless children, as well as the culture and circumstances of their birth countries.

On behalf of the adoption community I want to express our sincere appreciation for the concern and support of the U.S. Congress on issues regarding intercountry adoption, especially from Asia. I appeal to this committee to continue to be a powerful advocate on behalf of intercountry adoption. As you promote future adoption reform, I respectfully urge you to consider carefully and thoughtfully the consequences of initiatives that may delay or compromise the implementation in the United States of the Hague Convention.