

Congress of the United States
Washington, DC 20515
October 24, 2007

The Honorable Oscar Berger Perdomo
Presidente de la República de Guatemala
Casa Presidencial
6 Avenida, 4-18 Zona 1
Ciudad de Guatemala, GUATEMALA

Dear President Berger:

As Members of the United States Congress, we are committed to eliminating the barriers that hinder all children from their basic right to a permanent loving family.

We are aware of Guatemala's recent decision to require all adoption cases to meet Hague standards as of January 1, 2008, and to stop all processing of adoption cases with non-Hague countries, including the United States, until such a system can be implemented. While we support your efforts to reform the intercountry adoption process in Guatemala and applaud your commitment to the Hague Convention, we are concerned that this action may cause unnecessary harm to Guatemala's orphaned children.

At present, 370,000 Guatemalan children do not have a permanent and loving family. The suspension of all intercountry adoptions, combined with the lack of a Hague process within Guatemala, will force over 3,000 children legally relinquished by their birthparents and properly referred to potential adoptive parents, to remain outside of permanent family care indefinitely. As we have learned from our own experience, the implementation of a high-quality, efficient Hague process can take years. To leave children without the benefit of a permanent home for this length of time can have long-term physical and emotional consequences. It is not in the best interest of these children. Furthermore, because the current system of care is not publicly financed, many of these children may be left without the food, care, and shelter they need to survive.

We commend Guatemala's efforts to implement a Hague compliant system. We share your goal to see that all Guatemalan children and their birth parents are protected from exploitation. We believe, however, that this goal could be better achieved by providing an interim measure for pending adoption applications. We encourage you to consider allowing the current law to be applied to adoption applications for children whose parental rights have been legally relinquished or terminated and filed before January 1, 2008. This approach would not only allow for sufficient time to implement a long-term solution, but such an interim plan would also ensure that orphaned children do not remain outside the care of a family for many years.

Again, we support your efforts to protect the best interests of children in Guatemala by working to implement the Hague Treaty. We believe that this treaty will ultimately serve as the foundation for a system of international adoption that is both transparent and efficient. In moving toward this goal, we must never lose sight of the treaty's overall purpose, as stated in the opening line of the Hague Convention: *Recognizing that the*

child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. We respectfully request that Guatemala's new international adoption program is founded on the principle that children belong in families.

Thank you for your concern and work to protect the best interests of the children in Guatemala.