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5 International Adoption

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International adoption—involving the transfer of children for parenting purposes from one nation to another—presents an extreme form of what is often known as “stranger” adoption, by contrast to relative adoption. Relative adoption refers to situations in which a stepparent adopts the child of his or her spouse, or a member of a child’s extended biological family adopts the child whose parents have died or become unable or unwilling to parent. Such adoptions are largely uncontroversial: children stay within the traditional biological family network, and the adoptive parents are generally thought of as acting in a generous, caring manner by taking on the responsibility for these children.

By contrast, in international adoption adoptive parents and children meet across lines of difference involving not just biology, but also socio-economic class, race, ethnic and cultural heritage, and nationality. Typically the adoptive parents are relatively privileged white people from one of the richer countries of the world, and typically they will be adopting a child born to a desperately poor birth mother belonging to one of the less privileged racial and ethnic groups in one of the poorer countries of the world. International adoption is characterized by controversy.

Some see it as an extraordinarily positive form of adoption. It serves the fundamental need for family of some of the world's neediest children. The families formed demonstrate our human capacity to love those who are in many senses "other" in a world which is regularly torn apart by the hatred of seemingly alien others. But many see international adoption as one of the ultimate forms of human exploitation, with the rich, powerful and white taking from poor, powerless members of racial and other minority groups, their children, thus imposing on those who have little what many of us might think of as the ultimate loss.

International adoption has grown significantly over the last few decades, with many thousands of children now crossing national borders for adoption each year. International law as well as domestic laws within the United States have become generally more sympathetic to international adoption than they have been in the past. But the controversy surrounding such adoption continues, and makes its future uncertain.

HISTORY AND CURRENT TRENDS

International adoption is largely a phenomenon of the last half century, with the numbers of children from other countries coming into the United States rising over the years from negligible to some 20,099 in 2002 and 21,616 in 2003 (U.S. Department of State 2004b).

The numbers and the pattern of international adoption have changed over the years in response not simply to the objective needs of children for homes and of prospective parents for children, but also to the politics of international adoption and to changing cultural attitudes. The

poor countries of the world have long had an excess of children for whom they cannot adequately care—children doomed to grow up in grossly inadequate orphanages or on the streets. The rich countries have long had an excess of infertile adults who want to parent and a relatively limited number of homeless children. Yet there was virtually no matching of these children with these adults until after the first World War. That war left the predictable deaths and devastation, and made the plight of parentless children in the vanquished countries visible to the world at a time when adoption was beginning to seem like a more viable option to childless adults in more privileged countries who were interested in parenting. Thus began the first wave of international adoptions.

In successive years different countries made their children available for adoption abroad in response to different political crises and cultural changes. The Korean War led to the opening up of South Korea for adoption, and for years it was the source of most of the children coming into the United States for adoption, largely because South Korea designed its international adoption system so as to facilitate the placement of children in need of homes with adults abroad who could provide them. In recent years the fall of the “Iron Curtain” and the dissolution of the former U.S.S.R. has resulted in the opening up of China, Russia, and various new countries that were formerly part of the U.S.S.R. At the same time China’s overpopulation problems combined with its one-child policy designed to address those problems has resulted in the abandonment of many thousands of baby girls, exacerbating the newly felt need to place children for adoption abroad (Van Leeuwen 1999). While many poor countries in Latin America and Africa have had an extended family caretaking tradition which meant that orphaned children or others who could not

be cared for by their parents were taken in by relatives, wars and other crises have created huge numbers of children for whom such family care is unavailable. Economic dislocation has resulted in many parents moving away from their extended families to cities in desperate attempts to find work, and then if the parents fall victim as they often do to the ravages of ongoing poverty the children may be abandoned to the streets or to institutional care. The AIDS crisis has now so devastated the adult populations in many African countries that thousands on thousands of “AIDS orphans,” some themselves HIV-positive and others not, have been left without any family care. Impoverished Latin American countries have long been sending some of their children abroad for adoption, and while Africa has to date sent very few children, the AIDS crisis there has created new pressures which have begun to increase the flow (Greene 2002).

Countries’ felt need to find homes for their children abroad is a factor not just of poverty and crisis, but of cultural attitude. Muslim countries subscribe to a religious faith that makes adoption, in which a child is assigned new legal parents, unacceptable, and so these countries don’t permit international adoption. Asian countries tend to value blood-related parenthood even more highly than we do in the United States, and so South Korea was eager to place its children abroad even when it was relatively well off economically, because the government knew that there was little opportunity for the children in its orphanages to find adoptive homes within the country.

In addition, the politics of international adoption creates pressures for countries to close their borders for reasons that have nothing to do with the objective need their homeless children may have for adoptive homes. So, for example, South Korea in recent years has limited the number of children released for adoption abroad not because of any cultural changes making it

easier to find domestic adoptive homes, but because political forces opposed to international adoption criticized the government for “selling” its children to foreigners. Romania, after the fall of Ceausescu in December 1989 and the resulting exposure to the world of the horrible orphanage conditions in which thousands of its children were living and dying, opened its doors to international adoption and sent large numbers of children abroad (Hoksbergen 2002).¹ Romania closed those doors again at the end of 2000 and has allowed hardly any children out since (See U. S. Department of State 2004c). This change resulted not from any change in the needs of the country’s children. An influx of Western attention and resources has brought some modest improvement in the orphanages, but there are still thousands on thousands of children living in desperately inadequate orphanage conditions. The closing down of international adoption was triggered by a baby-buying scandal in which some Romanian birth mothers received payments in connection with surrendering their babies for adoption. Opponents of international adoption took advantage of this scandal to call for a moratorium on international adoption, pending “reform” of the adoption system. While efforts to enforce rules against baby buying are appropriate, these so-called reform moves in Romania resulted in denying adoptive homes on an on-going basis to thousands of children abandoned in institutions for reasons which had nothing to do with any illicit payments to their birth parents (Bartholet 1999). More recently, as discussed below, the country has shut down international adoption entirely as a result of pressure imposed by the European Union in connection with Romania’s efforts to join the Union.

At the same time that what are often termed “sending countries” have gone through changes over recent decades that have led generally to an increased willingness to send their

children abroad for adoption, the more privileged countries, often termed “receiving countries,” have gone through their own cultural changes resulting in an increased willingness on the part of adults interested in parenting to look abroad for children to adopt. In the United States and elsewhere, such adults found fewer infants available domestically to adopt as the use of birth control and abortion expanded, and as the stigma against single parenthood lessened so that more birth mothers felt comfortable keeping their babies to raise themselves. As stigma against adoption and mixed race families lessened, adults became more comfortable doing international adoption, which so typically involves children who look physically different thus marking the families as adoptive families, and so typically involves the adoption by whites of black and brown children. Adults interested in parenting were thus conditioned to respond to the signals sent from various other countries that children were in need of homes and would be made available for adoption abroad.

RECENT LEGAL DEVELOPMENTS

Relevant law here in the United States consists both of international law, law purporting to bind all countries or the particular countries that have agreed to it, and domestic law, law passed by a particular country to govern its own affairs. I will deal primarily with recent international law, and with recent domestic law in the United States.

On the international front, law has moved generally in the direction of legitimating international adoption, and of providing general guidelines for its appropriate conduct, but does

little to *facilitate* such adoption so as to help ensure that children in need of homes receive them. The first truly significant international documents recognizing international adoption were the 1986 United Nations “Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, Nationally and Internationally,” and the 1989 United Nations Convention on the Rights of the Child. However they stopped short of fully legitimating such adoption. The Convention on the Rights of the Child, for example, placed international adoption lower in the hierarchy of approved options for children in need of homes than institutional care in their home countries (Bartholet 1999). Then in 1993, 66 countries, including most of the sending and receiving countries in the international adoption world, approved a multilateral treaty called the Hague Convention on Intercountry Adoption. This constitutes the most significant legitimation of international adoption to date, making such adoption a preferred option for children over institutional care in their home countries, although indicating that adoption in-country should be preferred over adoption abroad. The Convention also includes some basic substantive rules designed to ensure that birth parents and their children are protected against wrongful attempts to separate them through, for example, use of financial payments to induce the surrender of parental rights, or coercion as in kidnapping. And it includes some basic procedural rules designed to ensure obedience to the substantive rules, such as requirements that each country create a Central Authority to implement the Convention. The Convention governs only those adoptions that take place between countries that have ratified it. As of mid October 2004, 46 countries had become parties to the Convention and 6 had signed but not yet ratified, with more having indicated that they will become parties in the coming years (See

U. S. Department of State 2004). The U.S. Senate has given its advice and consent authorizing United States' ratification of the Convention, conditioned on laws and regulations being adopted to enable compliance with the Convention's requirements. Basic enabling legislation entitled the Intercountry Adoption Act of 2000 has been enacted (United States Public Law No. 106-279), and the necessary regulations are in the works, with the final ratification step now anticipated in 2006.

There is reason for optimism that the net impact of the Hague Convention will be favorable to lawful international adoption. First, in legitimating such adoption as a good option for children, it not only reflects widely shared international opinion, but is likely to reinforce such opinion, giving those in a position to influence policy more reason to shape policy in an adoption-friendly way. Second, in reinforcing existing rules against baby-buying and other improper practices, it may help reduce the number of adoption scandals, which are not only problems in their own right but also so often trigger anti-adoption "reforms" closing down or drastically limiting international adoption. Third, the Convention will provide political cover for leaders in sending countries who think international adoption will serve their countries' and their countries' children's interests, but might be afraid of anti-adoption forces' charges that they are "selling" or otherwise exploiting these children, and wasting what are often termed these countries' "most precious resources." The Convention can be used to demonstrate that internationally adopted children will be protected against sale and exploitation, and that the world community approves of such adoption as a good option for children.

There is also reason for concern that the Hague Convention may create additional barriers to international adoption. Some countries may ratify the Convention based on good faith belief

that it is a good idea, but have trouble taking the bureaucratic steps necessary to make it effective, thus locking themselves out of the international adoption business. Anti-adoption forces may see attempts to implement the Convention as an opportunity to mount a battle to limit or close down international adoption, as has occurred recently in Guatemala. Even if the Convention is implemented, the new bureaucratic hurdles it creates will likely increase the expense of international adoption for all prospective parents, as is predicted to be the case in the United States, creating the risk that reduced numbers of prospective parents will step forward, and reduced numbers of children will receive homes. And there is always the risk, as with any law “reform” in the adoption area, that the new legal regimes put in place to accommodate the Convention requirements will result in some children in need of homes being held for even longer periods of time prior to placement, and others being denied placement altogether.

International law has also moved in the direction of increased recognition of children’s rights and interests, as has the domestic law of many countries. The U.N. Convention on the Rights of the Child, now ratified by virtually every country in the world except the United States, provides a powerful new international recognition of the primacy of children’s rights generally. The new Constitution adopted by the Republic of South Africa provides robust protection for children’s rights, significant of things to come elsewhere, given that that Constitution embodies many of the progressive rights movements of recent years (See Woodhouse 1999).²

This move, assuming it continues, should encourage facilitation of international adoption as an option for children in need of homes. There is always debate about how to assess children’s interests, and many of those who oppose international adoption do so in the name of children’s

interests. However adoption advocates make powerful arguments that children's most fundamental interests are in being raised in a loving, nurturing manner, in the context of a permanent family, and that these interests can best be served by giving them the homes that often will only be available in international adoption. See discussion, below.

In the United States, law has moved dramatically in recent years in directions favorable to international adoption specifically, to various other forms of adoption, and to children's rights. On the international adoption front, a federal law entitled the Child Citizenship Act was passed in 2000, giving internationally adopted children automatic citizenship rights immediately upon adoption (Levy 2001). Previously their parents had to apply for citizenship for them, a requirement that constituted one more bureaucratic hurdle in a process already characterized by hurdles, and one that if not fulfilled left the children dangerously unprotected. The new Citizenship legislation gives those *adopted* from abroad similar citizenship status with children *born* abroad to U.S. citizens, an important symbolic step toward recognizing the legitimacy of international adoption. Federal income tax law was amended effective 1996 to give tax credits for the first time for expenses for any adoption, including international adoption, for those falling within the income eligibility limits, with the amount of the credit increased from \$5,000 to \$10,000 per adoption, in 2002 (Hampton 1988-).³ Again, apart from the practical significance, this was a dramatic move in the direction of reducing disparities in the treatment of biologically related parenthood, always heavily subsidized by tax, employment benefit and health insurance policies, as compared to adoption.

The Hague Convention will result in additional significant changes in U.S. law favorable

to international adoption. Most significant is the elimination for Convention adoptions of the so-called “orphan” requirement in U.S. Immigration law, which limits those children entitled to immediate entry upon adoption to those who have only one birth parent surrendering them for adoption (Sullivan 2002). Since virtually all countries allow couples who are not in a position to raise their children to surrender them for adoption, this restriction has limited the pool of children available for adoption who could find homes in the United States. It has also caused crises in some number of individual adoption cases in which U.S. citizens unwittingly adopted abroad children who did not fit the orphan definition, only to find that although they were the legal parents of the adopted children, they could not bring them back into the United States.⁴ The Intercountry Adoption Act of 2000, the Hague implementing legislation referred to above, amends the Immigration and Nationality Act to eliminate the orphan restriction for those adoptions conducted under and in accord with the Convention. This Act also removes or reduces the need for parents who have adopted in courts abroad to re-adopt in their home state. Parents have to date felt pressure to re-adopt because foreign decrees are not entitled to the “full faith and credit” from courts in the United States that an adoption decree issued by a court here would be. The Act implements the Hague requirement that adoption decrees issued by courts in the sending country in compliance with Hague requirements be recognized and given effect in the receiving country. Such decrees will accordingly be entitled to full faith and credit, and increasing numbers of states should adapt their laws to provide that the foreign decree alone entitles adopting parents to get a birth certificate issued by their local U.S. birth registry, so that their child has the very important practical advantage of an English-language birth certificate issued by a local registry capable of

issuing additional “original” copies if the first is lost.

Other legal developments in the United States with no specific impact on international adoption are nonetheless significant in changing the landscape in adoption-friendly directions that may well prove relevant to international adoption’s long-term prospects. Congress passed in 1994 and strengthened in 1996 a law called the Multiethnic Placement Act (MEPA), prohibiting foster and adoption agencies receiving federal funds from using race as a factor in child placement. This law was designed to radically change the laws and policies of the fifty states, all of which had traditionally engaged in “race matching,” placing children if at all possible with same-race foster and adoptive parents. MEPA constitutes a powerful rejection of the philosophy at the heart of efforts to restrict international adoption—the idea that children are best off if kept within their community of origin, and the related idea that racial and ethnic communities are best off when they keep “their” children within the group. (See also the discussion of this law as it relates to domestic U.S. adoptions in the preceding chapter in this volume). Congress also passed in 1997 a law called the Adoption and Safe Families Act (ASFA). This law was designed to reduce the emphasis the states had traditionally placed on keeping children with their family of origin, to place a greater emphasis on children’s interests in growing up in nurturing, permanent homes, and to ensure that if the family of origin could not provide that kind of home within a reasonable period of time, then children be moved on to adoptive homes rather than held on an ongoing basis in foster or institutional settings. ASFA constitutes a powerful rejection of a regime within the United States that exists in extreme form in most of the sending countries of the international adoption world, where children are held in orphanages for years at a time, technically tied to their birth parents and

not free for adoption, even though they may see their parents rarely if ever and may have no hope of returning to live with them. If ASFA's spirit were to spread beyond our borders, it would help animate efforts to free up increased numbers of children for adoption, and to ease the barriers to international adoption so that more of them could be placed.

Finally, there are some very general developments in U.S. law in an adoption-friendly direction that bode well for international adoption also. Traditionally U.S. parentage law has accorded very significant weight to biology and been heavily biased against the kind of non-biologically linked parenting that is adoption (Bartholet 1999). But the recent trend has been in the direction of reducing the importance of biology as a factor in defining parentage. Increasing emphasis is being placed on established and/or intended *social* as opposed to biological parenting relationships, with these factors sometimes weighing equally with or even outweighing biology (Bartholet 2004b). And there are indications that despite our traditional emphasis on adult rights over children's, we are moving, however slowly, in the same child-friendly direction as the rest of the world (Bartholet 2004).

THE POLITICS OF INTERNATIONAL ADOPTION

Those in favor of international adoption tend to focus on the one hand on the best interests of the children in need of homes, and on the other hand on larger community issues. With respect to children they refer to the social science and the child development expertise that demonstrates how harmful it is to children to grow up in institutional homes or on the streets, and how well

children do when placed in international adoptive homes. With respect to the larger community, they argue that international adoptive families, in which parents and children demonstrate the human capacity for love across lines of difference, are a positive force for good in a world torn apart by hatred based on racial, ethnic, and national differences.

Opponents of international adoption also focus on both children's best interests and on larger community issues. With respect to children they argue that children are best served by remaining in their community of origin, where they can enjoy their racial, ethnic and national heritage, and that they are put at risk when placed with dissimilar adoptive parents in foreign countries. With respect to the larger community they argue that international adoption constitutes a particularly vicious form of exploitation of the impoverished sending countries of the world by the richer countries of the world, and the loss of the poor countries' "most precious resources."

Advocates for international adoption reply that the opponents' claims are based on extreme romanticism, without any grounding in the available evidence and without support in common sense. They question how children doomed to grow up in orphanages or on the streets can expect to enjoy their cultural heritage in any meaningful way, and they question how impoverished communities will in fact be in any way enriched by keeping these children.

Some arguments made by adoption opponents seem harder to answer. They point out that at best international adoption is a band-aid operation providing homes to only a small fraction of the children in need in any sending country, and argue that the funds spent on giving homes to the handful would be much better spent improving conditions that would benefit the larger group of children in need. A related argument is that the governments of both sending and receiving

countries should do more to change the conditions of poverty that result in children being abandoned and surrendered for adoption, rather than making efforts to facilitate the transfer of such a limited number of children to adoptive parents.

These arguments raise hard issues, because it is clearly true not only that limited numbers of children are being placed in international adoption, but that even if laws were changed to facilitate such adoption, the numbers placed would never begin to seriously address the needs for adequate nurturing of all the children at issue. And in any event, the better, more humane solution would obviously be the one that the opponents of international adoption assert as their goal—elimination of the kind of poverty and injustice that means that there are so many desperately poor people in so many nations who are unable to keep and raise the children that they bear. But it is not clear that eliminating or restricting international adoption does anything to further this goal. It *could* be that international adoption diverts energy and resources that would otherwise be devoted to this goal. But it seems at least as likely that it has no such impact and instead actually operates to improve conditions for children in sending countries wholly apart from the children placed in adoption. Anecdotal evidence indicates that many international adoptive parents emerge from their experience with a much greater sense of commitment to contribute to social services of various kinds in their children's sending countries. They will also be more likely to support efforts by their government to contribute to foreign countries in need or to international organizations devoted to improving the lot of the world's children. Sending country officials that witness foreign adoptive parents gratefully taking into their homes children of different racial and ethnic backgrounds seem likely to realize new potential for placing these children in their own

country. In the meantime, the international adoption fees that parents pay contribute very real funds to the sending countries involved, with such funds often allocated to improving conditions in the orphanages from which children are placed for adoption. For example, it has been reported that more than ten million dollars were given directly to Chinese orphanages in 1996 as the result of a requirement that adoptive parents make a “donation” of \$3000 to the orphanage from which their child is adopted (Van Leeuwen 1999). Much higher figures have been reported in recent years as the numbers of adoptions out of China have increased.

Given the imponderables involved in deciding whether restricting international adoption would in any way actually improve conditions in sending countries’ orphanages or function more generally to reduce poverty and injustice, the fact that such adoption appears to radically improve life prospects for virtually all those children who are in fact placed provides a powerful argument for moving in the direction of expanding rather than restricting such adoption. (See below for discussion of the benefits for children in being placed in adoptive homes.)

However, the opponents of international adoption have had a major impact on policy. Despite the general increase in such adoption over recent years, and despite the increased sympathy to such adoption reflected in both international and in domestic legal developments, as discussed above, the future of international adoption is uncertain. The opponents’ ranks include many of the organizations that see themselves as promoting children’s interests. So, for example, international children’s human rights organizations succeeded in changing the focus of the Hague Convention negotiations so that the original goal of *facilitating* international adoption, and expediting the placement of children in need, was eliminated. And UNICEF has played a major

role in recent attempts to restrict international adoption, including efforts to pass an adoption “reform” law in Guatemala which would significantly restrict international adoption (Dillon 2003). Countries with millions of children growing up or dying in horribly inadequate orphanages or on the streets are regularly passing adoption laws which severely restrict international adoption or eliminate it altogether, in response to opponents’ demands. The European Parliament is now dominated by forces which are making countries in Eastern Europe interested in joining the Union agree to outlaw international adoption as a condition for joining (New York Law School Justice Action Center 2004). Romania, where ongoing poverty and dislocation resulting from the disastrous Ceausescu regime mean that vast numbers of children continue to be relegated to orphanages which deny them any decent life prospects, has released few children since the 2000 shutdown triggered by the baby-selling scandal. And, in June, 2004—largely as a result of the European Union’s pressure—Romania enacted a law eliminating international adoption altogether, except for adoption by a child’s grandparents (Evan B. Donaldson Adoption Institute 2004).

CONCLUSION: IMPORTANT ISSUES OF THE DAY

Controversy exists at the heart of international adoption and makes progress hard to define. The world is divided between those who argue that the goal is to open up international adoption to facilitate the placement of children in need of homes, and those who argue that the goal is to close it down to avoid further exploitation of these children, their parents, and their countries. However, focusing on the reality of children’s lives and needs may help the warring factions agree

on a pathway to reformed policies. Large numbers of children in the poorer countries of the world live in truly desperate circumstances. Too many of those in orphanages spend their infancy having bottles jammed in their mouths and propped in hopes that some nourishment will happen, left unattended for hours in between bottle-propping events, so that they learn early that making demands for human attention are meaningless (see Aronson 2004). Largely deprived of the human touch as they grow up, those who survive physically are unlikely to develop emotionally and mentally in ways that will make it possible for them to relate meaningfully and happily to other human beings, or to learn or work in meaningful ways. The longer they spend in such orphanages, the less chance they will have at anything resembling normal development (Aronson 2004; Hoksbergen 2002; Talbot 1998; Judge 1999; Bartholet 1988- and 1999). By contrast, those placed in international adoption flourish. Those placed in infancy will do essentially as well as other children in their new country. Those placed later will do far better than they would in the absence of placement—international adoption has been shown to overcome even very significant deficits caused by early deprivation, with the age of placement overwhelmingly predictive of the chance for normal life (Bartholet 1988- and 1999).

If policy makers were to genuinely commit themselves to improving the lot of the world's children, they might want to listen to the concerns expressed on both sides of the international adoption divide, and consider reforms that would both promote placement in international adoption and promote improvement in conditions in the sending countries. Policy makers committed to these twin goals should consider a variety of legal reforms.

First they need to ensure that children who cannot realistically be cared for by their parents

are freed for adoption as promptly as possible. The ASFA legislation recently passed by the U.S. Congress (discussed above) can serve as something of a model for other countries as they look at their domestic laws. Most countries have no adequate system for identifying children in need of adoptive homes and freeing them up from their biological parents so that they can be placed. Orphanages world-wide are filled with children who grow up with no meaningful tie to their parents except the technical tie that means they cannot be placed with adoptive parents. The same is true for street children. Law reform efforts need to focus on creating systems for identifying and freeing up children who have been effectively permanently abandoned, and they need to create realistic methods of expediting the process, so that children are placed in adoptive homes as early in life as possible. Ironically, and tragically, much of what now goes under the name of “adoption reform” pushes in the exact opposite direction. Countries regularly react to international adoption critics by passing laws eliminating private adoption, in which children are transferred more or less directly from birth parents to adoptive parents, insisting that children instead be placed in orphanages, and then often increasing the bureaucratic barriers between orphanage children and adoptive placement. The net effect is that infant adoptions are almost unknown today in the international adoption world, although they used to occur frequently, and that children released from orphanages today are generally many months and years older than they used to be. Insisting that children spend additional months and years in the conditions of the typical orphanage, or on the streets, is inhumane in the short term, and destructive in the long term of children’s opportunities to live happy and fulfilling lives, assuming that they even survive, as many will not.

Second, policy makers in both sending and receiving countries need to facilitate the

adoption process so that it better serves the needs of prospective adopters. This will not only promote their legitimate interest in parenting, but will maximize the numbers of parents for the children in need.

But policy makers also need to link these kinds of adoption reform efforts with initiatives designed to address the baby-buying and kidnapping problems that exist in the international adoption world. International adoption's opponents have grossly exaggerated the scope of these problems, using them deliberately to promote restrictive adoption rules to suit their larger anti-adoption agenda. But taking children from loving birth parents by applying improper financial or other pressures victimizes not only the particular parents and children involved, but the larger group of children and parents whose opportunities for legitimate international adoption are thwarted by the negative regulation that is so often triggered by adoption abuses.

Finally, policy makers need to work to improve conditions for the children who will not be adopted and for their birth parents. International adoption's opponents are correct in arguing that it can never provide homes for all the children in need, and that we must address the problems of poverty and injustice that result in children being abandoned in large numbers in the poor countries of the world. International adoption provides a natural trigger for such broad efforts at social reform. Adoptive parents and their governments become more aware of the problems of the countries from which international adoptees come by virtue of the adoption process. With this knowledge, and with the privilege of caring for these children, comes new responsibility for the children left behind.

ENDNOTES

1. An estimated 120,000-150,000 abandoned children were living in 600-800 Romanian orphanages as of 1989, with approximately 10,000 institutionalized children placed in international adoption between 1990 and 2000 (Hoksbergen 2002).
2. See also, for example, the 1991 Children Act in the United Kingdom, which gave children the right to sue on their own behalf in family law matters (Millar 1993).
3. The credit is reduced if the adoptive parents' modified adjusted gross income (AGI) is more than \$150,000, and eliminated entirely if their modified AGI is more than \$190,000. IRS publication 968, Cat. No. 23402W (Hampton 1988-).
4. The U.S. government has now taken steps, first initiated in 2003, to enable prospective adopters to ensure that foreign children available for adoption fit the orphan definition before the adopters go abroad to take custody (Friess 2003).

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