

A DAD'S ADOPTION NIGHTMARE

After bringing home a child from Samoa, Mike Nyberg learned she had a loving family back home **BY NINA BURLEIGH**

Standing with his video camera at the Auckland, New Zealand, airport in February 2004, Mike Nyberg watched the adoption agency worker lead in a saucer-eyed 4-year-old wearing a dirty blue dress and clutching a rubber ball. She was crying, but that didn't surprise the adoptive father in light of the heartbreaking story the agency had told him and his wife—that the girl had been abandoned by her destitute parents in Samoa and left in an orphanage. Under the circumstances, "there's not a child on the planet that wouldn't act this way," Mike recalls thinking. Still, he noticed, as she wept, she repeated a single word: "Tupu."

Back home in Spanish Fork, Utah, the Nybergs asked what it meant. In broken English, over the next weeks, the daughter they'd named Elleia explained: Tupu was her mother. She also had a father, Isaia, and seven brothers and sisters with whom she'd happily lived until the night a stranger took her away. Stunned but determined to find out more, the Mormon couple arranged for a missionary friend to visit Elleia's village; some months later he confirmed her story. "At first I was angry—who would do this?" Mike, 41, says. "Then I was sad and scared. What were we going to do?" ▶



"We miss her like crazy," says Mike (at home in Idaho, holding a picture of Elleia, with sons Porter, on floor, and Blaine).



HER SAMOAN FAMILY

"Mike is good for her," says Tupu (with daughter Sei [Elleia], now back at home with her and dad Isaia).

“They presented her as this girl whose parents were giving her up... I had no reason to question that”

—MIKE NYBERG

It was an adoptive parent's worst nightmare—and the Nybergs weren't alone. In a massive adoption-fraud case that involved more than 60 Samoan children and nearly 60 American families, federal prosecutors charged in 2007 that Focus on Children, an adoption agency in Wellsville, Utah, falsely represented to Samoan parents that their children would go on an extended study-abroad program—then put those children up for adoption. Earlier this year agency owners Karen and Scott Banks and three employees pleaded to lesser charges; they were sentenced to probation and banned from adoption work. The two governments also cut a deal: Samoa wouldn't challenge the adoptions, and the U.S. ordered the defendants to put up money for a fund to foster relationships between the children and their Samoan families. All but a few of the American parents have declined to comment (see boxes). The Nybergs were the only ones known to have returned their child.

For the Nybergs, who had struggled to add a third child

to their brood, the connection to Elleia was instant. Learning of Focus on Children through their religious community, Mike, a financial planner who paid the agency \$13,000, recalls gazing at her photo as the agency worker explained her “parents were giving her up; they couldn't feed her. I had no reason to question that.”

Even as he tried to unravel her puzzling story, Mike quickly bonded with Elleia. “She was such a little doll, it wasn't hard to love her,” he says. And despite her tear-filled nights, Elleia became part of the family—snuggling

with Mike as he read her Dr. Seuss and *Curious George*, going on family hikes in the mountains, getting T-ball lessons from her brothers Porter, now 6, and Blaine, 11. Still, when Mike would take Elleia grocery shopping, “she'd point at the mangos and pine-apples,” Mike recalls, “and say, ‘Samoa, Daddy!’”

Within a year after adopting Elleia, the Nybergs contacted authorities; their report helped launch the investigation into Focus on Children. Then, in late 2005, the Nybergs took Elleia to Samoa to see her family. “We needed to find out,” Mike says, “where her life should be.” At a pre-arranged meeting place, her parents, Tupu and Isaia So, were waiting. “She was hugging her mom, and her mom was crying,” Mike recalls. “Then she went to her brother. They hugged and hugged.”

Afterward Elleia's parents explained how they'd been misled by an agency worker into surrender-



Karen and Scott Banks (with a relative not involved in the case, center) leave a Utah courthouse in October 2007.

ADOPTION SCANDAL

Three American parents spoke at the Feb. 25 sentencing of Focus on Children owners Karen and Scott Banks—and there was outrage they wouldn't go to jail. “There are no words to describe [my] disdain and disgust,” adoptive mom Elizabeth Muenzler said.

FROM TOP: LEAH HOOGSTEN/THE SALT LAKE TRIBUNE; RICK EGAN/THE SALT LAKE TRIBUNE

“We were absolutely attached to her. This was a hard, hard choice”

—MIKE NYBERG

ing their daughter. They showed the Nybergs their home, a compound of wood-and-palm huts for the extended family, where they eked out a living growing pineapples, mangos, coconuts and beans. There was no plumbing, and “there were pigs and dogs and chickens everywhere,” Mike says. “The living conditions were not ideal by our standards. But she was receiving so much love.” The families agreed: Elleia—whose birth name is Sei—should stay in Samoa. The day they left, Mike recalls, “she hugged me and wouldn’t let go. She was bawling and I was bawling.”

Five months later Mike was astonished to get a call from the Soss. They were struggling and wanted to know, would the Nybergs take Elleia back, not to adopt but as a foster daughter, so she could get a U.S. education? “They said we know you would care for her and we still want her to have the American dream,” Mike says.



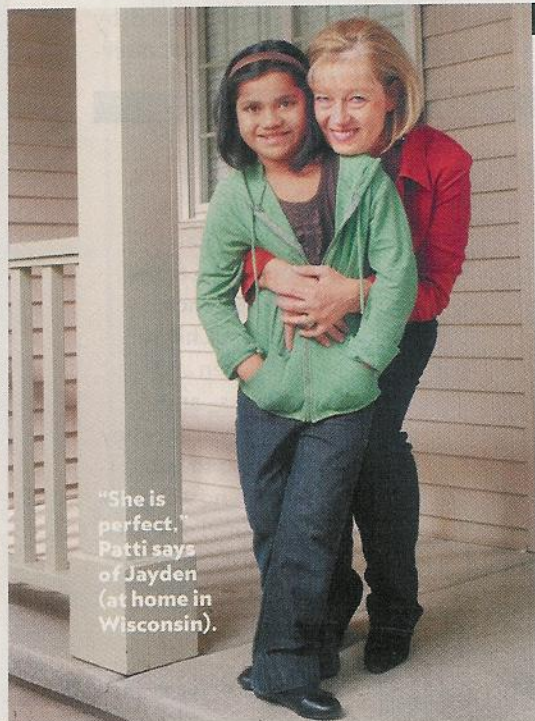
“This isn’t what any of us signed up for,” says Mike (in Samoa with Blaine, Porter and Elleia in 2008). “But now it’s up to us to do what’s best for her.”

He jumped at the chance, and Elleia returned to Utah.

But not for long. Already strained, the Nybergs’ marriage had come apart under the pressures of the past year. “Her [Mormon] parents expected her to be raised by an intact [Mormon] family—and we weren’t a whole family anymore,” says Mike, who now lives in Idaho and shares custody of his sons with his ex-wife (who didn’t return PEOPLE’s calls). “I called them, and they said they’d like to have her back.” In February 2007 Mike had to put Elleia on a plane back to Samoa,

this time for good. “I love my little girl,” he says. “I was heartbroken I wouldn’t be there for her.”

He’s still a part of her life—speaking to her by telephone and last year visiting Samoa with his sons. “We love Mike and his kids,” Elleia’s mother, Tupu, tells PEOPLE through a translator. Just last year one of Elleia’s older brothers named his baby son Mike; another named his newborn boy Nyberg. “Now,” Mike says, “Tupu and Isaia and I, we share a daughter together. It’s a strange dynamic for people to understand. But that’s what it is.” ●



“She is perfect,” Patti says of Jayden (at home in Wisconsin).

STAYING IN AMERICA

When Patti Sawyer adopted a 4-year-old Samoan girl in 2005, she thought she was rescuing her from a desperate situation. “I was told she was abandoned in a public bathroom, that she had no relatives whatsoever,” recalls Patti, 54, a divorced mother of two teenagers.

Unlike Elleia, Patti’s daughter—whom she named Jayden—never mentioned a family until 2007, after Patti received a letter from the State Department and started asking questions. “She remembered her mom

taking her to a ‘nanny house’ and crying,” Patti says.

As authorities investigated the adoption agency, Patti found herself torn. “How do you take a child away from her mother?” says Patti. But she wasn’t prepared to give Jayden back.

Her resolution: foster a bond between Jayden and her family. Earlier this year she arranged what she hopes will be monthly phone calls for Jayden, now 9. “Her father has this big, baritone voice,” Patti says, “and he said, ‘I love you.’”

Now Patti is scraping up funds to take Jayden to Samoa. “It’s exciting and scary for me,” she says. “But it needs to be done.”