



Families For Orphans Coalition Response to Opposition to the Families For Orphans Act - Ethica

The Families For Orphans Coalition supports the passage of the Families For Orphans Act in both the House and Senate. The Coalition also appreciates all reasoned commentary from key stakeholders.

The following represents the concerns of Ethica Inc. and includes the Coalition's response to each issue noted by Ethica Inc.

Response to Ethica's opposition to the Families For Orphans Act -

responses are indented and italicized.

1. Ethica describes the bill as an "international adoption" bill.

- *This is a misrepresentation, which only serves to feed into the 'anti-adoption' constituencies and does not accurately reflect the bill's scope or intent.*
- *The bill, in its very title, encourages a comprehensive strategy for **preservation, reunification and permanent parental care.***
- *The bill references 'international adoption' only 6 times, 3 of which are specific to eliminating corruption and establishing best practice.*

2. Ethica's Specific Reasons for Opposing the Bill – responses are indented and italicized.

- The Families for Orphans Act, if passed, would give the United States unilateral power to develop global child welfare strategies by providing financial incentives for other countries (including through debt and trade relief) to send their children abroad for international adoption.
 - *The bill does not directly or indirectly 'give the United States unilateral power'. Despite the United States' considerable influence, recent events in Honduras and Iran clearly demonstrate that the U.S. never holds unilateral powers on any issue.*
 - *To qualify for assistance of any type, the country must substantially **meet 18 individual minimum standards including child protection laws and programs to encourage family preservation.***
 - *Only one minimum standard references Intercountry Adoption (IA). The minimum standard for IA is that the country must allow IA – it does not state that the country must conduct IA.*
- Instead, the United States should be participating diplomatically with other nations in developing global child welfare strategies, for example, by finally ratifying the United Nations Convention of the Rights of the Child.

- *While the United States has not ratified the United Nations Convention on the Rights of the Child (UNCRC), this bill is based on many of the principles, most notably a child's right to a permanent family.*
- *The bill meets the suggestion of "participating diplomatically with other nations in developing global child welfare strategies" by including a diplomatic function into the office and addressing all permanency related services. The bill also addresses the lack of current U.S. activity in developing domestic adoption and intercountry adoption.*
- The bill legalizes an overly broad definition of "orphan", capturing countless numbers of children who already have loving families, potentially including, for example, children who reside in boarding schools away from their primary caregivers.
 - *The definition of orphan is **actually less broad than that defined by UNICEF**. The UNICEF definition includes children currently living in a one-parent family.*
 - *The claim that children living in a boarding school would be included in the definition is inaccurate. For children living in boarding schools to be included in the definition, the child must meet at least one other definition of orphan. Boarding schools are only included **when the school's specific purpose is to house orphans**.*
 - *The bill's definition includes boarding schools for orphans due to the fact that some countries attempt to categorize orphanages in more favorable terminology such as 'boarding school', **yet the school functions as an orphanage**.*
 - *This provides more, not less, protection to children's right to a permanent family*
- This bill augments existing financial incentives for countries to favor international adoption by offering additional financial incentives, including technical assistance, grants, trade, and debt relief from the United States, which may sacrifice established child welfare principles by favoring international adoption over local solutions.
 - *The bill does not favor intercountry adoption over local solutions provided the local solution provides a **permanent** family for the child.*
 - *The bill contains 18 individual minimum standards, only one of which is related to intercountry adoption..*
 - *The **minimum standards call for preserving existing families, reunification of children with families of birth or relatives, permanent guardianship and domestic adoption**. Again, the bill does not promote IA over any of these local and permanent solutions.*

- Reunification efforts are “time-limited” which may cause original families to be unnecessarily separated from their children.
 - *“Time-limited reunification efforts” meet the “best interest” principle of the UNCRC, the Hague Convention on Intercountry Adoption and the Hague Guide To Good Practice.*
 - *Experience and research, such as the Harvard lead Bucharest Early Intervention Project, clearly demonstrates that ‘indefinite’ reunification efforts damage children in virtually every aspect.*
 - *The United States, after decades of focusing on reunification, now promotes ‘time-limited’ reunification efforts.*
 - *Current reunification practices, including those of the United Nations High Commission on Refugees (UNHCR), can **keep children outside of permanent family care for up to 10 years.***
 - *Such lengthy reunification efforts would not be defined by any reasonable person as “in the best interest of the child”.*
- Conflicts exist with various definitions in the bill. For example, long-term kinship and guardianship arrangements which are considered “permanent” care under the bill may simultaneously be considered long-term foster care arrangements, which are considered to be temporary care under the bill.
 - *The ‘conflict’ stated by Ethica, does not reflect the full definition of kinship-care and guardianship. The bill defines both as permanent care if and only if they are “legally recognized and intended to be permanent”.*
 - *The terms are referenced as ‘temporary’ only when they are intended to be temporary.*
- The bill requires “cultural norms” to be taken into account, but only to the extent consistent with the purposes of the bill. The bill permits the United States then to essentially disregard a country’s cultural norms.
 - ***Universal human rights, including a child’s right to a family, should be promoted by the United States and all governments.***
 - *When a country’s cultural norms do not satisfy universal human rights, the United States should promote and favor human rights.*
 - *Examples include;*
 - *Religious freedom which the U.S. promotes through a specific law and office*
 - *Female Genital Mutilation – a cultural norm which is decried by virtually all countries and NGOs such as UNICEF*