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Madonna's adoption of a child from Malawi and the controversy that generated grabbed headlines. But what about the average person? For them it's becoming more difficult to adopt children from China, Russia and Guatemala. By 2008, the U.S. will join the Hague Convention on Intercountry Adoption, an international treaty which will govern the adoption process across national boundaries. Join us on this edition of Justice Talking as we look at international adoptions: how this new treaty will affect adoptions worldwide and what can be done to help children around the world looking for families.

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MARGOT ADLER: This is Justice Talking. I'm Margot Adler. It's not uncommon anymore to know someone who has adopted a child from another country. Last year, American families adopted about 20,000 children from places like China, Russia, and Guatemala. On today's show we'll find out why international adoption has become a popular choice for people wanting to expand their families. We'll hear from all sides of international adoption, from parents and children who have been through the process to advocates and adoption professionals who have strong ideas about what could make international adoption safer for everyone involved.

To begin with, I met with a family in Forest Hills, Queens to talk with them about their experience of adopting a child from Russia. Ellen and Larry Anderson are the parents of two children: a biological daughter, Elizabeth, who is 24, and they adopted their daughter Martha from Russia when she was just over a year old. She's now 14. When I asked Ellen why the family decided to adopt, her first answer was surprising.

ELLEN ANDERSON: Barbara Walters. [laughs]

MARGOT ADLER: No really.

ELLEN ANDERSON: No really. We were watching 20/20 back years ago and she did a piece on Romania and all the children there and how difficult it was for them. And when I saw that my first reaction was let's go to Romania. Let's adopt. And then Romania closed down. The government closed down. And then Russia opened up, and so we proceeded.

MARGOT ADLER: When Ellen and Larry Anderson began thinking about starting a family, they seriously considered adoption. They applied to and were accepted by the New York adoption agency Spence-Chapin. Then Ellen became pregnant with their first daughter Elizabeth. In 1992 when they decided to add a second child to their family, Ellen says she and her husband had few qualms about adopting internationally, despite the fact that at that time very few American families were adopting from Russia. The adoption process took just about nine months and included two trips to Russia. Larry recalls first meeting Martha.

LARRY ANDERSON: We were very warmly received by all of the Russian officials, and when we visited we could tell that Martha was very much loved, well taken care of as with the other children. We very much have felt that we're ambassadors for not only the agency but also for our country and very much in tune with all of the basic principles for international adoption and creating families.

MARGOT ADLER: Larry and Ellen's eldest daughter, Elizabeth, accompanied her parents to Russia. She celebrated her 11th birthday in Moscow. As an only child she describes her feelings about her sister's adoption as a mix of jealousy, excitement, and concern about how her family would change. Once back in Queens, however, she quickly got used to having Martha around.

ELIZABETH ANDERSON: When she came home from Russia she wasn't walking yet. And within--it was the first week of November--and within three weeks I was sitting on the floor in the basement and she came barreling, running across the basement into my arms and almost knocked me over. So yeah, it was a totally easy adjustment and now, obviously, very shortly thereafter, now I can't imagine not having her in my life.

MARGOT ADLER: Martha was 14 months old when her parents brought her to America. That was more than 12 years ago. She says she has no memory of Russia and yet she always knew that's where she was born.

MARTHA ANDERSON: There's not really a time when I can't remember not knowing that I was adopted.

MARGOT ADLER: I asked her how most people react when they find out she was born in Russia.

MARTHA ANDERSON: They think it's really cool and they're really open to it. Like at first I was kind of hesitant to say because I was kind of nervous with it. But when I say it they just keep, they really--they are intrigued by it, interested by it.

MARGOT ADLER: The Andersons say they've always been forthcoming with Martha about her adoption. Today she volunteers at Spence-Chapin, the agency that arranged her adoption. She

mentors kids like her who were born in Eastern Europe. She knows what it's like for them. Larry admits that at first he worried whether he would be a good father to an adopted child. In the years since Martha's adoption, however, he has learned that his initial concerns were unfounded.

LARRY ANDERSON: For me one of the interesting things that I kept mulling over in my mind when the adoption became a reality was would I love this second child coming into the family in an equivalent fashion? And would I actually compartmentalize between having had a biological child and then a child via adoption? And it was a fascinating phenomenon for me and a journey where in this metamorphosis of how our family, you know, was now created that I absolutely and unequivocally love both the girls in identical fashion.

MARGOT ADLER: Ellen Anderson offers this advice to any parent considering adoption today.

ELLEN ANDERSON: Go to a really good agency, that's really key. And then follow your heart, and with your head--and the agency will have the head part and you'll have the heart part, hopefully, and it will all work.

MARGOT ADLER: The Andersons chose to adopt a child from Russia more than a decade ago. Today that country still remains one of the most popular places from which to adopt a child. To learn more about our country's history of adopting children from abroad I talked with Adam Pertman, the executive director of the Evan B. Donaldson Adoption Institute, an adoption research and education group in New York City. He's the author of the book "Adoption Nation." I asked Adam why American families first starting adopting children from other countries.

ADAM PERTMAN: Whenever there have been crises abroad, wars abroad, famine abroad, people come in and adopt children who need homes. The institutional adoption as we know it internationally really started after the Korean War. That's when a lot of Amerasian kids were on the streets. Korea didn't accept them. The guys who'd fathered those kids had gone home. And so those kids didn't have families. And the adoption of those children by Americans was really the start of international adoption, as we know it today.

MARGOT ADLER: A lot of people adopted from Romania in the early '90s. Now China and Russia are among the most popular. What accounts for the change in countries where people adopt from?

ADAM PERTMAN: Typically, adoption steps in when kids need homes, when there are kids available for people who want to adopt them, who usually who are infertile but not necessarily. That means the parents, the communities in which they live, aren't taking care of them. So that's usually the result of economic crises, of war, of pestilence, of AIDS, for example, in Africa today. You know, it's some phenomenon that causes children to become homeless or at least for the parents to be unable in most circumstances to parent them.

MARGOT ADLER: And how do American parents choose a country to adopt from?

ADAM PERTMAN: People make their decisions based on a lot of considerations. One is certainty. So if they hear, or know, that a given country has children available and has a process in place that makes it accessible, that makes this a defined, systematic certainty, I guess is the word I'm looking for, then that becomes very attractive. You don't want to go somewhere where it's going to be frustrating and expensive.

MARGOT ADLER: And so I would imagine that there's a lot of buzz, there's a lot of talk, there's word of mouth, and I would imagine the Internet has changed things a lot in regard to giving that kind of information.

ADAM PERTMAN: That's right. The Internet is huge. The truth is that an awful lot of people, maybe even a majority, wind up adopting in the way the people they know adopted. You know, in other words, if you have friends who adopted from Russia and that process worked, then gosh, there's a pretty kid in a wonderful family, I think I'll do that. And fill in the blank with China or Guatemala or India or Romania.

MARGOT ADLER: Describe the business of adoption in America, the agencies that help parents adopt children. Who, for example, makes money from international adoption?

ADAM PERTMAN: It's important, I think, to start by saying it sounds awfully obvious but we don't buy and sell children. I mean too often the vernacular is oh, how much did that kid cost? Well if that kid costs, something illegal happened and we ought to do something about it. But it's really important to me, and I think for everyone's understanding, to think about it as payment for services, the services required to complete an adoption. Those are legal services, medical service, social work. There are practitioners of all sorts. The primary ones are agencies, public and private, and attorneys. And there are also facilitators. And some people even wing it and go out and do it privately on their own. Internationally, the overwhelming majority of adoptions are done by agencies. The costs probably run typically anywhere between \$15,000 and \$30-\$35,000.

MARGOT ADLER: For a family to adopt a child?

ADAM PERTMAN: For a family to adopt a child or an individual to do so.

MARGOT ADLER: And what do the home countries get out of adopting, of having their children adopted?

ADAM PERTMAN: First and foremost the children benefit because they get families. I mean, if any country can take care of all its kids we don't have adoption, right? International adoption, certainly. And the bottom line for any country is if we care about our children and we know from research and experience that they grow up best in loving families, then we try to get them loving families.

MARGOT ADLER: I know you said we don't buy and sell children, but is it lucrative in any way for the countries who give up their children?

ADAM PERTMAN: Well, if one looks at it through an economic prism, and you can do that, there's certainly economic benefits. I mean, one is that if a kid is adopted, he or she is no longer in an orphanage requiring the care that that institution gives. And that care costs money obviously. And at the same time there are fees involved, country fees, and often orphanage fees, involved in the placement of a child abroad. So there is money coming in as well.

MARGOT ADLER: In your opinion, why do most people choose to adopt from a foreign country and not from America?

ADAM PERTMAN: I think it's quite complicated. In no particular order people adopt in a way that they think is most certain. In other words they want to become parents. They want to give a kid a home. And if their sense is that that's best accomplished by going to China rather than Chicago, then they're going to go to China. Some of it is perception. Some is reality. People, for example, perceive that the foster care system can be terribly bureaucratic and difficult to negotiate, and so they say I'm not dealing with that. And there are a whole lot of other reasons, dealing with ethnicity, dealing with race, dealing with money, dealing with status, dealing with desire or lack of desire, to deal with birth parent issues. So some of it is, you know, is understandable, and some is the consequence of a lack of education because adoption has been a very secretive process for most of its history. So people entering that process really most often don't have a very strong sense of what's real, what's not real, what works, what doesn't work. So they'll go to one class or listen to one friend and they'll walk that road. And it's not necessarily the right road. But in the end it--this sounds really ridiculous--in the end it is the right road because ask any adoptive parent and the kid they got was--they will tell you almost to a one--was the one they were meant to have however they got to that decision.

MARGOT ADLER: Adam Pertman is the executive director of the Evan B. Donaldson Adoption Institute, an adoption research and education group in New York City. Coming up, I'll talk more with him after the break about some recent changes in international adoption, and a debate on whether a new international treaty on adoption will make international adoptions more expensive.

UNIDENTIFIED FEMALE: Unfortunately, what we see is that adoption is going to become more expensive but there's not to be a corresponding increase in protection necessarily for adoptive parents that would have made it really worth the costs.

MARGOT ADLER: Stay with us.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. We're talking about international adoption. Here's more of my conversation with Adam Pertman, the executive director of the Evan B. Donaldson Adoption Institute. International adoption has become increasingly popular in America in the last two decades. I asked him how many foreign children are being adopted by Americans today.

ADAM PERTMAN: The number is about 21,000 a year and it is roughly, to back up your point about the increase, that is roughly triple the number of 15 years ago. So it has skyrocketed.

MARGOT ADLER: And what are the most popular countries that people are adopting from today?

ADAM PERTMAN: Today, well, this has shifted in the last year just a little bit, for the last decade roughly the most popular countries from which to adopt have been Russia and the countries of the former Soviet Union, and China. This past year Guatemala sort of snuck up and got ahead of Russia. China was still number one. And after that Korea. Ethiopia is creeping up.

MARGOT ADLER: I understand that there was a slight decrease in the number of foreign adoptions in 2006. Is this significant?

ADAM PERTMAN: It's hard to know. If we see the trend continue, then it's certainly significant. If it turns out to be circumstantial then that's another matter. And we'll just see it as a blip because there've been blips throughout history in adoption as with most other things. And again I'll go back to what I said earlier: you know, adoption is prevalent when there's a problem. You know, when there's poverty, when there's war, when there's AIDS, when kids need homes. And so the place we are on the bell curve differs from year to year because those circumstances differ from year to year.

MARGOT ADLER: And why the drop this year?

ADAM PERTMAN: Circumstantially what happened this past year is China decided it was going to change its adoption laws.

MARGOT ADLER: This is where they said that you have to be a certain age and you can't be single and--?

ADAM PERTMAN: That's right. They're tightening up, and during the process of tightening they slow down adoptions. And that's primarily the reason for the overall drop.

MARGOT ADLER: And these changes, are they going to affect adoptions this year? What's the status right now?

ADAM PERTMAN: We don't know for sure what's going to happen because we don't know how they'll be implemented. The proof is always in the pudding. We know they put many more restrictions on. We know that they want thinner couples rather than fatter singles and some other rules as well. But a question in my mind is do more couples now step up and say great, this is good for us, we're going to adopt from China. If that's what happens, then I don't think we're going to see a drop in numbers. If the tightening means that a lot of the applicant pool just strips away and people say I'm never going to get a kid there, I'm going to go somewhere else, or I'm going to adopt domestically, or I'm not going to have kids, if that's what happens, then this will probably be sustained. There's no way to know yet. If in fact the kids who need homes continue to get them then whatever the numbers are that's fine. If it means further restriction, means the

kids who really need homes aren't going to get them because there aren't enough applicants, then that would be a shame. That would be a bad consequence of this new policy.

MARGOT ADLER: I want to talk about how international adoption is regulated. I know that there is an international treaty on adoption called the Hague Convention on Protection of Children in Intercountry Adoption. How did this treaty come about? And what will it accomplish, and has the U.S. ratified it?

ADAM PERTMAN: Well, the U.S. is in the process of ratification/implementation right now. It should be in force as early as next year. And it's being implemented now. Agencies and other practitioners are applying for accreditation. And so we're going to see this unfold very soon.

MARGOT ADLER: And what does it do?

ADAM PERTMAN: It does--tries to do everything. The answer to your earlier question is that adoption for a long time has been minimally regulated or monitored on an international level. So about 15 years or so ago, a little longer, there was a convocation at The Hague, in which the U.S. was a part, in which they said: What is it we want to try to do relative to international adoption? They decided they wanted, for example, to minimize or stop child trafficking, deal with birth parents in a more respectful manner and make sure they're not getting their kid snatched away. They want to make sure that money doesn't change hands so that it effectively becomes "baby buying." The Hague treaty is what came out of those meetings and it is an effort to do something about all of that. It will for the first time enforce a legal and structural framework for intercountry adoption, for the signatories. If you're not a signatory it requires things like accreditation, training, monitoring, insurance. And the effort is a very broad one to try to make an international adoption a standardized, ethical, thoughtful, humane practice.

MARGOT ADLER: Adam Pertman is the executive director of the Evan B. Donaldson Adoption Institute. He is the author of the book "Adoption Nation: How the Adoption Revolution is Transforming America." Thank you so much for coming on Justice Talking.

ADAM PERTMAN: It was my pleasure.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. In the late 1980s, international adoption was plagued with scandals. Some American parents unknowingly brought home children who weren't legally up for adoption and there were rumors of baby buying and bribing birth parents to give up their children. Today international adoption has greatly improved. But there's still no legal standard that governs the process of adopting a child from a foreign country. Later this year the United States plans to join 69 other countries in ratifying an international treaty. It's called the Hague Convention on Intercountry Adoptions. The Hague treaty promises to impose strict rules on how international adoptions are carried out, but some fear it could also make adoption more expensive for adoptive parents or it could affect which countries Americans can adopt from.

Joining me to discuss the implications of the treaty are Trish Maskew and Tom DiFilipo. Trish Maskew is the president of Ethica, an adoption advocacy group in Silver Spring, Maryland. Tom DiFilipo is the president and CEO of the Joint Council on International Children's Services. Welcome to both of you.

TOM DIFILIPO: Thanks Margot.

TRISH MASKEW: Thank you.

MARGOT ADLER: Trish, paint a picture for me. What kind of abuses were being committed back then that led to the idea of an international treaty on adoption?

TRISH MASKEW: Well, the record around the beginning of the adoption treaty, some of the things that I've read, they basically talk about concerns about child trafficking. The involvement in illegal adoptions of agents that were working for agencies and sometimes doctors and hospitals and attorneys and even judges in some countries that were participating in this, there was some talk of abductions for the purpose of adoption out of South America. And a lot of concern about the--here in the United States--about the fact that adoptive parents were not getting accurate medical information on the children they were adopting.

MARGOT ADLER: Tom, tell me what the Hague treaty is going to mean for agencies, for parents, and adopted children.

TOM DIFILIPO: Well, theoretically it's going to bring additional protections to all the different players in the adoption community, whether it's the child, the birth parents, adoptive parents, agencies, governments. It will allow parents to have a certain level of service provided by adoption agencies. It will provide a structure within the sending country for ascertaining the actual status of the child to make sure that they are in fact an orphan and are ready for international adoption. That's again just the theoretical part. In practice it's not really going to impact all adoptions that happen internationally.

MARGOT ADLER: Trish, what do you see as the strengths of the treaty?

TRISH MASKEW: One of the things that's great is that it requires agencies--one of the agencies involved in an adoption to be a primary provider. Somebody has to take responsibility for the adoption. I think that's a big change for consumers. I think that probably the largest consumer protection victory for adoptive parents is the fact that agencies have to have professional liability insurance, which has not been the case up until now. And they also have to provide initial disclosure of fees. And the names of the people they work with, things that parents need, and that regulations actually mandate that agencies have to use due diligence in providing medical information and social information about the children that they're going to adopt.

MARGOT ADLER: Tom, are there any weaknesses that you can point to in the treaty?

TOM DIFILIPO: Absolutely. I think the biggest weakness is the fact that not every country has signed on to the treaty. So therefore when the United States ratifies, hopefully this year, it will in

effect be a dual system for intercountry adoption. And the protections that are offered to some families and some children will not be available to everyone.

MARGOT ADLER: I'd like to ask you both in general how well regulated is international adoption today? Let's start with you Tom.

TOM DIFILIPPO: Well, it's layered. Each state has its own regulations that an agency must adhere to. Then there's some federal regulations. There's regulations for each country. So in Russia you must be accredited there. You must have an NGO status here. You have to be a nonprofit. These are just for The Hague as we're speaking, okay? If it's not a Hague adoption then these don't apply, unfortunately. And that's where I think the biggest problem is, the biggest hole, is that it doesn't apply to all adoptions.

MARGOT ADLER: Trish, how well regulated is international adoption today in your view?

TRISH MASKEW: Unfortunately, we don't think it's very well regulated at all. On the state level, the states do require agencies to be licensed, or most states do. But those licensing provisions don't really reach to international adoption, to the problems that are the most prevalent. The consumer protections devices that we would like to see for adoptive parents--no state requires an agency to take responsibility for its workers overseas. And then even on a--like as Tom was saying--in Russia: Russia has a rule that says that you have to be accredited. And yet we all know that there are many agencies working in Russia who are not accredited. And that there's no one here in the United States that can enforce those laws and there's no one that forces agencies to take accountability.

TOM DIFILIPPO: There's a lot of voluntary regulation that you can go after. Prior to the Hague treaty being ratified. So as of right now, agencies here in the United States can go through an accreditation process, for instance. And many, many of them do. They also belong to associations like ours and other like-minded groups. Overseas they can become NGOs in the country. They can have offices. They can have contractual agreements. And many, many of them do. The problem is that it's not enforced. It's not required, I should say. So there's a huge area, a huge field out there of unsupervised, unassociated, and unknown players. And there's where most of the problems are.

MARGOT ADLER: We're talking about international adoption with Tom DiFilippo of the Joint Council on International Children's Services. We're also talking with Trish Maskew, the president of Ethica. I'd like to talk for a minute about the cost of adoption. Initially there were concerns that the new treaty would increase the cost of adoption for parents. Trish, do you think that this will happen?

TRISH MASKEW: Absolutely. Unfortunately, I think that, you know, any amount of regulation and protection is going to add some costs. And I think that certainly the cost of liability insurance, the cost of accreditation, all of those things will be added to the cost of agency fees and they're going to be passed on to adoptive parents. There was the potential, had we put some control on the amount of fees that could be charged by these overseas workers, which the agencies have talked often about the fact that they don't have a lot of control over. You know,

these, for instance, attorneys in Guatemala sometimes charge agencies up to \$20,000 for their services. And they know what the market will bear and they continue to raise them. And the agencies don't have a lot of control over that, because we didn't actually put any controls on that type of fee in these regulations, you know, we could have perhaps done something to keep those fees down and maybe it would have mitigated the rise. Unfortunately, what we see is that adoption is going to become more expensive, but there's not going to be a corresponding increase in protection, necessarily, for adoptive parents that would have made it really worth the costs.

MARGOT ADLER: Tom, should rising costs be a concern?

TOM DIFILIPO: I don't think so. No, I don't believe that the costs will rise dramatically because of the new regulations, or the Hague regulations. Certainly it will have an impact, and I'm speaking about members of our organization, agencies that choose to belong to the Joint Council. Most of them, or I should say a large portion of them, already have a lot of the infrastructure in place to handle the Hague regulations. So I don't think it's going to be a big hit financially for them. It certainly will impact many of these smaller service providers, of which there are a lot, that provide a high level of service. So their fees may go up. But across the board I don't see this big impact that others are forecasting.

MARGOT ADLER: Tom, say a family finds out that their adopted child has unforeseen medical problems. What kind of legal recourse do adoptive parents have?

TOM DIFILIPO: It depends on the relationship they have with the specific agency. Each family would have their own contractual agreement with the placing agency. And it depends by what you mean by find out that they have medical problems.

MARGOT ADLER: Well, let's say that you were told that your child had a very minor heart murmur and suddenly it turned out that they had to have a heart transplant. You know, something like that.

TOM DIFILIPO: Well, if it was something that was hidden with purpose--so if there was fraud involve--then of course they would have both criminal and civil recourse. And this is where I think sometimes with intercountry adoption there's this misperception that all information is known. A lot of countries simply don't have nor do they provide a substantial amount of medical information upon which you can make a full lifelong diagnosis. You know, no matter how you create your family there are risks involved, whether it's by birth, domestic adoption, or intercountry adoption; it's not a risk-free process. So there is legal recourse. It just depends on whether or not it was done fraudulently or just simply by course of action.

MARGOT ADLER: And that legal recourse is with the U.S. agency?

TOM DIFILIPO: Absolutely. Yes, with U.S. agencies.

MARGOT ADLER: Trish, I get the sense that you wanted to jump in here?

TRISH MASKEW: Yeah. I think that Tom's absolutely right: there's no way that you can diagnose everything. And there are always risks that need to be taken. I think that the problem that we see in this particular issue is that agencies often use in their contracts what we would call a "blanket waiver of liability" that says we're just not responsible for any of the information that comes out of the country. We can't verify it. A lot of those exemptions or clauses eliminate any responsibility of the agency. And so short of showing that they, that the agency itself willfully hid information, it's very difficult for the families to have any kind of recourse. Unfortunately, under the regulations that's probably going to continue to be the case with many of these overseas providers, because they're not covered by the new regulations that say that you must do everything that you can do to get this kind of information.

MARGOT ADLER: Tom, under the Hague treaty, each country has to establish a central authority to oversee adoptions, insuring that there will be an oversight to the process. What about a country that can't afford or doesn't have the infrastructure to implement some of the requirements?

TOM DIFILIPO: The treaty is supposed to serve the best interests of the child. And creating rules--regulations are good, but when they're done in a way that does not allow a child access to permanency through adoption, I think then that's not in the best interest of the child. So a country like Guatemala that does not have the infrastructure in place or the necessary funding to meet every single requirement in a timely fashion is problematic. Other countries, particularly ones in Africa that don't have the, all these infrastructures in place, a judiciary that's effectively, you know, running on a day-to-day basis, those are situations where we have more concern about the access that a child has to adoption.

MARGOT ADLER: Tom DiFilipo is the president and CEO of the Joint Council on International Children's Services. Trish Maskew is the president of Ethica, an adoption advocacy group in Silver Spring, Maryland. She's working with countries to ratify the Hague Adoption Convention. Thank you both for joining me.

TOM DIFILIPO: Thank you, Margot.

TRISH MASKEW: Thank you.

MARGOT ADLER: Coming up, we'll talk with an adoption expert about how to integrate the culture of a child's birth country into family life. And we'll hear one father talk about the difficulties adoptive parents sometimes face.

UNIDENTIFIED MALE: On Chinese New Year she sat in my lap and asks me to cuddle with her. As I held her close she said I'm homesick, Daddy. I miss China. Her eyes filled with tears. You can go back to your home anytime you want, she said, but I can't. She started to cry and didn't stop for a long time.

MARGOT ADLER: More on international adoption. Stay with us.

MARGOT ADLER: This is Justice Talking. I'm Margot Adler. On today's show we're taking a look at how international adoption is regulated. We heard how a new international treaty on adoption could change the landscape for adopting children from abroad. But China recently changed its rules on who can and cannot adopt children from its country. Many people who were hoping to adopt children from China found themselves waiting much longer than they had expected. Reporter Steve Mencher has this story.

STEVE MENCHER: On a quiet street in a northern Virginia suburb of Washington, D.C., an eleven-month-old girl is happily driving her toy baby carriage into a wall while her parents Brad and Kathy watch with pride.

BRAD: Boom! Was that the wall?

STEVE MENCHER: Brad is a 46-year-old lawyer. Kathy is a 45-year-old teacher. They've been married 22 years. They brought Claire home from China in November to join the daughter Kathy gave birth to twelve years ago.

BRAD: We looked into the Korean program but I was too old to adopt an infant, so we've had friends and other folks that we know that have adopted from China, and they had great experiences. And our research indicated that they have a centralized adoption agency and it's very systematic. And the children actually are pretty well cared for, so we took all that into consideration and said this is probably the place we need to go.

STEVE MENCHER: When Brad and Kathy started the process, adoption from China was reaching a peak. In 2005 nearly 8,000 Chinese children came to U.S. families. But as they waited to be matched with Claire, something was going on in China. They had expected to come home with a child a year ago, but their wait nearly doubled from an expected year to about two. This was typical in 2006, as China to U.S. adoptions fell about 20 percent while applications increased. Sandy Rappeport directs the China program at a Maryland Agency called Adoptions Together. Families returning home with their girls after a tour of China last year provided her one clue about the slow down.

SANDY RAPPEPORT: We had families who visited who adopted 10 years ago who were taking their children back and they went to 11 different orphanages. Every single family reported back that there were half or less the number of kids in the orphanages as were there 10 years ago.

STEVE MENCHER: Some say there are fewer children available because of increased domestic adoption in China. Others point to the possibility that more Chinese families can now afford to pay the fines for having and keeping a second child. Whatever the case, a perfect storm of fewer children and more waiting parents has led China to announce strict new rules about who is eligible to adopt. There are new guidelines about the weight, health, and income of prospective parents, but other restrictions have been getting the lion's share of attention because they affect

the most people. Patrick Mason is a Washington-area doctor. He heads a clinic that addresses the health concerns of families adopting internationally.

PATRICK MASON: Before, we would see single women or single men even. We would see older couples. These families would try to have children on their own, were unable to do it because of their perhaps older age or for whatever reasons and then decided to seek international adoptions. Now, unfortunately again because of the rule changes, these are also families that would not be allowed to adopt now. So I think the biggest change we're seeing is really the profiles of families. And unfortunately that means that a lot of good, loving parents will not be able to adopt a child.

STEVE MENCHER: Bottom line, women like Theresa Raphael, 51 and divorced, are no longer welcome to adopt from China.

THERESA RAPHAEL: Who's that?

LILY RAPHAEL: Mama Lai.

THERESA RAPHAEL: Mama Lai, that's right.

STEVE MENCHER: Theresa and her daughter Lily, now five, came home together from China two years ago. They've looked through this scrapbook, which chronicles their meeting and their trip home to Olney, Maryland many times. With Lily in her lap, Theresa points to a favorite picture.

THERESA RAPHAEL: That was the moment I held her for the first time and she was kicking and screaming and her shoes flew off of her feet. She was three years old. They were leaving her with this stranger that she didn't particularly like at the moment. She cried for about an hour and a half, two hours, just sobbed. And then she fell asleep in my arms. She woke up and she was fine. Yeah, I had my kid. Right, yeah?

LILY RAPHAEL: Uh huh.

STEVE MENCHER: Because she was single and in her late 40s, Theresa had been told that her wait would be a lot shorter if she adopted what was called a "special-needs child. Lily's special need was said to be an easily correctable heart problem. Three weeks after she brought Lily home to the U.S., Theresa took her to a cardiologist and received some unexpected news.

THERESA RAPHAEL: Lily has something called "tetralogy of Fallot," and she's so far at the end of the spectrum of people who have this disease that she's--that surgery isn't going to do her any good. And sometime around when she's 18, 21, she's going to need a heart/lung transplant. So--and I didn't know that when I adopted her.

STEVE MENCHER: Even if she were to get a transplant to fix this major heart defect, the outcome is no sure thing. For so many reasons, Theresa wants another Chinese girl to complete her family and to provide a sister for Lily. But single and 51, she's out of the running. Theresa

wrote an email message the day after our interview to make sure I didn't describe her as feeling cheated or say that she wanted to adopt a second child because she thought adopting Lily had been a mistake. You should know the Yiddish word "bashert" to understand her note. It's a word that can mean a "soul mate" or simply "fate." "Lily and I fit together and I guess I feel it was bashert, that we were meant to find each other," Theresa writes. "Her issues aside, she is my child. She's a nurturing, giving little soul and there may be a little girl out there who would have had a wonderful big sister." For NPR's Justice Talking, I'm Steve Mencher.

MARGOT ADLER: Preserving an adopted child's birth heritage through cultural activities is important to many families who adopt internationally. It can be done in many ways, from taking a trip to the child's birth country to celebrating international holidays at home. Joining me to talk about how families can do this is Deborah Johnson. She is a social worker and the director of the Ties Homeland Tour Program at the Adoptive Family Travel Agency, which arranges trips for adoptees and their families to visit the child's birth country. Thank you for joining us.

DEBORAH JOHNSON: Thank you.

MARGOT ADLER: What's a good age for a child to first visit his or her birth country?

DEBORAH JOHNSON: If the goal is for your child to get a better understanding of the culture, to feel some connection to their roots, I think, you know, that can happen 10, 11, 12 years old. If you're looking for something deeper, if you're entertaining the notion of looking for biological relatives or those kinds of things, then I think a child needs to be a little older, and the child needs to be the one that's really presenting that that's something they want to do. And typically that doesn't happen until a child is, you know, later teen or early adult.

MARGOT ADLER: How do most kids react when they first travel to the countries where they were born?

DEBORAH JOHNSON: I think for a lot of kids they are really surprised. Many of the countries where kids were placed for adoption have experienced rapid development and so the kids that travel to Korea, you know, they land in downtown Seoul where there's 12 million people. It makes Manhattan look like a little village. They're looking for the little pagoda-shaped homes out on the rice paddy fields with a little white crane, and they don't see that. So I think their perceptions of what their birth country is changes almost literally in that moment of wait a minute this is a big modern city. I think the other thing that surprises kids is many kids go with the impression that I'm going to go to my birth country and I'm going to instantly feel pretty comfortable, everyone will look like me, and I'll just fit right in. And typically the kids feel really American when they get there. They don't speak the language. They are really out of their element. And the people within those countries pretty easily can identify them as Americans.

MARGOT ADLER: And do some of them have memories from the original country or mostly not?

DEBORAH JOHNSON: Most of the kids come so young I would say the vast majority of kids are coming before the age of one. Now, we have had kids who traveled with us who were older: I remember one year when we were in Korea we went to see the orphanage where this young man was from and he walked on to the orphanage grounds and he said "I remember that swing set."

MARGOT ADLER: What's it like for the other family members, for the parents and for the siblings who go?

DEBORAH JOHNSON: I think it's a really eye-opening for them. A couple of years ago we had quite a number of Caucasian, biological-to-the-adoptive-family siblings that traveled in the group. And for many of them it was this sudden realization that my brother or my sister is different from me. And I think for parents, many of them say this is their first experience of being a minority anywhere. And people are looking at them and, you know, there's whispering and all of those things. And they feel kind of anxious about being in the fishbowl. I always tell them, you know, how great! You get to experience what your kids experience every day of their lives.

MARGOT ADLER: Deborah Johnson is with the Ties Homeland Tour program, which arranges for adoptees and their families to visit a child's birth country. Thank you so much for coming on Justice Talking.

DEBORAH JOHNSON: Oh, you're welcome.

MARGOT ADLER: There are many children within foreign countries with special needs who are awaiting adoption. To get a sense of how these children fit into the larger picture of international adoption I talked with Susan Soon-keum Cox. She is the vice president of public policy and external affairs at Holt International Children's Services. Welcome to Justice Talking.

SUSAN SOON-KEUM COX: Thank you, my pleasure to be here.

MARGOT ADLER: Susan, as an adoption professional, how do you define a special-needs child?

SUSAN SOON-KEUM COX: Generally, I think that people consider special needs to be a very serious medical or some other disability, when in fact it certainly includes severe disabilities or conditions but it also includes mild and moderate conditions that children have as well. It also includes children who are older. That means three or four years old as older. They can be part of the sibling group. It can be the fact that a child is a minority child, a child of color. So that's a very broad range, actually.

MARGOT ADLER: So it often means just someone who's hard to adopt?

SUSAN SOON-KEUM COX: You know what? It means a child that's waiting. Very often a waiting child is considered to be special needs.

MARGOT ADLER: Susan, you've met a lot of people who've adopted special needs kids. Why do people choose to do this particularly when it really is a medical condition? It seems like a really big step and it seems like a leap into the unknown.

SUSAN SOON-KEUM COX: Well, it is a leap into the unknown and there are so many things that are unpredictable about parenting.

MARGOT ADLER: Yeah, parenting is probably a leap into the unknown anyway, right?

SUSAN SOON-KEUM COX: Exactly, exactly. For example, if a child has lived in an orphanage, if there is unknown medical information about the birth family, if the child has been abandoned, those all really contribute to not as much information in terms of what to anticipate and what to expect. Adoption is to find families for children not children for families.

MARGOT ADLER: Are American children with special needs being adopted abroad?

SUSAN SOON-KEUM COX: One of the reasons that the Hague Convention is so important is because we don't know the answer to that question. We don't know anything really in terms of specific information on the number of U.S. children that go abroad. And so once The Hague is put into place and that is ratified and put into force in the U.S., we'll be able to know how many children actually go abroad. Anecdotally, the numbers are small, but it's mostly not children with disabilities going abroad as much as it is children that are minority children being placed in other countries.

MARGOT ADLER: Susan Cox is the vice president of public policy and external affairs at Holt International Children's Services. Thank you so much for talking with us.

SUSAN SOON-KEUM COX: My pleasure. Thank you.

MARGOT ADLER: For Nebraska Public Radio's Martin Wells, adoption isn't a big deal. He has 14 brothers and sisters who are adopted. So when he and his wife started their own family, they went to China. Now they have two children, Melanie and James, and James has a cleft palate.

MARTIN WELLS: I am a porcupine. That's what my four-year-old son says. Don't be fooled, though, it's not a term of endearment. He says porcupine in the same tone as someone might say idiot. James has a cleft lip and palate. Although he's talking up a storm, it's not always easy to understand him. When I ask him to repeat himself he becomes frustrated and then he insults me by calling me a porcupine. James was adopted from China two years ago. His six-year-old sister, Melanie, came to us from China five years earlier. They're not biological siblings but

they've got a great little brother-big sister relationship. [children playing in background] One of my favorite pictures is of the two of them sitting on the couch wearing sunglasses and playing guitars, looking all the world like two all-American kids, except that they're not. They're Chinese, and my wife and I have a responsibility to make their culture and their heritage available to them. When we chose international adoption we did so knowing that there would be challenges along the way. Every child has to come to grips with being adopted. James and Melanie also have to deal with looking different than their parents.

Melanie was eleven months old when we brought her home. And when we look at pictures from those days we see a little girl with sad brown eyes. There's mostly joy in those eyes today, but the sense of loss is still there. On Chinese New Year she sat in my lap and asked me to cuddle with her. As I held her close she said, I'm homesick Daddy. I miss China. Her eyes filled with tears. You can go back to your home anytime you want, she said, but I can't. She started to cry and didn't stop for a long time. Some day she and her brother may want to go back to China to search for their roots. If they do we'll support them in every way we can. It's well known that China's one-child policy has led to thousands of little girls in orphanages waiting for homes. Little boys as well. You can't be different in China and a cleft palate; even a well-repaired one carries a severe social stigma. Chinese doctors did a wonderful job repairing James' lip and palate--surgery his biological parents most likely could not afford, for in Communist China there is no socialized medicine. Chinese businessmen donated funds to the orphanage for James' surgery. [James reciting*** ABCs] James has speech therapy twice a week. He's trying real hard most of the time and he's making great progress.

Adoption is a tradition in the Wells family. I have 16 brothers and sisters, 14 of them are adopted. If I've learned anything from my parents it's that adoption is just another way of gaining a family member. It doesn't matter how you get here. Once you're here it's for keeps. We may not be James and Melanie's biological parents, but we're always be mom and dad.

MARGOT ADLER: To see a photo of Melanie and James Wells playing the electric guitar and other photos of the Wells family, go to our website, justicetalking.org. While you're there, you can see photos of our other guests and share your own thoughts on international adoption. You can also check out our new blog, where many of the nation's leading commentators give their views on law and American life. Thanks for joining me. I hope you'll tune in next week. I'm Margot Adler.
