



## **Ethica Statement on Guatemalan Adoption Changes** **10/8/07**

On September 25, 2007 the U.S. Department of State issued an advisory urging American citizens not to begin Guatemalan adoptions at this time. Guatemala has stated that it will become compliant to the standards of the Hague Convention on Intercountry Adoption on January 1, 2008 and does not plan on processing adoption cases for any country that is not a Hague country on that date. While the Convention does not require any such action, countries are free to implement the Convention as they choose. The U.S. will not be a Hague country until the Convention enters into force in late spring, 2008. Currently there are over 3,000 adoptions in process which might not be completed by the end of the year. Guatemala has indicated it will not complete these adoptions.

Ethica strongly supports the processing of pending cases to completion, where the Guatemalan and U.S. governments have considered all relevant facts and have approved the cases as being in conformance with currently existing adoption law. Failure to do so could result in thousands of children being caught in legal limbo; relinquished for adoption but unable to join adoptive families. Consigning these children to institutions would result in harming them while trying to protect them. This is a nonsensical result that Ethica believes is contrary to existing best practice.

Ethica has called upon the Hague Permanent Bureau, the U.S. Department of State, and UNICEF to support a transition clause for cases in process on January 1, 2008. We are pleased that both the Permanent Bureau and the Department of State have communicated their support of a transition clause to Guatemala. We hope that UNICEF will do so in the days to come.

Currently, there are several proposed amendments to the recently passed Ortega Law being considered by the Guatemalan Congress. It is our understanding that one such amendment may be a transition clause. We strongly urge the government of Guatemala to include this clause in the new adoption law. In addition, we would urge Guatemala to ensure that new procedures designed to protect families of origin, children, and adoptive parents, be fully funded and operational as soon as possible. While a brief, temporary, transition period might be essential to the operation of a new adoption system, prolonged lack of services can be detrimental to children.

At this time, we join the Department of State, JCICS, NCFA, and others in requesting that agencies refrain from issuing new referrals, and strongly urge adoptive families not to begin a new adoption from Guatemala at this time. The United States government has noted that when the Hague Convention enters into force for the U.S. it will cease adoptions from Guatemala if the Guatemalan government has not implemented a Hague compliant system. At this time, no such system is in place, and it is unclear how long it will take for one to become operational. Therefore, it is impossible to foretell when adoptions from Guatemala will resume. Parents are urged to exercise caution in entering into adoption agreements and paying non-refundable fees at this time.

More information will be posted as soon as it is available.