

# U.S. v Focus on Children, et al



**Sentencing Press Release**

**Wednesday, Feb. 25, 2009**

**U.S. Department of Justice**

**Brett L. Tolman**

**United States Attorney  
District of Utah**

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**FOR IMMEDIATE RELEASE**  
**Feb. 25, 2009**

**CONTACT: MELODIE RYDALCH**  
U.S. Attorney's Office  
801-325-3206  
801-243-6475 (cell)  
melodie.rydalch@usdoj.gov

**SARAH ROSETTI**  
U. S. Department of State  
Bureau of Diplomatic  
Security  
Public Affairs Officer  
517 345 2507  
202 230 2842 (cell)  
Rosetti.SN@state.gov

**LORI HAILEY**  
ICE Public Affairs  
(949) 360-3096  
lori.haley@dhs.gov

**PRESS RELEASE**

***DEFENDANTS IN FOCUS ON CHILDREN CASE  
SENTENCED IN FEDERAL COURT  
AS A PART OF CREATIVE, FORWARD-LOOKING  
RESOLUTION FOR SAMOAN, U.S. FAMILIES***

SALT LAKE CITY – U.S. District Judge David Sam imposed sentences today in federal court in Salt Lake City for four defendants and Focus on Children, a corporation, involved in facilitating a fraudulent adoption scheme involving children from Samoa.

Scott Banks, age 47; Karen Banks, age 48; Coleen Bartlett, age 52; and Karalee Thornock, age 36, who pleaded guilty to aiding and abetting the improper entry of an alien as a part of plea agreements reached with federal prosecutors in the case, were sentenced to 60 months of probation. The corporation, Focus on Children, pleaded guilty to conspiracy to commit alien smuggling and visa fraud. Judge Sam ordered the corporation to dissolve when pending litigation involving the corporation is resolved. Judge Sam also ordered special assessment fees to be paid by each defendant.

As a part of the plea agreement reached with prosecutors, Focus on Children has agreed to cease involvement in domestic and international adoptions. Additionally, Scott and Karen Banks will forfeit their rights to business and adoption records. These records will, as appropriate, be used to provide additional information to adoptive parents and facilitate the exchange of information. Scott and Karen Banks also agreed to cooperate with the government in disclosing their adoption practices in Samoa, Russia, Vietnam and Guatemala.

Also, as a part of the penalty in the case, defendants will be ordered to make contributions to a trust fund which will be created as means of providing assistance to families. The trust fund will be used to facilitate communication between the adoptive families and birth parents. Because not all of the financial records needed to fully assist the court in determining what monthly contributions should be made by the defendants to the trust fund have been provided by the defendants, the exact amount of the contributions will be decided later by the court. However, federal prosecutors believe the penalty should be a substantial one, arguing in a sentencing memorandum filed today that because the defendants operated their adoption business for profit, a financial punishment proportional to their collective assets and income is in order.

Jini L. Roby, Associate Professor of the School of Social Work at BYU in Provo, Utah, has agreed to direct the trust fund. Ms. Roby, who will work with the trust free of charge, has a significant background in global and national child welfare issues.

“The Focus on Children case has been one of the most unique cases prosecuted by the U.S. Attorney’s Office in Utah in some time. There are many facets to this complicated case. It became clear early on that using a traditional criminal case resolution pattern would not resolve the issues for the children and families involved in this case. With children and families caught in the middle, we came to understand that for justice to be served, we needed a creative, forward-looking resolution,” U.S. Attorney for Utah Brett L. Tolman said today. “Through months of negotiation, effort, and thought on the part of my office and our partners at the U.S. Department of State’s Diplomatic Security Service, ICE, and the U.S. Citizenship and Immigration Services, we have fashioned what we believe is a meaningful solution to addressing the most serious harm in this case,” Tolman said.

“We believe that finding a way to achieve a resolution that is in the best interest of the children trumps the concept of punishment alone,” Tolman said. “It was

incumbent on us to balance the desire for punishing the defendants' criminal conduct with the need to provide security and stability for the victims. We believe the resolution of the case as outlined today does that," Tolman said.

"Adoption fraud is a terrible crime," said Pat Durkin, Special Agent in Charge of the Diplomatic Security Service's San Francisco Field Office, whose office assisted in the overall investigation of the case. "The U.S. Department of State's Bureau of Diplomatic Security has worked tirelessly on this case, day and night, conducting more than 100 interviews and traveling thousands of miles within the United States and to Samoa and New Zealand. Diplomatic Security has demonstrated its dedication to pursuing visa fraud and its commitment to making the best out of this situation for the families and children involved."

Jonathan Lines, assistant Special Agent in Charge of the ICE Office of Investigations in Salt Lake City, said today that "while there is nothing these defendants can say or do that will compensate for the hurt and heartache they caused, their willingness to work with the government to prevent the manipulation of our adoption laws in the future should reassure prospective adoptive families here and across the country." Lines said, "ICE remains committed to using its enforcement authorities to protect foreign-born adoptees and the parents who open their hearts to provide homes for these children."

According to a sentencing memorandum filed with the court, the United States had three goals at the outset of the investigation and prosecution: stopping the defendants from continuing their criminal conduct; ending, to the extent possible, the rampant fraud taking place in inter-country adoptions between the United States, and punishing the defendants for their criminal conduct. The resolution of the case satisfies these goals, Tolman said.

Federal prosecutors said in the sentencing document that they have tried to consider the views of all of those affected by the defendants' actions, particularly the children, and have made significant efforts to communicate with victims in the United States and Samoa. "The perspective and desires of the victims, although not in complete agreement, provided insight on the ultimate resolution," they told the judge today.

For example, some adoptive parents wanted the defendants to go to prison for a long time, while others had no interest in seeing the defendants incarcerated. Once punitive issues were put aside, they discussed other factors that impacted their individual families and the hope they had in what a resolution of the case might bring to their situation. Two common themes arose: security of the current family unit and recognition by the defendants that they had caused harm to the families involved. Prosecutors noted in the sentencing memorandum that the gravest concern expressed by the adoptive parents was that somehow a trial would result in the birth families or the government taking their children from them. This was especially significant, prosecutors wrote, for many families who have raised their adopted children in the United States since infancy.

Prosecutors say not one of the birth parents wanted the defendants to go to prison and many of them indicated they had forgiven the defendants. The birth parents, however, desire to know how their children are doing and want to be a part of their child's life, even if that is only through the mail, prosecutors wrote in the sentencing memorandum.

Cases are pending against three other defendants in the case. Daniel Wakefield, age 72, who also has reached a plea agreement with federal prosecutors, will be sentenced in March. The indictment remains open for Tagaloa Ieti, age 46, and Julie Tuiletufuga, age unknown, of Samoa. The two have not been removed from Samoa to appear on the charge. The indictment will remain open for these two fugitives.

Agencies participating in the investigation of the case included the U.S. State Department's Bureau of Diplomatic Security, ICE and the U.S. Citizenship and Immigration Service. Assistant U.S. Attorneys Barbara Bearnson and Brett Parkinson have represented the Utah U.S. Attorney's Office in prosecuting the case.

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