

Focus on Adoption™ Opposes ICARE Bill (Intercountry Adoption Reform Act of 2003)

The ICARE Bill is a well-intentioned piece of legislation currently before committees in both houses of Congress. The bill seeks to extend citizenship rights to children adopted abroad so that they mirror those of children born abroad to American citizens. In addition, it creates a single entity, the Office on Intercountry Adoption, in the State Department with responsibility over all intercountry adoption matters.

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Focus on Adoption™: An Intercountry Adoption Advocacy Organization stands in opposition to the passage of the ICARE Bill (S. 1934 and H.R. 3986).

We believe that ICARE appears to be more of a preamble to legislation than any actual legislation itself, as it contains far too many flaws that could disrupt intercountry adoption (ICA). While we applaud the efforts of Senators Nickles and Landrieu on matters concerning intercountry adoption, this bill could prove detrimental worldwide to children in need of permanent families and the families eager to provide such permanency.

Until the United States formulates a National Adoption Policy to serve as a foundation for future legislation, procedures and regulations surrounding intercountry adoption, we believe that such an act is premature. We support the provisions in the bill to extend citizenship rights to children adopted abroad, but we believe these rights could be extended faster and more efficiently by amending the Immigration and Nationality Act, which would not require new legislation.

Particular issues with the bill in its current form:

- **Conflicting statutory authority for authorization:**

It is unclear about how this office would function in relation to the Central Authority being established for purposes of The Hague Treaty implementation. It appears as though this new office *would usurp* the Central Authority and could cause a common scenario in other countries where all intercountry adoptions are treated the same, whether or not the adoption is bound by the Hague Treaty. This would contradict what the adoption community has been told for quite some time would be the case in the US.

- **There is no funding for the proposed changes:**

The funding stream is not clear. The bill does not earmark how the new office will receive its budget. This stands to put ICA at the mercy of political budget battles. The bill should explicitly state that fees charged by the office be directly earmarked for the services provided by the office.

- **The Bill has no standards:**

The bill does not address guidelines or standards that will be used to create regulations to protect "the rights of the child". Since there is much debate on how doctrines like the Convention on the Rights of the Child and the Hague Treaty are interpreted, without clarification on this an amazing amount of power will lie in *how the Ambassador at Large subjectively interprets* these rights. This could cause, for example, countries to close for ICA that strongly protect the civil rights of women in allowing them to place a child for ICA without an extended or formal search for family members or a domestic family.

- **Not enough time to implement changes:**

It mandates a six-month period under which the Office of ICA would need to be established, guidelines enacted and operations began - this is almost certainly too short a timeframe for this work to realistically be completed and could disrupt thousands of in-process adoptions if the law is enacted.

- **The Bill is ambiguous:**

The bill refers to the office recognizing adoptions that are legalized by a "Competent Authority" in the child's country of origin. The term "Competent Authority" is not specific and would thus create ambiguity. For example, it is not clear how the office would view a country that, like the United States, allows adoptions to be completed with a civil rather than judicial system.

Focus on Adoption is an Intercountry Adoption Advocacy Organization consisting of adoption professionals and adoptive families. It is dedicated to the following principles and beliefs:

- All children deserve the opportunity to grow in a loving and nurturing family;
- When a child can not remain with his/her birth family, ICA is a better alternative than institutional or foster care;
- Where parental relinquishment for adoption exists as a right, it should be inviolate;
- Abandoned or orphaned children should have the opportunity to be adopted and have permanency in a loving family as soon as possible;
- All public and private adoption services should be predicated upon these principles and conducted with humane consideration for the child, the birth family, and the adoptive family within an ethical, legal, and transparent framework.

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