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Harvard Law Professors Urge Congress to Support International Adoption

34 Harvard Law School faculty members and 24 faculty from Boston College Law School have signed a letter urging the U.S. Congress to support the core principles in the pending legislation known as CHIFF (Children in Families First), S. 1530 and H.R. 3323.

Those core principles include: recognition of a child's fundamental human right to a nurturing permanent family; commitment by the U.S. government to vindicate that right; and recognition that children's interests are generally best served by early placement in permanent nurturing families.

In addition, CHIFF states that priority should be put on adoption whether domestic or international, when reunifying children with their parent of origin is not possible or appropriate. Priority for domestic over international adoption should be pursued through concurrent planning, so that if domestic adoptive homes are not quickly available, children are placed in international adoptive homes.

"This legislation is truly the light at the end of a long tunnel of despair," said Elizabeth Bartholet, faculty director of the Child Advocacy Program at Harvard Law School and the Morris Wasserstein Professor of Law at HLS. "The numbers of international adoptions have dropped precipitously since 2004, which means that some 20,000 unparented children per year who used to find good homes in adoption are now left to languish in institutions."

Bartholet said that she was thrilled so many members of the Harvard Law Faculty have joined in support of the legislation. "The 34 members signing cross the political spectrum, and include noted scholars in human rights, child rights, civil rights, race relations, Islamic law, international law, poverty law and constitutional law," she said.

She said she was also pleased that such a large number and diverse range of distinguished experts from the Boston College Law School Faculty signed the letter.

"This is a human rights tragedy of enormous proportions," Bartholet said. "The U.S. government has cooperated with UNICEF and others in causing the tragedy. This legislation is designed to change U.S. policy dramatically."

The text of the letter and the signers from both law schools appear below.

February 5, 2014

To the Members of the Congress of the United States:

We the undersigned members of the Faculties of Harvard Law School and Boston College Law School write to indicate our support for the following core principles incorporated in the pending legislation known as CHIFF (Children in Families First), S. 1530 and H.R. 3323:

1. Recognition of the child's fundamental human right to a nurturing permanent family;
2. Commitment by the U.S. government to vindication of that right; and
3. Recognition that children's interests are generally best served by early placement in permanent nurturing families, and accordingly that:
 - a) Priority should be put on reunifying children with their parents of origin and, where that is not possible or appropriate, on placing children in adoptive homes;
 - b) Priority for domestic over international adoption should be pursued through concurrent planning, so that if domestic adoptive homes are not quickly available, children are placed in available international adoptive homes.

Sincerely,

Harvard Law School Faculty Members

Deborah E. Anker, Clinical Professor of Law Director, Immigration and Refugee Clinical Program
Elizabeth Bartholet Morris Wasserstein Public Interest Professor of Law Faculty Director, Child Advocacy Program
Robert C. Bordone, Thaddeus R. Beal Clinical Professor of Law Director, Harvard Negotiation and Mediation Clinic
I. Glenn Cohen, Professor of Law, Co-Director, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics
Christine A. Desan, Leo Gottlieb Professor of Law
Charles Donahue, Paul A. Freund Professor of Law
Einer R. Elhauge, Carroll and Milton Petrie Professor of Law
Charles Fried, Beneficial Professor of Law
Jesse M. Fried, Professor of Law
Gerald E. Frug, Louis D. Brandeis Professor of Law
Michael Gregory, Assistant Clinical Professor of Law
D. James Greiner, Professor of Law
Janet Halley Royall, Professor of Law
Jon D. Hanson, Alfred Smart Professor of Law Director, Project on Law and Mind Sciences
Bruce L. Hay, Professor of Law
Philip B. Heymann, James Barr Ames Professor of Law
Wendy B. Jacobs, Clinical Professor of Law Director, Emmett Environmental Law and Policy Clinic
David W. Kennedy, Manley O. Hudson Professor of Law Director, Institute for Global Law and Policy
Randall L. Kennedy, Michael R. Klein Professor of Law
Reneir H. Kraakman, Ezra Ripley Thayer Professor of Law
Bruce H. Mann, Carl F. Schipper, Jr. Professor of Law
Frank I. Michelman, Robert Walmsley University Professor, Emeritus
Robert H. Mnookin, Samuel Williston Professor of Law Director, Harvard Negotiation Research Project
Charles R. Nesson, Weld Professor of Law
Richard D. Parker, Paul W. Williams Professor of Criminal Justice
Intisar A. Rabb, Professor of Law Director, Islamic Legal Studies Program
David Rosenberg, Lee S. Kreindler Professor of Law
David L. Shapiro, William Nelson Cromwell Professor of Law, Emeritus
Henry J. Steiner, Jeremiah Smith, Jr. Professor of Law, Emeritus
Alan A. Stone, M.D., Touroff-Glueck Professor of Law and Psychiatry
Ronald S. Sullivan Jr., Clinical Professor of Law Director, Criminal Justice Institute

Laurence H. Tribe, Carl M. Loeb University Professor
Lucie E. White, Louis A. Horvitz Professor of Law
David B. Wilkins, Lester Kissel Professor of Law Director, Program on the Legal Profession

Boston College Law School Faculty Members

Paulo Barrozo, Assistant Professor of Law
Robert M. Bloom, Professor of Law
Joan E. Blum, Associate Professor of Legal Reasoning, Research & Writing
Mark S. Brodin, Professor of Law
Frank J. Garcia, Professor of Law Associate Dean for Global Initiatives
Jane Kent Gionfriddo, Professor of Legal Reasoning, Research & Writing
Kent Greenfield, Professor of Law and Dean's Research Scholar
Frank. R. Herrmann, Associate Professor of Law
Daniel Kanstroom, Professor of Law Director, International Human Rights Program
Cynthia Crawford Lichtenstein, Professor Emeritus
Daniel Lyons, Assistant Professor of Law
Ray D. Madoff, Professor of Law
Alan D. Minuskin, Associate Clinical Professor of Law Director, London Program
Judith A. McMorrow, Professor of Law
Vlad Perju, Associate Professor of Law Director, Clough Center for the Study of Constitutional Democracy
Zygmunt Jan Broël Plater, Professor of Law
James R. Repetti, William J. Kenealy Professor of Law
Evangeline Sarda, Associate Clinical Professor of Law Director, Prosecution Clinic
Francine Sherman, Clinical Associate Professor Director, Juvenile Rights Advocacy Project
Mark Spiegel, Professor of Law
Paul R. Tremblay, Clinical Professor of Law Faculty Director of Experiential Learning
David A. Wirth, Professor of Law Director, International Law Program
Nora Wylie, Assistant Professor
Katharine G. Young, Associate Professor of Law