

Re-Aligning U.S. State Department Policy to Support Child Rights to Family

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The current State Department has developed policies that have been disastrous for children languishing in institutions abroad. There are many millions of such children, some of them orphaned, some abandoned by or removed from their birth parents.

Most of these children have no likelihood of finding a family in their country of origin. International adoption provides their best prospect for a family, and the social science shows that such adoption works extremely well for children, helping repair damage done prior to adoption and enabling children adopted at early ages to thrive. By contrast the brain and social science shows that institutions cause mental, emotional and physical damage destructive of a child's potential.

Despite this evidence, the State Department has joined with other forces to help shut down international adoption as a meaningful option for institutionalized children, bowing to claims that equate such adoption with first-world imperialism, child trafficking and cultural genocide. As a result, the number of children adopted into the U.S. has dropped by two-thirds since 2004.

That means more than 17,000 children per year who used to have their lives transformed by adoption are now relegated to the horrors of growing up in an institution and the limited lives that typically follow should they live to graduate from such institutions. A high percentage of such graduates will be victimized by sex and other trafficking, unemployment, addiction, crime or some combination of the above.

The State Department is now trying to cement into place their hostile-to-international-adoption policies. It has mounted an effort to rush through regulations that would be yet more restrictive of international adoption (search docket number DOS – 2016 – 0056 at Regulations.gov to view), and it has selected a successor to the current Special Advisor to the Secretary on Adoption, a key position for setting State Department adoption policy. The proposed regulations have been opposed by the Small Business Administration, the Congressional Coalition on Adoption leadership and virtually the entire adoption community, as unduly limiting international adoption with little or no benefit to children.



Some 500 people posted public comments on the regulations, almost all opposing based on grave concern with the harmful impact they would have on children. More than 27,000 signed a petition asking the State Department to withdraw the proposed regulations.

The current Special Adviser on Adoption, Susan Jacobs, has been principally responsible for the current Administration's disastrous policies, and there is every reason to believe that the current Administration would have selected someone of similar views.

We have been working with a broad coalition of organizations to oppose these regulations and this appointment, and to promote the child's right to family. We recently published [an op-ed in the *Washington Times*](#) that calls on

President Obama and President-Elect Trump to unite in one area where they should be able to agree: protecting children globally against the horrors of institutional life. In the op-ed, we argue that the policies enacted by the State Department have helped create a human rights crisis of historic proportions.

We have also promoted legislation in the U.S. Congress designed to mandate a shift in the State Department's position. This legislation requires that the Department recognize a child's right to parenting as a fundamental human right. It has been introduced in the House and the Senate in two different forms. The House bill, HR 5285, requires that the department's *Annual Country Reports on Human Rights Practices* include as human rights violations shutdowns of international adoption that effectively shunt children into institutions.

The House bill is supported by a coalition representing a broad cross-section of the adoption community, including among others: the National Council For Adoption, The Harvard Law School Child Advocacy Program, the UPenn Field Center for Children's Research, Policy and Practice, the American Academy of Adoption Attorneys, the Center for Adoption Policy, the Saddleback Church Orphan Care Initiative, America World Adoption and Love Grows Kids.

The Senate bill, S. 3279, is a broader bill sponsored by the leadership of the Congressional Coalition on Adoption that includes verbatim our House bill's language, but requires broader changes as well, all designed to ensure that the State Department embraces international adoption as a good option for unparented children.

We hope that others who care about children will join us in supporting these initiatives. We need the problematic State Department regulations withdrawn, or promptly revoked by the incoming administration. We need Congress to enact legislation recognizing a child's human right to family, and requiring the State Department to implement this principle by helping children abroad find the nurturing adoptive homes they need.



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