

## FACTSHEET

## CORRUPTION

**From:** "Belinda L. Castor, MD" <[bl\\_castor@r...](mailto:bl_castor@r...)>  
**Date:** Sun Jul 22, 2001 8:01 pm  
**Subject:** RE: [ROMANIAAdoption] confusion/corruption

I've been debating about whether or not to send this message for the past several days. Several folks have emailed me privately, so I have decided to send this on it's way.

I too feel strongly that some of the larger foundations and agencies that are doing this should be brought to task for it and I'm happy to see that this is being addressed in Romania now. Several of us have done our best to educate adoptive families regarding the actual legislation in Romania so that they can not only better understand the process, but hold their agency accountable as well. As I've shared many times before, the most common form of corruption surrounding international adoptions is the quiet, not-in-your face corruption, primarily that of referral of a child prior to repartition and the corruption/bribes that result from that. The actual request of monies/gifts for bribes (the in-your-face) is not as common. Referral of children prior to repartition contributes significantly to the increases the international fee has seen over the psat several years. In order for foundations to "obtain" the child that they referred, there are pay offs along the way. Some of the fee may very well have gone to "buying points" under the old system (revoked in March 2001) and possibly some for humanitarian purposes, but some of it went to "obtaining" the previously referred child in order to guarantee repartition of that child to the referring foundation doing the referral prior to repartition. Is it a minority of the foundations? No, I too believe that it is on the rise and we are finding that more and more foundations are practicing this...as the list of foundations doing this grows larger, so does the list of agencies working with these foundations. Yes, there are many good foundations/agency combinations that refer only children who have been repartitioned, but there are many who do not. An adoptive family really needs to be educated regarding Romanian law, they must do their homework as well as ask the difficult questions. In addition, I believe that they also need to report if there is evidence of wrong doing or illegal activity. This is the greatest area of breakdown, which is why many of these foundations/agencies are still practicing these techniques. For those families who have spoken out regarding the illegalities of the foundation/agency you worked with, I commend you. I suspect, however, that for every family that has spoken out there are lots more who haven't. Just because a foundation/agency is listed in the US Embassy handbook does not mean anything...the handbook is for informational purposes only. One can inquire of the adoptions liason officer regarding specific questions, such as trying to find out whether a child has indeed received repartition if a family is in doubt, but the adoptions liason won't tell you whether a specific agency is being investigated or not. One can also contact Charles Lewis, Corruptions Liason officer at the US Embassy.

Many adoptive families are not aware that their foundation/agency are referring children prior to repartition, so many are not aware that their previously successful adoption led to corruption in Romania. In all appearances the foundation/agency was great and things went smoothly, despite the fact that the child was referred prior to repartition, with or without the adoptive family knowledge. Some families actually become

victims as well, because they "lose" the referred child, which was not even available for referral in the first place. There are many families going through this right now with the moratorium with no new repartitioned children. Then there are those families who were aware that the child being referred to them had not been repartitioned yet go through the process knowingly believing that it is OK because their agency was up front with them regarding their "interpretation" of the Romanian law.

There are many agencies who state on their website that they give only referrals of children who have been repartitioned, but now some families are coming forward sharing their concern that they will lose the child referred to them, because the child indeed had not been repartitioned. This is why it is so critical for adoptive families to know the legislation so that they know what is legal and what is not legal within the Romanian system. One of the greatest downfalls is that the NACPA (and the old RAC) does not (and did not) have a policing system to enforce the adoptions legislation. There is no internal auditing of the process; only if a crime can be proven does it get taken to the Ministry of the Interior (police) and the corruption issues have not been a priority up until this point. In addition, since much of the monies coming into RO do not have legal receipts given, this makes it very difficult to "follow the money trail." I would encourage that adoptive families bringing money into Romania, should insist that their monies be deposited straight into the bank account (actually, it would be even better yet if the adoption agencies insisted on this for their families) so that a legal bank deposit receipt is obtained and one has evidence that the money indeed went into an account. The way the RO banking system works, one has to have a legal receipt in order to withdraw money from the bank and this might make the foundations more accountable and make it more difficult for money to "disappear" for those foundations who practice this.

Let me share with you what Charles Lewis has shared in the past. Those people (agencies, families, etc) who have direct knowledge that monies for an adoption result in corruption in Romania are, in actuality, committing a felony. In addition, those people who suspect and do not inquire to prove otherwise, are also guilty of committing a felony if their monies result in promoting corruption in Romania. Charles refers to the latter as deliberate ignorance...deliberate because the person is highly suspicious that the act is promoting corruption but does not follow through to determine the fact. Will agencies and families get convicted of this? No, I don't believe so. The point that I am trying to make is that it is important to not only know the Romanian legislation, but to also know and understand the American law, as it pertains to the promotion of corruption in another country.

What's the bottom line to all of this? Adoptive parents need to know and understand the Romanian law, they need to hold their agencies accountable and they need to be willing to report to the appropriate officials when there is evidence of illegality. If you have doubts or concerns that the child referred to you may not have been repartitioned, ask your agency to obtain a copy of the child's repartition. If your foundation/agency are on the up and up, this type of request will not be a hardship and would most likely be granted. If you find that the foundation/agency are refusing this, contact the adoptions liaison officer at the US Embassy and they can contact NACPA to verify that the child has received repartition and to which foundation. There are many adoptive families that found out through the US Embassy, that their child had never been repartitioned and therefore was not available for adoption, despite being told by their foundation/agency that the adoption was "in the process".

I am glad that Romania is finally policing itself as it pertains to corruption in the adoption process, albeit with a big push from other countries. I hope that Romania doesn't stop with just these two foundations, as there are so many more that practice similar habits. I

also hope that America will start to police it's own agencies. The reality is that the Hague is still years away from being implemented. It is also my hopes that children will be repartitioned again in the very near future, and that through all of this, prospective adoptive parents will become more educated about the process and the legislation.

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**From:** Robert Braun <[adoption@p...](mailto:adoption@p...)>  
**Date:** Mon Jul 23, 2001 3:20 pm  
**Subject:** No confusion on this corruption

No who who reads Belinda Castor's thorough and eloquent posting can now claim ignorance of what she has detailed as the corruption involved with offering children prior to repartition. I do not disagree with Belinda in any material respect, but I would like to add that I see a terrible vice in the OVERSEAS agency practice of offering very young children to families before they are repartioned, because it encourages their ROMANIAN counterpart foundations to buy the birth-parents' consents for the cases in the first place, rather than allow nature and the law to take its course such that a court decree of abandonment is ultimately issued in the case.

Here is how the corruption actually works:

Let's say that 3 foundations have become pre-eminent in points in a judet (county). Never mind how they amassed their points--maybe through cash donations, maybe through cash donations plus a bribe so that the cash would be credited to a category of child protection activity that offers an extra "bang for the buck," maybe (in the past) through donations of food, clothing and other stuff, either properly invoiced as to actual value, or over-invoiced along with a bribe to ignore the lower true value of the merchandise.

In any event, the three foundations then make a deal--whichever of them "originates" a case has the right to claim the repartition that ultimately will be issued, notwithstanding which foundation actually gets the repartition. "Originates" a case means simply that a specific foundation either proves that it was responsible for securing a consent from the birth-parents, or that the foundation was illegally "pre-assigned" the child by someone in the county welfare department.

Either way, the corruption has already began. In the latter case, if the child was illegally "pre-assigned," this occurred if and only if the foundation has made a financial arrangement with a person or persons in the county welfare department.

If the former case, i.e. when the foundation secures the consent, then most likely two financial arrangements were needed. The first arrangement is with the birth-parent(s), to buy their consent (almost sounds like buying their child, and quite frankly is not much different); the second arrangement is with the officer(s) of the county welfare department, to accept the privately-secured consent. And to make it quite clear, it is illegal in Romania for anyone other than officials of the county welfare department to secure consents from birth-parents.

The next step is the offer of the child to an overseas cooperating agency, and then from the agency to the pre-adoptive family. And then

the "birth announcement" appears on one or another of the 4 or 5 e-lists that dominate the field....

Sooner or later the child is repartioned. But to whom? So long as the same three foundations have almost all the points in the county, it makes little difference. Among the three of them, they stand a very good chance that the child in question will be assigned to one of them within their cartel. And no big deal if the wrong foundation among the three gets the repartition--given the precept of Honor among thieves," they merely do some "horse-trading" so that the wayward repartitions are re-united with the foundations that had first claim on them.

Nice system, yes?

To make it clear, I specifically dislike this type of corruption because a) it rewards collusion among corrupt entities and encourages further collusion with entities not yet corrupt; and b) because it promotes the practice of buying consents from indigent birth-parents.

With regard to the latter, I do not believe that these consents are purchased in what anyone could realistically call free-will transactions, simply because the crushing poverty of some birth parents often times becomes the overwhelming coercive factor in motivating them to accept money for their most-recent born, just so that they continue to support older children in the family, put food on the table, etc. For them, a consent is a desperate and precipitous act that becomes ratified through the passage of very short time (45 days) as irrevocable. In other words, even if the birth-parents wanted to revoke the consent, they probably couldn't fast enough raise the cash to pay back the bribe money to the foundation (not that doing so is a technical prerequisite, but I have the feeling that few birth parents would want to risk double-crossing the powerful foundation reps who are so cozy with the "child protection," or welfare, officials in their county).

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