

**Report on  
Intercountry Adoption  
In Romania**

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### **I. Introduction and Overview**

The Government of Romania has expressed its commitment to the basic principles governing intercountry adoptions: that the “best interests of the child” must be the fundamental basis of all decisions; that the task is to find a family for the child, and not the other way round; and that the standards and provisions of the Hague Convention on Intercountry Adoption should be honored in all respects.

We found nothing that would indicate that intercountry adoptions of Romanian children do not usually represent good placements for the children, or that disruptions of these placements occur with any greater frequency than do placements in other States. We encountered many well-qualified, compassionate, and professional people, both Romanian and non-Romanian, who are working in the field of intercountry adoptions in Romania.

Yet, almost every discussion we had of adoption in Romania involved the use of commercial terms, terms such as “auction” and “market” and “price.” Frequently, those with whom we spoke would apologize for using such disquieting terms but would explain that they best describe the situation. This phenomenon reveals how deeply the Romanian system of intercountry adoption is affected by the influence of money, and helps to explain the concerns we heard that somehow children are being exchanged for some monetary value. We did not receive any information about any individual child being exchanged for money or other value.

Our interviews confirmed that many of the concerns raised by both Romanian and international critics of intercountry adoption in Romania are founded in the day-to-day experience of those who work in the system. In addition, the general absence of public and well-documented information about the financing and operation of the adoption system, which is based on a unique method known as the “point system”, has encouraged speculation and suspicion, invariably negative.

The point system, which is described in Section III, was strongly criticized by most participants in our study. The point system was originally designed to promote the worthy objective of encouraging donations from adoption agencies and adoptive parents and thereby providing funds or services for child welfare programs. It was also designed to provide a fair and logical means for the local child protection agencies to select from the multitude of accredited agencies to place particular children eligible for adoption. In practice, it does provide much needed financial support for critical child abandonment prevention and family reunification services. But the resources generated by the use of the point system come with a price. The point system inherently fails to put the best interest of the individual children involved in the adoption process first. Instead, the point system puts the goal of generating and coordinating resources for child welfare programs first.

As a result of the point system, domestic adoptions and local social services--particularly child welfare services--have become inextricably linked to intercountry adoption. Most of our study participants confirmed that the point system discourages adoption of Romanian children by Romanian families. Most of our participants were also very concerned that the complexity of the point system made it susceptible to corrupt practices and that consequently many of the financial resources generated for child protection programs through the intercountry adoption process were being misappropriated.

Romania already has in place a number of laws and government decisions that provide the framework for a more effective and transparent system for intercountry adoptions. Many of Romania’s laws and

secondary legislation were adopted with worthy motives, and by all accounts there have been improvements in the situation of Romanian children over the past decade. We believe this is the right time for Romania to take the next steps and to correct systemic flaws and install appropriate controls.

Our specific recommendations are described in detail in Section V; however, the overall goals and principles that we recommend should guide reform of the intercountry adoption process are as follows:

--Child placement decisions should be separated from the influence of contributions given for child protection programs. Neither decisions about a match between a child and her or his prospective adoptive parents, nor decisions about which agency may place the child, should be solely linked to the money contributed by an agency to the government.

--To construct a system of intercountry adoption that is isolated from the pernicious effects of large monetary contributions which exceed the actual costs of adoption-related expenses, Romania's reliance on contributions of money from agencies, both foreign and domestic, that place children for adoption should be drastically reduced.

--The enforcement of the current laws for regulating the private bodies that may be accredited to work in the field of intercountry adoption should be substantially improved and monitoring of these private bodies become more vigilant. Moreover, in order to achieve the transparency that is generally agreed to be the *sine qua non* of a fully acceptable Romanian adoption system, it will be necessary to strengthen and monitor reporting by all elements of the system, expand and exercise existing licensing authority, require audits of accounts and other reviews of program activity, and assure that key transactions and documents (including reports of the agencies active in the field) are available to the public.

--So that transparency may be better assured, and insulation from financial pressures reinforced, the Government of Romania should at a minimum identify and set in advance the amount of any contributions for child protection programs above the actual costs of an adoption that are required. The actual cost of providing adoption-related services could also be set or a normative cost for the Romanian end of intercountry adoptions could be established and published. This will enable prospective adoptive parents, adoption agencies, and other interested parties to ascertain what portion of the fee is for adoption services and what portion of the fee to fund other programs. The following principles should be followed when fees for costs above the actual cost of adoption services are charged:

- The intended use and purpose of such fixed fees should be made clear.
- Such fees should be recorded and accounted for in Romania.
- Detailed accounts should be kept of how the incoming contribution is spent and the use to which it is put.

--Because domestic adoption activities have suffered directly from the inadequacies of the current system, because proper attention to domestic adoption is necessary for compliance with Romanian law and international agreements, and because it will contribute to eventual rectification of the problems of intercountry adoption, improvements should be made in the pace and adequacy of the Romanian domestic adoption system.

Moreover, all international adoption agencies, especially those from the United States and other states that place large numbers of Romanian children for adoption, should consider self-regulation aimed at supporting transparency by exposing all costs, including the costs charged to manage and run the agency as well as contributions unrelated to the actual costs of providing adoption services and demanding an accounting of their ultimate use. Agencies that turn a blind eye to the inherent problems of the point

system and just give more and more contributions to be permitted to place children are contributing to the breakdown of sound, child-focused intercountry adoption practices as well.

## **II. Findings—Summary of Interviews with Officials Involved in Romanian Adoptions**

The findings and observations reported in this section are based on a review of basic documents and on interviews with adoption professionals in Romania and the U.S., including officials of the Romanian and U.S. governments, private adoption agency officials in both countries, and officials of interested international organizations. In some cases there are differences of opinion about whether certain practices are harmful or beneficial and where appropriate these differences are described below.

### **1. Adoption Fees above the Costs of Providing Adoption Services Are Not Identified or Explainable**

There was general agreement that the fees paid by adopting parents in the U.S., and to a lesser extent in Canada and Western Europe, were higher than the actual costs of adoption, and higher than any explainable costs even when the contributions allowed for under the Point system are taken into account. The consensus among those we spoke with is that the actual costs for the Romanian segment of an adoption program amount to about \$5,000 to \$6,000 US for the usual professional services, court fees, in-country travel costs, and the like. The fees an agency may charge for the US portion of its program, that is, for the home study and preparation of the family, do vary but can range from \$3,000 to \$5,000. However, one American adoption agency official told us that the recent fees he knows of for adoptions of Romanian children have ranged from \$6,000 to \$20,000 for the Romanian portion of the adoption program, with children 2 years old and older associated with fees that range from \$6,000 to \$8,000, while fees for newborn children can be different and rise to \$20,000. We heard of much higher costs for adopting Romanian children--up to \$30,000 by some estimates--but for the purposes of this study it is enough to establish that there is a significant amount of money going into Romanian adoptions that is not accounted for by actual costs of adoption, or provisions of Romanian law requiring that to place children agencies must obtain points. Whether these fees are going for financial contributions under the point system or whether they are funding the receiving country's adoption agency operations, no one can tell. Some interviewees claim the funds stay with the receiving country adoption agencies; most adoption agencies represent that the funds are sent to Romania for programs required under the point system.

### **2. The Point System is too Complex and Funds Generated for Child Protection Programs Are Not Accounted for Properly**

In the early 1990s adoptions from Romania attracted worldwide attention and criticism both because of the alarming circumstances of children in Romanian orphanages, and because of the virtually uncontrolled adoption activities that allowed prospective adoptive parents to fly to Romania and adopt directly from the birth parents or orphanage officials. Brokers, attorneys, and facilitators entered the picture, and under those circumstances there was very little focus on the use of child-centered adoption procedures.

A central feature of adoption reform in response to this crisis was a methodology that was designed to regularize adoptions and at the same time provide financing for other social welfare improvements. This methodology employs a "point system" to value the contributions made by Romanian and foreign adoption agencies to the local governments for specified social service purposes. The contributions -- which may be in the form of money, goods, or services -- are then assigned points at the local level, and reported periodically to the central adoption authority, the Romanian Committee on Adoption (popularly, the RAC). Localities also report on the number and birth dates of children currently available for adoption. The RAC then assigns to adoption agencies the right to place specific adoptable children, ostensibly on the basis of the points they have earned.

The RAC decides which categories of service or activity will qualify for points. That the activities that may qualify for points are constantly changing does add to the perceived instability and lack of integrity of the overall system. For example, with points constantly subject to change, no one is sure if adoption agencies are being selected on the basis of legitimate contributions made under the point system or whether the agencies are being selected on the basis of additional illegitimate contributions designed to influence individual decision makers. Thus, one of the goals of the point system—to make a fair selection of adoption agencies based on their contributions to improving the situation of children in Romania—has been undermined. These points are critical to adoption agencies (for simplicity the Romanian foundations and other organizations involved in adoptions are referred to simply as “adoption agencies” in this report); the points determine whether the agencies will be able to make a placement for their clients, the prospective adoptive parents, and whether they will be able to make a match for their clients with the type of child in which they are most interested. The assignment of points determines which agencies will have access to which children for adoptive placement. For each child an agency is issued a “repartition” which confers an exclusive right to place that child for adoption.

It is this periodic assignment of points that some critics have described as an “auction,” at which agencies gain access to children according to the contributions they have made. There are also allegations that this process is itself manipulated in some ways, such as by mis-valuing contributions or ignoring points that certain agencies have earned, and there are cases in which the RAC has seemingly arbitrarily decided to reduce the number of points held by some agencies.

Additionally, because there is no fixed contribution for charges above the actual cost of adoption services and no accounting of how much money is coming into the system for child protection activities, there are many stages in the process where financial resources generated may be misused. We were told of a number of examples. Local officials may use contributions for unapproved purposes for example, or for their personal benefit. And bribes might be offered to influence many stages of the process, including the decisions about which contributions will be eligible for points, how many points to award, and how the points are translated into the issuance of repartitions. Moreover, bribes might be offered to courts or orphanage officials to assure that a child is declared to be “abandoned” (a legal requirement for children in orphanages, for example, to be available for adoption), and it is even possible that bribes might be offered to local or national officials to disadvantage a competing adoption agency or to place specific children with specific families. Bribes, it is important to point out, need not be in cash; many we spoke with in Romania mentioned vacations and other trips, improvements for their offices or new equipment, gifts of cars or other valuables, and personal favors as being among the emoluments offered to these officials.

These examples of potential corruption are of the “under-the-table” variety and our non-criminal investigation was not designed to elicit this type of evidence. Instead, we have identified the weaknesses and vulnerabilities in the system that exacerbate the likelihood of such problems.

The point system has other, unintended effects that may not be very obvious within the borders of Romania, but that nevertheless have consequences for Romanian children and families. Several U.S. donor agencies noted that their decisions about what projects to support in Romania and how to finance them were sometimes affected by considerations of what points might be earned. Any donor agency that also provides adoption services is driven to consider the effects of its actions on its ability to earn points. This can distort the choices that such an agency makes, and extend the influence of the adoption point system into child welfare and related social service activities. Also, some agencies, because of the inherent complexity and susceptibility to corruption of the point system, have decided not to process intercountry adoptions from Romania. At least one large European donor agency notes that if it did enter the field of adoptions in Romania, it would quickly dominate the field because of its large funding base that would translate into an equally large number of points. Similarly, the current system has a depressing

effect on cooperation amongst child and family-serving agencies in Romania. One agency we spoke with told us that international adoption is the one area on which agencies are reluctant to meet and cooperate, because of the competition inspired by the system.

### 3. Domestic Adoptions Are Inhibited

One consistent criticism expressed by a majority of experts interviewed was that the adoption laws and practice in Romania were having an extremely negative effect on domestic adoptions. Most practitioners found that the domestic adoption process was excessively cumbersome and was not completed before, technically, the child could be placed on the RAC list as being available for intercountry adoption. There was also a serious concern that local Departments of Child Protection (DPCs) and private bodies, which must process domestic adoptions for free, have no incentive to do so. In fact, since the intercountry adoption process generates contributions and direct services via the point system, the local DPCs have an incentive to complete intercountry, not domestic, adoptions.

Even though Romanian data on domestic adoptions (referenced in the Executive Summary) show an increase in adoptions of Romanian children by Romanian citizens, it is certain that the financial influences associated with intercountry adoptions have made it more difficult for Romanians to adopt Romanian children. We were told, for example, that it is rare that Romanians are able to adopt infants, because such children are reserved for foreign adopters. The data for the first 10 months of 2000 show that the average age of a child in a domestic placement was approximately three years old while the average age of a child placed through an intercountry adoption for the same time period was approximately 10 months. And many local judets are unwilling to invest much effort in domestic adoptions because they cannot recover their costs since adoption services for Romanians must be provided for no cost.

We were told of instances in which Romanian families, sometimes including relatives of the children, wanted to adopt Romanian children but were unable to because the children were diverted to families abroad. We were told that there are some judets that have waiting lists of Romanian parents but are unable to match the families with children from judets where the prospective adoptive parents do not reside.

Romania's poor performance in the area of domestic adoptions is even more surprising when one considers that there is a legal requirement that Romanian families be given a preference for sixty days after a child is determined to be available for adoption. This preference, we were told, is rarely effected.

Finally, the Romanian law actually makes it more difficult and time-consuming to complete a domestic adoption than an intercountry adoption. When combined with the absence of financial support for the costs of domestic adoption, current Romanian law presents significant obstacles to domestic adoption. The system further frustrates domestic adoption by discouraging adoption across judet lines. Even where a child has relatives who live a few miles across the border in the next judet and who are willing to adopt, the economic benefits of placing the child in intercountry adoption can be irresistible.

### 4. Determining the Eligibility of Children for Adoption Is Negatively Affected by the Point System

A related problem is the assertion that sometimes Romanian children enter the system -- are placed in orphanages or otherwise scheduled for adoption -- not because that is the best decision for that particular child, but because the child could be adoptable and the local judet will receive funding only if an intercountry adoption is completed. Some believe that children are being adopted out of Romania who would not, in the absence of the financial incentive, have been placed for adoption at all, let alone adopted internationally.

### 5. The Use Of Cash Should Be Restricted

We were told of prospective parents being asked by their American adoption agencies to carry large sums of cash to Romania. The use of cash was both criticized and defended. Critics said, with considerable justice, that using cash to pay any costs of adoption is an invitation to corruption. Others told us, however, that it was necessary because Romania is a cash economy and there is too little access to reliable banking services. We were also told that there were not enough auditors in Romania to oversee the accounts of adoption agencies, even if the requirements for annual audits (as a part of the re-licensing process) were enforced. Others completely contradicted these assertions. There are many Romanian auditors and audit firms, certified according to Romanian law, and there is a central government audit authority. Moreover, the central bank maintains accounts for local jurisdictions, and has the capacity to maintain accounts for all organizations involved in intercountry adoptions. It is therefore possible, as several American adoption agencies have already confirmed by their experience, to conduct business by wire transfer and avoid the use of cash. It is also possible, at least in theory, to provide for annual, public audits of adoption agencies.

On December 7, 2000 the Romanian government issued a modification to existing rules that aims to ameliorate some of these problems. For example, the new rule would require that all adoption fees be handled through bank accounts. Such an improvement will make it easier for auditors to verify that money paid for adoption is in fact being used for legal and ethical purposes, and it will discourage the inappropriate use of cash.

### 6. Standards of Practice for Adoption Agencies Are Being Developed And Should Be Supported

One of the most promising activities is the development by a number of Romanian and American adoption experts of a set of standards of practice for adoption. The standards would spell out minimum requirements for working with families and serving the needs of children, while providing guidance on ethical behavior as well as informing professional judgment. Those involved in the development of the standards are expecting that once the experts themselves have agreed upon adoption standards the Government of Romania will accept the standards and issue them as a formal legal requirement, as was done with the successful development and implementation of the new foster care standards. Acceptance and promulgation of the adoption standards, by empowering social service professionals and raising the standards for practice in the field, could be a critical support for reform while helping to insulate adoption decisions from inappropriate influences.

Also underway is an effort to establish standards for accreditation of international adoption agencies operating in Romania. This activity, that has begun with the cooperation of Romania's Ombudsman and the RAC, is being assisted by The Children's Legal Centre from the U.K. It could form the basis for a more extensive agreement among the foreign adoption agencies operating in Romania, to cooperate in voluntary efforts to shield placement decisions from the influence of money. Also, the office of the Ombudsman has reviewed a large number of adoption files, and investigated a number of complaints. That office, under sound direction but lacking adequate resources, has some experience already in identifying problems in the Romanian adoption system.

### 7. A Comprehensive Child Welfare Information System May Be Developed and Should be Supported

There is a pending proposal to expand the data available to Romanian policymakers by establishing a comprehensive child welfare information system. This would enable Romanian officials to track the effects of their policy decisions and the progress of their reforms, while providing an early warning of



problems or potential failures. USAID has offered to contribute to this effort, as well, and it is compatible with the World Bank's child tracking system.

The World Bank is developing a child tracking system to help Romania monitor the nature and volume of services provided for children. UNICEF is already sponsoring training for Romanian adoption workers. There are existing international organizations (such as the Organization for Economic Cooperation and Development) devoted to keeping corruption out of governmental processes, and it is likely that their experience could be useful in this context, as well. The problems identified in this report are not entirely of Romania's making, and there is no reason to think Romania would be expected to act alone in addressing them.

#### 8. Regulation of the Romanian Private Foundations and the Foreign Private Bodies is Inadequate.

Several representatives of both Romanian private foundations and foreign adoption agencies told us that on an annual basis they submit voluminous documentation to comply with licensing and accreditation procedures. (see Section III). Some organizations submit audited financial statements from outside independent auditors and others send in financial statements signed by the organization's chief financial officer. Many agencies make an oral presentation to the RAC on their qualifications. However, the overriding view of the participants was that the RAC did not have the time or enough qualified staff, such as auditors, attorneys, and social workers, to review the materials submitted. The Romanian Questionnaire Responses On the Practical Operation of the Hague Convention, prepared in November 2000, identified 105 Romanian private foundations. In addition, there is a large number of foreign adoption agencies active in Romania, making it extremely difficult to review thoroughly the licensing applications submitted. This is one more factor that contributes to the uncertainty and diminishes the transparency of the intercountry adoption process in Romania.

There are a number of observers who expressed concern about what they saw as the confusion in roles between the Romanian Committee on Adoption (RAC) and the National Agency for the Protection of Children's Rights (NAPCR), and the understaffing of both. The separation of these agencies was made we were told to accord with international concerns about concentrating too much adoption authority in a single agency or government official. Others suggested, additionally, that the office of the Ombudsman is too thinly staffed, and too lacking in authority as well as resources, to be a truly effective brake on corruption.

From our interviews, we gathered that the RAC resources and staff to complete its assigned functions are extremely limited. The RAC's administrative staff is provided by the permanent secretary's office of the NAPCR. RAC, which was previously part of the NAPCR but which is now separate from the NAPCR, must still rely on the staff of the NAPCR to provide resources to help complete the myriad tasks assigned to it. We did not conduct an independent analysis of the adequacy of RAC resources. We were told the NAPCR itself has a staff of approximately 40 persons and has an enormous burden of work to administer and supervise all the child protection activities of Romania.

Romania has provided in law for a number of controls to monitor the adoption agencies and to monitor or audit governmental operations in general, and has in place a number of procedures that could be helpful in this regard. While the agencies assigned these responsibilities may not have the resources or support they need, there is nevertheless a basic structure on which to build the oversight recommendations of this report.

### **III. Legal Overview of Romanian Adoption Laws and Procedures**

The Romanian government has a comprehensive set of laws covering intercountry adoptions. First, Romania has ratified the Hague Convention of May 29, 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. Second, Romania has also ratified the United Nations Convention of 1989 on the Rights of the Child (the U.N. Convention). Both conventions are part of Romanian domestic law as provided for in the Romanian Constitution. Romania also has in place several laws, ordinances, and governmental decisions and decrees that govern adoption practices. The Romanian adoption laws are provided in full text on the RAC website at: <http://www.romanianadoptionadoptii.ro>. The central laws include the following:

Emergency Ordinance No. 25—On Adoptions (June 9, 1997)

Government Decision No. 502—The Structure and Management of the Romanian Adoption Committee (September 12, 1997).

Government Decision No. 245—Concerning the Licensing Criteria for private organizations which work in the field of protection of children's rights through adoption (June 2, 1997).

In addition to these laws, the Romanian Adoption Committee (RAC)—designated as the Central Authority for Romania in accordance with the Hague Convention—issues internal procedures regulating adoptions. These internal procedures are sometimes referred to as Government Decisions. For example, the procedures referred to as the "point system" were issued by the National Agency for the Protection of Children's Rights and are embodied in Government Decision No. 506.

Although there are other applicable international conventions and relevant domestic child welfare laws affecting Romanian domestic and intercountry adoption practices, we have focused solely on the key conventions, laws, and procedures mentioned above so as to accomplish the following: (1) give an overview of intercountry adoption practice in Romania; and (2) describe how the laws and procedures attempt to regulate and eliminate improper financial gain in the intercountry adoption process. A more comprehensive analysis of the Romanian adoption process is outside the scope of this report.

#### **A. The Hague Convention on Intercountry Adoption**

The Hague Convention is a multilateral treaty governing international adoptions between countries where the child resides—known as the country of origin or sending country—and countries where the prospective adoptive parents reside—known as the receiving country. The treaty was prepared at the Hague Conference on Private International Law (the Hague Conference). The Hague Conference is a non-governmental organization dedicated to creating international laws to govern cross-border activities of private individuals via consensus of participating governments. All States participating at the Hague Conference in 1993 unanimously approved The Hague Convention on Intercountry Adoption. Romania participated in the 1993 Hague meeting and subsequently ratified the Hague Convention, which came into force in Romania on May 1, 1995. For detailed information on the treaty and the list of ratifying countries and their designated central authorities, see the Hague Conference website at: <http://www.hcch.net>.

Previously, Romania has sought technical assistance from the Hague Conference on the development of Romanian adoption laws. In 1991, a report was prepared entitled: Romania—The Adoption of Romanian Children by Foreigners under the auspices of the Hague Conference. . The 1991 report mainly focused on developing the court procedures for determining the legal status of children in need of State protection.

Many of the recommendations of this 1991 report have been incorporated into the Romanian adoption laws.

Recently, the Hague Conference held a Special Commission on the Practical Operation of the 1993 Intercountry Adoption Convention from November 28 to December 1, 2000 and Romania attended. Romania also submitted a report in response to a Hague questionnaire on the practical operation of the Convention. In this response to the questionnaire, the Permanent Secretary Bureau, which provides administrative support to the RAC, identified key problems with implementing the Hague Convention in Romania. Some of the issues raised are summarized as follows:

- When working with States that have not ratified the Convention, political pressure manifests itself when delays occur or there are legal and administrative changes. The quality of reports on prospective adoptive parents from States that have ratified the Convention is much higher than the quality of the reports from non-ratifying States. The failure of receiving countries, like the United States, to ratify the Convention and thus accredit the foreign private bodies providing adoption services leads to unregulated practices, especially in the area of charging amounts higher than the actual expenses triggered of, including any contribution given as a donation for other child protection programs.
- Different sources show that parents in receiving countries pay costs that are higher than the Romanian adoption expenses and the contribution for child protection programs. But there is no way to find out about the amount of money received by the foreign bodies. In many cases, the foreign agencies are making a profit. The monitoring of the finance received by the foreign organizations is impossible, and their elimination is hindered by political reasons.
- The qualified Romanian private bodies must run child protection programs identified by the government. But the qualified Romanian private bodies do not always have the logistics and the qualified staff for such activities. Consequently, the private bodies sponsor the local public services to run these activities. Thus, the report states that “the qualified private bodies condition the access of the foreign qualified private bodies or of the families recommended by other associate central authorities, by their participation to support of their programs in the protection of child’s rights.” As a result of this practice, according to the report, the foreign qualified private bodies or the families who wish to adopt “get to be indirectly forced to bear expenses for other types of programs in child’s protection beside the expenses triggered by the procedures of adoption.” According to the report, this practice is not authorized and violates the Convention and Romanian law.
- The main reason for the continued practice of charging for the contributions to fund child protection programs is the lack of resources of the qualified public authorities, including the RAC, to supervise these relationships between the private bodies and the qualified public services at the district level. Other steps, however, would also be helpful in regulating these contributions, including:
  - Strict monitoring of financial cash into foreign private bodies by their Central Authorities;
  - Supervising organizations at the local level;
  - Careful selection of persons who perform activities in the field of adoption.
- The RAC, although given the responsibility to accredit the private bodies in the adoption field, lacks the personnel and material means necessary to regulate these bodies. The report noted that “spot reviews of these bodies are non-existent. The Permanent Secretary Bureau has only seven staff members and receives over 2000 documents a month.
- Despite many guarantees in Romanian law that give absolute priority to Romanian families seeking to adopt, many of the authorized private bodies neglect domestic adoptions. Private bodies also neglect to find families for older children, sibling groups, and special needs children.

Thus, both this report and the Romanian responses to the Hague questionnaire indicate that there are problems with the point system, with the enforcement of the accreditation criteria for private bodies, and with the processing of domestic adoptions. On the other hand, the Romanian responses identify some different reasons for the problems that are not identified in this report. Both reports could be used in concert to foster compliance with the Hague Convention and improvements in the intercountry adoption procedures.

1. The Hague Convention and financial contributions or fees above the cost of providing adoption services. A major issue of Hague Convention interpretation that has been raised in Romania, and for which an unequivocal answer remains elusive, is to what extent a State party may require financial contributions for child welfare services or the provision of direct child welfare services over and above the cost of actual adoption services. Many countries of origin, some of them signatories to the Hague Convention and others not, do require prospective adoptive parents directly or through an agency to make financial payments for programs ranging from the creation of foster homes for institutionalized children to helping to pay for repairs at orphanages. The overriding goal of such government imposed program costs is to generate funds and resources to those children who are not placed in adoptive families and to support the social welfare programs identified by the country of origin.

At the recent Special Commission on the Practical Application of the Hague Convention, a working group did focus on the question of what contributions or fees may be added to the costs of adoption to support child protection programs in a country of origin. The minutes and report with recommendations from the Special Commission will be available in 2001, but were not complete when this report was due. Members of the US delegation to The Hague and officials of the Hague Permanent Bureau, however, were able to describe informally the discussions on this issue. The following summary should not be construed as an official or formal position on the issue of contributions or fees, and we recommend that the reader consult the Hague document after the proceedings of the Special Commission are published.

Informally, at the Special Commission, two views emerged on the issue of whether the Hague Convention permits a State party to include non-adoption related fees or costs or contributions as part of the intercountry adoption process. Some participants took the view that a literal interpretation of the Hague Convention prohibits such charges if they are not actual costs related to the provision of services for the completion of a particular intercountry adoption. Others were of the view that one must look beyond the actual costs of adoption services and, if the additional fees are for child welfare protection programs, such fees could be within the parameters of the Hague Convention. No consensus was reached as to whether the charging of fees for child protection programs above the costs of adoption services was proper under the Hague Convention. Thus, it is our informal understanding that the fundamental question of whether such fees are even permitted was not resolved.

The working committee did, however, discuss the issue of what the appropriate controls would be if a country of origin were to require such contributions/fees. There was agreement that, if such contributions/fees were a reality, then the appropriate controls should include:

- For required contributions, the amount should be fixed in advance and prospective adoptive parents should be notified of the requirement in advance.
- The intended use and purpose of such fixed fees should be made clear.
- Such fees should be recorded and accounted for in the country of origin.
- Detailed accounts should be kept of the incoming contribution or fee and the use to which it is

put.

The issue of how such contributions or fees, if permitted at all, could affect placement decisions of children eligible for adoption also was discussed by the working committee and the following concerns were raised:

- A general consensus emerged that the Romanian system in practice did not consider the child's best interest in the matching and placement phase of the adoptive process and that it was essential for the child's best interest to come first.
- The Hague Convention does recognize that participating States must support efforts on national child protection, including efforts to prevent abandonment.
- Any contributions or fees for such national child protection efforts should not be offered or sought in any manner so as to compromise the integrity of the intercountry adoption process or create dependence on income from the intercountry adoption process.
- When considering the placement of children eligible for adoption, such placements should not be influenced by the level of payments and should not have any bearing on the age or other characteristics of a child available for adoption.

2. The Hague Convention text and the issue of improper financial gain. The Hague Convention text contains several sections on the question of what payments may be requested and charged in connection with an intercountry adoption. The key principles are summarized below:

Article 4: The competent authorities of the State of origin must ensure that the consents to the adoption, including any required consents from institutions or authorities, were not induced by payment or compensation of any kind.

Article 8: Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Hague Convention.

Articles 9&12: Accredited bodies may pursue only non-profit objectives and must be supervised as to their composition, operation, and financial situation. Even if one participating State has accredited a particular agency or private body, another participating State may exclude that accredited body from working in the field of intercountry adoption in its territory.

Article 32: No one shall derive improper financial or other gain from an activity related to an intercountry adoption. Only costs and expenses, including reasonable professional fees of persons involved in adoption, may be charged or paid. The directors, administrators and employees of bodies involved in adoption shall not receive remuneration which is unreasonably high in relation to services rendered.

Given this literal language of the Hague Convention and the lack of formal consensus at the Special Commission on the Practical Operation of the Convention, we must recognize the difficulties countries of origin, like Romania, face in trying to balance the need to obtain support for child protection programs

with the goal of creating a sound and ethical intercountry adoption process. The Romanian government in its responses to the Hague questionnaire did state as follows:

To condition the access to adoption by the payment of an amount not related to direct expenses occasioned by the adoption means the infringement of the Convention provisions and of the Romanian legislation in force.

The donation made towards qualified private bodies or a specialized public service by the person who adopted a child in order to support programs in the field of the protection of child's rights is not harmful and does not represent an infringement of the principles and provisions of the Convention.

The final report of the Hague Special Commission, which we understand may help to define the terms "donation" and "contribution" and delineate what kinds of fees above the cost of adoption services are permitted, was not available at the time this report was completed. Clearly, the use of the point system, which is outlined below in Section C.4, in effect requires accredited bodies to somehow obtain financial resources above the cost of providing adoption services, to support child protection programs. We believe that, if such requests for support of child protection programs (whether they are called donations or contributions) continue to be part of the Romanian intercountry adoption process, it is critical that the general guidelines developed at the Special Commission as outlined above be followed. We also recommend that this report be updated when the formal recommendations and minutes of the Hague Special Commission are available.

## **B. The United Nations Convention of 1989 on the Rights of the Child**

The U.N. Convention is much broader in scope than the Hague Convention. The U.N. Convention covers the entire spectrum of child protection and welfare measures. Unlike the Hague Convention, which in its entirety focuses on establishing the norms and principles for completing intercountry adoptions, the U.N. Convention just briefly addresses the specific issue of intercountry adoption in Article 21. Both international conventions do adopt the best interest of the child as the primary guiding principle for decisions affecting children. In Article 21, which overall deals with the adoption of children, the following specific guidance on intercountry adoptions is provided:

State Parties that recognize and/or permit the system of adoption ...shall:

- Recognize that intercountry adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin.
- Ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption.
- Take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it.

In some of our interviews, Article 21, which does rank placement options for children in State care, was viewed as giving a preference for institutional care in a child's country of origin over an intercountry adoption placement. This view—that the U.N. Convention is practically speaking a per se bar against intercountry adoption—is a minority opinion. (See J.H.A. van Loon, Hague Permanent Bureau, Report on Intercountry Adoption, The Hague Conference on Private International Law, Prelim. Doc. No.1, at 86 [1990] [most child experts would not agree with the view that retaining a child within his or her own

society and culture is of such importance that even in-country placement in an institution is preferable to intercountry adoption]).

Romania, like other States that have ratified both conventions, has harmonized the two conventions to support the principle that intercountry adoption can be a placement for a child when other possibilities for family life are not available in the child's country of origin. Certainly, the Hague Convention, which is more recent than the U.N. Convention, is seen as rejecting the argument that a preference for local placement should be absolute. For a more extensive analysis of the differences between the two conventions, see R. Carlson, *The Emerging Law of Intercountry Adoptions: An Analysis of the Hague Conference on Intercountry Adoption*, 30 *Tulsa L.J.* 243, 258-265 (1994) (Hague Convention restates placement choices in new terms favorable to intercountry adoption).

### **C. Overview of the Romanian Adoption Laws**

The Romanian government has developed an extensive body of law to comply with the Hague Convention and the U.N. Convention in a short period of time. Prior to 1990, experience with intercountry adoptions was minimal and the legal framework for adoptions was sketchy. Our review of the current legal framework is designed to highlight the features of the intercountry adoption process that are contributing to the accusations and perceptions that the problem of improper financial gain has undermined the use of sound methods for placing children for adoption.

1. Emergency Ordinance #25—On Adoptions. Emergency Ordinance No. 25 outlines the fundamental legal framework for domestic and intercountry adoptions in Romania. Under Ordinance #25, all adoptions must take place in the best interest of the child. Generally speaking, children may be considered eligible for adoption if: (1) the birth parents consent to an adoption; (2) the child is legally declared to be abandoned; (3) the child has been abused or neglected and the parental rights terminated; (4) the child's parents are deceased, unknown, or cannot be found and the appropriate procedures to locate or find the birth parents have been followed.

Although private, direct placements of children by their birth parents with adoptive parents were previously permitted, currently such types of placements are not permitted. If birth parents choose to place a child for adoption through the local Department of Child Protection (DPC), then authentic voluntary consents must be given and such consents may be given only 45 days after the child is born. Such consents may be revoked 30 days after the date of the authentic written consent. (The Hague Convention requires that consent be given after the child is born, but it does not give a specific time frame.)

Typically, in Romania, the children who are eligible for an intercountry adoption placement have been declared legally abandoned or their parents are deceased, unknown, or cannot be located. In all adoption cases, the approval of the local DPC is required, the consent of a child above 10 years old is required, and the prospective adoptive parents must also consent to the placement.

Only those persons or families who have the material means and the moral guarantees necessary to the harmonious development of the child may adopt. A local DPC may not approve an adoption and entrust a child to a person or family unless it finds that the reports (home study) on the prospective adoptive parents demonstrate that this requirement is met.

Emergency Ordinance No. 25, as well as Emergency Ordinance No.26, On the Protection of Children in Distress, give Romanian citizens first priority over foreign citizens when placements are considered for children eligible for adoption. Under Ordinance No. 26, a local DPC or any private body must consider and give priority to placement of a child with his or her relatives up to the fourth degree of kinship.

The local DPC's are required to send a list of children eligible for adoption to the RAC. The list must be made available to other local counties or judets for up to sixty days and if there are any prospective Romanian adoptive parents, they must be given priority to adopt the children in a different local county or judet from where the parents reside. All information on prospective adoptive parents must also be sent to the RAC and waiting families should be registered with the RAC.

The RAC must process and approve both domestic and intercountry adoptions. There are certain special requirements for Romanian prospective adoptive parents. They must be issued a certificate by the local DPC based on reports prepared by the local DPC or an authorized private body within 90 days of receiving the request to adopt. Once the certificate is issued, a child may be entrusted for the purpose of adoption with the certified family or person. The child is entrusted for adoption for at least 3 months. The local DPC or authorized private body must submit bi-monthly reports on the child and the development of his or her relationships with the prospective adoptive family. If the request of the prospective adoptive parents to adopt is approved, the adoption proposal must be sent to the RAC. Despite timeframes that are longer than 60 days, if there is no final approval of a domestic adoption within 60 days by a local judet, then the child may be assigned by the RAC for an intercountry adoption.

2. Government Decision No. 502—Romanian Adoption Committee. Under Government Decision No. 502, RAC is established as the Central Authority responsible for all obligations under the Hague Convention. RAC's responsibilities cover the protection of children's rights through domestic and intercountry adoption. The RAC must abide by the following principles:

--The child, for the harmonious development of his personality, must be raised in a family environment, in a climate of happiness, love and understanding, which can be ensured through adoption.

--Adoption is a special protective measure for the child's rights, the main reason for the adoption must be the protection of his best interest.

--Intercountry adoption represents a means to ensure for the child who lacks protection of his birth parents a harmonious development of his personality, if it is not possible to place him for in-country adoption or adoption by a family or person living or residing in Romania.

The RAC consists of a representative from the National Agency for the Protection of Children's Rights (NAPCR) and representatives from other central ministries, including one representative from the Ministry of Health, Ministry of Work and Social Welfare, Ministry of Justice, Ministry of Education, Ministry of Internal Affairs, Ministry of External Affairs, the Department for Local Public Administration, and the State Secretariat for Handicapped Persons. Local county council secretaries also send representatives and these members rotate every three months so that all the local judets have a turn sending a representative to the RAC. Each official representative is permitted to name a deputy to send to RAC meetings. RAC meetings are to be held bi-monthly. When interviewed, current and former members of the RAC suggested that different representatives would delegate the responsibility to attend RAC meetings to different people each month and that there was very little consistency in who came to the meetings and voted. Each representative to the RAC typically has one vote and majority vote prevails. Minutes of RAC meetings must be kept in a special register book. Dissenting votes must be noted.

The RAC has essential responsibilities in the following three areas:

-- RAC, as the Central Authority, oversees the entire intercountry adoption process and must coordinate with all other central authorities and relevant international bodies. It must be a clearinghouse for



information on adoption practices. Also, it is responsible for drafting adoption laws and procedures and for implementing and enforcing such laws in both the domestic and intercountry adoption arenas.

-- RAC must supervise the licensing of all private Romanian foundations and foreign private bodies for accreditation to provide adoptions services as required by the Hague Convention.

-- RAC is actively involved in approving the individual placement decisions of children eligible for adoption and for issuing decisions on whether an adoption complies with the Hague Convention.

3. Government Decision No. 245—Licensing Criteria for Private Organizations Working In the Field of Protection of Children's Rights Through Adoption. Under Romanian law, only those Romanian and foreign private organizations that are licensed in accordance with Government Decision No. 245 may work in the field of adoptions on Romanian territory. The RAC licenses and monitors the authorized private organizations. Foreign private organizations, commonly referred to as adoption agencies must partner with a Romanian foundation that is also licensed by the RAC. Some foreign adoption agencies enter into agreements or contracts with one or more private Romanian foundations and others create their own local entities that qualify as Romanian foundations. Licensing of such agencies must be renewed annually. The licensing criteria for the Romanian private foundations and the foreign private organizations are summarized below:

- Romanian Private Foundations

--Must be legally established Romanian juridical persons

--Must carry out not-for-profit purposes

--Purpose of organization must be the protection of children's rights in accordance with Romanian laws, the U.N. Convention and other applicable international norms, including the Hague Convention.

--Must have a correct methodology for the protection of children's rights

--Must have the necessary financial and human resources

--Must have competent and experienced professionals on staff

--Must be managed by persons qualified, through their moral integrity, professional experience or training to work in the field of protection of children's rights through adoption

--Hired staff must not carry out simultaneously another activity in the public sector that has objectives similar to the objectives of the private organization in question

--Must keep information on adoptees and adoptive parents confidential.

- Foreign Private Organizations

--Must be a legally established juridical person in its country of origin

--Must be from a State that has ratified the Hague Convention or from a State whose

competent authorities have a cooperation agreement with the RAC

- Must have as a representative a Romanian juridical person licensed by the RAC
- Must have an agreement or license to carry out activities in the field of protection of children's rights through adoption given by the competent authorities of the State where the headquarters is located
- Must have a not-for-profit purpose
- Must be managed by persons qualified due to their moral integrity or professional training and experience to act in the field of intercountry adoption
- Must be under the supervision of competent authorities of the State where their headquarters are located so that their structure, functioning, and financial situation are monitored.

Both Romanian foundations and foreign private organizations must submit extensive documents with a license application to the RAC. Some sample items that must be included are: an annual budget of income and expenses; legal documents forming the organization; documents showing the organization and staff structure; a staff list with information on their qualifications; and a commitment to submit annual as well as any requested periodic reports to the RAC. Romanian foundations must also submit financial documents stating the principles they will use to charge for services rendered. Foreign private organizations must also make a commitment to present to the RAC only prospective adoptive parents who have agreed to send follow up reports on an adopted child to the RAC for two years.

RAC may withdraw or suspend a license for failure to comply with any aspect of the law or if any foundation or agency does not perform work on an adoption file for six months.

4. Government Decision No.506—The Methodology of Task Assignment to identify a person or adoptive family and monitoring the adoption of the children registered by the RAC. Government Decision No. 506 sets up the point system. Although the details on what child welfare activities generate how many points is constantly changing as new decrees are issued, Decision No. 506 gives an overall picture of how the point system operates. The point system has three goals:

- 1) To ensure that Romanian private foundations and foreign private organizations working in the field of adoptions contribute to local child protection programs by making financial donations or by directly running local child protection programs.
- 2) To ensure that the contributions, whether by fee or by providing direct services, are aligned with the stated national child protection goals of the NACP. (This goal was considered important because adoption agencies and NGO's were providing services in an uncoordinated manner without public supervision and without focusing on defined national child protection priorities.)
- 3) To provide a fair and logical methodology for selecting Romanian foundations and foreign private organizations to place children eligible for adoption. Emergency Ordinance No. 25 provides that the local DPC must make a "fair" assignment of eligible children to private organizations.

The point system is complicated. First, the RAC determines by decree what activities will be given points

and how many. For example, licensed agencies may acquire points by:

- Financing programs that prevent child abandonment or encourage the re-integration of a child into his or her family—2 points for each 1,000,000 lei. (RAC decision No. 91 of June 8, 2000 recently changed the points allocated for this activity to 30 points when the prevention program is registered and 4 points for each case handled per month.)
- Initiating activities with local DPCs which entrust children in need of protection in professional foster families—20 points for each protected child. For children over six, there is one supplementary point for each year over six. (These points were recently increased to 30 points for the initiation of the program and three points per month for each protected child. Also, each child cared for over six counts as only one point instead of a point for each year over six.)
- Supporting the social-professional integration of children older than 18 and who leave the child protection system—10 points for each case. "Social-professional integration" means providing a home for at least six months, a scholarship and support in finding a job.

Some of the activities, which may generate points, are related to the adoption process. For example, points are given for the following:

- Clarify a child's legal status when child is in difficulty—5 points allowed after delivering documentation to the local DPC (abandonment judgment or legal consent to adoption from the natural parents).
- Provide an indisputable judgment for a domestic adoption, where the adoptive family or person was identified by the agency—15 points.
- Provide an indisputable judgment for an adoption of a child over six—10 points for each adoption, plus one supplementary point for each year over six.

These are just a few examples of the kinds of child protection activities that can generate points. Although in theory, the accredited bodies should provide the actual child protection services themselves, in practice, as confirmed by the RAC responses to the Hague questionnaire (see Section A.1), many accredited bodies are giving funds or sponsoring these activities by transferring the duties to the local public bodies. Thus, in effect, points are awarded for giving money to fund programs or for actually providing the programs.

Government Decision No. 506 also provides a sample convention or contract that must be used by local DPCs to ensure that the private bodies are providing the services that may generate points. These conventions or contracts may be between the local DPC and the foreign private organization. These cooperation conventions require the private bodies to supply very detailed information on the financing of the child protection programs. Private bodies, for example, must specify the monthly amounts for each activity in lei or foreign currency and submit reports, which include an accounting register showing withdrawals, expenditures, and balances for each activity in the program. Extensive financial documents must be submitted to prove that the activities are actually being completed.

The RAC approves these cooperation conventions. The local DPC monitors the performance of the private bodies. Using the RAC rules on what points to assign for what activities, the local DPC assigns points to the private organizations working in that local DPC's judet. The private organizations are

ranked by point totals (typically monthly).

Each local DPC will also create a list of children who are eligible for adoption in that local judet. The children are assigned to the private organizations with the most points. The designated private organization then has the exclusive authority to match the children assigned to it with the prospective adoptive families it is able to locate.

A typical assignment of children eligible for adoption in a local judet with five private organizations earning points and ten children would follow the following formula:

Private Organizations	Points	Percentage	
Agency A	1500	.545	55%
Agency B	700	.254	25%
Agency C	350	.127	13%
Agency D	150	.054	5%
Agency F	100	.036	4%
<b>Total</b>	<b>2800</b>		

Children Eligible For Adoption Percent of Children Assigned Based on Points

Ages 0 to 3	5 children	55% of 10= 5.5	6
Ages 3 to 6	3 children	25% of 10= 2.5	3
Ages 7 to 9	2 children	13% of 10= 1.3	1
<b>Total</b>	<b>10 children</b>		

Assignment	0 to 3	3 to 6	7 to 9	Total
Agency A	2	2	2	6
Agency B	2	1	0	3
Agency C	1	0	0	1
Agency D	0	0	0	0
Agency E	0	0	0	0
<b>Total</b>				<b>10</b>

The RAC must approve the agencies designated by the local DPCs to place particular children and issue a repartition order. As far as we could tell, although information on this stage of the process was conflicting, the private organization that receives the repartition document is only then authorized to find the child, make a psychosocial report on the child, and obtain pictures and medical information about the child. Then the private organization, which has been designated on the basis of point accumulation, is authorized to send the child's psychosocial report, photograph and medical information to prospective adoptive parents.

Typically, it is the Romanian private foundation and its partner foreign private organization that decide how to match the assigned children with the available prospective adoptive parents. Many Romanian foundations partner with several foreign private foundations. Some US agencies work with only one Romanian private foundation; others work with six or more Romanian foundations. In some cases, there is a private contract between the Romanian foundation and the foreign private organization. In other

cases, there is just a verbal agreement.

Because the assignment of a child eligible for adoption is not based on the prospective match with suitable adoptive parents or upon an organization's history of having worked with a particular child, but rather on the number of points a particular private organization has accumulated that month, unusual events have occurred. Some examples from our interviews include:

- Point-laden Romanian foundations are assigned many children, but are not working with agencies that have sufficient numbers of prospective adoptive parents. Other agencies, that did not acquire sufficient points in one month or in various judets, have lengthy lists of waiting parents.
- An agency working with a child in its foster care program or with potential prospective adoptive parents in Romania is not the agency permitted to place the child because in that month it did not have sufficient points, or that child because of the mechanical formula of the point system was assigned to a different agency for intercountry adoption. Once the child is assigned to the agency with the most points, the in-country opportunities for placement are ignored.

Once a family is found for a child, the private organization must send the information on the child and the family to the local DPC for approval. After that approval, the child's file is sent to the RAC. The RAC is expected to review all documents for Hague Convention compliance. It approves a list that contains the names of the children, their prospective adoptive parents, the country in which the parents reside, and the name of the Romanian private foundation to which the child has been assigned. Once the RAC members sign the list approving the adoptions, the assigned Romanian foundation may take the child's file to the local court where the child resides for approval of the adoption.

The prospective adoptive parents are not required to attend the court proceeding. The RAC is expected to be represented by a local prosecutor at the hearing. In such hearings, the court may approve or deny the adoption, however, in practice the court usually relies upon the recommendation of the RAC. The court issues a final adoption decree that is subject to a 15-day revocation period. RAC subsequently issues a certificate of conformity to state that the adoption is in compliance with the Hague Convention. The adoptive parents may then be entrusted with the child. They are typically assisted at this time by their agencies with obtaining documents such as adoption certificates, passports, visas, and other related identity documents. Depending on the country where the parents reside, the child and the parents may have to visit their embassy in Romania and obtain the appropriate immigration papers for the child to emigrate.

#### **IV. Comparative Examples of the Intercountry Adoption Process**

Several other countries of origin, like Romania, have struggled to create transparent and workable adoption procedures that help to protect a child's best interests. Some of the laws and procedures of these other sending countries are discussed below.

##### **A. The Intercountry Adoption Process in China**

The China Center of Adoption Affairs (CCAA) is the institution designated by the Chinese government with the exclusive responsibility to oversee all adoptions in China by foreign adoptive applicants. China just signed the Hague Convention on Intercountry Adoption on November 30, 2000, indicating an intention to ratify this convention in the future. Nevertheless, CCAA acts very much like a designated Central Authority under the Hague Convention. CCAA is part of the Ministry for Civil Affairs and was founded in June 1996. CCAA is composed of five departments: the administration department, which handles receipt of adoption documents and sending of consents and such work as personnel affairs, financial affairs and logistics; the liaison and service department, which communicates with and regulates the foreign adoption organizations; two document review departments (I and II), one of which is responsible for reviewing the applications and certifying documents of the adopters submitted by foreign adoption organizations or foreign countries and the other is responsible for reviewing the documents regarding the children eligible for adoption and for locating and matching the children with prospective adopters; and the archive administration department, which is responsible for preserving the archive materials and for managing and reviewing the post-placement reports on adopted children.

CCAA has a permanent staff, working solely on adoption matters, of 33 members. It charges a fee, of approximately \$365, to process each individual adoption case. It also charges for translations of documents when parents use CCAA services for translation.

At present, CCAA has established relations of cooperation for adoption with thirteen countries, including Canada, the United States, the UK, France, Spain, Ireland, Belgium, the Netherlands, Denmark, Sweden, Norway, Finland, and New Zealand. In Romania, by comparison, a country must have ratified the Hague Convention or have an agreement with the Romanian government.

1. CCAA's regulation of foreign private organizations. CCAA, like the RAC in Romania, is responsible for examining the qualifications of the foreign adoption organizations so as to ensure that those organizations selected to work with CCAA meet the requirements of the Chinese adoption laws and regulations. Approximately 120 foreign adoption agencies are authorized to work in China. There is no requirement that the foreign adoption organizations must partner with Chinese private foundations in order to work in China.

To be accepted by CCAA as an authorized foreign adoption organization, the applicant must show:

- The organization must be friendly towards China and place before everything else the rights and interests of the adopted Chinese children;
- The organization must acquire the power of attorney from their governments approving them to carry out adoption in China;
- The organization must be a non-profit charity agency;
- The organization must have very strong experience in intercountry adoption and a

broad scope of adoption practice;

- The organization must have a stable and sound organization and a certain number of full-time staff; and
- The organization must have the capability of providing the families with an all-round adoption service and the measures of protecting the legitimate rights and interests of the adopted children.

There are specific rules for the adoption agencies selected to place special needs children. For example, they must place at least 30 children annually; they must have worked in the field of intercountry adoption for more than 5 years; and they must have professional staff trained in finding families for children with special needs and in providing the required post-placement services a child with special needs may require.

While the methodology for regulating foreign private organizations in China appears to be less detailed than in Romania, our interviewees suggested that the CCAA review and enforcement of the approval or licensing criteria is very thorough. The result is that the number of agencies is limited, and they are more likely to actually meet the requirements for completing intercountry adoptions.

2. Requirements for financial contributions above the costs of providing adoption services. There is no point system in China. As noted above, parents must pay a service fee to the CCAA, which is used for the development of the CCAA. There are also other known and fixed fees charged by the government for registration, obtaining passports, and notarization. Also, typically, foreign adopters and foreign adoption organizations make donations to the social welfare institutes where the children reside. Previously, this fee was charged for the rearing of the child in the institution prior to his or her adoption. The Chinese government has changed this fee to be called a donation and has published the following guidance for payment of such donations:

For the purpose of rearing the abandoned infants and children living in the social welfare institutes, the State encourages the foreign adopters and foreign adoption organizations to donate to the social welfare institutes. The social institutes which accept the donations must use the donations both financial and material wholly to improve the nurturing conditions for the abandoned infants and children they are raising and they must not be diverted for other purposes and the donors should be informed of how the donations are used. The social welfare institutes which accept donations should also subject themselves to the supervision of the relevant departments and make public the use of the donations.

The donation, which is not tied to the placement of any particular children, is set by the central government and is a flat fixed fee between \$3,000 and \$4,000. Adoptive parents have reported to us that in some cases they have carried the actual cash to the social welfare institute and in other cases the adoption agency will use a wire transfer to send the donation to the social welfare institute. After receiving the donations, the social welfare institutes must write out legal and valid receipts for the donors.

3. The placement and matching of children eligible for adoption with prospective adoptive parents. The CCAA is responsible for accepting and examining the application, home study report, and the other documents of the foreign applicants.

The CCAA reviews the dossiers sent by the foreign adoption organizations and checks whether they are complete, legal and valid. CCAA determines whether the foreign adopters have met the requirements of the Chinese adoption laws and regulations. The social welfare institutes are responsible for communicating to CCAA the information on the children eligible for adoption. CCAA then makes placement decisions for the children considering the best interest of the child and the qualifications and desires of the prospective adoptive parents. CCAA issues a Notice of Coming to China for Adoption to the foreign adopters. Families are typically scheduled to come to China in groups. Once in China, the families travel to the child's social welfare institute and complete the final steps for the adoption.

Briefly, these steps do not include a court proceeding as in Romania, but involve special steps unique to the Chinese system and include submission of a registration application at the local level and appearance before a notary for adoption notarization.

## **B. The Intercountry Adoption Process in Korea**

Korea's intercountry adoption program is centralized and the number of agencies permitted to place children eligible for an intercountry adoption is tightly controlled. Korea is unique in that it has a long history of over 25 years with the intercountry adoption process. It is estimated that during this period, approximately 100,000 children from Korea have been adopted throughout the world. Korea has not signed or ratified the Hague Convention.

Under the Korean system, the government sets a quota each year for the number of children that may be placed through intercountry adoption. At the start of the year, all adoption agencies working in Korea are informed of the number of children they will be permitted to place for adoption that year. If an agency's quota is met for a particular year, children must wait until the next year to be adopted by the families overseas.

Children who are abandoned at local orphanages are not eligible for intercountry adoptions. Birthparents must place their children with four designated Korean agencies who have foster care resources and the authority to place children for adoption and indicate that their desire is for the child to be adopted. These four designated agencies place children for domestic or intercountry adoptions. A birthparent may designate whether she wants the child to be placed with Korean parents or if an intercountry adoption is acceptable. Some agencies have educational programs in Korea to alert birthparents that abandonment to an orphanage will not ensure an adoptive placement because legally children may not be relinquished from an orphanage for adoption. Those children who are abandoned at the 200 or so orphanages in the country are not eligible for adoption.

1. Korea's regulation of foreign private organizations. Korean law requires the use of an adoption agency for intercountry adoptions of Korean children and the Ministry of Health and Social Affairs must authorize such agencies. Korea has selected four Korean agencies authorized to place children for intercountry and domestic adoptions. The four Korean Government authorized adoption agencies are: Eastern Child Welfare Society (ECWS); Holt Korea Children's Services, Inc.; Korea Social Services; and Social Welfare Society, Inc. These agencies are quasi-public entities set up under Korean law. These four agencies may affiliate with authorized adoption agencies in the United States or other countries.

2. Requirements for financial contributions above the costs of providing adoption services. A contribution for social welfare services and programs is part of the Korean procedures. The contribution does not go to the Korean government or to local institutions. Affiliated adoption agencies typically do not include this contribution as a separate cost item on the list of charges. Rather each agency charges a set adoption-processing fee with government approval. The fee was about \$5,880 in 2000 but it is expected to be increased. This includes such costs as an escort fee for bringing the child to



the US and for the costs of the Korean-approved agency to process the adoption and for the cost of providing foster care for the children awaiting adoption. Additionally, each affiliated agency is expected to make a donation for such programs as new child care facilities, new construction and repairs to facilities for children. This donation is often wrapped into the adoption-processing fee. These contributions are voluntary, but strongly recommended by the Korean-approved agencies. In response to this request, the affiliated agencies in the receiving countries solicit the donations via various methods. Some agencies set a yearly donation goal, for example of \$20,000, and charge parents a set fee per adoption to meet this goal. Other agencies may set the goal of \$100,000 and use fundraising events like auctions to meet the contribution goal or charge prospective adoptive parents a higher contribution amount. The expected contribution amount varies depending on the number of children placed previously by a particular agency and on the other charitable resources of a particular agency. Agencies that place more special needs children than others are not expected to contribute as much as other agencies. Thus, the adoption-processing fee is fixed, but the contribution may vary. The number of children assigned is not dependent on the contribution given. Korea is considered one of the lowest cost programs for intercountry adoption.

The affiliated adoption agency uses a wire transfer or check to send the required amounts, including the contribution amount, to one of the Korean approved agencies. There is documentation of all fees sent and the four Korean agencies are responsible for ensuring that the contribution is used for the designated programs. These programs can include such activities as setting up clinics in the community, creating maternity homes, and construction of a guesthouse for visitors.

3. The placement and matching of children eligible for adoption with prospective adoptive parents. The children eligible for adoption are typically in foster care supervised by the four Korean approved agencies. Prospective adoptive parents usually wait one to four years for a placement. The US-based affiliated agency, or other receiving country agency, completes a home study on the prospective adoptive parents and forwards it along with other necessary documents to the Korean agency. The Korean agency is responsible for ascertaining what children are eligible for adoption and it has legal custody of the children in its care until they arrive in the receiving country. Typically, the four Korean-based agencies have extensive and accurate information on the children, including detailed information on medical conditions and some background on the child's birth family. Using the reports on the child and the home studies on the prospective parents, the agency in Korea makes a tentative match of the child with potential parents. Then each affiliated agency will send to the parents the information, which includes the detailed medical report, birth history information, and pictures, on that particular child. Once the parents consent to the placement, the formal adoption process begins. The children are most frequently escorted to the US, although families may travel to Korea to meet and escort the child home. The US-based agency has guardianship over the child in the US until the adoption is completed in a US state court. During this time frame, the child is living with the parents while awaiting a final adoption decree and agency social workers visit the home to monitor the placement until it is final. Sometimes, Korean-approved agencies will send to their affiliates information on special needs children before the children are matched with any particular family, and it is the responsibility of the agency to try and recruit prospective adoptive parents for these children.

### **C. The Intercountry Adoption Process in Colombia**

The Colombian government permits adoptions via two methods: prospective parents may use a government-sponsored program or work with private agencies. The government-sponsored program is usually inexpensive; however, the wait for a referral on a child is often two to three years. The private agency programs, which are government regulated, are usually more expensive than the government-sponsored program; however, the wait for a child referral is less than a year and the medical and birth information on the child is more extensive. Prospective adoptive parents are given a choice, and most are

choosing the path of the private agency program. Colombia ratified the Hague Convention on July 13, 1998.

1. Colombia's regulation of foreign private organizations. Colombia has designated eight local institutions that are authorized to place Colombian children for adoption, and seven of them are permitted to work with foreign private organizations commonly referred to as adoption agencies. The local institutions are typically birthmother homes where mothers are cared for prior to the birth of the child and afterwards make a decision about whether they want to place the child for adoption. The children are also cared for in these institutions while awaiting placement. The foreign adoption agencies must be licensed by the Colombian Central Authority—Instituto Colombiano de Bienestar Familiar (ICBF)—to work in the field of adoption in Colombia. Once the agency is initially accredited by ICBF, it must renew its accreditation on an annual basis by submitting evidence of its current status as licensed in its headquarters state. Meetings are held with the agency representatives to talk about overall child placement practices. A small amount of documentation, including post-placement reports, but not including evidence of non-profit status, is sent in for renewal. Most agency representatives indicated that the process was informal but working very well. Most agencies were initially selected on the basis of their long-term experience in the country. A few agencies are no longer permitted to work in Colombia, and it is very rare for Colombia to license a new agency.

2. Requirements for financial contributions above the costs of providing adoption services. In Colombia, there is no mandatory donation, but the costs of adoption include providing services and care to mothers and children at the institutions. Some saw Colombia as prohibiting even the solicitation of additional donations. Each local institution includes in an annual agreement with the adoption agencies with which it is working the amount of money that must be sent by the agency to support the institution. These funds are typically used to pay staff, care for the mothers and children, and develop outreach programs to birth mothers to discourage abandonment of children and encourage the use of the maternity facilities at the institutions. Some agencies send the funds on a quarterly basis by wire transfer or by check depending on the local institution. Other agencies have the parents write personal checks for the pro rata amount directly to the local institution. This program fee charged to adopting families for the local institution could range from \$5,200 to \$10,000. The total amount an agency must contribute is given as a range because the number varies depending on the facilities and programs of the local institution and the number of children placed by the agency. Thus, the program fee to parents will vary. Most individuals interviewed believed that the program fee was being spent for the care of mothers and children at the local institutions.

3. The placement and matching of children eligible for adoption with prospective adoptive parents. In Colombia, the placement decisions about children eligible for adoption are made at the local level. The local court first determines if a particular child is eligible for adoption. Children may become eligible for adoption if: (1) the criteria for abandonment are met, including a required search for birthparents (children usually abandoned at a hospital are discharged to the care of government-funded and operated foster homes and are more frequently placed through the government-sponsored adoption program); the birthparent consents to the placement of the child for adoption; or the parental rights are terminated for neglect or abuse of the child. Once the child is determined to be legally free for adoption, the local licensed institution will review the dossiers from prospective adoptive parents. Most local institutions are working with more than one foreign agency and parents are selected on somewhat of a take turns basis. If, in some cases, an agency has recently placed several special needs children, then the parents on its list may be selected sooner than other parents. The information on the next available family is reviewed to determine if the next available child is an appropriate match. The director of the local institution, and perhaps members of its board or staff, assist in making the placement decision. Once a decision is made, the foreign agency may send the information on the child to the prospective

adoptive parents. The medical information and birth information on children is seen as being very accurate. The local institutions that are making the referrals to specific parents disapprove of individuals who may decline a particular referral, so prospective adoptive parents who reject one or more referral may not be permitted to adopt. Once parents have accepted the child referral, they may travel to Colombia. The child lives with the parents until the adoption proceeding is completed in court. In Bogota, the procedures may take up to 6 or 7 weeks. In other parts of the country, the court proceedings typically take about 4 weeks. Colombia prohibits any person from holding up an adoption for longer than 30 days and fines can be imposed on those that do so. Colombia also limits the fees a lawyer can charge for assisting with adoptions to about \$900.

## **V. Specific Recommendations**

### **A. Improve the enforcement of the current laws and regulations applicable to private Romanian foundations and adoption agencies.**

Under the Hague Convention on Intercountry Adoption the Central Authority of a ratifying State, like Romania, may designate accredited private bodies to perform certain functions for completion of an intercountry adoption. These functions include activities such as preparing a psychosocial report on the child eligible for adoption or determining if a particular placement is in the best interest of the child. Romanian domestic law does set up a system for accrediting such private bodies. Romanian private foundations must be accredited; non-Romanian adoption agencies must partner with an accredited Romanian private foundation to provide adoption services.

One possible method of improving the adoption process is to ensure the application and strict enforcement of current laws, ordinances, and government decisions regulating private adoption service providers. The Romanian Adoption Committee (RAC) has the power to disbar any agency or to refuse to renew its accreditation. Each agency must produce detailed financial data in order to be reaccredited. Consistent enforcement of the current regulatory framework governing all private foundations and agencies, especially a review of an agency's financial information at the time of accreditation or upon receipt of a complaint or upon a random basis, would help to discover and exclude those agencies failing to comply with the rules on financial disclosure. Specifically:

1. To be accredited, private bodies must prove non-profit status and provide to the RAC, among other documentary materials, an annual accounting of income and expenses, and a report explaining the disposition of any financial surplus). A consistent, thorough review process and the auditing of these annual accreditation documents may help to ensure that only non-profit entities with transparent financial activities are accredited.
2. If a foreign private body is accredited in its headquarters State in accordance with the Hague Convention, it should be permitted to work in the field of intercountry adoption without partnering with a Romanian private foundation. Thus, those foreign accredited bodies could provide adoption services as long as they were accredited by their home State and by the Romanian government .
3. Romanian and American experts in the field of adoption, funded by USAID, are now drafting professional adoption service provider standards. When complete, these practice standards developed by voluntary consensus could be included as part of the accreditation and licensing requirements.
4. Encourage the RAC permanent secretary department to charge a licensing fee, similar to the fee charged by the Central Authority in China, to cover the costs of enforcing and administering the regulations governing the Romanian private foundations and the foreign private organizations.
5. Ensure that all professionals and support staff who work in the field of intercountry adoption have experience in the child welfare area and are persons with integrity and high ethical standards. Develop conflict of interest rules so that persons on the RAC or those involved in the regulation of adoption services may not also be a member or related to a member of an organization providing adoption services.
6. A comprehensive child welfare information system should be developed to monitor and evaluate improvements to services provided to children. This system would help to provide accurate and reliable data on children in state care.

7. Request that the RAC and the local child protection agencies comply with the current Hague Convention requirement to send the information on all families certified for adopting children from Romania to the Central Authority.

**B. Eliminate the current method of assigning points to agencies.**

Under the current internal rules of the RAC, an agency or foundation, in addition to being accredited, must also acquire “points”. Points are needed for an organization to be given access to children. Exclusive rights to place certain children for adoption are awarded on the basis of points. To gain points, an accredited agency must contribute direct child welfare services at the local judet/sector level or contribute money for the provision of child welfare services at the local level. The operation of the point system is described more fully in Section III. The authors conclude that the point system inextricably links the provision of money, goods or services to placement decisions for children available for adoption. Although they are not official recommendations of the recent Hague Special Commission, we find the concerns discussed by the working committee at the Special Commission to have substantial merit. As to the placement of children, the two main principles are:

- Any contributions for child protection efforts should not be offered or sought in any manner so as to compromise the integrity of the intercountry adoption process or create dependence on income from the intercountry adoption process.
- The level of contribution should not influence placement of children for adoption and such contributions should not have any bearing on the age or other characteristics of a child available for adoption.

With these principles in mind, we think four important goals are:

--1) Separate the process of evaluating and selecting accredited agencies (which is now based on points earned from making financial contributions directly to judets or earned by providing identified child welfare services) from the process of assigning children to those agencies with the most points. Thus, the point system as a method for placing children would be abolished.

--2) If the point system is not abolished as a method of assigning children to accredited bodies, at a minimum, prohibit accredited bodies from giving financial contributions to sponsor child protection programs and require the accredited bodies actually to provide the child protection programs themselves.

-- 3) Make providing child protection programs a condition of accreditation, but do not guarantee that agencies providing services will be assigned children to place for adoption.

-- 4) Ensure that children who need homes are matched with families qualified to adopt in an open, transparent way under professional supervision.

The Romanian government, as we were preparing this report, issued a new government decision on December 19, 2000, entitled "Regarding Certain Measures for Child Protection Through Adoption." This new law appears to be a step in a direction consistent with the above-mentioned principles and goals; however, at the time this report was completed, it was not certain if the Parliament would approve or disapprove this government decision. Under this government decision, the RAC may assign the task of identifying families or individuals interested in adopting eligible children only to those Romanian private bodies that sign an agreement with the National Agency for the Protection of Children's Rights (NAPCR) and with the local county council or local Bucharest council. The Romanian private bodies must provide services in four defined child protection areas:

--Activity of prevention of children's abandonment through financial support and counseling of the families who cannot bring up, educate and support the child in difficulty; financial support meaning various goods and payment of certain services as bills for gas, electricity, heating, necessary for the child to have appropriate living conditions;

--Activity of prevention of child abuse and any kind of neglecting the child, as well as all circumstances that would determine the child to find himself or herself in difficulty;

--Activity of reinstating the children in their families, to ensure the child's upbringing, education, support by his parents, or by one of the parents, or by a relative up to the fourth degree

--Programs with the national strategy of reforming the system for child's rights protection.

Once the agreement is made, NACRP monitors and evaluates the Romanian private foundation's performance. Based on this evaluation, the NACRP prepares and updates the records of the Romanian authorized bodies, which can be assigned the task of identifying an adoptive family or individual.

The new law also provides that the RAC "will assign the adoptable children *on the basis of a unique listing.*" This key provision is not explained; therefore, we cannot ascertain what will be the method for placing children eligible for adoption until a government decision is issued establishing the methodology for applying this decision.

**C. Eliminate or identify cash contributions or financial contributions for an agency to provide child protection programs that are above the actual cost of adoption services.**

Under the current system, there is a lack of transparency about what are the appropriate charges for adoption-related services and there is a wide range of fees, which vary from country to country and from agency to agency. We think that the suggestions of the working group at the Hague Special Commission provide helpful guidance on how to include contributions:

- If there is a required contribution above the costs of adoption services, the amount should be fixed in advance and prospective adoptive parents should be notified of the requirement in advance.
- The intended use and purpose of such fixed fees should be made clear.
- Such fees should be recorded and accounted for in the country of origin.
- Detailed accounts should be kept of the incoming contributions and the use to which it is put.

The options listed below would allow the government and prospective adoptive parents and other parties to know whether the fees being charged were for adoption services or for contributions above the actual costs of completing an adoption.

1. The Government of Romania could set a fixed cost or schedule of allowable costs for intercountry adoptions and identify the portion that is a contribution. Under this approach, all adoptions from Romania would have the same cost for all adoption services performed by Romanian localities and NGOs and by foreign NGOs. Costs of social work, other adoption services, and fees in the receiving country will vary and should be documented for the prospective adoptive parents. Travel costs will vary, also. These cost variations can be

- expected to be transparent to the parents and other interested parties, and therefore not a matter of serious concern.
2. Romania could publish and widely distribute the average cost of adoption for the Romanian portion of the intercountry adoption process. The figure could be derived from the reports provided to Romania by the licensed adoption agencies, or from other sources, and should be updated annually. Making this information available on appropriate web sites and through adoption agencies and NGOs could form the basis of a self-regulating cost control system. Through the licensing and accreditation process, foreign agencies could also be required to publish the costs of adoptions. Any contribution amount would be determined in advance and spelled out separately.
  3. The requirement by agencies or others for adoptive parents to pay fees for the Romanian portion of an adoption program in cash and that they hand carry the cash to Romania should be avoided. The funds should be accounted for by the agencies and transferred in a manner that ensures receipts or records for the amount sent are kept.

#### **D. Encourage and improve domestic adoption.**

Under the current point system, adoption agencies and local judets have a financial incentive to place children for intercountry adoption. Romanian domestic law, however, provides that the waiting Romanian parents have priority in the adoption process. Yet now, partly as a result of newly developed and successful prospective adoptive parent recruitment efforts, in many places there are waiting Romanian parents. Elimination of the current point system will help to eliminate the financial disincentive for completing domestic adoptions. To support that effect and provide more options for children, we recommend these additional steps:

1. Encourage domestic adoptions across judet lines and continue actively recruiting Romanian adoptive parents.
2. Create a listing of prospective Romanian adoptive parents and promote the availability of these families for matching with children who need permanent homes.
3. Ensure that there is no artificial time limit beyond which it becomes more difficult to place children in Romanian homes than to place them abroad.
4. Modify existing methodologies to assure that it is no more difficult or time-consuming for a Romanian family to adopt than for a family from another State.
5. Provide appropriate support for Romanian families adopting special needs children, to make it more possible for these children to grow up in a loving home rather than in an institution.
6. Where circumstances warrant, explicitly consider foster homes to be potential adoptive homes, in order to help children achieve the permanency that comes with adoption and to take advantage of the bonding that often occurs between foster families and the children for whom they care.
7. Create specific programs to increase the number of prospective adoptive parents in Romania using public awareness campaigns and provide incentives for local counties to develop domestic adoption programs.
8. Ensure that the local judets have adequate funds and staff to process and complete domestic adoptions.

### **E. Encourage and Improve Self-Regulation of Adoption Agencies**

To improve adoption practice and support effective self-monitoring by agencies, we recommend the following steps:

1. Adoption agencies in Romania should meet informally or formally on a regular, collegial basis to discuss methods of processing adoptions and to coordinate efforts for improvement.
2. When a child with whom one agency has been working, for example in a foster care program, is assigned to another agency for the purpose of an adoption placement, the two agencies should communicate and coordinate with each other so that the placement decision is made with the best interest of the child in mind.
3. Agencies should identify for all parties, including government officials, what portion of the Romanian in-country adoption costs are related to the actual costs of the adoption and what portion of the cost is for donations or for funding child protection programs. Agencies should explicitly note the following: a) the total overall fee charged prospective parents; b) the portion of the fee that supports the agency's activities in the receiving country, identifying each item, such as costs for the homestudy and costs of maintaining the agency and its staff; c) the portion of the fee that covers adoption services provided in Romania by the private foundations; and d) the portion of the fee intended to cover the cost of providing child protection services in Romania. Agencies may set their own internal limits on such contributions and require documentation of funds received and how the funds are spent by making this a requirement of their agreements with the Romanian private foundations with which they partner.
4. If the point system continues in some form, agencies can stop "buying" points by merely making contributions and instead actually provide the child protection services required. If an agency's Romanian partner foundation is the entity providing the child protection services, the agency should ensure and strictly monitor the partner's activities to make certain that the legally required child protection activities are completed.
5. Agencies should ensure that their Romanian partner foundations use sound intercountry adoption practices and have experienced staff and social work professionals who are qualified to work in the field of intercountry adoption.



## **Persons Interviewed for this Report<sup>1</sup>**

### In Romania:

Daniela Avram-Buzducea, Child Welfare Program Specialist, United States Agency for International Development

Pamela Awtrey, Bethany Social Service Foundation

John Beauclerk, Programme Manager, International NGO Training and Research Centre

Teodora Bertzi, Vice President, National Agency for the Protection of Children's Rights

Beth Bradford, Social Worker, Bethany Social Service Foundation

Tanya Collingridge, Programme Coordinator, Department For International Development, British Embassy

Lucia Correll, Director of Child Welfare, United States Agency for International Development

Tim Correll, Legal Advisor, United States Agency for International Development

Ioana Cretoio, Member of the Romanian Committee on Adoption, Ministry of Labor and Social Protection

Diana Cristea, Bethany Social Service Foundation

Rebecca Davis, Project Manager, World Vision

Professor Ion Filipescu, jurist

Mr. Giurascu, State Secretary, Ministry of Labor and Social Protection

Dr. Tatiana Goldner, Romania Director, Holt International Children's Services

Ramona Gotteszman, Director of Intercountry Adoption Program, Holt International Children's Services

Adrian Guth, Child Welfare Expert, The World Bank

George Lane, The Children's Legal Centre, University of Essex, UK

Ecaterina Laudatu and staff, Office of the Ombudsman, Government of Romania

Mirela Lavric, National Agency for Protection of Children's Rights

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<sup>1</sup> While this is a reasonably comprehensive list, we know there are some persons we spoke with who are not listed here. We regret any omissions; everyone we spoke with was forthright and very helpful.

Bogdan Lehel, National Agency for the Protection of Children's Rights, and former Member of the Romanian Committee on Adoption

Charles Lewis, U.S. Department of Justice, Resident Legal Advisor

Jane Nandy, Deputy Mission Director, United States Agency for International Development

Mariela Neagu, Task Manager, European Union

Baroness Nicholson of Winterburne, European Parliament Rapporteur for Romania

Bogdan Panait, General Secretary, National Agency for the Protection of Children's Rights

Nina Petre, Project Manager, World Vision

Smaranda Popa, National Program Officer, UNICEF

Cerasela Porumb, Child Welfare Program Consultant, World Learning

Dr. Ion Predescu, Executive Director, Pentru Copiii Nostri

Christopher Randall, Chief, Immigrant Visa Unit, U.S. Embassy

Denny Robertson, Mission Director to Romania, United States Agency for International Development

Hon. James Rosapepe, Ambassador of the United States

Christian Rosu, former Director of the DPC, Sector 6, Bucharest

Andrew Swithinbank, Director, European Institute of Social Services

Dr. Christian Tabacaru, Project Coordinator, SERA

Daniel Vieru, Social Worker, Bethany Social Service Foundation

Jane Wimer, Bethany Social Service Foundation

In the U.S. and Elsewhere Outside of Romania:

Ellen W. Carey, Director, Division of Child Welfare Capacity Building, Children's Bureau, United States Department of Health and Human Services

Pam Coughlin, Executive Director, Children's Resources International, Inc.

Gordon Dickey, Attorney Adviser, Office of the Legal Adviser, United States Department of State

William Duncan, Deputy Secretary General, Hague Conference on Private International Law

Cedra Eaton, Adoption Division, Office of Children's Issues, United States Department of State

Ellen Eckhart, Director Family Services, Catholic Charities

Jean Nelson-Erichensen and H. Erichensen, Los Ninos International Adoption Center

Terry Gay, International Health Officer, Office for Europe and the NIS, United States Department of Health and Human Services

Tom Jackson, European Program Director, Bethany Christian Services

Dan Laurer, Holt International Children's Services

Margie Miller, Program Coordinator, Children's Home Society of Minnesota

Bruce Mossburg, Latin American Program Director, Bethany Christian Services

Peter Pfund, Special Adviser for Private International Law, Office of the Legal Adviser, United States Department of State

Donald M. Sheehan, Romania Country Desk Officer, United States Department of State

Sherry Smart, Latin America Program Coordinator, Spence-Chapin Services for Families and Children

Mary Sullivan, Director, National Adoption Information Clearinghouse

Olga Tass, Colombia Program Coordinator, Children's Home Society of Minnesota

Hans Van Loon, Secretary General, Hague Conference on Private International Law

Stephen Vann, Adoption Division Chief, Office of Children's Issues, United States Department of State

Nancy Whalin, Korea Program Coordinator, Spence-Chapin Services for Families and Children

Marshall Williams, Vice President of International Adoption, The Gladney Center