

Proposed Regulations May Put the Brakes on Adoption Boom

Bringing in Children From Abroad Could Get More Expensive Under New Provisions

By **D ANIELA GERSON** Staff Reporter of the Sun

David Youtz, a banker at Morgan Stanley in Manhattan, did not know it at the time, but when he adopted his daughter from a Chinese orphanage almost 10 years ago he was riding the beginning of a trend.

"In the last decade our whole country has gone through a sea change in how they view adoption, both domestic and international," said Mr. Youtz, who serves as president of Families With Children From China, a group which provides support for more than 2,000 families in the tri-state area.

Over the past decade, adoptions by American families of foreign children have increased by threefold to more than 20,000 in 2002, with the top countries being China, Russia, and Guatemala.

"It's been a free-for-all," said Adam Pertman, the director of the Evan B. Donaldson Adoption Institute, of the growth of the multimillion dollar business. But agencies are warning that a federal proposal providing regulations for the booming international adoption industry could make adopting children from abroad more expensive and more difficult.

Nearly 50 nations have signed the Hague Convention on Intercountry Adoption, which requires countries to create a central authority to supervise foreign adoptions, institute measures to guard against illegal baby selling, and ensure that adoptions agencies are accredited.

In 1994, America signed onto the treaty and the State Department proposed final regulations for the governance earlier this year, allowing the public to provide comment until December 15.

"Our goal here is to help the American families that want to adopt," said a spokesman for the State Department, Stuart Patt, calling international adoption regulations a new field of endeavor for the federal government. "There are some countries where there are possibilities of baby-selling, fraudulent adoptions, lower standards, that become more and more of a problem as this becomes more of an international activity."

But agencies, particularly smaller ones, are fearful they would not be able to sustain the liability requirements in the proposed regulations and that they could drive up the cost of adopting from abroad, which now falls between \$15,000 and \$35,000.

"They sound like they're good on the surface, until you really look," said Debbie Spivack, director of Reaching Out Thru International Adoption, a New Jersey-based agency. "Of course, we support the goals — basically they're trying to prevent child trafficking and child-abuse — but, unfortunately, I think that in order to achieve that goal there are some excessive provisions."

Her agency has submitted a 19-page letter to the State Department suggesting, among other things, that insurance companies share in the liability responsibility.

If not, Ms. Spivack fears small agencies like hers will fold and, she said, adopting children from abroad "will become a privilege for the wealthy, and wonderful parents that have lesser means will be excluded from the process because of the cost."

Spence-Chapin, the oldest adoption agency in New York, is still in the process of drawing up their response to the proposed regulations.

"Everyone has reservations about certain points," said Sabra Larkin, director of communications for Spence-Chapin, of the dense, 55-page proposal. "In general, we can say there are many provisions that are excellent, but there are many that could make it difficult, especially for some small agencies to perform adoption."

The State Department said it would carefully consider all feedback and the new regulations should not begin until 2005.

Mr. Pertman, of the adoption-research institute, is optimistic that agency complaints will be accounted for. "I think agencies have legitimate concerns," he said. "That's why the State Department permits people to weigh in and give their comments. There is a legitimate effort to get it right."

Still, he said, increasing regulation should be the first priority.

"When we see horror stories in Guatemala or Romania, when we see bribes paid in Russia, when we see children at risk of being trafficked, nobody can say we don't need to fix this, but the practitioners can't necessarily see the whole picture," he said. "We monitor the intercountry transfer of tires, we should do no less for human beings."