

International adoption can be frustrating

By Bill Pesch

Many people considering an adoption often believe that adopting a child from another country is relatively quick and easy. Foreign adoptions by celebrities such as Madonna, Tom Cruise and Angelina Jolie have fueled these impressions.

The reality for most people is quite different. The process is slow, often frustrating and relatively expensive. The average time for processing an international adoption is about four years. The cost ranges from about \$10,000 to \$50,000.

The Hague Convention on Protection of Children and Adoption Services is an international agreement concluded in 1993. It came about in response to abuses reported from various countries.

The U.S. signed the convention in 1994 but didn't fully implement its requirements until April 1, 2008. About 90 countries have ratified the convention. All international adoptions among these countries must comply with the convention's strict rules and regulations, which seek to safeguard the interests of both the adoptive child and adopting parents.

The State Department publishes an excellent online guide to the process. Much of the information here comes from that guide.

There are six steps to the process:

1. Adoptive parents must retain the services of an accredited or approved adoption service provider, or ASP, approved by the Council on Accreditation. There is no accredited ASP in Guam, so most people pursuing international adoptions in Guam seek the help of an ASP in Hawaii.

The ASP, also called the primary provider, is responsible for assisting applicants with six adoption services:

■ Identifying a child for adoption and arranging for an adoption.

■ Securing the necessary consents to the termination of parental rights and to the adoption.

■ Preparing studies that reveal the background of the child and prospective parents.

■ Determining if the best interest of the child is served by approving the

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adoption.

■ Monitoring the child's progress over a period of time after the child's placement in the adoptive home and before a final decision is made.

■ In situations where the adoption is not approved, assuming custody of the child until an alternate placement is found.

2. Adoption applicants must submit a U.S. Immigration Form I-800A to the U.S. Citizenship and Immigration Services to determine if the applicant is suitable and eligible to adopt a child. The applicants must specify the convention country from which they wish to adopt and provide a home study that includes in-depth information about the applicant's health, finances, home and background.

3. An approved applicant must then be matched with a child by authorities in the child's country. Each country can set its own restrictions. For example, some countries don't allow single parents to adopt. China no longer allows obese applicants to adopt.

Authorities from the child's home country must put in place specified safeguards. For instance, the emphasis should be on a local rather than an international adoption, if possible, and the parental consent to place their child for adoption must be freely given in writing and not coerced.

Assuming all steps have been followed and a specific child has been identified, the applicant must then decide whether to continue with the process.

4. If the applicant wishes to proceed, the applicant must next submit Immigra-

tion Form I-800 to ISCIS. Under this form, if the child is found to meet the definition of a convention adoptee and if USCIS determines all steps have been properly followed, the child will be given provisional approval to enter the U.S. The applicant will then submit a visa request and the U.S. consular officer residing in the child's home country will review the application and determine whether the child is eligible to immigrate. If all is order, the officer will issue an Article 5/17 letter informing the foreign central office the adoption may proceed.

5. Only after these first four steps have been completed may an adoption applicant actually adopt the child. Some convention countries allow applicants to conclude the adoption in the child's home country; others require the adoption take place in the U.S.

6. After the adoption has been completed in the child's home country or the applicant has obtained legal custody to bring the child back to the United States to conclude the adoption, the child must obtain final approval of the I-800 form and obtain a U.S. immigrant visa. The child will need a passport from his or her home country.

If the child hasn't yet been adopted in the home country, the adoption needs to be completed in Guam. From my experience, rarely is the child adopted prior to arriving in Guam. Usually, the child is placed with the adoptive parents in Guam and their progress monitored for a year by the ASP through a social worker at Guam's Bureau of Social Services. Assuming all goes well, the home country will then give final approval for the adoption. Once adopted, the child will get a new birth certificate and U.S. passport.

If you are considering an international adoption, be ready for frustrations and delays. Be comforted that all clients I've assisted over the years in navigating international adoptions have told me the wait and anxiety were well worth it!

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