

# Inter-Country Adoption of Children Born in the United States

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## Abstract

Inter-country adoption of children from the United States has been going on for decades; however it had not been broadly recognized by adoption professionals. Prior to 2008, when the USA contracted with The Hague Convention on Inter-country Adoption, no protective legislation aimed at monitoring these adoptions existed, offering no protection from abuses that have been associated with inter-country adoption. Even after the policy change in 2008, the USA has had no requirements for reporting all inter-country adoptions. Historically, inter-country adoptions from the USA have involved children of racial minorities. This practice raises social justice issues and questions of protection of the rights of all children.

## Keywords

International adoption, inter-country adoption of U.S.-born children, Hague Convention on Inter-Country Adoption, racism in adoption, transracial adoption, child protective policies in adoption.

Although many people know that the United States of America has been among the top receiving countries for inter-country adoption, what is less commonly known is that for years children born in the USA have been adopted by individuals and families in Europe and Canada. This article examines the extent of this practice: where the children come from, where they go, and demographic characteristics of the children and adoptive families. The role of the federal government in providing oversight intended to protect children adopted through inter-country adoption is discussed, both before and after 2008, when the USA implemented its contract with The Hague Convention on Inter-country Adoption. While some problems related to adoption of children from the USA were resolved after 2008, other serious problems were created.

It is hoped that this article will raise awareness and stimulate a dialogue in academic, political, and professional communities regarding inter-country adoption from the USA, especially vis-à-vis maintaining the standard of “best interests of the child” and protection of children’s rights.

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## EXTENT OF INTER-COUNTRY ADOPTION FROM THE USA PRIOR TO 2008

Unlike protections required by many countries of origin for children brought into the USA through inter-country adoption, prior to 2008 the federal government did not offer or require protections for any adoptees from the USA, leaving room for possible abuses. Starting in the mid-1990s, journalists attempted to call attention to the phenomenon of adoption of children from the USA (Corley 2005; Davenport 2004; Glaser 2004; *60 Minutes* 2005; Smiley 2004; Smolowe 1994; *World News Tonight* 2005). However, with the exception of studies done by Freundlich (2000) and by Lieberthal (1999), few scholars chose to study or even recognize that such adoptions were happening, and professionals in the adoption community appeared unaware of this aspect of international adoption (*60 Minutes* 2005; O'Neill, Fowler and Arias 2005).

Carefully documented data kept by the U.S. Department of State on visas issued to incoming children adopted through inter-country adoption by residents of the USA reveal that approximately 7000 children entered the USA in 1990; the number doubled by 1998 and tripled by 2003. Such adoptions peaked at 22,990 in 2004 and then began to decline. In 2013, the U.S. Department of State reported only 7092 inter-country adoptions of children entering the USA. At the same time that these inter-country adoptions into the USA were occurring, some children who were born to U. S. mothers requesting adoption for their children were adopted abroad. The only source of data about these adoptions was from private agencies in the USA that arranged the adoptions. In addition, official figures were published by some of the receiving countries. Journalists in Canada and Europe published articles and commentaries focused on individual case histories. Anecdotal evidence at best led to small snowball samples as one adoptive family referred reporters to another family with a similar experience. Thus, little can be said about precise numbers of cases, children, or agencies; even trends are somewhat vague. More importantly, little is known about the outcomes of these adoptions.

According to data from adoption agencies in the USA, from the early 1990s until 2005, between 200 and 800 children born in the USA were adopted each year internationally. Lieberthal (1999) reported that children born in the USA who were adopted abroad were usually

African-American or of mixed racial heritage. Most of the children leaving the USA were adopted in Canada, perhaps not only because of Canada's proximity to the USA but because Canada's adoption policy at that time prohibited the adoption of healthy Canadian infants by unmarried people. According to the Adoption Council of Canada (2004), each year Canadians adopted 1800 to 2200 children through inter-country adoption, and by 2002 the USA ranked sixth or higher out of the top 14 sources for these adoptions. Glaser (2004) reported that between 1995 and 2004 there were a total of 600 USA-born children adopted by Canadians, with the numbers increasing each year. For example, in 2002, 53 children were from the USA, and by 2009 the number had increased to 253 (Hilborn 2010). Almost all were under age five when they were adopted; most were Black or bi-racial and lived in Ontario or British Columbia (Canada Adopts 2006). Others went to families in Western Europe, particularly Belgium, England, Germany, the Netherlands, Sweden, and Switzerland. Most of the receiving countries also did not document these adoptions carefully. Figures that do exist include 21 children adopted in Sweden from the USA between 2000 and 2005 (Statistiska Centralbyran 2005). A reporter for *Time* (Smolowe 1994) discovered that although the British Department of Health listed only one American adoption for 1993, the cover story of a London magazine described the USA as one of the most accessible countries for inter-country adoption. Similarly, Smolowe (1994) found that although the Dutch government reported only one or two USA adoptions in the late 1980s and early 1990s, within a week she identified six such adoptions that had taken place during the previous four years.

### The Route to Adoption from the USA

According to a 1999 policy paper authored by the Donaldson Institute staff, international adoptions of U.S.-born children were completed through private lawyers or private agencies (Lieberthal). Several agencies serving as sources for children from the USA were identified by journalists, and *Family Helper*, a Canadian magazine, published a list of such agencies on the internet (Hilborn 2007). Most private agencies were founded in the late 1980s or early 1990s when open adoption was becoming common in the USA. Agencies tended to be located in the South or in Northern urban areas. While most placed children of all races for domestic adoptions, the agencies

concentrated on inter-country adoption for African American and biracial babies. Some agencies were motivated to elect inter-country adoption for financial reasons. The CEO of ROOTS Adoption Agency in Atlanta, Georgia, identified economic incentives for inter-country adoption, stating that “agencies [that arrange inter-country adoptions] look for families that can pay their fees” (Davenport 2004).

### **Policies Governing Inter-Country Adoption of Children from the USA Prior to Implementation of the Hague Convention**

Government regulation of adoption is critical for the protection of adopted children; inter-country adoptions into the USA have been carefully documented since the late 1940s and domestic adoptions within in the USA have been increasingly regulated, especially since the 1980s. However, before 2008, children adopted internationally from the USA were not afforded such protections, either before or after they left the country; consequently the process was without accountability. Though the application for a passport issued by the U.S. Department of State asked about intended destinations when a person left the country, the answer “as needed” sufficed to have one’s papers processed. Unlike other sending countries which required post-placement home studies to inform them of adoption outcomes, no follow-up studies of children adopted from the USA were required. Consequently it was not possible to track the outcome of the adoption (Lieberthal 1999). As the executive director of Adoptive Families of America stated, “It’s shameful that we don’t know how many there are, much less who they’re going to and under what circumstances they’re being adopted” (Smolowe 1994).

Efforts to protect children adopted internationally have been made by both the United Nations Convention on the Rights of the Child and The Hague Convention on Inter-country Adoption. Both the United Nations and The Hague documents reflect serious concerns about trafficking and abuse of children. Within the USA, the Inter-country Adoption Act of 2000, which was to be the implementing legislation for The Hague Convention, did not become fully operant until 2008. In a discussion of the Act of 2000, the *Federal Register* (2000: 9853) stated that the rule requires only “extremely limited reporting requirements for outgoing cases.” Therefore, although some tracking

information became available, the legislation did not impose enforceable requirements for investigation of adoptive parents, or for post-placement supervision to protect the well-being of the child once adopted. This is in sharp contrast to countries, such as China, that historically had extensive pre-adoption and post-placement reporting requirements spanning several years, documenting the home, safety, education, and health conditions of the children adopted from their countries. Given the absence of such reporting requirements for children adopted from the USA, one is led to wonder about their post-adoption experiences. This lack of protective policies raises question about possible discriminatory practices within the USA as so many adoptees leaving the USA are African-American or biracial children.

### **ATTITUDES IMPEDING TRANSRACIAL ADOPTION WITHIN THE USA**

In spite of federal policies, including the Multi-Ethnic Placement Act of 1994 and the 1996 Inter-Ethnic Placement Provisions of the Small Business Job Protection Act, which make it illegal to consider ethno-racial affiliation as a criterion for the placement of children, controversy over transracial adoption in the USA persists. According to Hollingsworth (2000), attitudes towards transracial adoption in the USA differ by gender and age, with women and those under the age of 60 being more supportive of it than men and those over age 60.

Within the African American community controversy over transracial adoption also continues. The National Association for the Advancement of Colored People (NAACP) supports it, but other organizations, such as the National Association of Black Social Workers (NABSW), has historically opposed it. In 1972, NABSW articulated its position statement, likening transracial adoption to “cultural genocide” (Clemetson and Nixon 2006). Following the lead of the NABSW, some in the African American community sought to have transracial adoptions involving African American children eliminated or at least limited, as they anticipated adjustment problems and, though acculturated to the white world, they held the position that transracially adopted children would never be socially assimilated or fully accepted in it. Further, the children would be deprived of their cultural pride and heritage and left ill-equipped to deal with racism.

In 1994, NABSW stopped using the term “cultural genocide;” however, the organization continues to strongly prefer in-racial adoption (Clemetson and Nixon 2006).

According to Hollingsworth (2002, 2003), both transracial and inter-country adoptions pose social justice challenges, as they set the stage for discrimination, identity problems, and the risk of children losing their cultural heritage. Hollingsworth (1997, 1999) contends that the uniqueness of the African American cultural group presents opportunities through which the socialization of the African American child takes place and the definitions of self and identity develop. For her, it is within this context that the child’s African roots and African self-consciousness must be balanced with the goals and values of the larger society. Similarly, Melosh (2002: 176) identified pressure for racial matching in adoption as reflective of “embattled communities that saw adoption as theft of their most precious resource – the children who constituted their legacy and their future.” She noted that some African Americans saw transracial adoption as “yet another assault on communities struggling to survive in white America. They responded by emphatically reclaiming these children as their own” (Melosh 2002: 176). Townsend (1995) went on to argue that black parents had to teach their children survival skills that whites could not teach. Philip Bertelson, a black man who had been adopted by white parents, explored transracial adoption and its impact on a child’s sense of cultural identity in a 2001 documentary film, *Outside Looking In*. He argues that being completely colorblind can be dangerous and damaging as it leaves a child unprepared for what he finds outside his protective home. Furthermore, he says, “when you ignore my race or my ethnicity, you are essentially taking away a part of who I am” (*WABC World News Tonight* 5/5/2005).

If one assumes that transracial adoptions provide children with opportunities not otherwise available to them, one can then make an argument in support of such adoptions. The pro side of the transracial debate is supported by many outcome studies (Brooks and Barth 1999; Judge 2003; Weitzman 2003). For example, a longitudinal study of black children adopted as infants by white couples showed them to be well-adjusted teens with good or very good self-esteem (Vroegh 1997). Similarly, a longitudinal study of transracial adoptions from 1971 to 1984 showed that although some families were having problems with their children, most children were aware of and comfortable with their racial

identity. The adoptive parents believed that arguments against transracial adoption were racist and contrary to the best interests of the child (Simon 1994).

Biographical postings on the web and other writings, some by adoptees themselves, others by clinicians and social workers, support NABSW’s view that, while transracial adoption is certainly viewed as better than foster care or remaining in an institution, it should be a last resort. Adoptees do not feel white parents are equipped to expose them to a diverse cultural perspective and certainly cannot tell them what it is like to repeatedly face racism (Raible, 2004). They lack resources to draw on what can only be provided by a community of color (Raible 1990). Though white adoptive parents may not be prejudiced or discriminating, Noerdlinger (2008) notes “colorblindness is a luxury young black children aren’t afforded by this world.” Unless the adoptive parents are proactive and sensitive to cultural differences, their adopted children may grow up unexposed to anything but a white view (Noerdlinger 2008; Garrett 1999). Some adoptees become alienated from their adoptive families as they seek their black roots, and may also be conflicted (Raible 1990).

Clearly, racism has serious consequences for the child welfare system (Testa, Poertner and Derezotes 2004); for transracially-adopted children (DeBerry, Scarr and Weinberg 1996; McRoy and Grape 1999; Tieman, van der Ende and Verhulst 2005); for their adoptive families (Brooks and James, 2003); for potential adoptive parents in the African American community (Chestang 1972; Hollingsworth 1998; Mosley-Braun 1995; NABSW 2006); and for adoption agencies (Carter-Black 2002).

### **Impact of Racial Stereotyping on Adoption in the USA**

According to the U.S. Census Bureau (2003:14), about one-sixth (17.1 percent) of all adoptions in the USA, including domestic and inter-country adoptions, were transracial, including thousands adopted from Asia each year. However, this Census Report does not provide information about the race of adoptive parents, nor how many white families in the USA transracially- adopted a non-white foreign-born child as opposed to an American-born child. Despite the decline in discriminatory behavior since the Civil Rights era (Marden, Meyer and Engel 1992; Anderson and Massey 2001; Schaefer 2005; Roby and Shaw 2006),

white prejudice and discriminatory practices persist in the USA. Racial stereotyping was often fueled by sensationalism in the media. For example, although it is well-known that addicted babies are born to women of all races, media attention to addicted infants born to African American women, as well as other health concerns, served to reinforce fears of adopting African American babies, driving many people to seek foreign-born children (Glaser 2004; Roby and Shaw 2006).

### **Racism in USA Adoption Agencies: Barriers to Adoption**

Racism also affects the number of African American families who become adoptive parents in the USA. Chestang's (1972, p. 104) view that the number of African American children remaining in institutions and foster care reflected "discrimination and other societal impediments" by African Americans, not their unwillingness to adopt. This view was echoed 26 years later by Hollingsworth (1998), who maintained that same-race parents are ready to adopt but ethno-racial discrimination in child welfare services interfered. During the mid-1980's a National Urban League study found that only one percent of 800 potential African American parents were selected or approved; the national average for white parents at the time was 10 percent (Mosley-Braun 1995).

### **Impact of Racism on Birth Parents in the USA**

A small percentage of birth mothers of African American or biracial children who requested adoption preferred inter-country placement for their babies for idiosyncratic reasons, such as the desire to remove the child from the path of an abusive partner, or to avoid the scrutiny of the adoption because the birth mother was undocumented (Smolowe 1994). However, many more who requested inter-country adoption were motivated by fear of the impact that American racism would have on their children (*World News Tonight* 2006; Brown 2013) and believed that an African American child or child of mixed heritage would face fewer obstacles abroad. This attitude was encouraged by personnel at some adoption agencies (Davenport 2004; O'Neill, et al. 2005; Smolowe 1994). In one adoption agency, where only 10 percent of African American birth mothers insisted on a same race family for their children, the

executive reportedly told birth mothers that in his agency's experience there was less racial prejudice in Canada than in the USA. He has been quoted as saying, "Especially in Canada, people are just color blind" (*60 Minutes* 2005).

### **Transracial Adoption from the USA**

By 2005, at least 300 black adoptees from the USA lived in an area of British Columbia where blacks comprise less than one percent of the population (*60 Minutes* 2005). According to an adoption worker there, adoptive families who sought USA-born infants were "not ignoring the race issue, but they don't think, like the Americans, that the less black the better" (Davenport 2004). Between 1993 and 2005, Adoption-Link, an agency specializing in adoption of African American, biracial, and multiracial children, placed one-third (74) of its children with white Canadians and others in Western Europe (O'Neill, et al. 2005). While that agency supported same-race placements, it also facilitated transracial placements and attempted to prepare families for transracial adoptions. The agency stressed that a child's "heritage must be acknowledged and celebrated" and it required that non-African American families anticipating a transracial adoption participate in a course designed to heighten racial sensitivity (Adoption-Link 2006; Bridge Communications, Inc. 2015, Homepage). In efforts to maintain the children's cultural roots and minimize adjustment problems, some Canadians who adopted children from the USA formed self-help groups, took courses dealing with race, and organized seminars about black heritage, black history and racial issues. They bought artifacts reflective of their children's heritage; thus African drums and paintings of Harlem in the 1920s might be found in a home in Vancouver (Glaser 2004). Some sent their children to all-black summer camps (*60 Minutes* 2005). These parents tried to strike a balance between "celebrating a culture and inviting stereotypes" (Glaser 2004). Some of the children saw few black adults and initially were even fearful of them. One was confused and asked his adoptive father, "At what age do I become white, like you?" (Glaser 2004). Therefore, the parents tried to build a community inclusive of black friends (*World News Tonight* 2005), actively seeking African American role models in popular culture and Afro-Canadian models in their neighborhoods (O'Neill et al.

2005). Some families moved from the suburbs to more diverse downtown areas in Vancouver and became active in the Afro-Canadian Adoption Network in British Columbia. Their efforts were aided by members of Vancouver's small and diverse black community, whom they recruited as mentors for their children, especially their adolescents. Mentors respected that the families did not try to avoid issues associated with race, but rather confronted them (O'Neill et al. 2005). While infants and girls may have experienced fewer problems, teenagers, and especially boys, faced stereotyping and bigotry (Glaser 2004; O'Neill et al. 2005). Some children reported being teased, while others were stereotyped as having musical talent or being good basketball players.

A similar process was seen in Europe. Adoptive parents in the Netherlands realized their children would face prejudice; this was fanned as many blacks from previously Dutch colonies now living in the Netherlands were viewed by some as competitors for jobs. Dutch families wanting to adopt a newborn whose medical records were available, had facility in the English language, and favored open adoption turned to the USA (Brown 2013; Davenport 2004). As occurred in Canada and also Germany (Davenport 2004), adoptive parents in the Netherlands formed support groups for themselves, and also groups to help their children develop a positive self-image.

## THE HAGUE ADOPTION CONVENTION

Formally entitled The Hague Adoption Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoptions, the Convention is an international agreement designed to safeguard the adoption triad, including birth parents, adoptive parents, and children involved in inter-country adoptions. The Convention seeks to eliminate trafficking in children, their sale, abduction and abuse, including sexual abuse, by making the process transparent and having a uniform set of standards guiding inter-country adoptions. Its overriding goals are "the best interests of children" and protection of their rights. The outgoing country must be able to establish that the child is actually an orphan or that there is no other family available to take permanent responsibility for his/her care and upbringing. Hence the Convention is opposed to infant adoption and favors that of older children and children who, because of physical, mental or emotional challenges, have

not had successful placements. The Convention also mandates data collection on children who are adopted or are being considered for it, including home visits, interviews with adoptive parents and pre-adoption training for them, as they will face cross-cultural and perhaps transracial issues when bringing the child to their country. The Convention seeks to ensure that the birth mother has a minimum of several weeks to make a final decision about adoption. It is opposed to private adoptions and adoptions with countries that have not implemented the Convention.

In 1993, when the Convention was first circulated, 51 countries ratified it almost immediately, making its terms legally binding. There were an additional 30 accessions, that is non-member nations agreeing to the Convention's terms, and three signatories who supported the principles but whose governments had not yet ratified the Convention. Due to pressure from people in the USA seeking to adopt from other countries and from agencies whose economic survival depended on inter-country adoptions, the USA did not fully implement the Convention until mid-year in 2008, despite signing it well over a decade earlier. By 2010, there were 83 contracting countries and four signatories.

## Out-Going Adoption since the Hague Convention

Official statistics compiled by the U.S. Department of Homeland Security are sent to the U.S. Department of State for inclusion in its annual report to Congress (See Tables 1 and 2). As stated, The Hague Convention requires a diligent effort to find suitable adoptive parents in the USA before an outgoing adoption can be approved. However, this number does not give a full picture as, prior to July 2014, with the implementation of the Inter-Country Adoption Universal Accreditation Act of 2012, approval was not required when birth parents located adoptive parents outside the country without the help of a licensed agency. Hence there was a disparity between the official and unofficial statistics reported.

Although still small, the number of unofficial international adoptions consistently increased through 2013, with both a growing number of states participating and a growing number of countries seeking children for potential adoptive families. Unofficial data include adoptions from state foster care systems and privately arranged adoptions which were not reported by the U.S. Department of State (Brown 2013). A British expert

who serves as a statistical advisor to the United Nations notes there were 319 outgoing adoptions from the U.S. in 2009, though only 27 were reported by the State Department in that year. Similarly, 2010 data from only five receiving countries – Canada, the Netherlands, Germany, Switzerland and Ireland -- reported 205 adoptions of children born in the USA, while the State Department reported only 43 were sent to all receiving countries (Brown 2013). Smolin (2013) notes that some state laws in the USA are punitive towards birth parents because of short revocation periods. Further, “bait and switch tactics” may be used by some adoption agencies to induce families to relinquish custody. On the other hand, counseling of birth parents, many of whom are young and vulnerable, may put adoption agencies’ financial interests above the families’.

Through 2013, a preponderance of inter-country adoptions covered by The Hague Convention continued to come from Florida, which headquarters four of the 21 agencies and individuals licensed by the federal government to handle outgoing adoptions. To a lesser extent South Carolina and New Jersey were also sources of such adoptions, with only occasional adoptions originating in other states. **Table 1** provides numerical and percentage data showing the receiving countries to which U. S.-born children have been sent for adoption. As **Table 1** indicates, 80% of these children were adopted by residents of two countries: the Netherlands and Canada (See Table 1). **Table 2** provides numerical and percentage data showing the states from which the adoptions originated. As **Table 2** shows, the majority (62%) of these children came from the state of Florida. Next in rank of sending states are New Jersey and South Carolina. Although both are considerably behind Florida in rank, these two states each account for nine percent of the outgoing adoptees. (See Table 2).

There are no data available in the USA regarding the child’s age, gender, or race. The requirement of The Hague Convention curtailing infant adoption suggests older child adoptions among the official statistics. The large number of infants adopted from the USA in the Netherlands in 2009, shortly after the USA implemented The Hague Convention, created a furor in the Netherlands. Dutch authorities reasoned these infants could have been adopted in the USA and instituted limitations on adoption to include only children older than 10 years; young children facing physical or mental challenges; or children who are part of a sibling group (van Hooff 2010).

Gay couples in the Netherlands were estimated to account for close to 20% of adoptive parents (Smolin 2013). Although gay people may be able to adopt within their own country, the number of children available for domestic adoption cannot keep pace with the over 3000 families seeking adoption. Passage of the Social Assistance Act, increasing acceptance of single motherhood and increased availability of both contraception and legalized abortion, combined to reduce the number of infants for adoption. Domestic adoptions dropped sharply from 1209 in 1970 to 259 in 1980 and declined to 50 in 2000 (van Hooff 2010). By 2009 the number of domestic adoptions in the Netherlands was only 25. At the same time, international adoption in the Netherlands rose, peaking to 1307 in 2004. This was followed by a decline and, in 2006, only 816 children were adopted from other countries. By 2008, that number dropped to 756, due largely to a decline in the number of children who could be adopted from China, which was the largest source. Adoption of children from Haiti and the USA then became increasingly more common. In 2008, 56 children were adopted in the Netherlands from the USA, most of whom were placed before April of that year when The Hague Convention became operant (van Hooff, 2010). According to Illien International Adoptions, Inc. (2011), a Hague-accredited Inter-country Adoption Agency located in Atlanta, Georgia, similar measures limiting infant adoption were approved by France and Italy in 2011. Also in 2011, a delegation from the Adoption Authority of Ireland came to the USA to discuss inter-country adoption of American-born children, resulting in a temporary rise a year later in the number of children from the USA adopted in Ireland (U.S. Department of State 2013).

Although data regarding age and gender of children adopted by Hague Convention participants were not submitted to Congress in the USA, these data were provided to The Hague by the U.S. Department of State. Of the six cases of inter-country adoption reported in 2008, there were three boys and three girls; all were under the age of one year. One went to Canada, two to Germany and three to the Netherlands. The following year the number of official cases increased to 30, including 22 boys and eight girls; all but five were under the age of one year, and of the five all were between one and four years old. Most (19) went to the Netherlands, seven to Canada, two to the United Kingdom and one each to Austria and Switzerland (Hague Conference on Private International Law 2010: 3).

**Table 1** Receiving Countries for U. S.-Born Outgoing Adoptees<sup>a</sup>

<u>RECEIVING COUNTRY</u>	<u>2008<sup>b</sup></u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>	
							<u>N</u>	<u>%</u>
Australia		1	1	1			3	0.9
Austria					5	1	6	1.7
Canada	1	5	19	31	41	35	132	37.6
Curacao				1			1	0.3
Germany	2	2	2	2			8	2.3
Ireland				5	14	5	24	6.8
Mexico				1	1		2	0.6
Netherlands	21	17	18	27	28	38	149	42.5
South Africa			1				1	0.3
Spain				1			1	0.3
Switzerland				2	4	2	8	2.3
Tanzania						1	1	0.3
United Kingdom	1	2	2	2	6	2	15	4.3
Total	25	27	43	73	99	84	351	100.2%

<sup>a</sup>These data were compiled by the authors from statistics provided by the U.S. Department of State for 2008-2013. To view the 2013 statistics, go to:  
[http://adoption.state.gov/content/pdf/fy2013\\_annual\\_report.pdf](http://adoption.state.gov/content/pdf/fy2013_annual_report.pdf)

<sup>b</sup>Includes statistics for April 1, 2008-September 30, 2008.



**Table 2** States Sending U. S.-Born Outgoing Adoptees Abroad<sup>a</sup>

STATE	2008 <sup>b</sup>	2009	2010	2011	2012	2013	Total	
							N	%
Alabama					1		1	0.3
Arkansas					1		1	0.3
California	2	1	2	3	6	3	17	4.8
Colorado					1		1	0.3
Florida	17	16	27	49	64	45	218	62.1
Hawaii					1	1	2	0.6
Illinois					2		2	0.6
Indiana	2	1				1	4	1.1
Kansas				1	1	2	4	1.1
Louisiana					1		1	0.3
Maine					1	1	2	0.6
Minnesota						1	1	0.3
Missouri					1	2	3	0.9
Nevada		1	1	1	1		4	1.1
New Jersey		2	4	4	5	18	33	9.4
New York	2	3	3		1	2	11	3.1
Ohio					1		1	0.3
Pennsylvania	2			1	3		6	1.7
South Carolina		2	5	12	7	6	32	9.1
Texas			1	2	1	1	5	1.4
Utah		1				1	2	0.6
Total	25	27	43	73	99	84	351	100%

<sup>a</sup>These data were compiled by the authors from statistics provided by the U.S. Department of State for 2008-2013. To view the 2013 statistics, go to:  
[http://adoption.state.gov/content/pdf/fy2013\\_annual\\_report.pdf](http://adoption.state.gov/content/pdf/fy2013_annual_report.pdf)

<sup>b</sup>Includes statistics for April 1, 2008-September 30, 2008.

There is little comparability of data reported by the U.S. Department of State to the U.S. Congress and that reported to The Hague. Furthermore, while data collected in the Netherlands included open adoptions arranged privately between birth and adoptive families, data collected in the USA did not include these adoptions. Part of the statistical dilemma should be remedied by the Inter-country Adoption Universal Accreditation Act of 2012, which took effect July 2014. This Act requires that all inter-country adoptions comply with the same accreditation standards as Convention adoption cases.

Naughton's (2012) exploratory study of a small number of Canadian and USA adoption professionals revealed that Canadians preferred an open adoption of an infant with accessible health records, and favored the geographical proximity. In 2009 the Canadian government reported 253 adoptions from the USA, making it the second largest source of adoptees (Hilborn 2010). Similar to the pre-Hague years, most of the adoptees lived in the provinces of British Columbia, Alberta or Ontario; the USA ranked first for international adoption in British Columbia and Alberta. However, in the same year the USA reported a total of only 26 Canadian adoptions to The Hague, raising the question of lack of oversight for this large number of unofficial adoptions.

As increasing numbers of countries that have contracted with The Hague are becoming sensitive to policies in adoptions involving infants, more are turning to the foster care system for older children in the USA. These countries include France, Italy, and Switzerland. Illien Adoptions International, for example, established its program in 2011 in order to facilitate these adoptions. As African American and Hispanic children are disproportionately represented in foster care systems in almost all states (NCJFCJ, 2012: 3), including states where outgoing adoption is most prevalent, it is likely that not only infants, but also older children adopted from the USA, will be transracially-adopted (Avitan 2007).

Studies have shown that older adoptees have a difficult time generally, and those who must experience a transition to another country have a particularly difficult adjustment. Children over the age of 5, and especially those older than 10 years, who have been acculturated in the USA, learned English or Spanish and formed ethno-racial identities within the USA, who are taken to countries to live with families of different cultures, most of whom are white, are

particularly challenged. Numerous studies have shown children who are dealing not only with dislocation but also the immigration experience to be the most likely of all children and adolescents to have problems in school, and to develop numerous other problems, including difficulties with social adjustment, substance abuse, and psychiatric illness (Hjern. Lindblad and Vinnerljung, 2002; Lindblad, Hjern and Vinnerljung 2003; von Borczyskowski et al. 2006). Furthermore, the Donaldson Institute's review of the professional literature on the impact of age on adoptees' adjustment – both age at adoption and age at which the child's adjustment is assessed – shows that problems not only grow and peak in the pre-teen and teen years, but may remain throughout the adult years (McGinness et al. 2009: 29-41).

## DISCUSSION

Activity within the USA around The Hague Convention tightened the oversight for the 351 children reported by the Department of State as leaving the USA for inter-country adoption between 2008 and 2013 under the auspices of the Convention (See Table 1). However, at least until the implementation of the most recent federal legislation, the Inter-Country Adoption Universal Accreditation Act of 2012, which took effect in July 2014, statistics reported by the U.S. Department of State to Congress and The Hague have significantly under-reported the total number of outgoing adoptions. Children were still being placed internationally for adoption with no requirement by the federal government for supervision of the adoption, leaving children who were adopted outside the purview of The Hague Convention at risk. Thus there is a need for the professions to take a proactive role in ensuring full compliance with this protective legislation. As Smolin (2013:151) notes, there is a need for the professional community to champion adoption law reform – “it is a matter of clarity of vision, and political will.” In addition, as greater numbers of older children are adopted transracially, as well as inter-nationally from the United States, monitoring and assessing the outcomes of these adoptions will be very important.

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