

International Adoptions in Guatemala Since Enforcement of Hague Convention: How Should They Continue?

Prior to 2008, and attempts to enforce the Hague convention in Guatemala, a high number of international adoptions took place. One of the reasons why these adoptions were so popular was that there was no regulation of international adoptions by the Guatemalan government (Lacey 2006; Daly 2007). Instead what had been in place was a system where by the adoption agencies took care of most of the process. The problem with this type of anarchical system gives the opportunity for unethical, greedy, dishonest, uninformed and irresponsible agencies to thrive. Some of these adoption agencies can be seen as industries whose can provide a service for reasons of profit. With this system there was the possibility of improper financial gain and that parental consents could be induced by payment. In these circumstances the adoption may not be in the interest of the child- but rather it is driven by want of profit. However, whether we choose to allow these adoptive agencies to continue requires a judgement call about a matter that is neither black nor white. Although these adoptive services may sometimes be driven by profit, they are still performing a service. As evidence to this there are also many blogs and internet forums we people talk about successful adoptions from organizations that give a family to children that desperately need one (e.g. guatemala.adoptionblogs.com; <http://groups.google.com/group/alt.adoption/topics>). These same adoptions can benefit the country's economy and in doing so prevent the need for adoptions in the future. With the enforcement of the Hague convention a compromise must be made in which there is proper practice but at the same time there is a way of supporting the country and making it practical for prospective adoptive and birth parents.

Previously intercountry adoptions saw 1 in every 100 young children from Guatemala being adopted

into American families alone (Daly 2007). These adoptions were often quick, although expensive and saw the children being rescued from harsh conditions at an early age. The literature on adoption seems to suggest this may be vital, with an emphasis has been placed on the importance of the early years and the importance of rescuing children from harsh conditions early (Bowlby, Ainsworth et al. 1956; Clarke and Clarke 2000). Similarly it is believed that early years may be a sensitive period for brain growth lack of stimulation and/or malnutrition during these years may cause permanent damage, and disinhibited attachment (Rutter 1998; Rutter, Colvert et al. 2007). For problems related to physical growth adoption has been an effective intervention leading to massive catch up and as such these children from Guatemala (Van Ijzendoorn and Juffer 2006) . Without much alternative at home, these children may best benefit from international adoption. Similarly there is a large difference of attachment security between adopted children and those raised in institutions, although catch up in attachment is absent (Van Ijzendoorn and Juffer 2006; Vorria, Papaligoura et al. 2006).

What had been in Guatemala had both advantages and disadvantages. The main advantages were the fact that many children were being rescued, with 18,298 Guatemalan babies adopted by American couples alone between the years 1995 and 2005 (Lacey 2006); and also that the Adoptions had the potential to aid the economy, with much of the money reportedly going back to the country (Greene, Kelly et al. 2007; Molina 2007). These adoptions serve for a better catch up in relation to the physical and psychological issues already discussed. One of the disadvantages is that the biological parents are sometimes being paid by the adoptive agencies. This goes against the Hague

convention and also means that the country could be accused of baby trafficking. At the same time however, paying the family may be a way of insuring that their circumstance improves. In a study of international adoptions in Ireland costs of adoptions from Guatemala ranged from €5,000 – €30,000 (Greene, Kelly et al. 2007). Without governmental observation of the adoptive activities there may be a lack of transparency and/or a large portion contributing to the profits of those involved in performing the service. However, It has been argued that, when possible, it is preferable that the child is raised by their biological family and in their country of birth (Van Ijzendoorn and Juffer 2006). As such it is not necessarily true that adoptions are the best thing for these children. Unfortunately adoption within the country is not always possible as it may go against the need of the child for a good enough environment.

Since December 31st 2007 a new system in America has succeeded the old, with all adoptions subject to the Hague convention. As such no international adoptions from Guatemala may take place until Guatemala passes legislation that implements the Hague convention. Other countries that have signed the Hague convention may follow suit and require Guatemala to conform fully to the Hague convention. This puts these children at risk, and will cost the country financially. As the number of children in institutions or families that are not good enough rises more damage to the children may be done and the cost of the problem will increase. In the past countries such as Romania and Cambodia have severely limited the amount of adoptions allowed because of accusations of baby trafficking and in these situations their conditions for its orphaned children to sharply decline and disintegrate (Daly 2007). This may have been a direct result of the closure of their intercountry adoption borders, for if some of these children had been rescued not only could those children have benefited but there may have been more resources for the other children. However, if adoptions continue without a treaty in place to regulate them, richer countries may put the poorer countries in a situation whereby the circle is made perpetual and countries like

Guatemala become dependent on the finances gained by putting children up for adoption. What is needed here is a long-term solution in which the children that need a family are given one, but at the same time the country is made more able to care for such children independently in the future. This would prevent the country from becoming financially dependent on the funds acquired by the adoption funds, stopping the vicious cycle, yet still in the short term helping the children with the best intervention available at the moment.

Contributing factors to why the birth parents cannot provide good enough environments may be low education levels in Guatemala, high infant mortality rate and early marriage. The human development report 2005 places Guatemala as low in terms of world literacy with 69% of people over the age of 15 able to read and only 63% of women over the age of 15 can read (Watkins, Fu et al. 2005). Furthermore among female indigenous adults only 39 percent are literate, and this is said to be because of inferior quality of education relative to males and the non-indigenous (Hallman, Peracca et al. 2005). Young women may be thought to have no future in life other than as wives and mothers and as a result do not receive the education they ought to and marry early. In countries where there is a high infant mortality rate the is also thought to be higher birth-rate as an “insurance” factor (Wilson 1991) and among the poorest 20% in Guatemala the infant mortality rate is 58% (Watkins, Fu et al. 2005). Improving literacy may be one way of reducing some of these problems. By improving literacy, particularly in women, one creates a larger and more able work force. Such an improvement may mean larger income and may also create more able parents.

One possible solution would be a situation whereby financial aid is given to the country to be put into education and promoting education for women. A cross-disiplinary examination of the research in economics, developmental psychology and neurobiology by Knudsen, heckman, Cameron and shonkoff (2006) revealed that the most efficient strategy for strengthening the future work force, both economically and

neurobiologically, and improving quality of life is to invest in the environments of disadvantaged children during the early childhood years. Knudsen et al. (2006) also warn that prevention is always cheaper than remediation. If we want to help Guatemala, the time to act is now, adoptions must be allowed to continue in order to prevent irreversible deficits in the cognitive, emotional, and social skills that are necessary to live productive and happy lives. At the moment there are neither many adoptions taking place nor is the country receiving the finances it previously received from adoptions. It seems wise that adoptions continue, whether or not the families are allowed to be paid is a matter to be decided upon here, but it is suggested some of the cost to the adoptive parents should be going into education and education promotion.

References:

- Bowlby, J., M. Ainsworth, et al. (1956). "The effects of mother-child separation: A follow-up study." British Journal of Medical Psychology **29**: 211-247.
- Clarke, A. M. and A. D. B. Clarke (2000). Early experience and the life path. London, England: Jessica Kingsley Publishers.
- Daly, L. B. (2007). "To regulate or not to regulate: The need for compliance with international norms by Guatemala and cooperation by the United States in order to maintain intercountry adoptions." Family Court Review **45**(4): 620-637.
- Greene, S., R. Kelly, et al. (2007). A Study of Intercountry Adoptions in Ireland. Dublin: Children's Research Centre, Trinity College Dublin.
- Hallman, K., S. Peracca, et al. (2005). Causes of low educational attainment in Guatemala: Ethnicity, gender, or poverty? Washington, Center for Global Development.
- Knudsen, E. I., J. J. Heckman, et al. (2006). "Economic, neurobiological, and behavioral perspectives on building America's future workforce." PNAS **103**(27): 10155- 62.
- Lacey, M. (2006). Guatemalan Adoption System is Scrutinized as American's Rush in to Adopt. New York Times.
- Molina, J. (2007). Let the Children Come, [VIDEO REPORT] Newsweek. Retrieved 2 Jan, 2008 from <http://www.newsweek.com/id/74385> , alternatively a direct link to video report can be found at <http://link.brightcove.com/services/link/bcpid1243727405/bclid440984148/bctid1336697625>
- Rutter, M. (1998). "Developmental catch-up, and deficit, following adoption after severe global early privation." Journal of Child Psychology and Psychiatry **39**(4): 465-476.
- Rutter, M., E. Colvert, et al. (2007). "Early adolescent outcomes for institutionally-deprived and non-deprived adoptees. I: Disinhibited attachment." Journal of Child Psychology and Psychiatry **48**(1): 17-30.
- Van Ijzendoorn, M. H. and F. Juffer (2006). "The Emanuel Miller Lecture 2006: Adoption as intervention. Meta-analytic evidence for massive catch-up and plasticity in physical, socio-emotional, and cognitive development." Journal of Child Psychology and Psychiatry **47**(12): 1228-1245.
- Vorria, P., Z. Papaligoura, et al. (2006). "The development of adopted children after institutional care: A follow-up study." Journal of Child Psychology and Psychiatry **47**(12): 1246-1253.

Watkins, K., H. Fu, et al. (2005). Human Development Report 2005 International cooperation at a crossroads: Air, trade and security in an unequal world. New York: United Nations Development Programme.

Wilson, R. A. (1991). Cosmic trigger II. Tempe: New Falcon Publications.