

FROM: NCFA delegation to Russia and Ukraine

TO: NCFA and JCICS members

DATE: October 16, 2006

SUBJECT: Trip Report

American Adoption Leaders Visit Russia and Ukraine

From September 25 to October 3, 2006, Tom Atwood of the National Council For Adoption led a delegation of U.S. adoption leaders to promote adoption and child welfare in Russia and Ukraine. Other members of the delegation to Moscow were Larisa Mason, International Assistance Group; David Pilgrim, Children's Home Society and Family Services; Richard Van Deelen, Adoption Associates; Tom DiFilipo, Joint Council on International Children's Services; and Natasha Shaginian-Needham, Happy Families. The delegation to Kiev included Atwood, Mason, DiFilipo, Van Deelen, and Mike McMahon and Marshall Williams of the Gladney Center for Adoption.

With a goal of strengthening Russia's and Ukraine's commitment to permanency for children through intercountry adoption, the delegation advanced best practices, addressed the countries' officials' ongoing concerns, and promoted continuing dialogue and collaboration between American and Russian and Ukrainian adoption leaders. The visits to both countries were deemed a resounding success by all members of the delegation and significantly advanced the cause of a child's right to permanency through intercountry adoption. Following is a summary of the meetings and suggested action items for adoption agencies.

Russia

Meetings

The delegation met with the following offices and officials during the five-day visit to Moscow. U.S. Consul General James Pettit remarked that the level and quality of the delegation's meetings were very significant.

- Office of the Prosecutor General: Anatolij Palamarchuk, Chairman, Principal Department for the Supervision of Federal Law; Yuri Ivanov, Chairman, Department of International Law; Svetlana Makovchik, Manager, Office of Youth and Underage, Principal Department for the Supervision of Federal Law; Marina Zaitseva, Chief Prosecutor, Office of Youth and Underage, Principal Department for the Supervision of Federal Law; Daniil Zuikov, Prosecutor, Department of International Law
- Ministry of Foreign Affairs: Alexey Isakov, Head of Division, Department of North America; other ministry staff

- Ministry of Education: Boris Gusev, Deputy Director, Department of State Youth Policy, Upbringing and Social Protection of Children; Igor Bogachev, Adviser Deputy Ministry
- Ministry of Justice: Mr. Alexei Zhafyarov, Chairman of the Department of Political, Public, and Other Organizations, Federal Registry; other MOJ legal counsels
- Office of the Human Rights Ombudsman: Vladimir Lukin, Commissioner; other ombudsman staff
- Council of the President of the Russian Federation on Assistance to the Development of Civil Society Institutions and Human Rights: Ella Pamfilova, Chairperson
- Embassy of the United States of America – James Pettit, Minister Counselor and Consul General; Constance Anderson

Recurring Themes from the Russian Officials

Throughout the meetings, the following themes were consistently presented by the Russian officials.

- The Russian government has no desire or plan to end intercountry adoption. While domestic adoption is viewed as the most desired solution for orphaned children, intercountry adoption is seen as a positive option and an integral part of the Russian child welfare system.
- Compliance with post-placement requirements continues to be problematic.
- Outstanding issues need to be resolved in order to advance the processing of adoptions, including the missing post-placement reports and the imminent enactment of regulation 268.
- Intercountry adoptions facilitated on an independent basis are viewed as not in the best interests of children and these adoptions will be prohibited. They plan to implement an accreditation-based approach.
- Hague ratification is not imminent, but is expected as an eventual outcome. America's slowness in ratifying the Hague Convention was frequently noted by the Russian officials.

Key Issues

Significant progress was made on several key issues.

1) Accreditation: The delegation strongly emphasized the advantages of moving to a wholly accreditation-based system: (a) the Russian government's ability to exercise accountability over service providers; (b) the involvement of professional social workers, which promotes adoption as a social service in the best interests of children, rather than as an economic transaction; and (c) the high service standards that accreditation promotes, ensuring better screening of parents, better preparation of parents, and better post-placement supports for children and families. The Russian officials agreed with the accreditation-based approach.

2) Regulation 268: The delegation pressed for prompt enactment of regulation 268 and was told that it is on the verge of implementation. The delegation supported specific rules reportedly contained within the draft 268, providing for adoptions to be processed exclusively through adoption agencies registered as NGOs by the Ministry of Justice and accredited by the Ministry of Education. The delegation also advocated that 268 provide for an extended, multiple-year period of accreditation, rather than the present annual requirement. The Ministry of Education reported that 268 must be enacted before accreditations can start up again, but said that enactment was imminent.

Some officials with whom the delegation met said they did not know about the disruption of adoptions caused by the new NGO registration requirement and by the wait for 268. They said they would contact the Ministry of Education immediately to press for 268. In each meeting, the delegation asked that bureaucratic changes to the adoption process be managed with less disruption to adoptions. The delegation requested that when changing the system, the current system remain operational until the new system is ready to begin processing adoptions.

3) NGO Registration: The process of registration was further clarified and continues to move forward with 23 agencies having been registered at the time of the meeting. Mr. Zhafyarov of the Ministry of Justice provided an overview of the process by which agencies must file quarterly and annual reports so as to maintain their status.

4) Post-Placement Reports: The Ministry of Education provided the delegation a listing of agencies with missing post-placement reports and requested assistance in securing these missing reports. The officials greatly appreciated NCFR's and JCICS's agreement to work together to retrieve as many of the missing reports as possible. The Russian officials were pleased to hear about agencies' efforts to strengthen their ability to obtain PPRs from uncooperative parents, through civil contracts and security deposits requiring parental cooperation with PPRs.

5) Harmful legislation prevented: The delegation advised Russian officials regarding a legislative proposal in the Duma that would amend article 126 of the family code, redefining adoption agencies as intermediaries, thus causing them to be prohibited from providing adoption services in the Russian Federation. Some officials were not aware that this proposal had been proposed. All the officials stated that they would help see to it that this proposal would not become law.

6) Hague ratification: The delegation advocated Hague ratification by Russia, pointing out that the service standards required by America's Hague-implementing regulations enhance child protection while providing a reliable and predictable process for adoption, for Hague-ratified countries of origin. The delegation noted that the Hague implementing regulations require parent education, which ensures parents who are better prepared to handle the challenges

that can arise with a child who has been institutionalized. The delegation advised the Russian officials regarding NCFA's Web-based program, "The Intercountry Adoption Journey: Online Hague-Compliant Training for Parents and Agency Staff," coming this fall. The General Prosecutor's office asked for a copy of the curriculum. The Russian officials were also pleased to hear that the Hague implementing regulations authorize America's central authority to require parents' and agencies' compliance with the laws of Hague-ratified countries of origin.

7) Additional accredited agencies: The delegation asked the Ministry of Education what the plan was regarding the accreditation of additional qualified adoption agencies. The MOE officials stated that this issue has been under consideration but there had been no decision or recommendation made yet.

Action Items

In order to continue the momentum created by the visit, the delegation suggests the following action items for adoption agencies. The recommendations are based on specific information provided by the various officials, and will improve the process and advance the positive relationships secured in these and other meetings over recent months.

Post-Placement Reports (PPRs)

- Utilization of refundable security deposits for post-placement reports
- In contracts with potential adoptive families, inclusion of damages, liability, and litigation language, for failure to cooperate with agencies in producing PPRs
- Cooperation with the NCFA-JCICS joint efforts to secure missing PPRs

Consular Registration

- The ministries strongly requested that agencies register each adopted child with the Ministry of Foreign Affairs prior to the adoptive family's departure from Moscow.

Psychological Testing

- Inclusion of psychological testing of each prospective adoptive parent into the Home Study Report. The specific test to be used was not suggested but rather is left to the discretion of the accredited adoption agency.

NGO Reports

- All NGOs must file their quarterly activity report no later than October 31. In addition, all NGOs must file their annual plan for the coming year no later than December 31. These reports are required by law, according to Mr. Zhafyarov. He also indicated that although the current NGO regulations are primarily intended to regulate and monitor political organizations and not adoption agencies, adoption agencies must still follow the protocols, regulations, and laws related to NGOs.

Congressional and family outreach to key Duma members

- The delegation discussed with U.S. Consul General James Pettit and Constance Anderson the idea of organizing a trip that would introduce key Duma members to pro-adoption congressional leaders and American families with Russian-born adopted children.

Ongoing Efforts

This delegation's work is another example of the importance and effectiveness of international adoption advocacy that is persistent, articulate, respectful, well prepared, and focused on child welfare. Building upon previous efforts of the American adoption community in Russia, the delegation reports significant further progress in promoting adoption and child welfare for Russian orphans through our collaborative efforts with Russian adoption leaders. Although there is much work still to be done and the situation continues to evolve, it is frightening to think where we would be were it not for our advocacy in Russia these past 18-24 months. We appreciate and depend upon the ongoing support and involvement of the American adoption community to make possible these ongoing efforts in Russia and other countries.

The delegation will continue dialogue with Russian adoption officials in the coming months and report to the Ministry of Education on the action items. Over the coming weeks, NCFCA and JCICS will conduct surveys of member agencies related to the action items. Your cooperation in these efforts will advance our shared mission to help children around the world have loving, permanent families through adoption.

Ukraine

Meetings

The delegation met with the following officials during the two-day visit:

- Ministry of Family, Youth and Sports: Tetyana Kondratuk, Deputy Minister
- State Department for Adoption and Protection of the Rights of the Children: Liudmyla Volynets, Director; Liudmyla Balym, Deputy Director; Sergey Olyennik, Director, International Office
- Embassy of the United States: Landon Taylor, Consul General; other embassy staff

Ukrainian Presentation

The delegation conducted one primary meeting with the MFYS and two meetings with U.S. Consul General Landon Taylor before and after the MFYS meeting. Mr. Taylor, who is an adoptive father of two Ukrainian children, and the

embassy staff were well informed and active regarding the adoption issue. During the MFYS meeting, State Department Director Volynets presented the following:

- Ukraine views domestic adoption as much preferable to intercountry adoption. The new State Department for Adoption and Protection of the Rights of the Children is focusing most of its attention on promoting domestic solutions for orphans.
- Notwithstanding this domestic emphasis, Ukraine will continue intercountry adoption and restart adoptions by Americans on schedule.
- Missing post-placement reports continue to be a serious issue. Because the children continue to be Ukrainian citizens, Ukraine is concerned about monitoring the safety of its children who are internationally adopted and living in other countries.
- A voluntary registration system for adoption agencies will soon be announced and implemented. Ukrainian law restricts the use of intermediaries, and thus straightforward accreditation of agencies is not expected in the near term.
- The MFYS supports the principles of the Hague Convention and supports its ratification by Ukraine. However, it is not clear when and if there will be sufficient support in the parliament and executive branch to ratify.
- Ukraine continues to be concerned about the issue of summer camps being used to present children for adoption.
- The State Department will shortly introduce a new policy of not allowing single-parent adoption.
- The State Department will shortly introduce a new policy of limiting the age differential between prospective adoptive parents and the child: PAPs are to be at least 15 years, but not more than 45 years, older than the child.

Key Issues

1) Accreditation and registration: As in Russia, the delegation strongly emphasized the advantages of working with accredited adoption agencies. The educational challenge regarding adoption agencies in Ukraine was quite apparent in the meeting. As the delegation discussed with the officials, many Ukrainian leaders do not realize that working with accredited agencies means that professional social workers are involved in the process, thus more reliably ensuring that adoption is a social service in the best interests of children, rather than an economic transaction. Other advantages of accreditation were also emphasized: greater accountability and control, and improved child protection through greater parental screening, preparation, and post-adoption supports.

Director Volynets indicated that a voluntary registration system for adoption agencies will soon be implemented. The delegation advocated that step in the right direction. It was noted that such a system would be considered a registration of agencies and not an accreditation process. The consensus was that registration of agencies would increase accountability for adoption providers and promote better services and higher compliance rates in post-placement reporting.

2) The Hague Convention: The delegation advocated Ukraine's ratification of the Hague Convention, observing that the clarity and strictness of America's implementing regulations would provide the improved child protection that Ukraine seeks for its citizen children adopted internationally, but only if Ukraine ratifies the convention itself.

3) Post-placement reports: The adoption officials were pleased to hear about agencies' efforts to strengthen their ability to obtain PPRs from uncooperative parents, through civil contracts and security deposits requiring parental cooperation with PPRs. Director Volynets requested the joint assistance of NCFA and JCICS in securing over 880 missing post-placement reports and registrations.

Action Items

Over the coming weeks, NCFA and JCICS will work with member agencies, state licensing bureaus, and the U.S. Department of State to locate and file missing post-placement reports. The delegation will maintain ongoing dialogue with the MFYS and report on the results of these efforts. Additional outreach is needed in Ukraine to keep adoptions moving forward, including educational activities to promote greater commitment to adoption in the parliament and greater understanding about the important role of adoption agencies. Working together in Ukraine, we can advance our shared mission of helping orphan children everywhere have loving, permanent families of their own.