

# Summary Report: The Haitian Twelve —

## A Report on Haitian Children Institutionalized in the United States

**Background:** Six days following the devastating earthquake in Haiti, the United States government led by the Department of Homeland Security (DHS) launched an unprecedented effort to provide safety and permanent families for Haitian children. Under their authority, the United States Citizenship and Immigration Services (USCIS) granted humanitarian parole to Haitian children who were in the process of being adopted by American citizens prior to the earthquake. The heroic efforts of USCIS and the NGO community resulted in over 1,100 children being removed from harm's way and placed with the families who intended to adopt them.

On the first day of the humanitarian parole program, fifty-four Haitian children were evacuated from a Port-au-Prince orphanage and airlifted to Pittsburgh, PA. These children were evacuated via an airlift arranged by PA Governor Edward Rendell and PA Congressman Jason Altmire. This first airlift occurred in the midst of chaos and was executed with the safety of these fifty-four children as the paramount consideration. As part of this initial evacuation, twelve of the fifty-four children were granted entry into the United States due to appropriate concern for their safety despite the fact that these twelve children were not in the process of being adopted.

Upon arrival in the US, the children were moved to University Medical Center, Pittsburgh (UMC). For children who had been referred to adoptive families, the families were notified and the children were placed with them within two days. The twelve children not referred to adoptive families were placed together at Holy Family Institute, a licensed, accredited child care institution in Pittsburgh with considerable expertise in residential care. As with the children in the Humanitarian Parole program, legal custody of the children was given to Health and Human Services -Office of Refugee Resettlement (HHS-ORR). Despite the considerable efforts of the U.S. government to ensure good care for these twelve children, six-months following their evacuation the children remain without permanent parental care. Currently they continue to reside in institutional care at Holy Family Institute.

**Events following the children's arrival in the United States:** In the two days following the children's arrival in Pittsburgh, it has been reported that an official with the U.S. Office of Refugee

**BRESMA:** BRESMA is a child-care center, licensed by the Haitian government as a crèche (by law a Haitian crèche may facilitate adoption while a Haitian orphanage may not) and actively places children for adoption. The twelve children now residing at Holy Family Institute in Pittsburgh, had resided at BRESMA prior to the earthquake. BRESMA staff reports that it is their practice to seek family reunification when possible and in the best interest of the child. However, with the understanding family reunification is not always possible, BRESMA places children with adoptive families. According to BRESMA staff, families often elect to place the children with BRESMA rather than placing the children in orphanages closer to their homes, specifically because BRESMA assists with adoptions.

According to information provided to Joint Council, if a family chooses to place a child for adoption at BRESMA, all living birth parents (or legal guardians, if biological parents have passed) must sign a declaration which is read aloud to them in their native language and dialect. The declaration notes that the family understands the following: adoption is permanent; adoption will not result in immigration benefits for the biological family; and no financial or other type of compensation of any kind will occur. Further, during the adoption process, biological families must appear in local court and state before a judge and witnesses that they relinquish legal and physical custody permanently.

It is Joint Council's understanding that children who are placed with BRESMA for adoption purposes are referred to U.S. adoptive families by a Hague-accredited adoption service provider. The staff person referring the children has worked with BRESMA for eight years, is a Creole-speaking American familiar with Haitian culture and uses the child's best interest as the overriding principle in referring children to prospective adoptive families.

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## Haiti Orphan & Orphanage Statistics

Haiti had 184 licensed children's homes in 2009.

- a.) 67 licensed crèches
  - i. A crèche is an orphanage licensed to assist with adoptions.
  - ii. All children housed in crèches were either referred there by IBESR (the equivalent of Haitian Social Services) after being found abandoned or orphaned, or were legally relinquished to the crèche by their biological parents in court for the express purpose of international adoption.
- b.) 117 licensed orphanages. An orphanage provides temporary or permanent care to children in need. They do not assist with adoptions. There are many more unlicensed orphanages than those recorded and regulated by IBESR.
- c.) There are an unknown number of unlicensed children's homes; estimates indicate there are as many as 600.

Resettlement spoke with a representative of a BRESMA affiliated adoption service provider regarding the future placement of the twelve children with adoptive parents. The official instructed the adoption service provider to submit a list of qualified prospective adoptive parents. The adoption service provider assessed potential adoptive families and submitted a list of qualified prospective adoptive families, each of whom were approved by an adoption service provider accredited under U.S. Hague regulations. The families were chosen specifically for the twelve children based on each child's individual needs and six of the eight referred families traveled to Pittsburgh where they spent time with the children. The selection of the prospective

adoptive families was conducted by the adoption service provider which would have normally facilitated the referral and placement of the children.

Each of the families recommended to ORR have current home studies and background clearances. It is Joint Council's understanding that the families meet the requirements set forth by Haitian law to adopt a child. Additionally, many of the prospective families had previously adopted or were in the process of adopting Haitian children from BRESMA.

Based on the events previous to and following the children's arrival in the United States, the adoption of the twelve children by the selected families appears to be in the best interest of each child.

## The Rights of Children and Birth Families

On January 20, 2010, ORR was informed that the BRESMA crèche (see side bar on first page) was willing and able to provide documentation regarding each of the children, including appropriate documentation on the relinquishment of the children. Based on information provided to Joint Council, the Director of BRESMA provided ORR with all available documentation for each child, including birth certificates, legal relinquishments of custody, and orphanage intake reports.

Appropriately and in accordance with best practice in adoption, at the request of ORR, the Red Cross initiated a trace to locate the children's birth families in April 2010. It is Joint Council's understating that the Red Cross in collaboration with BRESMA's Director in Haiti arranged a series of meetings beginning on April 21, 2010. It has been reported that during the first meeting the birth families learned that the children they relinquished for adoption were institutionalized in Pittsburgh. Additional reports indicate that the families present at the Red Cross meeting on April 21, 2010 unanimously chose to make video statements regarding their desire to have their children placed for adoption at that time. The remaining families made video statements at the crèche office at a later date. Each family stated it is their specific desire the children be placed for adoption with a family, as was their intention with they relinquished their child to BRESMA. Subsequently, several of the biological families have chosen to go to court with BRESMA's Director within the past month to reiterate their relinquishment with the hope that the children will be released from the Pittsburgh institution and placed with permanent adoptive families.

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**The Children in Pittsburgh:** It is Joint Council's understanding that Holy Family Institute, a licensed and accredited child care center, in addition to providing educational services and a nurturing environment, is addressing the children's emotional needs through professional counseling. The children residing at Holy Family Institute have suffered extensive trauma related to institutionalization in Haiti, the January 12th earthquake, evacuation from Haiti, and the knowledge that their friends at BRESMA are now with permanent families. It has been reported that during the children's stay at BRESMA, several of the children who had waited years for a permanent family, expressed their anxiety and grief at living without a family.

**Recommendations:** Joint Council recommendations are based on an assessment of the available information including—

- The repeated and specifically expressed statements, both prior to the earthquake and subsequent to the evacuation, by the biological families that their children be placed for adoption
- The legal rights of the biological families under Haitian law to relinquish for the purposes of adoption.
- The detrimental effects of institutionalization. (Considerable research including the Bucharest Early Intervention Study, clearly demonstrates that any length of time spent in an institution is damaging to a child. Repeated moves and breaks with care-givers also has damaging effects on children. See box for more information.)
- The children's immediate need for the permanent, nurturing and sustained protection of a parent(s).
- The children's right to a permanent family.

Joint Council recommends that the tracing of biological families be immediately concluded and that the governments of Haiti and the United States accelerate their efforts on behalf of these children.

Joint Council further recommends that the children be placed with the qualified and approved prospective adoptive families who were identified six months ago.

In the event the children's placement with the previously identified prospective adoptive families is not in the best interest of the child, Joint Council recommends that the children be placed with other adoptive families as quickly as possible. Any families considered for the children should be approved by a licensed, accredited adoption service provider; have completed appropriate training; be familiar with Haitian culture; have the ability and experience to assist children who have been exposed to trauma; and a willingness to assist the children in contacting siblings, birth relatives in Haiti, and former crèche residents.

It is Joint Council's strong recommendation that in the best interest of each child, the children be released to adoptive families as quickly as possible.

**Effects of Institutionalization:** The effects of institutionalization are well documented as being harmful to children. As noted in the Bucharest Early Intervention Study, institutionalized children are deprived of an adequate environment to gain sufficient cognitive and emotional development. The Study indicate a deficiency in the physical growth, IQ, brain development, and emotional/behavioral development of institutionalized children.

The care the children are receiving at Holy Family is exemplary, however no institution, regardless of the level of care, is an appropriate replacement for permanent family life.