

# Guatemalan adoption law raises concerns

**A Guatemalan law expected to be passed by year's end to change the adoption process has polarized adoption advocates and human rights groups.**

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GUATEMALA CITY --

Facing widespread allegations against adoption procedures here, the Guatemalan legislature is considering a new law that has raised concerns among both potential adoptive parents and adoption lawyers.

The law would bring Guatemala into compliance with the Hague Convention, an international agreement on adoption procedures designed to avert pitfalls such as "baby mills" that make huge profits off adoptions.

The number of children leaving Guatemala for international adoptions quadrupled since 1997 to a total of 4,803 last year, with 95 percent of them going to U.S. parents through a network of private lawyers and foster homes only loosely regulated by the government.

The estimated \$400 million that changes hands for the adoptions both in Guatemala and the United States -- including \$15,000 to \$20,000 per child paid to Guatemala's 500 adoption lawyers and payments to some of the biological mothers -- are irresistible temptations for corruption, critics say.

The law is expected to be passed by year's end, but Guatemalan President Oscar Berger created a stir recently when he announced that adoptions underway now could be canceled.

The attorney general's office has said, however, that it expects adoptions in process will not be affected if the law passes by year's end. Deputy Attorney General Victor Hugo Barrios said the cancellation of ongoing adoption procedures would be illegal.

And Congressman Rolando Morales, president of the Family and Minors Commission that is handling the proposed law, said, "It must be made very clear that the new law protects the 3,762 cases that are in process and allows them a grace period."

The U.S. State Department last week urged American families not to begin new adoption efforts in Guatemala.

A final vote on the new law is expected in November.

**CRITICISM OF SYSTEM**

Some of the harshest criticism of Guatemala's current adoption system has come from international children's rights watchdogs. But even Vice President Eduardo Stein wrote a recent article in the Prensa Libre newspaper calling it a "sordid, dark baby business in which . . . women's wombs are hired to provide product year-round."

The proposed law would shorten the adoption process and be nearly free of charge to adoptive parents, Morales said. He estimates the fee will be a symbolic charge of \$25-30. It also will cut Guatemalan adoption lawyers out of the system and put the children in state care while awaiting their new families.

But the proposal has angered some U.S. adoption advocates.

Lisa, a U.S. mother of an adopted Guatemalan girl and prolific blogger on Adoptionblogs.com, told The Miami Herald in a phone interview that the news media has exaggerated the issue of corruption and incited the Guatemalan government to consider a law that is "anti-adoption."

She said she did not want her last name published to avoid blog "weirdos."

Slowing adoptions would be catastrophic for the children because of Guatemala's dearth of rural welfare institutions, she said. "Children who are not adopted remain needy, suffer from malnutrition and in the worst case they die," she said.

### **'DISASTER'**

Guatemalan adoption lawyer Susana Luarca said the new law is a "disaster" that will jeopardize the children by placing them in custody of a state with a reputation for corruption and inefficiency and with a dismal infrastructure to support them.

While Morales said the fee the adoptive parents pay would be invested in homes for the children, Luarca said much more money would be needed to properly support the children while they are awaiting adoption.

She advocates a different bill, presented in April, that would create a central accrediting agency composed of government and private sector specialists.