

Hague Convention on Intercountry Adoptions

What Does It Mean for International Adoptions?

By Sue Marquette Poremba

Sometime in 2007, the United States expects to ratify the Hague Convention on Intercountry Adoptions. Once it does, Americans will see changes in international adoption procedures, but only with the countries that have also ratified the Hague Convention.



What Is the Hague Convention?

The Hague Convention is an international agreement to protect children and parents involved in intercountry adoptions. It is a set of rules that govern adoptions between the countries having ratified the Hague Convention. "It was originally begun to protect and provide oversight for families and agencies," says Maxine Chalker, founder and executive director of Adoptions from the Heart.

The convention was held in 1993 as part of a session on international law. The United States signed the convention's treaty in 1994, but it had to be presented to the Senate to be approved for ratification. In 2003, the U.S. State Department released the regulations for the Intercountry Adoption Act, and adoption agencies were able to begin the accreditation process.

Nearly 30 countries have ratified the Hague Convention and are official Hague adoption countries. These countries include some of the most popular destinations for Americans to adopt children, including China, Columbia, Belarus and Romania. Popular adoption countries that are not part of the Hague Convention include Russia, South Korea and the Ukraine. Guatemala, another popular location for adoptions by Americans, is a question mark at this time. It is a Hague Convention country, but at this time, their laws and regulations aren't up to the convention's standards.

"An international agreement, such as Hague Convention, is a good and necessary thing for children and parents," says Mary Eschelbach Hansen, assistant professor of economics at American University. "An international agreement could produce the infrastructure and transparency in adoption that is necessary to protect the rights of children not to be trafficked and the interests of adoptive parents in having secure parental rights."

Changes for Adoption Procedures

Once the Hague Convention is officially ratified, prospective parents will see changes in the way they approach an international adoption. First, "they won't be able to go to any old agency," Chalker says. If the prospective parents want to adopt from a Hague country, they will need to work with a Hague Convention accredited agency. (Agencies that wish to be considered for accreditation had to have their applications turned in by November 17, 2006.) Another change is that parents will need to go through 10 hours of training before they can adopt through a Hague country



One major change, an improvement according to Chalker, is the ability for parents to compare adoption fees. "Right now, you don't know what kind of fees are involved," she says. With the Hague Convention, accredited agencies will be required to reveal all costs incurred in the adoption up front.

This will give prospective parents the opportunity to be better informed about the total cost of the adoption and the chance to compare different agencies and different countries.

The Hague Convention is also supposed to open up the informational flow between the parents and agencies and the country where the adoption takes place. Through the Hague Convention, all background and medical information of the child is to be exchanged with the adoptive parents or the agency facilitating the adoption. However, although it's a good idea in theory, the information simply may not be available.

What Parents Need to Know

While there are a lot of positive aspects to the Hague Convention, there are some aspects of which prospective parents should be aware "In the short run, any new regulations, whether they are a good idea or not, tend to slow processes down," Hansen says. "In

the long run, as all parties to the convention iron out the snags in their systems, the Hague Convention may make things run more smoothly and quickly."

Chalker agrees that adopting through the Hague Convention will **extend the length of time of an international adoption because of the additional paperwork and training required.** "If you decide to work with an agency out of state, you must use one of their supervised providers to do the home study," she says.

Costs of an adoption may also rise because of the Hague Convention, but "adoptive parents should consider an increase as they would consider an insurance premium – they should be willing to pay something to avoid an improperly executed adoption," Hansen says.

Hansen sees another potential problem: privatizing accreditation. "As enthusiastic as I am about the Hague Convention and its ability to protect children and parents, I am unenthusiastic about the specific way the [United States] has implemented the Convention," she says. "The system of private accreditation is unlikely to provide the insurance that children and parents need. Since the system relies on private accreditors who will compete for clients, there is an incentive for some accreditors to be lax in their oversight."




Prospective parents who wish to adopt from Russia or other non-Hague Convention countries will be able to follow the same procedures that are in place right now, but Chalker sees the future of adoption trending to the regulations of the Hague Convention. Chalker also thinks that one of the best things to come from the Hague Convention is that it will open up avenues to adoption in countries that are currently forgotten or ignored. "I can see more adoptions taking place in Mexico," she says. Providing more opportunities for the children and safer and more ethical adoption practices is the goal of the Hague Convention.

Is Guatemala In or Out?

Guatemala is a popular adoption country for American parents; however, the country is a major concern for the United States when the Hague Convention is ratified. Although Guatemala ratified the convention, the country has done nothing to uphold the regulations of the convention. Agencies will need to decide whether to provide accreditation to continue adoptions in Guatemala after the United States ratifies the Hague Convention. The United States government hopes that Guatemala officials will bring their adoption policies up to Hague Convention regulations in 2007.

Want to see more?

- [Check out our Article Library.](#)
- [Career Perks: Are You Entitled to Employer-provided Adoption Benefits?](#)
- [Bringing Adoption into the Light: The Myths About Adoption and How to Fight Them](#)
- [Go the Distance: Exploring International Adoption](#)
- [Talk about it!](#)

article index 

<http://parentingadoption.com> © 1996-2007 iParenting, LLC. All Rights Reserved.
Please read the important disclaimer regarding material presented on this site and our Privacy Policy Statement.
Comments or questions? We'd love to hear from you. Like what you see? Tell a friend!