

relationship pretty much ends.

The ICARE Act is far less controversial than The Hague mostly because it is focused on easing the adoption process for adoptive parents while The Hague is more focused on practices of adoption agencies — a far more controversial topic. Another difference is the Senators promise the ICARE Act will not result in additional fees while The Hague will most certainly add cost to both adoption agencies and adoptive parents. And the ICARE Act, according to its sponsors, is all about streamlining government process and eliminating bureaucracy where the requirements of documentation found in The Hague will likely add some level of extra paperwork and bureaucracy at both the agency and the government levels. The drafters of the ICARE Act make it clear that it is meant to be the adoption law of the land and The Hague Treaty requirements will have to fit within the ICARE framework — not the other way around as some have suggested. It is not clear how or if the ICARE Act will affect The Hague ratification process currently underway, but it does seem to have the effect of paving the way for The Hague to be brought into full implementation.

Reaction: “Cautiously Optimistic”

Perhaps it is to be expected that any legislation proposing changes as far-reaching as the ICARE Act will be met with guarded response. As Antonia Edwards who heads the Joint Council on International Children’s Services says, “It seems like a lot of changes all at once.” Edwards’ organization is the largest affiliation of international adoption agencies and services and was asked by Senate staff working on the bill to poll their members and seek comment. Edwards says the early word back is “cautious optimism” and characterizes the comments thus far as “more concern than outright opposition.” Edwards says members want more information on how the U.S. will deal with foreign governments and especially the request for census information. They would also like more clarification on how families are to be approved. There is some concern that the head of the OIA will be a political appointee and fear the job will become

politicized. Lastly, members want to know if the passports can be issued quickly and want to know why the provision requiring a medical exam was struck. Edwards says Joint Council on International Children’s Services will continue to gather comments and pass them onto the Senate offices.

One member of Joint Council on International Children’s Services who strongly opposes the legislation is Cheryl Carter-Shotts of Americans for African Adoption. Carter-Shotts has drafted a letter posted on the Internet, which goes through the legislation paragraph by paragraph citing objections. The letter outlines what Carter-Shotts sees as unnecessary government intervention into the adoption process, unwanted additional federal bureaucracy and a U.S. attitude that thinks it can dictate to other countries how to process adoptions. Reached for comment, Carter-Shotts says that while the Senators are well meaning, “By trying to appease their constituents, they are actually hurting them and hurting the children.”

Others are more supportive. “It is a phenomenal bill that will greatly help international adoption,” says Sarah Mraz, director of international programs at the Wide Horizons for Children adoption agency in Waltham, Mass. Mraz says the last adoption legislation passed in 2000 didn’t go far enough and those who criticize the bill thinking it is creating more bureaucracy too easily forget that there is bureaucracy now with the CIS. Mraz allows that even with her support there are some concerns over how parts of the legislation will be implemented but she says, “The essence of the legislation is so significant that we have to proceed and trust we can work out the problems.”

Increased Fees?

Despite concern by some adoption professionals, framers of the ICARE Act vigorously disagree with any suggestion that there will be increased government fees as a result of the ICARE Act. They note that funding for the OIA is included in current appropriations approved by Congress and that fees collected by the OIA will replace fees that were previ-

ously collected by the immigration service. Nickles put it this way, “Let me tell you what this bill does not do. It does not create more bureaucracy, or additional regulation. It does not increase fees for adoption. It does not slow down the adoption process. It does not add more red tape or additional paperwork. In fact, it does just the opposite.”

Summary

Adoption Today first reported on the development of this legislation in the January 2003 issue and has watched the legislation develop over the course of the year. The ICARE Act is perhaps the most significant piece of international adoption legislation to date in that it changes so much of the process. It was mostly written by Senate staffers who have themselves adopted internationally and experienced many of the frustrations and problems that the ICARE Act tries to remedy. As with any legislation that is this significant there are legitimate concerns over definitions and implementation and even need. Adoption professionals and parents alike should consider reading the bill, forming their own opinions and contacting their congressman or senators with comment.

The bill can be found online by navigating to the following address: <http://thomas.loc.gov/> and then entering the bill number — S1934 — in the appropriate space.

The future of the ICARE Act is not certain. At present, an identical bill is being prepared in the House of Representatives and co-sponsors are being sought. The Senate bill is going through the normal process of referral to committee for hearings and adjustments before coming to a floor vote. Senate staff tells Adoption Today that the government agencies involved, as well as the White House, have been briefed on the bill and there is thus far little opposition. They do expect minor tweaks and predict the ICARE Act will be ready for presidential signature sometime in 2004.

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