

# Guatemala: No Amnesty for Adoption Fraud

JUAN CARLOS LLORCA

The Associated Press

ANTIGUA, Guatemala - Guatemalan prosecutors have ruled out amnesty for birth mothers who used false identities to surrender their babies to an agency where 46 children being adopted by U.S. families were seized in a raid last August.

The probe of the Casa Quivira agency turned up a slew of irregularities, including at least five cases in which birth mothers were allegedly provided with false identities to avoid having to obtain permission from family members and a judge to give up their babies.

Eighteen other mothers could not be found under the identities provided in the case files, prosecutors said.

"We can't give them amnesty," Prosecutor Jaime Tecu told The Associated Press on Tuesday. "My role as prosecutor is to prosecute anyone who used falsified documents to fool the justice system."

The lack of amnesty could be a powerful deterrent to resolving the cases and reuniting these babies with their adoptive families in America.

Unless the mothers come forward as their true selves and allow any family member with a claim to the children to properly renounce their rights before a judge, these babies will never have their adoptions finalized and be granted a U.S. visa, according to Guatemalan and U.S. officials.

"We've asked for the adoption process to be halted," said Nineth Guevara, who runs a section of the Solicitor General's office that supervises adoptions. "If the children's mothers come forward and demonstrate their consent, we'll let the adoptions go forward. If not, we won't."

The fraudulent documents were likely prepared by experts on behalf of the birth mothers, who in many cases are illiterate and could not have done it by themselves, Solicitor General Mario Gordillo has told the AP.

But Tecu, who is prosecuting Casa Quivira's notary and lawyer on charges of fraud and people trafficking, says the government cannot ignore the responsibility of the birth mothers who repeatedly presented themselves as someone they were not.

A judge was scheduled to determine Tuesday whether the notary and lawyer would be

tried, but put off the decision for another day.

In two of the five alleged false identity cases, the birth mothers assumed the identities of babies who were stillborn two decades ago. Two other mothers stole the identities of living women whom prosecutors later located.

The adoptions won't go through in these four cases until government officials look for immediate family, Guevara said.

If no relatives are found, the government will declare the children abandoned, and they could then go to their U.S. adoptive parents under a new law that took effect this year, members of the new National Adoptions Council told the AP.

The fifth child, Luciany, is already an American citizen, growing up in Indiana with her adoptive parents, Mary and Michael Ball. Prosecutors re-examined her case after her adoption was approved and discovered that her married birth mother had a second identity created as a single woman.

Only single mothers can unilaterally give up their babies.

In cases where the biological parents are married, a judge must decide that both parents have formally abandoned the child, in which case the baby would be put in a state orphanage and out of the reach of the old, notary-run adoption industry.

In Luciany's case, Guevara said authorities will try to find the girl's real biological family to determine if they want her back. If they are not successful, Luciany, at least, will stay.

"We'll try to locate the child's father and her immediate family," Guevara said. "If we can't find them, in my opinion we can't take this girl away from the family she already has."

