

Legal loopholes open door for adoption abuse

By DAVID RYAN, Register Staff Writer

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Napa-based adoption firm Yunona USA is closed now. Its leader was reportedly arrested in Russia last week, and the accusations that Yunona scammed more than a dozen U.S. couples is now under investigation by Napa law enforcement agencies.

But apparently little stands in the way of other adoption facilitators setting up tomorrow and operating the same way Yunona did before its recent collapse.

Experts say loopholes in state, federal and international law make it difficult to stop operations like Yunona, accused of having lured couples into spending thousands of dollars to adopt foreign children who were never truly available for adoption.

Yunona is considered an adoption facilitator, a largely unregulated type of business that can charge would-be adoptive parents large sums of money to match them with an available child. Unlike adoption agencies, which must be licensed by the state and can take legal custody of children to make an adoptive placement, facilitators need only post a \$10,000 bond and have a business license to set up shop.

"Anyone can call themselves a facilitator," said Susan Romer, a San Francisco adoption attorney. "Many of them work out of their homes with an 800 number."

Even some adoption facilitators are skeptical of the industry.

'Willing to pay the cost'

One is Ellen Roseman, the adoption chairwoman for the infertility support group Resolve and a member of the Academy of California Adoption Lawyers, a group of attorneys that has tried to regulate adoption facilitators in California over the years.

In 1996 the organization convinced former state Sen. Lucy Killea, D-San Diego, to champion a law that imposed restrictions on adoption advertising practices and established the rule requiring adoption firms to post bonds in order to make refunds.

Romer said other factors have kept the academy from coming back to the Legislature to seek tougher restrictions.

"We have not been able to because people who are looking to adopt are willing to pay the cost and take the chances," she said. "Nationally, people are very critical of us because there are so many facilitators here" in California.

Costs to work with a facilitator can be steep. Some Yunona clients paid as much as \$30,000 -- not including travel costs to countries such as Kazakhstan or Ukraine -- to try and adopt foreign children.

No help in D.C.

The federal government is likely to be no aid, either.

Martin Bauer, president of the American Academy of Adoption Attorneys, said Congress has refused to take up the issue because it views licensing facilitators as a state prerogative.

What exists is a patchwork of state laws. While Virginia has banned facilitators and New York regulates them, facilitators can set up in California -- as Yunona did -- or elsewhere and reach clients around the country via the Internet.

"We consulted with our political advisors in D.C. and it was not something we would get much attention on," Bauer said, adding his group might launch an educational television campaign instead. "The best defense is that, generally, the public is not as well educated as they need to be on asking the right questions to detect whether or not the person they are dealing with is legitimate. Adoption parents sometimes look at things with rose-colored glasses."

Slow reform effort

Efforts are being made for international oversight of facilitators, but the process is frustratingly slow, advocates say.

In 1994 the United States signed The Hague Convention on Intercountry Adoption. The international treaty provides for the passage of adoption Standards, including the accreditation of adoption agencies, between the United States and more than two dozen other countries.

Yet the government has moved at glacial speed to fulfill the requirements of the treaty. For example, it was six years before President Bill Clinton signed a law starting a years-long process to designate an arm of the government to accredit adoption agencies.

Irene Steffis, an international adoption attorney based in Marietta, Ga., said although the bill was passed in 2000, the series of bureaucratic steps required to enact the restrictions haven't been completed.

Steffis said it could be '8 months before the rules are ironed out and published in the Federal Register, and several months more before a U.S. delegation travels to The Hague in the Netherlands to deposit its regulations -- the last requirement.

"Only after they're deposited do they become active," she said.

Then comes still another a catch: An adoption facilitator could avoid international rules by matching American couples with children from countries who either haven't signed the treaty or haven't completed all of its requirements.

Yunona's three main sources for orphans -- Russia, Ukraine and Kazakhstan -- fall in that category.

In the meantime, Roseman said the adoption world is likely to be a place where the buyer must beware.

"When you have a commodity that is so valuable like a baby, I think unfortunately it invites practices that are not above board," she said.