

Renewed Promise: The Welfare of Children in Haiti *Reflections and Recommendations on the One Year Anniversary*

By Kathleen Strotzman

One year ago today, the people of Haiti's lives were forever changed when a devastating earthquake claimed the lives of 230,000 and left more than a million homeless. This unprecedented disaster and its aftermath have had, and sadly will continue to have, very real consequences for the 750,000 children reported by UNICEF to be directly impacted.

Among those affected are children who either were previously without parental care or have been left without because of this tragic event. Over the past year, the international donor community has concentrated their efforts on providing children humanitarian relief, social protection and emotional support. According to UNICEF's one year report, they have also successfully reunified 1,265 of 4,948 identified as separated or unaccompanied minors with their families. More recently, working group partners have begun to undertake efforts to prevent families affected by the earthquake from having to resort to abandoning their children and reunifying families who have turned to residential care as a last resort. These are all early victories in what many agree will be a long road to recovery.

During this same period, the U.S. and several other countries implemented policies and procedures which allowed for children who were matched for adoption prior to the disaster to leave their destroyed orphanages in Haiti and reside with their prospective adoptive parents. Under such policies, approximately 1,100 children have entered the United States. Given the unprecedented nature of this endeavor, mistakes were made and lessons

were learned. Rather than spend time assigning blame, we need to use the lessons learned from this experience to develop emergency preparedness plans that can be used the next time disaster strikes, in Haiti or elsewhere.

Shortly after the earthquake, the Congressional Coalition on Adoption Institute (CCAI) called on federal policymakers to not only ensure that the needs of orphan children were a high priority in U.S. and international humanitarian relief efforts, but to also help the Government of Haiti in developing a child welfare system that serves children in and through their families. To aid in this endeavor, in May 2010 we were proud to bring together several high level officials of the Haitian government and 70 international experts in the welfare of children. The goal of this meeting was to carefully consider ways to assist the Government of Haiti in embracing international best practices and treaties toward preserving families, promoting kinship care, providing temporary foster care, as well as promoting domestic and international adoption. Meetings such as these are just the beginning. We hope to continue to be a partner in efforts to build a state-of-the-art child welfare system in Haiti and are committed to doing what we can to ensure that the new system protects each child's basic human right to a family. (For more information on CCAI's Haiti Convening, see <http://www.ccainstitute.org/for-members-of-congress/haiti-convening/>).

As to be expected, due to the magnitude of the disaster, progress in Haiti has been slow. But

the commitment of many remains unwavering. It is hard to say what the year ahead will bring. It is our sincere desire that it will bring the people of Haiti, and most especially their children, more hope and less heartache. As we enter into year two, CCAI would like to offer federal policymakers with a continued interest in the welfare of Haiti's orphaned and vulnerable children the following reflections and recommendations.

Decision to Grant Humanitarian Parole - A Well Intentioned Mistake?

In recent months, several international organizations have released reports on the appropriateness of international adoption as a response to natural disaster. (Save the Children: *Misguided Kindness, Making the Right Decisions for Children in Emergencies*, and International Social Services: *Haiti, "Expediting" Intercountry adoptions in the Aftermath of a Natural Disaster... preventing future harm.*) These reports do an excellent job of outlining the inherent risks involved in emergency response strategies which call for removing children separated from their families by a disaster from their country of origin. They also provide well researched arguments against the use of institutions as a long-term response for children affected by these disasters. It is all but universally accepted that the best place for a child to be raised is in their own biological family. An effort to adopt a child whose family is both willing and able to care for them is never in their best interest. These principles are no less true in a time of crisis.

That being said, the issues raised by these reports are not as black and white as they are sometimes presented to be and a true willingness to achieve change will require that

we use the time before the next international crisis to both acknowledge and address the many complexities involved. First, there is the question of defining which children and families are in need of (or are considered qualified for) reunification services following a disaster? In the context of Haiti, is it just those children who were separated from their parents by the earthquake itself? Or does the definition include children who were known to have living family members at the time of the earthquake but were living apart from them? And what about those children whose families were at the brink of separation at the time of the earthquake and subsequently abandon their children as a way to provide for their basic human needs, were these children "separated from their family as a result of the quake"? No matter what, aren't all of these children in need of family reunification services of one sort or another? And if so, how do you put in place a system for identifying all children living outside of family care and arrange the appropriate level of support for them? And finally, once such a system exists how might it be maintained in the event of a disaster?

These are not just hypothetical questions but the harsh realities for those trying to protect Haitian children. As the most recent report from UNICEF demonstrates, approximately 40% of the children who have been registered for their tracing and reunification services were found to have been separated from their families *before* January 12th. And emergency relief partners, such as SOS, have reported that many of the families have sought humanitarian assistance for their own children by pretending not to know them. (See http://www.usatoday.com/news/world/2010-05-09-haiti-abandoned-children_N.htm).

Louianne, an SOS mother in the SOS Children's Village in Santo on the outskirts of Port-au-Prince, still has clear memories of Christmas a year ago: "When I began working as a SOS mother in this house in December, eight children were living here with me. The peaceful Christmas lasted until exactly 11 January." After that, Louianne's SOS family increased to 29 children: children, who had lost their parents, brothers, and sisters; children, where it was uncertain whether they still had any family; and children, whose parents were for the time being completely overwhelmed by the situation. Today Louianne still has 20 children in her care.

-Excerpt from SOS release available at <http://www.sos-childrensvillages.org/News-and-Media/News/Pages/Building-a-future-for-the-children-of-Haiti.aspx>

The second question is equally, if not more, complex. What do we do if family reunification is tried and fails? A year after the earthquake, despite their remarkable efforts, UNICEF and partners have only been able to locate the families of one out of every four children registered as being separated. What is an appropriate length of time to keep trying? And if and when an appropriate period of time expires, what is the next step for these children and who is responsible for carrying it out? History shows that in past disasters children for whom reunification proved impossible were ultimately placed in orphanages or other forms of "community based care." The question is, is it then considered universally acceptable to place children in non-family based care over placing a child with a family through intercountry adoption? When faced with this

question, people often cite the principle of subsidiarity, which states that international adoption should be an option only after domestic options for a family have failed. The reality is, however, that this principle does not clearly state what the appropriate "domestic options" are, and which should take precedence over international adoptions. CCAI does not believe these options should include non-family based care. Others may disagree.

Finally, it is important to address one final myth often perpetuated by articles and reports on the U.S. response to the crisis in Haiti. It is inaccurate to say that in granting the 1,100 children humanitarian parole the United States government "expedited" their adoption or "circumvented" all the procedural safeguards adoption provides. What the humanitarian parole program did was allow children who had been matched with a U.S. citizen for adoption to legally enter the U.S. and reside with them until the adoption process could be resumed. Humanitarian parole is an immigration status. As such, it does not create a long term legal relationship of any kind between a prospective adoptive parent and the child. In each and every case, these prospective adoptive families were required to undergo the same background and fitness checks that all adoptive families endure and must still pursue a formal adoption process. It is now incumbent on U.S. judges and the U.S. courts to ensure that the same burden of proof on questions such as the child's adoptability and parents' suitability are still applied.

This is not to say that this decision is no less worthy of scrutiny and that after such scrutiny the U.S. Government may decide that the risks of this decision outweighed its benefits, but at the very least, such scrutiny should be based on the facts, not rhetoric.

In closing, times of crisis are never the right time to be setting policies and in particular, policies involving questions as complex as those described above. To address these and other important questions, CCAI encourages federal policymakers to:

- Review all aspects of the United States' response to the earthquake in Haiti and use such findings to develop future protocols for responding to a crisis in a country where there are high numbers of orphaned and vulnerable children.
- Assist the Government of Haiti in establishing uniform definitions, policies and systems for assessing the needs of children without parental care.
- Assist the Government of Haiti in developing and implementing programs to help prevent the abandonment of children, reunify children with their parents or extended family, and promote family based care for children whose families are unable or unwilling to care for them.
- Assist the Government of Haiti in developing an international adoption system that fully embraces the principles espoused by the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention).

child to be raised in is the family. Too often when this principle is stated in discussions regarding children in a country as poor as Haiti, it is perceived as a “code word” or synonym for international adoption. As Save the Children points out in its 2010 report, *Misguided Kindness*, this problem stems from the reality that the primary response of many, both before and after the earthquake, was to address the needs of “orphan” children either by building orphanages or promoting intercountry adoption. This narrow view is not only contrary to the best interests of children but leaves out a series of important family based interventions such as prevention of abandonment, targeted family reunification, foster care, kinship care and domestic adoption.

In its one year report, UNICEF details the story of a family who felt forced to institutionalize their children because they were unable to provide for their basic human needs. This was perhaps the leading cause of institutionalization for children in Haiti before the earthquake and has already proven to be the leading cause since. But where this story differs from hundreds of thousands of others, is that through a pilot program supported by UNICEF, these parents were identified as being in need of help, or to use child welfare terms, were deemed in need of reunification services, and were given it so that they could resume parenting their children in their own home. (For the full story and more about the pilot program, see http://www.unicef.org/infobycountry/haiti_57359.html).

Serving Haiti's Children In and Through Families

Both the Hague Adoption Convention and the United Nations Convention on the Rights of the Child recognize that the ideal setting for a

*Income-generating programme
keeps quake-affected families
together in Haiti*

Watch the video about this family at
http://www.unicef.org/infobycountry/haiti_57359.html.



This is just one of the many examples of the types of programs and policies that need to be put in place in Haiti. CCAI remains committed in their support of these and other efforts to build a child welfare system that embraces the full continuum of family based care.

Before You Can Build a Roof, You Need a Foundation

The central lesson learned at CCAI's convening in May is that a strategic first step toward a

child welfare system that supports children in and through families is to invest in the development of the legal and social services infrastructure that will ultimately be necessary to support this system. This means that the Government of Haiti and its partners must begin by assembling the "building blocks" of a child welfare system, such as collecting data on both the identity and the needs of children living outside of parental care. They must also work to establish a highly trained network of social workers that can not only conduct these assessments, but help to implement interventions on these children's behalf.

Participants in our May convening were asked to identify what are some of the basic "building blocks" of a child welfare system that promoted the use of family based care over alternative care. They were also asked to identify the preliminary questions that must be answered in pursuing the development of each of these building blocks.

The table which follows is a full list of the identified "building blocks" and preliminary questions. In the year ahead, CCAI hopes to continue its work with the Government of Haiti and its partners to lay this foundation.

BUILDING A STRONG FOUNDATION FOR CHILDREN AND FAMILIES OF HAITI

PHASE 1: STABILIZE			
KEY OBJECTIVES	NECESSARY STEPS	CRITICAL QUESTIONS	POSSIBLE PARTNERSHIPS
Centralize or Streamline the Registration of Orphan and Vulnerable Children	<ul style="list-style-type: none"> Determine both the process and purpose for registration 	<ul style="list-style-type: none"> Is there a need to separate the registration of adults and children? 	<ul style="list-style-type: none">
Conduct Needs Assessment	<ul style="list-style-type: none"> Determine areas in which a needs assessment is necessary (i.e. population; workforce) 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Increase Coordination among NGOs	<ul style="list-style-type: none"> Identify NGOs; who, what, and where they are working Consider mechanisms for increasing coordination (i.e. multidisciplinary task forces; registration of NGOs) 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Establish Haitian Government Oversight of NGOs	<ul style="list-style-type: none"> Determine areas in which oversight is both necessary and appropriate (i.e. data collection; relinquishment of children; adoption; child protection; licensing and accreditation) 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Build Physical Office	<ul style="list-style-type: none"> Identify funding and location 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">

BUILDING A STRONG FOUNDATION FOR CHILDREN AND FAMILIES OF HAITI

PHASE 2: BUILD			
KEY OBJECTIVES	NECESSARY STEPS	CRITICAL QUESTIONS	POSSIBLE PARTNERSHIPS
Develop Child Welfare System that Serves Children in and through Families	<ul style="list-style-type: none"> ▪ Provide poor families alternatives to institutionalization or placing children as restaveks ▪ Address gender risks ▪ Streamline process for intercountry adoptions ▪ Increase use of domestic adoptions ▪ Provide post-permanency services ▪ Remove cost barriers of domestic adoptions ▪ Establish system for kinship care and guardianship ▪ Develop a “best interest” standard and process for permanency decisions ▪ Develop social worker capacity ▪ Work to integrate NGOs and faith-based community into government-led strategy 	▪	▪
Develop the Legal Infrastructure to Support the Systems	<ul style="list-style-type: none"> ▪ Ban the use of the restaveks ▪ Create a legal right to permanency ▪ Establish concurrent planning as the legal standard ▪ Build workforce capacity (juvenile and family court judges and attorneys) ▪ Create a standard and accessible judicial process ▪ Establish rule of law programs for child welfare ▪ Create system for reporting child abuse 	▪	▪

PHASE 3: OPTIMIZE			
KEY OBJECTIVES	NECESSARY STEPS	CRITICAL QUESTIONS	POSSIBLE PARTNERSHIPS
Address Social Norms which Promote Abandonment and Prevent Permanency	<ul style="list-style-type: none"> Identify areas in which PSA media camp might change attitude 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Expand Systems and Reforms Started in Build Phase	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Ensure Sustainability in Programs and Funding	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Measure Outcomes and Reassess Needs	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none">