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SEXUAL EXPLOITATION OF CHILDREN OVER THE INTERNET: FOLLOW-UP ISSUES TO THE MASHA ALLEN ADOPTION

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

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SEXUAL EXPLOITATION OF CHILDREN OVER THE INTERNET: FOLLOW-UP ISSUES TO THE MASHA ALLEN ADOPTION

WEDNESDAY, SEPTEMBER 27, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:02 p.m., in Room 2123 of the Rayburn House Office Building, Hon. Ed Whitfield (Chairman) presiding.

Members present: Representatives Whitfield, Walden, Ferguson, Burgess, Blackburn, Barton (ex officio), Stupak and Inslee.

Staff present: Mark Paoletta, Chief Counsel for Oversight and Investigations; Alan Slobodin, Deputy Chief Counsel for Oversight and Investigations; Kelli Andrews, Counsel, Karen Christian, Counsel; John Halliwell, Policy Coordinator; Ryan Ambrose, Legislative Clerk; Edith Holleman, Minority Counsel; and Elizabeth Ertel, Minority Senior Staff Assistant.

MR. WHITFIELD. I would like to call this hearing to order. This afternoon we are going to explore some issues on the behalf of the committee relating to a young girl from Russia whose name today is Masha Allen. Unfortunately she never had an opportunity to defend, to protect herself, or have questions answered into the process that led to her being adopted by a pedophile named Matthew Mancuso when she was 5 years old. And we are here today to find out if there were any red flags in the adoption of Masha that could have and maybe should have been picked up by one of the various agencies and people involved in this adoption. What we have learned in the course of this investigation is extremely troubling on many fronts.

First, the evidence shows that Jeannene Smith, the founder of an adoption agency called Reaching Out Thru International Adoption, was the placement agency for Mancuso's adoption of Masha. Mrs. Smith attempted to mislead committee staff about her role in Masha's adoption and withheld documents in an attempt to minimize her role. I believe the reason she sought to minimize her role is because with that role came certain responsibilities. Ms. Smith did not live up to those

responsibilities and as a result, Masha was left in the hands of a pedophile for many years. The primary responsibility that I am referring to is one that Masha rhetorically asked the committee in her testimony when she was here and she said, "Why didn't anyone ever come to check on me?"

No one came to check on Masha because Ms. Smith's agency, the agency responsible for the placement of the child, never told the home study agency that Mancuso had a child placed in his home, so the home study agency never followed up. Mrs. Smith also, in my view, shirked her responsibility to obtain three post-placement reports required by the Russian government, from Mancuso. These reports required exactly what Masha asked about; a licensed social worker to come see her at Mancuso's home; to see how she was doing and progressing; and to talk to her.

Instead of, at a minimum, calling a licensed post-placement agency in Pennsylvania, which is where Mancuso and Masha were living, and asking them to contact Mancuso and set up a meeting, she went ahead and had one of her social workers call Mancuso and write a report based on a phone call. This report was then sent to the Russian authorities as an official post-placement report. Notably, nowhere in the report does it say it was based on a phone call. It is my understanding that a telephonic post-placement report is almost worthless and more importantly, a social worker can only do a post-placement report in the State in which they were licensed.

Jeannene Smith and her social worker were not licensed in Pennsylvania. I would like to know why they did not take their responsibility seriously and in the fact of documentation to the contrary, why she has repeatedly tried to mislead committee staff into believing she had a minor role and that her agency did not have contact with Mancuso after Masha was brought to the United States.

It is clear, from all the documents we have reviewed, that from the start of Mancuso's adoption in August of 1997, all the way to the last contact with him, the infamous telephonic post-placement report in November of 2000, Ms. Smith and her employees were the only people Mancuso was contacting about his adoption of Masha. While certain official forms that Mancuso submitted may have had her former employee's company's name on it, an agency called Families Thru International Adoption, at all times Mancuso was a client of Ms. Smith.

I will certainly have some questions about why Families Thru International Adoption was not more stringent in their overview of these adoption applications that Ms. Smith was handling, but that doesn't take away from her central role in Mancuso's adoption of Masha. And we expect to get some answers here today. One of the things that is also

disturbing about this international adoption process is the lack of and absence of any Federal guidelines or Federal regulations. And so it appears to me this is an area that certainly this committee and the Energy and Commerce Committee, as a whole, needs to look at very closely.

This whole episode is particularly disturbing to me and I know it is to other members of the committee, and we were looking forward to this, to the testimony of all members of the panel today. We hope to get to some answers and we want to make sure that we have minimized the opportunity of this kind of thing to ever happen in the future. And at this time, I call on Mr. Stupak for his opening statement.

[The prepared statement of Hon. Ed Whitfield follows:]

PREPARED STATEMENT OF THE HON. ED WHITFIELD, CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

GOOD AFTERNOON. TODAY'S HEARING FOLLOWS-UP ON ISSUES RAISED AT THE SUBCOMMITTEE'S MAY 3 HEARING INVOLVING THE ADOPTION OF A LITTLE GIRL FROM RUSSIA—NAMED MASHA-- BY A PEDOPHILE, LIVING IN THE UNITED STATES. ON MAY 3RD, WE HEARD TESTIMONY FROM MASHA ABOUT THE HORRORS OF SEXUAL ABUSE SHE FACED DAY AFTER DAY, BEGINNING WHEN SHE WAS 5 YEARS OLD-BY A PEDOPHILE WHO ADOPTED HER, NAMED MATTHEW MANCUSO. IT WOULD SEEM MANCUSO MUST HAVE SHARED MANY OF THE TRAITS IDENTIFIED BY OUR PANEL OF EXPERTS ON PEDOPHILES THAT WE HEARD FROM YESTERDAY—TRAITS THAT ALL SUCCESSFUL PEDOPHILES MUST HAVE LIKABILITY, TRUSTWORTHINESS, FRIENDLINESS AND INTELLIGENCE. BECAUSE, HOW ELSE COULD ALL OF THESE VARIOUS ADOPTION AGENCIES THAT HAD SOME SORT OF ROLE IN MANCUSO'S ADOPTION OF MASHA BEEN FOOLED BY HIM ABOUT HIS ACTUAL INTENTIONS? PERHAPS IT WAS BECAUSE IN THE ADOPTION PROCESS IT IS NOT UNUSUAL FOR THE AGENCIES INVOLVED TO NEVER MEET THE PROSPECTIVE ADOPTIVE PARENT. PERHAPS HE WAS JUST 'TOO SMART' TO BE DETECTED DURING THE ADOPTION PROCESS. OR PERHAPS IT WAS BECAUSE PEOPLE DID NOT LOOK CLOSELY ENOUGH AT THE PAPERWORK DURING VARIOUS STAGES OF THE PROCESS AND RAISED THE QUESTIONS WE WILL BE RAISING HERE TODAY.

THE LOOMING QUESTIONS I HAD AFTER HEARING MASHA'S TESTIMONY WERE—HOW COULD THIS ADOPTION HAVE HAPPENED AND WHO IS ULTIMATELY RESPONSIBLE?

WE ARE HERE TODAY TO FIND OUT IF THERE WERE ANY RED FLAGS IN THE ADOPTION OF MASHA THAT COULD HAVE—AND MAYBE SHOULD HAVE—BEEN PICKED UP BY ONE OF THE VARIOUS AGENCIES AND PEOPLE INVOLVED IN THIS ADOPTION. WHAT WE HAVE LEARNED IN THE COURSE OF THIS INVESTIGATION IS EXTREMELY TROUBLING ON MANY FRONTS. FIRST, THE EVIDENCE SHOWS THAT JEANNENE SMITH, THE FOUNDER OF AN ADOPTION AGENCY CALLED "REACHING OUT THROUGH INTERNATIONAL ADOPTION," WAS THE PLACEMENT AGENCY FOR MANCUSO'S ADOPTION OF MASHA. MS. SMITH ATTEMPTED TO MISLEAD COMMITTEE STAFF ABOUT HER ROLE IN MASHA'S ADOPTION AND WITHHELD DOCUMENTS IN AN ATTEMPT TO MINIMIZE HER ROLE. I

BELIEVE THE REASON SHE SOUGHT TO MINIMIZE HER ROLE IS BECAUSE WITH THAT ROLE, CAME CERTAIN RESPONSIBILITIES. MS. SMITH DID NOT LIVE UP TO THOSE RESPONSIBILITIES AND AS A RESULT, MASHA WAS LEFT IN THE HANDS OF A MONSTER FOR SEVERAL YEARS. THE PRIMARY RESPONSIBILITY THAT I'M REFERRING TO IS ONE THAT MASHA RHETORICALLY ASKED THE COMMITTEE IN HER TESTIMONY: WHY DIDN'T ANYONE EVER COME TO CHECK ON ME?

NO ONE CAME TO CHECK ON MASHA BECAUSE MS. SMITH'S AGENCY—THE AGENCY RESPONSIBLE FOR THE PLACEMENT OF THE CHILD-- NEVER TOLD THE HOME STUDY AGENCY THAT MANCUSO HAD A CHILD PLACED IN HIS HOME. SO THE HOME STUDY AGENCY NEVER FOLLOWED UP. MS. SMITH ALSO SHIRKED HER RESPONSIBILITY TO OBTAIN 3 POST-PLACEMENT REPORTS, REPORTS REQUIRED BY THE RUSSIAN GOVERNMENT, FROM MANCUSO. THESE REPORTS REQUIRED EXACTLY WHAT MASHA ASKED ABOUT: A LICENSED SOCIAL WORKER TO COME SEE HER AT MANCUSO'S HOME, TO SEE HOW SHE WAS DOING AND PROGRESSING AND TO TALK TO HER. INSTEAD OF, AT A MINIMUM, CALLING A LICENSED POST-PLACEMENT AGENCY IN PENNSYLVANIA—WHICH IS WHERE MANCUSO AND MASHA WERE LIVING-- AND ASKING THEM TO CONTACT MANCUSO AND SET UP A MEETING—SHE WENT AHEAD AND HAD ONE OF HER SOCIAL WORKERS CALL MANCUSO AND WRITE A REPORT BASED ON A PHONE CALL. THIS REPORT WAS THEN SENT TO THE RUSSIAN AUTHORITIES AS AN OFFICIAL POST-PLACEMENT REPORT. NOTABLY, NO WHERE IN THE REPORT DOES IT SAY IT WAS BASED ON A PHONE CALL. IT IS MY UNDERSTANDING THAT A TELEPHONIC POST-PLACEMENT REPORT IS WORTHLESS AND MORE IMPORTANTLY, A SOCIAL WORKER CAN ONLY DO A POST-PLACEMENT REPORT IN THE STATE IN WHICH THEY WERE LICENSED. JEANNENE SMITH AND HER SOCIAL WORKER WERE NOT LICENSED IN PENNSYLVANIA. I WANT TO KNOW WHY JEANNENE SMITH DID NOT TAKE HER RESPONSIBILITY SERIOUSLY AND--IN THE FACE OF DOCUMENTATION TO THE CONTRARY—WHY SHE HAS REPEATEDLY TRIED TO MISLEAD COMMITTEE STAFF INTO BELIEVING SHE HAD A MINOR ROLE AND THAT HER AGENCY DID <u>NOT</u> HAVE CONTACT WITH MANCUSO AFTER MASHA WAS BROUGHT TO THE UNITED STATES.

IT IS CLEAR FROM ALL THE DOCUMENTS WE HAVE REVIEWED THAT FROM THE START OF MANCUSO'S ADOPTION IN AUGUST 1997 ALL THE WAY TO THE LAST CONTACT WITH HIM—THE INFAMOUS TELEPHONIC POST-PLACEMENT REPORT IN NOVEMBER OF 2000—MS. SMITH AND HER EMPLOYEES WERE THE ONLY PEOPLE MANCUSO WAS CONTACTING ABOUT HIS ADOPTION OF MASHA. WHILE CERTAIN "OFFICIAL FORMS" THAT MANCUSO SUBMITTED MAY HAVE HAD HER FORMER EMPLOYER'S COMPANY NAME ON IT—AN AGENCY CALLED "FAMILIES THROUGH INTERNATIONAL ADOPTION"—AT ALL TIMES MANCUSO WAS A CLIENT OF MS. SMITH. I CERTAINLY HAVE SOME QUESTIONS ABOUT WHY "FAMILIES THROUGH INTERNATIONAL ADOPTION" WAS NOT MORE STRINGENT IN THEIR OVERVIEW OF THESE ADOPTION APPLICATIONS THAT MS. SMITH WAS HANDLING, BUT THAT DOESN'T TAKE AWAY FROM HER CENTRAL ROLE IN MANCUSO'S ADOPTION OF MASHA. I EXPECT TO GET ANSWERS TODAY.

PERHAPS THE OTHER OVERARCHING PROBLEM THAT I BELIEVE IS EXEMPLIFIED BY MASHA'S ADOPTION IS THE PIECEMEAL NATURE OF THE INFORMATION FLOW—EACH AGENCY INVOLVED, WHETHER IT'S THE

HOME STUDY AGENCY, OR THE PLACING AGENCY OR THE POST-PLACEMENT REPORTING AGENCY—IS RELYING, IT SEEMS, ON THE "OTHER" ONE TO LOOK MORE CLOSELY. FOR EXAMPLE, IT IS OBVIOUS FROM LOOKING AT DOCUMENTS IN MANCUSO'S FILE THAT THERE ARE FORGED NOTARY SIGNATURES. WHY DIDN'T ANYONE QUESTION THIS? MANCUSO SUBMITTED 6 REFERENCE LETTERS IN SUPPORT OF HIS ADOPTION—AND YET NO ONE EVER CALLED ANY OF THE REFERENCES TO FIND OUT IF THEY ARE REAL. WHY? TYPICALLY A PROSPECTIVE EMPLOYER CALLS REFERENCES PRIOR TO HIRING A NEW EMPLOYEE—WHY WOULD THE PROCESS BE LESS DILIGENT WHEN A CHILD FROM A FOREIGN COUNTRY IS BEING PLACED IN A HOME? WE ALSO NOW KNOW THAT HIS BIOLOGICAL DAUGHTER—WHO WAS 20 YEARS OLD AT THE TIME OF MASHA'S ADOPTION AND ESTRANGED FROM HIM—WAS ALSO SEXUALLY ABUSED BY HIM FOR YEARS. YET, NO ONE CONTACTED HER TO FIND OUT WHAT KIND OF PARENT HE WAS. AGAIN I ASK WHY?

I DON'T EXPECT AN ADOPTION AGENCY TO ACT AS A POLICE AGENCY—HOWEVER, I DO EXPECT THAT WHEN YOU ARE BRINGING A CHILD INTO A NEW COUNTRY, WHERE THEY DON'T SPEAK THE LANGUAGE AND HAVE NO SUPPORT SYSTEM AROUND THEM WHATSOEVER, THAT YOU PERFORM DUE DILIGENCE. CALLING REFERENCES, ENSURING THERE ARE IN-PERSON FOLLOW UP VISITS WITH THE CHILD, AND SPEAKING TO THE CHILDREN OF THE PROSPECTIVE ADOPTIVE PARENT RISE TO THE LEVEL OF MINIMAL DILIGENCE IN MY BOOK. I POSE THIS LAST QUESTION TO ILLUSTRATE HOW THE LACK OF FOLLOW-UP WITH MANCUSO WAS SO CRITICAL: HAD JEANNENE SMITH'S AGENCY ACTUALLY READ THE 1ST POST PLACEMENT REPORT FOR MASHA, SUPPOSEDLY DONE BY A COMPANY CALLED "SOCIAL SERVICES OF WESTERN PENNSYLVANIA," AND BOTHERED TO CALL THE PHONE NUMBER LISTED ON THE AGENCY'S LETTERHEAD—THEY PROBABLY WOULD'VE DISCOVERED PRETTY QUICKLY THAT THE AGENCY DIDN'T EXIST, THE ADDRESS DIDN'T EXIST, AND THE PHONE NUMBER WAS DISCONNECTED. PERHAPS THAT WOULD HAVE TIPPED OFF MS. SMITH THAT SOMETHING WAS NOT RIGHT HERE. THAT REPORT WAS DONE IN MARCH 1999---IMAGINE HOW MANY YEARS OF TORTURE AND ABUSE MASHA WOULD HAVE BEEN SAVED FROM?

I THANK ALL THE WITNESSES THAT ARE HERE TODAY TO SHED LIGHT ON THIS SITUATION. I BELIEVE THE WITNESSES ON OUR 2ND PANEL CAN GIVE US SOME INSIGHT INTO OVERALL INDUSTRY PRACTICES AND STANDARDS THAT SHOULD BE FOLLOWED IN INTERNATIONAL ADOPTIONS AND I LOOK FORWARD TO THEIR TESTIMONY AS WELL.
THANK YOU.

MR. STUPAK. Thank you, Mr. Chairman, and thank you for holding this hearing. In May we heard the horrifying story from Masha, herself, about her adoption, as a 5-year-old Russian girl, by Matthew Mancuso, a pedophile now in jail for what will likely be for a very, very long time. Masha lived through 5 years of abuse before she was rescued. A police officer in Illinois, talking to Mr. Mancuso on the Internet, thought something was wrong and alerted two agents of the FBI, who went to her home and found this abused child. After that hearing, several of us asked

how could this adoption have happened? Whose fault was it? Could it have been prevented?

Today we have before us many individuals who were responsible for placing Masha in this abusive situation with a sexual predator. We will hear from representatives of two adoption agencies who worked with Mr. Mancuso; the Russian facilitator for the adoption; the home study agency, which deemed him to be an acceptable adoptive parent; and representatives of organizations who can explain what the Federal and State rules for international adoptions were at the time, how they have changed, and whether they have changed enough.

What we will hear is that international adoption is a very loosely controlled international business based on the premise that poor children from poor countries are better off in the United States with adoptive families than they are growing up in poverty or bleak institutions or on the streets of their own countries. The people who work for adoption agencies believe that they are saving these thousands of children. To be fair, most of the time they are bringing them to a better and safer life in America. However, we will also hear today that there are very few safeguards in place to stop people like Mr. Mancuso, who appeared acceptable, but who planned to adopt a child to exploit for his sexual use and on the Internet by other pedophiles.

In Masha's specific case, there were two agencies involved. Neither one of them ever laid hands on Mr. Mancuso before he left for Russia. There were pre-adoption questions that weren't asked, a lack of pre-adoption education classes that might have eliminated Mr. Mancuso as an adoptive parent and follow-up reports on Mr. Mancuso's home that weren't done. The agency called Reaching Out Thru International Adoption, which actually completed the adoption, never told the original home study agency that Mr. Mancuso had adopted a child and needed to have post-adoption reports under the requirements set by the Russian government.

Mr. Mancuso was never told by the agency that he was required to re-adopt Masha in Pennsylvania, which would have then allowed the State access to Masha and could have put in place court-required post-adoption visits and reports. The agency improperly and perhaps illegally, did a follow-up report by telephone, claiming that Masha was in a warm and loving home. In fact, the social worker who filed this report had never actually met Masha or Mr. Mancuso or been in their home. Would these steps have changed the outcome? Would they have shortened the time of abuse or allowed Masha to be rescued earlier? We don't know. We do know, however, that these agencies never gave Masha the opportunity to live in a safe and truly loving home. Despite the fact that these adoptions by pedophiles are rare, one is too many.

When Americans take children from other countries, we promise them a better and safer life and we must do everything we can to fulfill that promise. With that, Mr. Chairman, I will yield back and look forward to hearing from our witnesses.

MR. WHITFIELD. Thank you. At this time I recognize the Chairman of the full Energy and Commerce Committee, Mr. Barton, for his opening statement.

CHAIRMAN BARTON. Thank you, Mr. Chairman. Thank you, Mr. Stupak. Last May this subcommittee heard testimony from a very brave young girl, Masha Allen. Masha was adopted from Russia by a man from the Pittsburgh area, one Matthew Mancuso. She was only 5 years old. Once Mr. Mancuso brought Masha home to Pennsylvania, he began raping and molesting her and placing images of those actions on the Internet. At that hearing, Masha and her attorney raised serious and troubling questions about the circumstances surrounding her adoption.

Like all the members of this subcommittee, I was deeply troubled by the pain and the suffering that she had endured. I was also troubled by the possibility that the adoption procedures supposedly intended to protect her actually failed her. The purpose of the hearing today is to bring some much needed resolution and transparency to the questions that were first raised by members of this subcommittee 4 months ago. Specifically, it was unclear, at that hearing, which adoption agency had worked with Masha's adoptive father to place Masha with him. There were also questions about the home study of Mancuso.

Mancuso was a divorced man who admitted, at the time of the adoption proceedings, that he had little or no relationship with his adult daughter from a previous marriage. He also specifically requested a 4 or 5 year old in his adoption application. Members of the subcommittee questions whether some of those facts should have warranted additional review and possibly rejection of Mr. Mancuso's adoption application. Finally, after Masha arrived in the United States, no one visited her or Mr. Mancuso's home to conduct the follow-up post-placement reports that were required by Russian law in order to learn whether Masha was adjusting to her new home and family. As Masha, herself, put it in our hearing, she could not understand why no one came to check on her to make sure that she was okay.

Before this subcommittee, as witnesses this afternoon, are the individuals who were involved in Masha's adoption from start to finish; the adoption agencies, the home study agency, the social workers, and the facilitator who assisted in conducting the adoption proceeding in Russia. I look forward to hearing their full story about their involvement in Masha's adoption. Answers to the questions first posed at our hearing in May are long overdue. We want to know which agency was

responsible for placing her with Mr. Mancuso. We want to know why the post-placement reports were not conducted after Mancuso brought Masha from Russia to his home. We want to know if something could have been done to prevent her adoption by a man who seemed to have no interest in being a father, but only a sexual exploiter.

This committee is entitled to answers to these questions, but more importantly, so is Masha. I want to thank you, Mr. Whitfield and Mr. Stupak, for holding this hearing. With that, I yield back my time.

[The prepared statement of Hon. Joe Barton follows:]

PREPARED STATEMENT OF THE HON. JOE BARTON, CHAIRMAN, COMMITTEE ON ENERGY AND COMMERCE

Thank you, Chairman Whitfield, for convening this hearing.

Last May, this Subcommittee heard testimony from a very brave young girl, Masha Allen. Masha was adopted from Russia by a man from the Pittsburgh area, Matthew Mancuso, when she was only five years old. Once Mancuso brought Masha home to Pennsylvania, he began raping and molesting her and placing images of that abuse on the Internet.

At that hearing, Masha, and her attorney raised serious and troubling questions about the circumstances surrounding Masha's adoption. Like all the members of the Subcommittee on Oversight and Investigations, I was deeply troubled by the pain and suffering that Masha has endured, but I was also troubled by the possibility that the adoption procedures that were intended to protect her, ultimately failed her.

The purpose of today's hearing is to bring some much needed resolution to the questions raised four months ago at our hearing. Specifically, it was unclear at that hearing which adoption agency had worked with Masha's adoptive father, Matthew Mancuso, to place Masha with him. There were also questions raised about the home study of Mancuso. Mancuso was a divorced man who admitted at the time of the adoption proceedings that he had little or no relationship with his adult daughter from a previous marriage. He also specifically requested a four or five year old girl in his adoption application. Members of the Subcommittee questioned whether some of these facts should have warranted additional review or possibly rejection of Mancuso's adoption application by the adoption or home study agency. Finally, after Masha arrived in the United States, no one visited her or Mr. Mancuso's home to conduct the follow-up post-placement reports that were required by Russian law in order to learn whether Masha was adjusting to her new home and family. As Masha herself put it at our hearing, she could not understand why no one came to check on her to make sure that she was okay.

Before this Subcommittee as witnesses this afternoon are the individuals who were involved in Masha's adoption from start to finish: the adoption agencies, the home study agency, the social workers, and the facilitator who assisted in conducting the adoption proceedings in Russia. I am looking forward to hearing the full story from each of you about your involvement in Masha's adoption. Answers to the questions posed at our May hearing are long past overdue. We want to know which agency was responsible for placing her with Mr. Mancuso. We want to know why the post-placement reports were not conducted after Mancuso brought Masha from Russia to his home. And we want to know if something could have been done to prevent her adoption by a man who seemed to have no interest in being a father, but only in sexually exploiting her. This Committee is entitled to answers to these questions, but more importantly, so is Masha.

I thank you, Chairman Whitfield, for holding this important hearing and I yield back the balance of my time.

MR. WHITFIELD. Thank you, Mr. Chairman. At this time I recognize the gentlelady from Tennessee, Mrs. Blackburn, for her opening statement.

MRS. BLACKBURN. Thank you, Mr. Chairman. I do want to thank you and your staff for the work on this issue and I want to thank you and our committee Chairman for allowing this hearing today. To the witnesses that will be before us, I thank all of you for your time. As my colleagues have said, this is a hearing that is one in a continuing process for us as we review the vulnerabilities that exist that affect our children, that affect the environment in which they live every day and trying to do our best to be certain that that environment is safe and secure for them.

As illustrated in the adoption of Masha, there are significant deficiencies in the process of international adoption. In February, the State Department began an important step with reviewing many of these deficiencies and working through the implementation process, implementing the Hague Adoption Convention process. As yet, I believe that there still can be further improvement in international adoption and we need to be very thoughtful in this process.

Recently, I had the opportunity to visit with some Guatemalan leaders and to talk with them about the issue of child trafficking and adoption, and one of the things that continued to come up with them was the reliability of information that was provided by the adoption agencies to the United States. We must ensure that these are in place, that there are proper safeguards that are in place that will not allow some of these practices that have taken place in the past to continue to take place. But we must work towards standards that streamline adoptions for American citizens who want to genuinely adopt foreign-born children.

Mr. Chairman, when these children go through the final phase of that adoption process, they do become United States citizens with all of the rights guaranteed to them by the Constitution. It is our responsibility to protect them from those such as Mr. Mancuso, who would seek to do them harm. So I thank our witnesses. I again thank our Chairman and the staff for their continuing work on this issue and I yield back.

MR. WHITFIELD. Thank you, Mrs. Blackburn. At this time, I recognize the gentleman from New Jersey, Mr. Ferguson, for 5 minutes.

MR. FERGUSON. Thank you, Mr. Chairman, to you and Mr. Stupak for your continued leadership on this issue. As we all know, this is the second part of our eighth hearing on the Sexual Exploitation of Children over the Internet. Today's hearing is particularly disconcerting for me, because of the role that my home State of New Jersey played in the case of Masha Allen. In May, our committee heard the heart wrenching story

of 12-year-old little Masha, who was adopted by Matthew Mancuso, who abused her in his home in Pennsylvania for 5 years. Thankfully, Mr. Mancuso was apprehended and is now serving a lengthy prison sentence.

However, this is an adoption that never should have taken place. In our previous hearing, we learned that Mr. Mancuso did not have a child's bedroom set up in his home, forcing a 5-year-old girl to share a bed with him and that he had an ex-wife and a daughter with whom he had no relationship. Later we learned that his biological daughter had also suffered abuse at his hands. What is most disturbing to me, personally, however, is the fact that much of the adoption process took place in New Jersey and one of the key players in this adoption is still practicing. I am anxious to learn what, if any, role the New Jersey Department of Youth and Family Services had in this adoption and what can be done to correct the obvious flaws in this system.

I am glad that Chairman Whitfield and Mr. Stupak have decided to follow up on this investigation. The first time we heard about this, when Masha was here, was absolutely heartbreaking. When children are put up for adoption, especially those coming to the United States from other countries, they expect to be put in loving and caring homes. Some of these children want nothing more than a peaceful and loving family and a warm bed to sleep in. In Masha's case, this didn't happen.

What is even more frightening, however, is the number of times that her situation was overlooked. Numerous reports were filed after her adoption, yet it is my understanding that not a single person paid a visit to the home. No one called to speak to her, no one made sure she was getting along with her new father, no one seemed to really care if she was being taken care of, at all. Surely, this is not the example that we want to send to parents here or overseas, who give their children up for adoption with the hope that they will have a better life and a stable home.

Luckily, we have a number of individuals who can help us to answer these questions that have arisen from this investigation of the Masha Allen situation. I am particularly looking forward to hearing from our witnesses today from New Jersey. I hope that they can enlighten us not only to the flaws of the system in our State, but what can be done to correct these problems across the country.

Again, thank you, Chairman Whitfield and Mr. Stupak, for giving us the opportunity to learn more about this horrible, horrible situation and how we can address this issue in the future. I yield back.

MR. WHITFIELD. Thank you very much, Mr. Ferguson. And now I would like to call the witnesses on the first panel. We have with us this afternoon, Mr. Keith Wallace, who is the Chief Executive Officer of Families Thru International Adoption, Evansville, Indiana. We have Ms. Jeannene Smith, Founder, Reaching Out Thru International Adoption

from Somerdale, New Jersey. We have Mr. Richard Baird, President and Chief Executive Officer of Adiago Health, Pittsburgh, Pennsylvania. We have Ms. Carol Eiferman, who is the Social Worker Supervisor for Reaching Out Thru International Adoption in Mount Laurel, New Jersey. We have Mr. Serguei Dymtchenko, who is from New Jersey. We have Ms. Marlene Seamans-Conn, who is a former Executive Director of Reaching Out Thru International Adoption, from Sewell, New Jersey, and we have Ms. Hannah Druger, Social Worker, Reaching Out Thru International Adoption, from Medford, New Jersey.

I want to thank all of you for joining us this afternoon as we delve into this disturbing episode regarding Masha Allen and we look forward to your testimony. As you know, this is an Oversight and Investigations Subcommittee of the Energy and Commerce Committee and we do take our testimony under oath and I would ask each of you, do any of you have any difficulty of testifying under oath today? Do any of you want to be represented by legal counsel today? Okay, then if you would please stand and raise your right hand.

[Witnesses sworn.]

MR. WHITFIELD. Thank you. Okay, all of you are under oath at this time and I am going to recognize each of you for 5 minutes and we have seven of you there, so this is going to take about 35 minutes or so. But anyway, I will note that when you speak, if you would be sure and press the microphone button so that we can hear you so that your microphone is on, and when your time is expired, a little red light will appear in the front there, so I hope that you can keep it within that timeframe. But your testimony is very important and we do want to hear what you have to say.

So Mr. Wallace, you are recognized for 5 minutes.

TESTIMONY OF KEITH WALLACE, ESQUIRE, CHIEF EXECUTIVE OFFICER, FAMILIES THRU INTERNATIONAL ADOPTION; SERGUEI DYMTCHENKO; RICHARD BAIRD, JR., PRESIDENT AND CHIEF EXECUTIVE OFFICER, ADIAGO HEALTH, INC.; JEANNENE SMITH, FOUNDER, REACHING OUT THRU INTERNATIONAL ADOPTION; CAROL EIFERMAN, SOCIAL WORK SUPERVISOR, REACHING OUT THRU INTERNATIONAL ADOPTION;

MR. WALLACE. Chairman Whitfield and Ranking Member Stupak, members of the House Subcommittee on Oversight and Investigations, thank you for providing me with an opportunity to share my experience in the field of child welfare. I am pleased to be here today and hopeful

that the subcommittee will continue their good work against exploitation of children.

My name is Keith Wallace. I reside in Evansville, Indiana and I have the privilege of directing Families Thru International Adoption. I attended Valparaiso University School of Law and became a member of the Indiana Bar in 1983. I am admitted to practice before both State and Federal courts, including the United States Supreme Court. I practiced law for many years before establishing or creating Families Thru International Adoption, FTIA. After starting FTIA, I continued to actively practice law for several years before pulling back from the practice of law and becoming Of Counsel with the law firm of Bowers Harrison. I also taught law as a foreign expert at Peking University in Beijing, China in the International Law Department in 1990.

When FTIA joined the Joint Council on International Children's Services, JCICS or Joint Council, I began urging Joint Council to adopt a system to enforce the Joint Council Standards of Practice more stringently. While my plan was originally rejected, I argued that without an enforcement system, the standards were meaningless. I am pleased to say that I am now serving on the Board of Directors of Joint Council and Joint Council has an enforcement system for its Standards of Practice. I am hopeful these Standards of Practice will one day be the highest criteria for ethical and inter-country adoption practice, although they could always be stronger. The creation of enforcement system and disciplinary policy is a first step.

My father, who is the man I admire most on Earth, taught me many things. One of the many things he taught me was that if you are going to do anything, do it right, and that means with honesty, integrity, and commitment to perfection. As I spent more time directing FTIA and working with adoption professionals in several States, I have been disheartened to learn that the social service field has no similar professional standards nor enforcement system like the bar associations.

I understand that I was invited here today to provide the committee with all the information I have about the adoption of Mr. Mancuso. Since FTIA did not complete Mr. Mancuso's adoption, I don't have much information, but I am here to share what I do know. I was contacted by Ms. Jeannene Smith in the second half of 1996. Ms. Smith asked if she could work with FTIA. I contracted with Ms. Smith to work as a northeast regional coordinator for FTIA. Her main responsibilities were to hold informational seminars for prospective adoptive parents, provide education about adoption, and network with other professionals to get out the word about services available from FTIA.

Initially, I agreed to let Ms. Smith receive some original paperwork for adopting parents in New Jersey and directly forward them to certain

overseas representatives, but after discussions with Anna Montez, the New Jersey State licensing authority, I withdrew that permission and that would have been very early on in our relationship. Ms. Montez explained that if Ms. Smith was to have responsibility with foreign representative or process paperwork in New Jersey, FTIA would need a New Jersey license and we had no intention at that time of obtaining a New Jersey license.

Through 1997, FTIA encountered many difficulties working with Ms. Smith. The main problems in Ms. Smith's performance were promising time frames to prospective adopting families that were not realistic, not following the procedures FTIA had established for her, and misrepresenting her relationship with FTIA. For these reasons and others, I personally provided Ms. Smith verbal notice that I was going to terminate her contract with FTIA. As a courtesy, I advised her about a month before I actually terminated her contract so she could either find another agency to work with or establish her own agency.

Ms. Smith was sent formal notice of her termination by letter of February 13, 1998. Ms. Smith then founded Reaching Out Thru International Adoption. Because Ms. Smith continued to misrepresent her relationship with FTIA, FTIA sued Ms. Smith in Federal court in December 1998 and the law suit was settled in June 1999. Ms. Smith recruited Mr. Mancuso to adopt while she was an independent contractor for FTIA. FTIA does not know how, when, or where Ms. Smith first had contact with Mr. Mancuso. FTIA did receive an application from Mrs. Smith, excuse me, Ms. Smith for Mr. Mancuso in 1997. The application had FTIA's name, a New Jersey name and address which were Ms. Smith's.

FTIA later received a copy of Mr. Mancuso's dossier or paperwork and a check in 1998. The copy of the dossier and the check were sent to FTIA by Ms. Smith. However, FTIA never received an original dossier from Mr. Mancuso. When Mr. Mancuso submitted his dossier to Ms. Smith in January of 1998, I believe I had already advised her that her contract was going to be terminated with FTIA. All files of adoptive families that complete their adoption through FTIA have several contact notes, copies of referral information on a child, copies of travel letters, travel itineraries, and other documents. None of this is in Mr. Mancuso's file because he did not complete the adoption through FTIA.

Soon after FTIA terminated its contract with Ms. Smith, FTIA sent a notice to the families that Ms. Smith had originally recruited. FTIA advised the families that wanted to continue with FTIA, all subsequent contact would need to be with FTIA, meaning in Evansville, Indiana. Applicants in the process of adopting that did not respond to the letter or perhaps a phone call in addition, had their files closed. Mr. Mancuso

was such a client, with no record of any direct contact with Evansville or the Evansville coordinator. Although we had received an application and a copy of the dossier from Ms. Smith, our records had no direct contact. I concluded that he and others that did not respond to the letter from FTIA, advising Ms. Smith's termination, had completed their adoption with Ms. Smith's new agency. These applicants' files were closed, including Mr. Mancuso.

FTIA is currently licensed or accredited in Russia by the Ministry of Education. FTIA has a 100 percent record of submitting post-placement reports to Russia. As far as I can recollect, I do not know one that has not been submitted and that is in 10 years. I have worked very hard to make certain all post-placements were submitted. Most families cooperate, but I have had to threaten legal action against some families to secure their cooperation because I have to remind them of a document they signed at the beginning of the process.

I do not know for certain what adoption agency completed Mr. Mancuso's adoption other than the assumption it was Ms. Smith, based on her correspondence to me dated April 21, 1998, which has been submitted to this subcommittee. I don't know for certain, from my perspective, if anything was done wrong in the procedure allowing the adoption; however, from what I have seen and heard, something went very wrong with the required post-placements. To hear her story is heartbreaking beyond words. I offer my full support to this committee's efforts to prevent another child from having to endure what Masha endured. Thank you.

[The prepared statement of Keith Wallace follows:]

PREPARED STATEMENT OF KEITH WALLACE, CHIEF EXECUTIVE OFFICER, FAMILIES THRU INTERNATIONAL ADOPTION

My name is Keith Wallace. I reside in Evansville, Indiana and I have the privilege of directing Families Thru International Adoption, Inc. ("FTIA"). I attended Valparaiso University School of Law and became a member of the Indiana Bar in 1983. I am admitted to practice before both state and federal courts including the U.S. Supreme Court. I practiced law for several years before creating FTIA in 1995. After starting FTIA, I continued to actively practice law for several years before pulling back from the practice of law and becoming Of Counsel to the law firm of Bowers Harrison Llp. I also taught law as a foreign expert at Peking University in Beijing, China in the International Law department in 1990.

FTIA is a member of Joint Council on International Children's Services ("JCICS"). When FTIA joined JCICS, I began urging JCICS to adopt a system to enforce the JCICS Standards of Practice. While my plan was originally rejected, I argued that without an enforcement system the standards were meaningless. I am pleased to say I am now serving on the JCICS Board of Directors and JCICS has an enforcement system for its Standards of Practice. It is not what I hope it will become but it is a first step.

I have been honored by Senators Lugar and Bayh who nominated me as an "Angel in Adoption" with the Congressional Coalition on Adoption Institute. Prior to that I was

honored by the late Governor O'Bannon in Indiana as a Sagamore of the Wabash. I have also received an award from the local Habitat for Humanity in my community. I have worked in the learning center of my church for several years and I have served on the board of an inner city ministry for more than 10 years.

I am currently a member of the Indiana Bar Association, Kentucky Bar Association, American Academy of Adoption Attorneys, American Immigration Lawyers Association, the Christian Legal Society, and the American Inns of Court.

When first incorporated in March of 1995, the name of the non-profit corporation was *Children of China* because when I started in international adoptions, I was only thinking about helping some children of China find a family. In 1996, the name was changed to *Families Thru International Adoption* because I decided to consider working in additional countries. FTIA has placed children from China, Russia, Vietnam, India, Brazil, Guatemala and Kazakhstan. Currently, we work in all of those countries except Kazakhstan.

I have directed FTIA according to the same code of professional standards that govern attorneys. FTIA was one of the first exclusively international adoption agencies to receive accreditation from the Council of Accreditation for Child and Family Services (the "COA") in 2000. The COA is, I believe, the only national accrediting body of social services organizations. COA requires the agencies it accredits to comply with best practices, something FTIA has always committed to. To become accredited, there is an extensive self-study. Also, the agency must have independent financial audits, comprehensive policies, and demonstrate that it adheres to the polices through a site visit.

My father, who is the man I admire most on this earth, taught me many things. One of the many lessons he taught me is that if you are going to do anything, do it right - and that means with honesty, integrity and commitment to perfection. As I spent more time directing FTIA and working with adoption professionals in several states, I have been sad to learn that the social service field has no similar professional standards nor policing like the state bar associations.

I understand that I was invited here today to provide this committee with all information that I have about an adoption by Mr. Mancuso that was completed in Russia. I have already provided this committee with documents from FTIA that concern his adoption. Since FTIA did not complete Mr. Mancuso's adoption, I have little information. I am here to share what I do know.

When I first started with Children of China, I learned of another agency in St. Louis also working with Chinese adoptions. At the invitation of this agency, I agreed to cooperate and partner with this agency. As I said earlier, I was practicing law full time and was not in it for glory. I thought cooperating with other agencies would be a good idea. After maybe six (6) months, I terminated the cooperation with this agency for several reasons having to do with what my father taught me. During my brief time working with the St. Louis agency, I met several other individuals also working with the St. Louis agency.

I was the first to terminate my relationship with the St. Louis agency and later several other individuals and agencies stopped working with this group. One such person was Ms. Jeannene Smith.

FTIA's working relationship with Ms. Smith was interesting, to say the least. Ms. Smith is very industrious and very intelligent. It was partially through her urging that FTIA developed some of its foreign adoption programs. Even if I had done research in starting a new program, Ms. Smith would always have additional and helpful information. I even traveled with Ms. Smith several times when starting a new program.

I was contacted by Ms. Smith in the second half of 1996. Ms. Smith asked if she could work with FTIA. I contracted with Ms. Smith to work as a northeast regional coordinator for FTIA. Her main responsibilities were to hold informational seminars for

prospective adoptive parents, provide education about adoption, and network with other professionals to get the word out about FTIA and the services we provide.

Initially I had agreed to let Ms. Smith receive some original dossiers from adopting parents and forward paperwork directly to our foreign representative for either Guatemala or Russia. But, after discussions with Anna Montez of the New Jersey state licensing agency, I withdrew that permission – that would have been very early on, most likely in late 1996. Ms. Montez explained if Ms. Smith was to have responsibility with a foreign representative or process paperwork (dossiers) in New Jersey, FTIA would need to obtain a New Jersey license. At that time FTIA had no interest in a New Jersey license.

The problems of FTIA's working relationship with Ms. Smith were several. At the very beginning of her work in August of 1996, I submitted a short agreement for her to sign. She would suggest a change. I would make the change and resubmit the agreement to her only for her to come up with an additional change.

Through 1997, FTIA encountered many difficulties with Ms. Smith. The main problems in Ms. Smith's performance were promising time frames to prospective adopting families that were not realistic, not following the procedures FTIA had established for her, and misrepresenting her relationship with FTIA. For these reasons and other reasons, I personally provided Ms. Smith verbal notice that I was going to terminate her contract with FTIA. As a courtesy, I advised her about a month before I actually terminated her so she could either find another agency to work with or she could get her own license. Ms. Smith was sent formal notice of her termination by letter dated February 13, 1998. Ms. Smith then founded an agency Reaching Out through International Adoption (Reaching Out). Because Ms. Smith continued to misrepresent her relationship with FTIA – after she created Reaching Out - FTIA sued Ms. Smith in federal court in December 1998. The lawsuit was settled in June, 1999.

After terminating her relationship, then we actually signed some agreements. We signed more than one agreement to settle our outstanding issues because after an agreement was signed, all the sudden there were new issues according to Ms. Smith or issues I thought had been settled but Ms. Smith did not understand it that way. During this period, I even wrote a letter of recommendation to the New Jersey licensing authority on her behalf. I had concluded that she could not work for FTIA, but I knew she was smart so I thought maybe she can run her own agency.

It was not until later that I finally said enough is enough and filed suit against Ms. Smith.

Ms. Smith recruited Mr. Mancuso to adopt while she was an independent contractor for FTIA. FTIA does not know how, when, or where Ms. Smith first had contact with Mr. Mancuso. FTIA did receive an application from Ms. Smith for Mr. Mancuso in 1997. The application had FTIA's name, but Ms. Smith's email address and physical address. FTIA received a copy of Mr. Mancuso's dossier and a check in January 1998, which represented the second of three (3) payments for the FTIA agency fee. Again, the copy of the dossier and the check were sent to FTIA by Ms. Smith. However, FTIA never received an original dossier from Mr. Mancuso. When Mr. Mancuso submitted his dossier to Ms. Smith in January of 1998, I believe I had already verbally advised Ms. Smith that her contract with FTIA would soon be terminated.

The way FTIA has always processed applications is: after receiving an application it would be reviewed to determine if it was complete and the applicant(s) appeared to be qualified candidates for international adoption based on the information in the application. If approved, a coordinator is assigned to assist the family from start to finish with their adoption. The assigned coordinator would typically call the new applicant to introduce his/herself and to explain he/she was available to answer questions as they worked on INS (now CIS) approval and their dossier. Ms. Smith, as a regional coordinator, would provide some support and guidance during the dossier preparation, however, once the dossier was submitted all subsequent contact was to be with the FTIA

coordinator in Evansville. This would include sending the referral information of a child to the family, arranging travel to the foreign country, providing travel letters and instructions and follow-up with all required post placement reports.

All files of adoptive families that complete their adoption through FTIA have several contact notes, copies of referral information on a child, copies of travel letters, and travel itineraries, etc. None of this is in Mr. Mancuso's file because FTIA did not complete his adoption.

Soon after FTIA terminated its contract with Ms. Smith, FTIA sent a notice to the families that Ms. Smith had recruited. FTIA advised that if the family wanted to continue with FTIA all subsequent contact would need to be with FTIA. Applicants in the process of adopting that did not respond to this letter had their files closed.

Mr. Mancuso was such a client with no record of any direct contact with an Evansville coordinator. Although we had received an application and a copy of the dossier from Ms. Smith, our records indicate no contact directly with Mr. Mancuso. I concluded that he and others that did not respond to the letter from FTIA advising of Ms. Smith's termination had completed their adoptions with Ms. Smith's new agency. These applicants' files were closed.

Thus, in Mr. Mancuso's case, even though he completed an FTIA application (with a New Jersey address) and FTIA appears on some of his dossier documents, FTIA did not complete his adoption. Of particular note about Mr. Mancuso's file - the home study prepared by Family Health Council, Inc. dba Family Adoption Center of Pennsylvania identifies FTIA as a New Jersey licensed agency. Mr. Mancuso submitted his original dossier to Ms. Smith, but FTIA never received his original dossier. If Evansville had received an original dossier, we would have record of (1) receiving it, (2) reviewing it, (3) sending it to one of the Russian coordinators/facilitators we worked with at the time. In addition, we would have record of receiving the last payment of his FTIA agency fee as well as a copy of the international fees. There are no such records and FTIA still has possession of all records from the inception of FTIA in 1995. Our policy was and is to keep a copy of all checks received at FTIA in the adoptive parent's file.

FTIA is currently licensed/accredited in Russia by the Ministry of Education. Russia has long required four post placement reports after an international adoption is completed. Prior to the rule of four post placement reports, I believe Russia required three post placement reports. FTIA has a 100% record of submitting post placement reports to Russia as far as I can recollect. I have had to work very hard to make certain all post placement reports are submitted. In fact, I had to threaten legal action against a few families to secure their post placement reports. I have always had families sign documents agreeing to submit all required post placement reports and that if FTIA had to go to court to force compliance, FTIA would also be entitled to attorney fees. Most families willingly submit post placement reports. But a few families are not cooperative with the post placement report for a number of reasons.

I do not know for certain what adoption agency completed Mr. Mancuso's adoption. I do know it was not FTIA, and I assume it was Ms. Smith based upon her April 21, 1998 communication to me when we were trying to settle outstanding issues of her termination. I do not know if anything was done wrong in the procedure allowing Mr. Mancuso to adopt. However, from what I have seen and heard something went very wrong with the required post placements.

September 25, 2006

MR. WHITFIELD. Thank you, Mr. Wallace. And Mr. Dymtchenko, you are recognized for 5 minutes for your opening statement.

MR. DYMTCHENKO. My name is Serguei Dymtchenko. I was born in Russia in 1957. I am married and I have a daughter.

MR. WHITFIELD. Would you move the microphone up closer and make sure it is turned on?

MR. DYMTCHENKO. I have a Bachelor's degree in architecture. I came to the United States for the first time in 1989 and after that, I returned several times for business purposes. Me and my family immigrated as permanent residents in 1992, so in 2002 I became a United States citizen. Initially, I became involved in international adoption when I helped a friend who was interested in adopting a child from Russia in 1995-1996. I believe that she is the person that provided me with the contact information for Jeannene Smith, who was very interested in opening an adoption program in Russia.

At a later date, Jeannene Smith introduced me to Keith Wallace and that meeting took place in her home office in Cherry Hill, New Jersey and I started working with FTIA. Please note that I was not involved with the actual placement of the children. My responsibilities were to ensure that all of the documents submitted by the prospective parents were up to date and in compliance with Russian laws and regulations.

These responsibilities included managing and providing the following services: Arrange for the translation and notarization of all documents in Russia; ensure all the necessary documents were submitted to the Russian authorities; receive the invitation for the prospective parents to travel to Russia from the Russian authorities; arrange for the prospective parents to be met upon their arrival at the airport in Moscow; provide airport transfers; purchase domestic plane tickets from Moscow to the region; arrange for the prospective parents to be met upon their arrival at the regional airport; provide transportation, translation services, lodging accommodations, meals, et cetera; ensure that the prospective families had telephone, fax and Internet so they could contact their doctor in the U.S. for the medical evaluation of the child; ensure that the case was submitted to the court house for the proper filing; arrange for the preparation of all necessary documents for the court hearing; provide a translator for the court session.

After the adoption was granted by the judge, arrange for the obtainment of the certificate of adoption, the child's new birth certificate and the child's passport for the adoptive parents; arrange for the translation of all documents into English; arrange for the purchase of domestic plane tickets from the region to Moscow for the adoptive parents and their child; make the interview appointment at the United States embassy in Moscow; arrange for the registration of the adopted child with the Ministry of Foreign Affairs of the Russian Federation;

arrange for the translation and submission of four post-placement reports to the Russian authorities for the first 3 years after the adoption.

Jeannene Smith formed her own adoption agency by the name of Reaching Out Thru International Adoption and I continued to fulfill my obligations to her and her clients until the year 2000. Unfortunately, I was involved in Mr. Mancuso's adoption case because he was one Jeannene Smith's clients. I never had any direct communication with him throughout his entire application process, since all communications with prospective parents had to be through Jeannene Smith.

I had not had any contact with Mancuso prior to greeting him at the regional airport in Russia. It was just a coincidence that I was in Russia at the time of his arrival. I was there for a business trip and since I was available, I provided the translation services myself, including at the visits to the regional administration, the orphanage, and to court session and after.

Regrettably, no one found anything suspicious about his paperwork or in his behavior or in his demeanor. Mr. Mancuso was able to deceive everyone, including me, my staff, the officials at the administration, the director of the orphanage, the judge, and the prosecutor, into believing that he was a good person and a loving father whose daughter was grown, and so he wanted nothing more than to provide a loving home for a Russian orphan. I wish that there was some way that I could have known what this man was truly like so that I could have prevented any of this from happening. Sadly, the only people who knew the truth, Mancuso's wife and daughter, chose to keep silent.

That is it. Thank you.

[The prepared statement of Serguei Dymtchenko follows:]

PREPARED STATEMENT OF SERGUEI DYMTCHENKO

My name is Serguei Dymtchenko. I was born in Russia in 1957; I am married and I have a daughter. I have a Bachelor's degree in architecture. I came to the United States for the first time in 1989, and after that I had returned several times for business purposes. Then, in 1991-1992, I, along with a partner, established two New Jersey based companies, and my family and I immigrated here as permanent residents. In 2002, I proudly became a U.S. citizen.

Initially, I became involved in international adoption when I helped a friend who was interested in adopting a child from Russia in 1995-1996, and I believe that she is the person that provided me with the contact information for Jeannine Smith, who was very interested in opening an adoption program in Russia. At a later date, Jeannine Smith introduced me to Keith Wallace, and that meeting took place in her home/office in Cherry Hill, New Jersey and I started working with FTIA.

Please note that I was not involved with the actual placement of the children; my responsibilities were to ensure that all of the documents submitted by the prospective parents were up-to-date and in compliance with Russian laws and regulations. These responsibilities included managing and providing the following services:

- Arrange for the translation and notarization of all documents in Russia

- Ensure that all necessary documents were submitted to the Russian authorities
- Receive the invitation for the prospective parents to travel to Russia from the Russian authorities
- Arrange for the prospective parents to be met upon their arrival at the airport in Moscow; provide airport transfers; purchase domestic plane tickets from Moscow to the region
- Arrange for the prospective parents to be met upon their arrival at the regional airport; provide transportation, translator services, lodging accommodations, meals, etc.
- Ensure that the prospective families had telephone, fax and the Internet so they could contact their doctor in the U.S. for a medical evaluation of the child
- Ensure that the case was submitted to the court house for proper filing; arrange for the preparation of all necessary documents for the court hearing
- Provide a translator for the court session
- After the adoption was granted by the Judge: Arrange for the obtainment of the Certificate of Adoption, the child's new Birth Certificate and the child's Passport for the adoptive parents
- Arrange for the translation of all documents into English
- Arrange for the purchase of domestic plane tickets from the region to Moscow for the adoptive parents and their child
- Make the interview appointment at the U.S. Embassy in Moscow
- Arrange for the Registration of the adopted child with the Ministry of Foreign Affairs of the Russian Federation.
- Arrange for the translation and submission of four Post Placement Reports to the Russian authorities for the first three years after the adoption.

Jeannine Smith formed her own adoption agency by the name of Reaching Out Through International Adoption. I continued to fulfill my obligations to her and her clients until 2000.

Unfortunately, I was involved with Mr. Mancuso's adoption case because he was one of Jeannine Smith's clients. I never had any direct communication with him throughout his entire application process, since all communication with prospective parents had to be through Jeannine Smith. I had not had any contact with Mr. Mancuso prior to greeting him at the regional airport in Russia. It was just a coincidence that I was in Russia at the time of his arrival – I was there for a business trip – and since I was available, I provided the translation services myself, including at the visits to the regional Administration and to the orphanage, the Court Session and after.

Regrettably, no one found anything suspicious in his paperwork, or in his behavior or in his demeanor. Mr. Mancuso was able to deceive everyone, including me, my staff, the officials at the Administration, the Director of the Orphanage, the Judge and the Prosecutor, into believing that he was a good person and a loving father whose daughter was grown, and so he wanted nothing more than to provide a loving home for a Russian orphan. I wish that there was some way that I could have known what this man was truly like, so that I could have prevented any of this from happening. Sadly, the only people who knew the truth – Mr. Mancuso's wife and daughter chose to keep silent.

MR. WHITFIELD. Thank you. Mr. Baird, you are recognized for 5 minutes.

MR. BAIRD. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Richard Baird. I am the president and CEO of Adiago Health in Pittsburgh. Adiago Health is a non-profit

organization providing services in 23 counties in western Pennsylvania. We promote the reproductive health and overall well-being of women of all ages, their families, and their communities. Our programs include gynecology, pre-natal care, cancer screening, nutrition, preventive health education, adoption, and applied research. We serve over 100,000 clients a year, many of whom have limited resources.

Our adoption program, called Family Adoption Center, has been placing infants with adoptive families since 1983. Our adoption program is the Pennsylvania statewide training subcontractor under the Infant Adoption Awareness Program. Through this program, we train healthcare and social service workers to better explain adoption to their pregnant clients. Over the past 24 years, we have placed 276 infants with adoptive parents enrolled in our program. For these direct agency placements, Pennsylvania law requires that Family Adoption Center's process included pre-placement home studies and post-placement supervisory visits, and requires that they be conducted by a licensed social worker.

A home study is a written assessment of prospective adoptive parents to determine their capacity to be adoptive parents. The post-placement supervisory visit entails a visit to the adoptive home to assess the child's well-being and adjustment. In addition to those 276 direct agency placements for which we have conducted home studies, we have also conducted another 37 home studies for prospective adoptive parents who are not seeking an adoptive placement through us, but who are planning to adopt domestically or internationally through private attorneys or other agencies.

We have always followed Pennsylvania laws and regulations concerning adoption. Our adoption program has been licensed by the Pennsylvania Department of Public Welfare since 1983. For each of the past 24 years, the Department of Public Welfare has renewed our license following their annual on-site audit of our program. These audits include a review of the home studies conducted both for direct agency placements and for placements through attorneys and other agencies. The requirements for home studies for international adoption are virtually the same as required by Pennsylvania law.

Our role in the Matthew Mancuso adoption was limited to conducting the home study. We did not determine that Mancuso was eligible to adopt. We did not place a child with him for adoption. We were never notified that he had adopted and we were never contacted to provide post-placement supervisory visits. In 1997 Mancuso contacted us because he needed a home study to be conducted by a Pennsylvania licensed adoption agency. On September 29 he submitted a completed application to us with all the required information. His application stated

that he was working with Families Thru International Adoption, a New Jersey agency, to adopt a child from Russia.

Our social worker contacted that agency and received confirmation that Mancuso was their client and that he was eligible to adopt. Our social worker also obtained that agency's home study requirements. She had an interview session with Mancuso in our office in Pittsburgh on October 9th and a second session at his house on October 22nd. It is important to note that Pennsylvania regulations governing home studies consider interviews of prospective adoptive parents conducted by a licensed social worker to be the primary source of information for the home study.

Our social worker also received Mancuso's child abuse and criminal clearances and letters of reference. Based upon her interviews and the information that she received, our social worker gave Mancuso a favorable recommendation for adoption and stated that Family Adoption Center agreed to provide post-placement reports for a period of 3 years. By letter dated November 24, 1997, our social worker forwarded the completed home study to Mancuso. That ended our involvement in this matter. We were neither contacted to prepare post-placement reports or even advised that Mancuso had adopted a child.

It was incumbent upon the placing agency which had first-hand ongoing contact with Mancuso to initiate the proper post-placement supervisory process either by contacting us directly or by having him contact us. I want to reiterate that Family Adoption Center's role in Mancuso's adoption process was limited. We did not facilitate the adoption or have any other involvement with Mancuso other than what I have outlined here.

In conclusion, please note that Adiago Health deplores what occurred here. We want to make sure that this kind of tragedy will never happen again. We fully support the committee's investigation and will assist in any way that we can. The system is undoubtedly complicated due to the different countries and States involved, but nonetheless, every effort should be made to ensure that every adopted child is placed in a safe and loving home. Thank you for your time.

[The prepared statement of Richard Baird, Jr. follows:]

PREPARED STATEMENT OF RICHARD BAIRD, JR., PRESIDENT AND CHIEF EXECUTIVE OFFICER, ADIAGO HEALTH, INC.

In 1997, Matthew Mancuso contacted our adoption program, Family Adoption Center. He explained that he was working with a New Jersey agency to adopt a child from Russia and that he needed a home study. In late September Mancuso submitted a completed application to us.

Our Social Worker then contacted the New Jersey agency, Families through International Adoption, to verify that he could adopt as a single man and to obtain its

home study requirements. She reviewed the materials submitted, including criminal and child abuse clearances and letters of reference and conducted two interviews with him, one in our offices and one in his home. At that time, our Social Worker had conducted 193 home studies over the previous 14 years. Based on the information she received and her interviews and home visit, she provided him with a favorable home study and recommendation. As required for Russian adoptions, the recommendation included our agreement to provide three years of post placement supervisory visits.

After our Social Worker provided the home study to Mancuso in November 1997 we had no further involvement. Neither Mancuso nor the New Jersey placement agency ever contacted us to initiate post placement supervisory visits as would be expected. We had no knowledge that he had adopted until the criminal investigation began in 2003.

Introduction and Background of Company

My name is Richard Baird, and I am the President and CEO of Adagio Health. I have been with Adagio Health since 1978. I was Director of Finance until 1994 and Executive Vice President from 1994 until 2003, when I began my current position. My educational background includes a bachelor's degree in sociology and an MBA.

Adagio Health is a 501(c)(3) charitable organization, incorporated in 1971. Our mission is to promote the reproductive health and overall well-being of women of all ages, their families, and their communities by providing health care services and educational programs that are responsive and creative. We provide health and educational services for women and families in a 23 county area of Western Pennsylvania.

Over the years we have developed a number of programs and services to more fully meet the needs of the communities we serve. We serve over 100,000 clients annually in our programs, which include:

1. complete gynecological care;
2. comprehensive pregnancy care from the initial prenatal visit through delivery;
3. cancer screening, including breast and cervical cancer screening through mammograms and Pap tests, clinical breast exams, education on breast self-exam, and diagnostic testing;
4. community education on health-related topics, including diabetes and tobacco use prevention and cessation, and adolescent pregnancy prevention;
5. nutrition services, including WIC in five counties, and comprehensive nutrition counseling to individuals and groups with health care needs such as diabetes, weight management, and cardiovascular disease;
6. domestic and international adoption services including special needs adoptions, through our Family Adoption Center program;
7. transitional housing for pregnant women and mothers who are homeless or at risk for becoming homeless; and,
8. applied health research in the areas of reproductive health, tobacco cessation, states of behavior change, obesity, and domestic violence.

Many of the programs we provide are targeted to low income women and families who would not receive these vital health services without our assistance.

Over the past 35 years, we have changed our name four times in order to better position our organization for community and client recognition. Since 1971, we have operated under the following names:

- Family Planning Council of Southwestern Pennsylvania, Inc. (1971-1974)
- Family Planning Council of Western Pennsylvania, Inc. (1974-1985)
- Family Health Council of Western Pennsylvania, Inc. (1985-1988)
- Family Health Council, Inc. (1988-2005)

- Adagio Health Inc. (2005 – present)

Our most recent name change was made in October 2005. Following a visioning session and a restatement of our mission, vision, and values in 2003 and 2004, our board of directors and staff determined that "Family Health Council, Inc." was difficult to distinguish from several other non-profit Pittsburgh area non-profits with "family" in their name, and that this caused confusion regarding our services. We decided to create a unique and easily recognizable name. After an eight month effort in 2005, we selected our new name. We are currently in the process of branding our new name for client and community recognition.

Family Adoption Center

In the early 1980's, we established an adoption program to assist our clients experiencing infertility. Family Adoption Center has been licensed to provide adoption services by the Pennsylvania Department of Public Welfare since 1983. Our adoption program assists prospective adoptive parents in creating families while addressing the needs of women experiencing unintended pregnancies by offering them information and counseling on adoption.

Adagio Health also provides infant adoption educational training as a subcontractor in Pennsylvania for the Infant Adoption Awareness Training Program. This training is provided to family planning, community health center, and hospital staff throughout Pennsylvania to enable them to understand and positively present the option of adoption to a woman experiencing an unintended pregnancy.

Family Adoption Center has placed 276 infants in adoptive homes during the 24 years it has operated, and has conducted 37 home studies for parents pursing domestic or international adoption through other agencies or private attorneys. The Pennsylvania Adoption Code and the Pennsylvania Department of Public Welfare ("DPW") require that its adoption placements include home studies and post placement supervisory visits.

I will discuss the home study process in greater detail later. However, a brief summary of the process is warranted now. A home study is a written study of prospective adoptive parents "for the purpose of determining their capacity for adoptive parenthood." 55 Pa. Code § 3350.12(a). The Pennsylvania regulations governing home studies states that an adoption agency conducting a home study shall use "interviews between an agency representative and the prospective parents as the primary source of information." *Id.* In keeping with this mandate, our social workers extensively interview prospective adoptive parents and require them to submit lengthy autobiographies. Pennsylvania regulations also require that the home study include a description of the visit to the home and community. 55 Pa. Code § 3350.12(a)(3). In accordance with this requirement, our social workers visit the adoptive parents' homes as part of the home study process.

With regard to post-placement visits, when our agency is the placing agency, we are required to make at least three supervisory visits with the child and the adoptive parents over a six month period. 55 Pa. Code § 335013(i). Our home studies and post-placement visits are conducted by licensed social workers who adhere to the requirements of applicable law and follow industry standards.

In addition to our infant adoption program, Family Adoption Center's social worker conducts home studies for non-Family Adoption Center adoption placements. Over the last twenty-four years, we have prepared thirty-seven pre-placement home studies for adoptive parents pursuing private adoption or adoption through other agencies. In 20, or more than half, of those cases, Family Adoption Center was contacted to do post-placement supervisory visits and conducted those visits.

Background on Masha Allen's Case

As Committee members are aware from previous Congressional hearings, I am here to discuss Family Adoption Center's involvement in a particular case - the case of Masha Allen. The Committee has heard testimony on this before, and I hope to lend some further insight as to how something this horrible and tragic could have happened to a child and how we can work together to prevent it from occurring again.

For those of you who don't know the background, Masha Allen was adopted from a Russian orphanage when she was five years old by a man who horribly abused her. His name is Matthew Mancuso, and he is now in prison. Ms. Allen has been re-adopted and now resides with her new adoptive mother. She has shown tremendous courage in providing testimony and acting to assure that no other child is subjected to what she had to endure.

Family Adoption Center's Role in Masha Allen's Adoption

Family Adoption Center played a limited role in Ms. Allen's adoption. We prepared the home study that Matthew Mancuso was required to have as part of his adoption. However, we did not determine that Mancuso was eligible to adopt as a single man, and we did not place a child with him for adoption.

We became involved in this matter in late summer or early fall, 1997 when Mancuso contacted us and requested that we perform a home study on his behalf. He lived in the Pittsburgh area and needed a local agency to conduct the home study. At that time, our Social Worker had been conducting home studies for over 14 years and had performed at least 193 home studies. She was a member of the Three Rivers Adoption Council, the National Council for Adoption and the North American Conference on Adoptable Children and regularly attended conferences of these organizations. She was experienced and respected in the adoption field.

Upon Mancuso's inquiry, our Social Worker sent him an application package. On September 29, 1997, we received his completed application package which included the following completed documents:

- Background Information Form: Family Study Application
- Medical Certificate for Prospective Adoptive Parent
- Pennsylvania Child Abuse and Criminal History Clearances
- Medical History Form
- Financial Form
- his 1996 federal tax return
- an employment verification letter
- three letters of reference from non-relatives
- a letter of reference from his mother
- a lengthy autobiography

Mancuso's home study application stated that he was working with Families Through International Adoption in Cherry Hill, New Jersey, to adopt a child from Russia. On October 2, 1997, our Social Worker contacted Families Through International Adoption and confirmed that he was a client of that agency and that he could adopt as a single parent. She also obtained from Families Through International Adoption a list of that agency's requirements for a home study. Our Social Worker had an interview session with Mancuso in our office in Pittsburgh on October 9, 1997, and a second session at his house on October 22, 1997, as part of the home study process. Following her review of the material submitted to her and upon completion of her interviews, our Social Worker gave Mancuso a favorable recommendation for adoption. She also stated that Family Adoption Center agreed to provide post-placement reports for a period of three years.

By letter dated November 24, 1997, our Social Worker forwarded the completed home study to Mancuso. We were neither contacted to prepare post-placement reports nor even advised that Mancuso had adopted a child. In fact, we had no further involvement in this matter until June, 2003, when the FBI contacted us to request a copy of our Mancuso file. Family Adoption Center did not facilitate the adoption or have any other involvement with. Mancuso other than what I have outlined here.

Relevant Laws Applicable to Adoption Home Studies

As I have already explained, Family Adoption Center typically provides home studies for clients adopting through our domestic infant adoption program. We have also performed 37 home studies for adoption placements handled by other adoption agencies or private attorneys for both domestic and international adoptions.

The home studies Family Adoption Center performs for international adoptions are governed by Pennsylvania law, regulations from the United States Bureau of Citizenship and Immigration Services in the Department of Homeland Security (BCIS or USCIS), the foreign country in which the child resides, and sometimes the state of residence of the adoptive parent.

Organizations performing home studies must be licensed by the state to do so and must follow general requirements. As a general matter, requirements for a home study in an international adoption under Pennsylvania law and federal regulation include the following:

- interviews with adoptive parents;
- a written autobiographical statement;
- letters of reference which come from persons who have observed the applicant in situations that may indicate his or her capacity for parenthood;
- a criminal and child abuse background search;
- interviews with other adult occupants of the household;
- evidence of financial ability to support a child;
- statement by a physician discussing medical history and status as evidence that the applicant is in good physical and mental health and able to undertake the responsibilities of parenthood; and
- a home visit

Many of these requirements are set forth in Pa. Code § 3350.12 To the best of my knowledge, these requirements were in effect in 1997 and have not changed since that time. Also, as noted above, our Social Worker obtained from Families Through International Adoption its requirements for a home study, which include those set forth above.

Furthermore, DPW conducts annual on-site audits of our adoption files. As part of its review, the DPW representative conducting the audit actually reads many, if not all of the home studies prepared during the previous year and informs our Social Worker of any omissions from or deficiencies in the home studies reviewed. The annual audit is required for renewal of Family Adoption Center's license. Following the audit, DPW may place conditions upon license renewal if it discerns deviations from state requirements. Family Adoption Center's license has always been renewed unconditionally. To the best of our knowledge, the Mancuso home study was made available to DPW during its annual audit, and DPW did not make any comment regarding the home study

Description of Our Home Study Process

As I have discussed above, all of Family Adoption Center's adoption placements require home studies and post-placement visits. On occasion, we also conduct home

studies and post-placement supervisory visits in adoption placements not made through our agency as was the case in Ms. Allen's adoption. For example, in international and interstate adoptions, adoptive parents are required to have home studies and submit to post-placement visits. Also, some courts require home studies in private, independent adoptions that do not involve adoption agencies.

Typically, parents looking to adopt a child will contact our agency after they have started the adoption process to request that we prepare the home study. At times the parents are referred by their adoption agency, other times parents find us on their own, and on occasion, the attorney for the adoptive parents contacts us. After a prospective adoptive parent requests a home study, an adoption caseworker performs the study. These individuals are social workers licensed by the state. The case worker will conduct the interview and fulfill all of the requirements listed above, as provided by law, and then will make a recommendation. Proof of completion of a home study and the attendant recommendation are required in every interstate and in most international adoptions before an adoption can proceed.

Family Adoption Center charges a fee to prepare the home study and conduct post-placement visits. Adoptive parents pay our fee when they submit their application for the home study, and the payment is made before the home study is completed. Thus, payment of the fee is not contingent upon a favorable recommendation.

Specifics of Mancuso Home Study

In the case of Matthew Mancuso, the procedure outlined above was followed. To the best of our knowledge, the requirements regarding home studies were the same then as they are now. As I stated, Mancuso contacted Family Adoption Center and requested that we perform a home study. We could not turn him down because he was a single man; as I will discuss shortly, Pennsylvania law provides that any individual may be an adoptive parent.

Our Social Worker sent Mancuso an application, which he completed. He stated in his application that he had extensively researched adoption through internet web-sites and news groups and had talked with friends who adopted. He explained in his application that he collected information from different agencies.

Mancuso completed the application, provided a lengthy autobiography, provided financial information evidencing his ability to support a child, provided criminal and child abuse clearances showing that he had no criminal charges or convictions, and gave us credible letters of reference.

As I have stated, after our Social Worker received his application, she called Families Through International Adoption and received confirmation that he was a client of that agency and that he could adopt as a single parent through them. Our Social Worker then conducted two intensive interviews with Mancuso, one at our offices and the other at his home. She saw that he had a bedroom that he designated for a child, and was not concerned that it was not furnished for the child. Experienced adoption professionals will tell you that adoptive parents frequently do not get a room ready until an adoption placement is about to occur. It can be extremely painful for an adoptive parent to have a vacant room furnished with children's furniture awaiting an adoption placement that may or may not transpire. Most importantly, Mancuso had a bedroom available for the child and stated that it would be furnished with appropriate furnishings for a young girl.

Now let's address the fact that Mancuso, a single man, wanted to adopt a young girl. It should be noted that we did not make the determination that he was eligible to do so; that was made by the agency that placed Masha Allen with him for adoption. Nonetheless, we recommended him for an adoption knowing that he wanted to adopt a girl. Why did we do so? His almost six page, single spaced autobiography gives compelling reasons for his desire to adopt a girl. Mancuso explained that he had a daughter, from whom he grew distant through his divorce and as she grew up and wanted

to spend more time with her friends. He described a close, but not abnormally close, relationship with his daughter prior to and even after the divorce, until she was in high school and chose to spend more time with her friends. Mancuso discussed the void that he felt in not maintaining a close relationship with his daughter. It seemed as though he wanted a second chance at parenting a daughter, and from all outward appearances, he was well suited to do so. Additionally, the Pennsylvania Adoption Code states that "any individual may become an adopting parent." 23 Pa.C.S.A. § 2312. Thus, the Pennsylvania law that regulates our agency placed no restriction on Mancuso's ability to adopt a girl.

You may ask why we did not contact his daughter and ex-wife. It is not our practice to contact ex-spouses and adult children not residing with the adoptive parent, and the Pennsylvania adoption agencies with whom we are familiar do not do so either. In fact, such contacts would violate our obligations of confidentiality to prospective adoptive parents. Many divorced people adopt after their divorces have occurred. Many of them have children from prior marriages or relationships. If those children reside with the prospective adoptive parents, they become part of the home study process. If they are adults residing with the prospective adoptive parents, they must provide criminal and child abuse clearances. If adoption agencies conducting home studies are to contact ex-spouses and adult children, this requirement should be clearly stated, since it is a substantial change from existing practices.

Additionally, we had three letters of reference from non-relatives of Mancuso, one from a married couple and two from individuals, attesting to his ability to parent a child. Those references appeared to be legitimate. We recently verified that the individuals who signed these letters do exist. We did not contact them when we received the letters of reference for several reasons. First, it was neither our practice, nor common practice in the adoption field, at least in Western Pennsylvania, where we are located, to contact authors letters of reference unless the letters themselves indicated concerns. Second, there was no requirement that we contact references. Third, DPW, our licensing agency, was on notice that we did not contact references, and never told us that we were remiss in not doing so. Finally, the letter of reference requirement was a requirement of Families Through International Adoption, Mancuso's adoption agency. In other international adoptions for which we have performed home studies, we have been advised that the placing agency contacted the authors of letters of reference to confirm their contents.

Now we know that Matthew Mancuso had ulterior motives in his adoption. He used our agency to accomplish his malevolent objectives. We feel terrible that we aided him, albeit unwittingly, in any way. However, we firmly believe that our home study was conducted in accordance with all applicable requirements and standards and that there were no red flags to indicate this man's true intentions.

Post-Placement Visits

Normally, when Family Adoption Center prepares a home study for an adoption placement from another agency or in an independent adoption, after the adoption placement has been made, we perform post-placement supervisory visits and prepare post-placement reports. In fact, we agreed to do so for Mancuso's adoption. However, what triggers our obligation to perform these visits is some communication from either the adoptive parents or the placing agency to inform us of the placement. Without that communication, we have no way of knowing whether an adoption placement has occurred. In this case, neither Mancuso nor Families Through International Adoption contacted us to apprise us of the placement or request that we perform post-placement visits.

I want to emphasize that it is extremely unusual for us not to be notified of an adoption placement by either the placing agency or the adoptive parents. We are aware that Russian law requires post-placement supervisory reports to be completed at 6, 12, 24,

and 36 months after the adoptive parent returns home with the child. Families Through International Adoption's web-site states that these reports are to be prepared "by the home study agency that prepared the original home study." Since no one informed us of the adoption placement, we could not fulfill our commitment to perform these visits and prepare the required reports.

You may ask why we did not periodically call Mancuso and inquire as to the status of his adoption plans. I am not aware of any adoption agency that does so. In fact, given how upsetting the waiting period can be for adoptive parents, the fact that international adoptions can take one to two years before a placement occurs, and that not all prospective adoptive parents actually go through with an adoption, agencies do not routinely check up on the progress of adoptive parents for whom they have performed home studies. It is unlikely that Mancuso, given his deceptions, would have been honest with us anyway, but we expect when we complete a home study and commit to performing post-placement reports that the placing agency and/or adoptive parents will contact us as they are required to do so that we can complete our piece of the adoption.

If we had conducted post-placement visits, we certainly would have expected to see a bedroom furnished for a young girl. A child of five or six years of age would be asked to show the social worker where he or she slept. Whether in this case we would have received honest answers again is speculative.

I want to note that in January, 1998, the Social Worker who performed the Mancuso home study was let go. The reason for her discharge did not relate to her job performance in conducting home studies and post-placement visits. Rather, we had conducted an assessment of changes that we believed were warranted in our adoption program and made a business decision to find new leadership.

This evaluation occurred because, in the late 1990's Family Adoption Center had experienced a significant decline in its infant placements. In its early years, we were the only agency in the Pittsburgh area offering direct infant placement to adoptive parents without using foster care. By the mid-1990's, most local agencies offered this option. Our program attempted various outreach efforts to improve our recruitment processes, without success. In the first thirteen years of operations, through the fiscal year ending June 30, 1995, we placed an average of twelve infants per year. In the next two fiscal years, ending June 1996 and June 1997, our placements dropped to 5 and 3, and in the six months ending December 31, 1997 we only had 2 placements. We had serious concerns about our program's marketing and recruitment efforts, and made the difficult decision to make a staffing change. We did not have concerns about our Social Worker's proficiency and quality of work in her social worker role, but we were concerned with our low number of placements, and our program's inability to accommodate the needs of birthmothers whose infants were not a potential match for the preferences of our clients wishing to adopt.

However, we had a new social worker in place immediately in January, 1998. Our program did not miss a beat. That new social worker took over the files of the previous social worker. If Family Adoption Center had been notified of Ms. Allen's adoption by Mancuso, she would have been ready, willing and able to conduct the post-placement visits.

Conclusion

In conclusion, please know that Adagio Health deplores what occurred here. We want to make sure that this kind of tragedy will never happen again. We fully support the Committee's investigation and will assist in any way that we can. The system is undoubtedly complicated due to the different countries and states involved, but nonetheless, every effort should be made to ensure that every adopted child is placed in a safe and loving home. Thank you so much for your time, and I welcome any questions you may have.

MR. WHITFIELD. Thank you. Ms. Smith, you are recognized for 5 minutes.

MS. SMITH. Thank you. Good afternoon, Chairman Whitfield, Ranking Member Stupak, and distinguished members of the subcommittee. My name is Jeannene Smith and I am the founder of Reaching Out Thru International Adoption. I appreciate this opportunity to share what I understand to have occurred in the adoption of Masha Allen and discuss what I know about international adoption, both as it was then and how it has changed since.

My personal experience as an adoptive parent and the joy that it has brought to our family instilled my desire to improve the future for other children who, like them, have found love and security in a permanent family. As an international adoption advocate, it is my goal to help orphaned children find permanent loving families who can nurture these children and help them achieve their potential. The adoption of Masha Allen by someone who has been proven to be a pedophile represents the most unimaginable breach of social conscience. More disheartening is that his admittedly criminal enterprise continued for over 6 years.

The fact that he was able to perpetrate this fraud upon all sectors of our society demonstrates the need for additional safeguards for the most vulnerable members of our society. It is also true that since Masha's case, many changes in procedures have occurred which address these issues. However, it is legally difficult, if not impossible, to gain compliance for post-adoption supervision from an adoptive family after they return home with a full and final adoption order from a foreign country. Current laws do not exist that require and provide enforcement mechanisms for post-adoption supervision for inter-country adoption.

While I cannot unequivocally state that post-placement supervision would have detected the nature of abuse in this case, while every other professional in this child's life did not, not her doctors, dentists, teachers, and others; I continue to believe that the lack of post-adoption reporting tools are a critical gap in the process and leaves the children placed through inter-country adoption with no protection upon placement. It is the smallest voices that deserve every protection we can offer them.

On a final note, I want to add that the adoption process is a human process and that those human judgments, even by professionals, will always be a necessary part of the process. I continue to believe in the mission and purpose of international adoption and in laws that give children opportunities to achieve their personal potential as human beings. Thank you.

[The prepared statement of Jeannene Smith follows:]

PREPARED STATEMENT OF JEANNENE SMITH, FOUNDER, REACHING OUT THRU INTERNATIONAL ADOPTION

Thank you for the opportunity to share what I know and understand to have occurred in the adoption of Masha Allen.

While the scope of this investigation encompasses a wide range of issues, I hope to offer my assistance on the international adoption process.

As an international adoption advocate, it is my goal to help orphaned children find permanent loving families who can nurture these children and help them achieve their personal potential. The adoption of Masha Allen – by someone who was later exposed to be a liar, manipulator, abuser, pornographer and sociopath – has been an unimaginable nightmare.

In 2005, US families adopted 21,580 orphaned and abandoned children through intercountry adoption. This represents a growth of 225% over the past decade. The overwhelming majority of intercountry adoptions are successful. Yet, as Masha's case clearly illustrates – "an overwhelming majority" does not consist of 100% success. Presently there exists no national policy to insure any child's safety following placement. Masha's case illustrates the overwhelming importance of establishing legislation that mandates post-adoption reporting standards.

Licensed, international adoption agencies and other social work organizations must comply with local, state and federal and foreign governmental requirements. These multiple layers of involvement, between local social service agencies, child placement agencies, state and federal and foreign entities can create oversight problems, which reach beyond the adoption process itself.

One great risk for the over 21,000 children entering our country into adoptive homes each year, is the lack of a national law mandating "post-adoption" supervision. Today, post-adoption supervision is voluntary. If an adoptive family does not choose to cooperate with post-adoption supervision, there are no tools available to the social service or placing agencies to enforce supervision.

The Final Hague Regulation on this subject would not assist an agency in gaining post-adoption reporting compliance from someone like Mr. Mancuso.[1]

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[1] 22 C.F.R § 96.51(c):

> When post-adoption reports are required by the child's country of origin, the agency or person includes a requirement for such reports in the adoption services contract and makes good-faith efforts to encourage adoptive parent(s) to provide such reports.

Furthermore, in response to a request for post-adoption enforcement, the U.S. Department of State replied:

> The Department recognizes that the potential for parents not cooperating with post-adoption reporting requirements is at least as great as the potential for non-cooperation with regard to post placement reporting. This issue is not appropriately addressed by holding agencies and persons responsible in the accreditation/approval context for failing to produce post-adoption reports, however, particularly because post-adoption reporting and other services provided after the child's adoption are not included in the IAA's list of adoption services that must

Mandatory post-adoption supervision has the dual purposes of both addressing the safety of children and providing critical necessary services to children and families, who often may not know they are in need of services.

All adoption, both domestic and intercountry adoption, involves special and unique issues to each child, each parent and each family.

Combined Adoption Statistics indicate:

- 12% of adolescents and children receiving private therapy, and 20-30% of adolescents and children in psychiatric, in-patient units are adoptees (as cited in *Bottom Line,* September 15, 1990);
- 10% of adopting mothers experienced depression during their first six weeks of motherhood, fatigue being cited as most prevalent, a phenomenon similar to post-partum depression, currently termed as post-adoption depression (*Family Medicine*);
- 1,000 children per year were returned to adoption agencies by their adoptive parents; 2% of the 1,000 children returned are under the age of two years; 15% of ALL adoptions fail (Marsha Riben, *Shedding Light on the Dark Side of Adoption*).

These statistics show the need for post-adoption supervision. Currently, laws exist that require and provide enforcement mechanisms for post placement supervision in US domestic adoptions. However, similar laws do not exist that require and provide enforcement mechanisms for post-adoption supervision for intercountry adoption.

Mandatory post-adoption supervision would have a beneficial impact upon many adoptees. Laws ensuring the safety and well-being of children through post-adoption supervision enforcement are necessary for the protection of *all* adopted children – regardless of country of origin or ultimate state of residence.

On a final note, I want to add that the adoption process is a human process, and those human judgments, even by professionals, will always be a necessary part of that process.

I continue to believe in the mission and purpose of international adoption and in laws that give children opportunities to achieve their personal potential as human beings.

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even be provided by an accredited agency or approved person, and because we are not regulating adoptive parents in these regulations. While § 96.51(e) of the proposed rule would have regulated agencies and persons who voluntarily provided post-adoption services, the Department has decided to delete the standard to be consistent with the general approach taken in the IAA and these regulations, of not regulating any post-adoption services. We understand that countries of origin that require post-adoption reports may stop working with U.S. agencies or persons or close adoption programs to U.S. prospective adoptive parent(s) if they cannot obtain the post-adoption reports. We anticipate that this issue will be addressed, however, by all providers and parents working cooperatively together in the understanding that doing so benefits all concerned, including persons who hope to adopt in the future.

MR. WHITFIELD. Ms. Eiferman, you are recognized for 5 minutes.

MS. EIFERMAN. Chairman Whitfield, Ranking Member Stupak, and distinguished members of the subcommittee, good afternoon. My name is Carol M. Eiferman. I received both my bachelor's degree and master's degree in social work from Rutgers University. I received my BSW in

1983 and my MSW in 1989. I became a licensed clinical social worker in 1991. I am licensed to practice only in the State of New Jersey.

Prior to receiving my graduate degree, I worked in the field of alcohol and drug abuse, counseling both youth and adults between 1978 and 1981. From 1983 to 2000, I worked in three different medical systems. I held a number of positions, including medical social worker, director of a social services department and social worker in a specialized psychiatric and addictions unit of a hospital.

My involvement in the field of international adoption grew out of the fact that my husband and I were fortunate enough to internationally adopt both of our children in 1994 and 1997. As part of that process, I was a co-founder of a parent support group for international adoption. In the spring of 1999, I began practicing social work as an independent contractor with Reaching Out Thru International Adoption, Inc. My duties were to perform international home studies for residents of New Jersey who wished to adopt. In early November 2000, I became an employee of Reaching Out. My job title was casework supervisor. I remain in this position today.

I would be happy to answer any questions the subcommittee may have.

[Testimony of Carol Eiferman follows:]

PREPARED STATEMENT OF CAROL EIFERMAN, SOCIAL WORK SUPERVISOR, REACHING OUT THRU INTERNATIONAL ADOPTION

CHAIRMAN WHITFIELD, RANKING MEMBER STUPAK, AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE, GOOD AFTERNOON. MY NAME IS CAROL M. EIFERMAN.

I RECEIVED BOTH MY BACHELOR'S DEGREE AND MASTER'S DEGREE IN SOCIAL WORK FROM RUTGERS UNIVERSITY. I RECEIVED MY BSW IN 1983 AND MY MSW IN 1989. I BECAME A LICENSED CLINICAL SOCIAL WORKER IN 1991. I AM LICENSED TO PRACTICE ONLY IN THE STATE OF NEW JERSEY.

PRIOR TO RECEIVING MY GRADUATE DEGREE, I WORKED IN THE FIELD OF ALCOHOL AND DRUG ABUSE, COUNSELING BOTH YOUTH AND ADULTS BETWEEN 1978-1981. FROM 1983-2000, I WORKED IN THREE DIFFERENT MEDICAL SYSTEMS. I HELD A NUMBER OF POSITIONS, INCLUDING MEDICAL SOCIAL WORKER, DIRECTOR OF A SOCIAL SERVICES DEPARTMENT, AND SOCIAL WORKER IN A SPECIALIZED PSYCHIATRIC AND ADDICTIONS UNIT OF A HOSPITAL.

MY INVOLVEMENT IN THE FIELD OF INTERNATIONAL ADOPTION GREW OUT OF THE FACT THAT MY HUSBAND AND I WERE FORTUNATE ENOUGH TO INTERNATIONALLY ADOPT BOTH OF OUR CHILDREN IN 1994 AND 1997. AS A PART OF THAT PROCESS, I WAS A CO-FOUNDER OF A PARENT SUPPORT GROUP FOR INTERNATIONAL ADOPTION.

IN THE SPRING OF 1999, I BEGAN PRACTICING SOCIAL WORK AS AN INDEPENDENT CONTRACTOR WITH REACHING OUT THROUGH INTERNATIONAL ADOPTION, INC. MY DUTIES WERE TO PERFORM INTERNATIONAL HOME STUDIES FOR RESIDENTS OF NEW JERSEY WHO WISHED TO ADOPT. IN EARLY NOVEMBER 2000, I BECAME AN EMPLOYEE OF REACHING OUT. MY JOB TITLE WAS CASEWORK SUPERVISOR. I REMAIN IN THIS POSITION TODAY.

I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THE SUBCOMMITTEE MIGHT HAVE.

MR. WHITFIELD. Ms. Seamans-Conn, you are recognized for 5 minutes.

MS. SEAMANS-CONN. Good afternoon. My name is Marlene Seamans-Conn. I was employed as the Executive Director of Reaching Out Thru International Adoption from July 1999 through of 2001. In that position, I didn't have any contact with Mr. Mancuso. I was not aware of his adoption as part of my position there. I was aware that there was a post-placement report completed and I actually believe I saw that report and possibly even filed that in his adoption. I never had contact with Mr. Mancuso. I would be happy to answer any questions that the committee has.

MR. WHITFIELD. Mrs. Druger, you are recognized for 5 minutes.

MS. DRUGER. My name is Hannah Druger. I just wanted to make one correction. When I worked for the agency, I was not a social worker. I have a background in human services, but I was not a social worker. Currently, I am a certified social worker, so in light of the situation, I do want to make that clear. I initially worked with Jeannene when she was still--I don't know what relationship she had with FTIA exactly, but I walked into that situation and I assisted her.

I started out as a volunteer and then I started part-time and mostly in a clerical capacity. What we are going to hear today is extremely, extremely important. I, myself, would like to hear all the facts. I didn't have enough time to really prepare a long statement because I was only issued this request a couple of days ago, but if there are any questions, I am more than happy to answer anything I can.

MR. WHITFIELD. Okay, thank you very much. We appreciate your testimony. Mr. Wallace, in your testimony, one of the things you mentioned was that Ms. Smith was an independent contractor for you for a period of time and then I believe that you sent her a letter of termination in 1998, maybe February of 1998, is that correct?

MR. WALLACE. Yes, sir.

MR. WHITFIELD. Okay. Now, Ms. Smith, you received a letter of termination from Mr. Wallace in February 1998?

MS. SMITH. I received a letter from Mr. Wallace. I am unsure of the exact date.

MR. WHITFIELD. Okay. But you understood that you were terminated from being a contractor for him?

MS. SMITH. I received a letter saying he was closing the office.

MR. WHITFIELD. Okay. Now, are you a licensed social worker?

MS. SMITH. No.

MR. WHITFIELD. Okay. Is it required that you be a licensed social worker in the State of New Jersey to have an adoption agency or to operate an adoption agency?

MS. SMITH. No.

MR. WHITFIELD. What is the legal requirements in the State of New Jersey to operate an adoption agency?

MS. SMITH. You must have a licensed social worker on staff.

MR. WHITFIELD. Yes.

MS. SMITH. And an executive director with certain credentials, as well.

MR. WHITFIELD. Yes. And when did you receive your license to operate as an adoption agency?

MS. SMITH. The physical paper license came in June. We received notification that we were approved somewhere the end of April or May.

MR. WHITFIELD. Of what year?

MS. SMITH. I am sorry, 1998. 1998, yes.

MR. WHITFIELD. All right. So you were licensed in April or May of 1998?

MS. SMITH. We received verbal that everything was approved and we would be receiving our paper license shortly.

MR. WHITFIELD. And when did you--

MS. SMITH. We got that in June.

MR. WHITFIELD. You got that in June.

MS. SMITH. Yes.

MR. WHITFIELD. And you were terminated in February.

MS. SMITH. Yes.

MR. WHITFIELD. So for a period of time there you were operating without a license?

MS. SMITH. We submitted our documentation for licensure in February, as well.

MR. WHITFIELD. How did you meet Mr. Mancuso?

MS. SMITH. I don't believe I have ever met him.

MR. WHITFIELD. Well, all of the paperwork was submitted through your office initially and then I think it went to Mr. Wallace's company. How did you ever come in contact with him?

MS. SMITH. The file indicated that he contacted our office when we were a branch of FTIA and that he had heard about this through the Internet on AOL.

MR. WHITFIELD. So did he contact you or did he contact the Evansville office?

MS. SMITH. No, he contacted the Cherry Hill office and requested information.

MR. WHITFIELD. He contacted you?

MS. SMITH. Yes. My office, yes.

MR. WHITFIELD. How many people worked in the office?

MS. SMITH. At the time it was just myself and Hannah.

MR. WHITFIELD. All right, so he contacted your office, so he must have talked to you.

MS. SMITH. I don't know that. I would assume that.

MR. WHITFIELD. Now, I understood you to say that you were the only person working in the Cherrydale office, is that correct?

MS. SMITH. No, myself and Hannah were working there at the time.

MR. WHITFIELD. Ms. Druger, you worked there with her. Did you talk to Mr. Mancuso?

MS. DRUGER. Generally, I think the way it happened was a list came out as to people that were requesting information packets and we would mail information packets to those interested parties. I don't remember speaking to him in person.

MR. WHITFIELD. Well, where did the list come from?

MS. DRUGER. I think we were posted on Rainbow Kids. I think there were a couple of Internet sites that the agency was listed under.

MR. WHITFIELD. That your agency was listed under?

MS. DRUGER. I believe. I am not sure.

MR. WHITFIELD. So are you saying that--

MS. DRUGER. I don't know the relationship between FTIA and Jeannene's office.

MR. WHITFIELD. Did the information ever come to you directly from Mr. Mancuso?

MR. WALLACE. No, sir. Part of the controversy I spoke of was it was not until we had worked together quite a while that I found out that FTIA was listed on several adoption websites with the New Jersey address. That goes to the misrepresentation of the relationship. People did not know FTIA was an Indiana-licensed agency.

MR. WHITFIELD. You were not licensed to do business in New Jersey?

MR. WALLACE. No, nor had I authorized Ms. Smith to go on sites and post our name and a New Jersey address.

MR. WHITFIELD. And did Ms. Smith do that?

MR. WALLACE. Yes.

MR. WHITFIELD. Is that correct, Ms. Smith? Did you do that?

MS. SMITH. It is correct that I did that, but everything that was done was with Mr. Wallace's authorization. Every bit of literature, every bit of information that was disseminated.

MR. WHITFIELD. Let me ask you a question. Briefly, just explain the process. I specifically want to get to these post-placement home studies and when a child is placed, and you were the only one involved when the child was placed. I mean, Mr. Wallace, at that point, was out of it. The $2,500 or so, I think, was paid to you by Mr. Mancuso, the final payment. Well, there is a payment of $400, a payment of $2,500 and then a payment of $1,800 that was paid to you. Did you notify any appropriate authorities in Pennsylvania that the child had been placed with Mr. Mancuso?

MS. SMITH. I don't have direct knowledge of that.

MR. WHITFIELD. Was there anyone that works for you or was working for you at the time that has a knowledge of that? You don't have any knowledge of it, so I am taking it to mean you did not notify anyone. Did any of the others that worked for her notify anyone, that the child had been placed?

MS. SEAMANS-CONN. I wasn't employed at the time.

MR. WHITFIELD. Okay.

MS. DRUGER. I don't remember notifying anybody.

MR. WHITFIELD. Okay. Now, isn't it a legal responsibility to notify appropriate agencies when a child has been placed?

MS. SMITH. That is our standard of practice.

MR. WHITFIELD. So you violated your standard of practice?

MS. SMITH. Again, I was not the caseworker on this, so I--

MR. WHITFIELD. Well, you owned the company, didn't you? Didn't you own the company?

MS. SMITH. I am the founder of Reaching Out.

MR. WHITFIELD. And the check was paid to you? $1,800?

MS. SMITH. That is correct.

MR. WHITFIELD. And so basically, what you are saying is you don't know or you don't recall, and I am taking that to mean that you all did not do it?

MS. SMITH. I don't know that it was done.

MR. WHITFIELD. Did you have an obligation to--well, Mr. Baird, you have testified that you were not notified, didn't you?

MR. BAIRD. That is correct. We were not notified.

MR. WHITFIELD. So you did the initial home study and you were never notified that the child was placed there.

MR. BAIRD. That is correct.

MR. WHITFIELD. Now, if you had been notified, what is the significance of that? What would that mean, from your perspective?

MR. BAIRD. Had we been notified, we would have scheduled to do the post-placement visits, supervisor visits for--

MR. WHITFIELD. And under Pennsylvania law, how many visits would that have been?

MR. BAIRD. Well, under Pennsylvania--well, this would be the part under Russian law.

MR. WHITFIELD. Okay.

MR. BAIRD. I think it is--

MR. WHITFIELD. Three?

MR. BAIRD. It is 3 years of visits and I think there are four visits. Three months, 6 months, 1 year, and 2 years.

MR. WHITFIELD. Okay, so you didn't do any of that?

MR. BAIRD. That is correct.

MR. WHITFIELD. Because you didn't know about it.

MR. BAIRD. That is correct.

MR. WHITFIELD. Okay. Now, it is my understanding that Social Services of Western Pennsylvania, on March 23rd, 1999 prepared a post-placement report on Masha and sent it to Families Thru International Adoption in Cherry Hill, New Jersey and from what we have been able to find out, this is totally fake. There is no Social Services of Western Pennsylvania. The phone number didn't work. It has never been in

existence and so can anyone tell me, does anyone know Frances White? Ms. Smith, have you ever seen this document?

MS. SMITH. I have seen the document.

MR. WHITFIELD. How did you get it, the document?

MS. SMITH. It was something that was submitted. It was sent to our office.

MR. WHITFIELD. And who sent it to you?

MS. SMITH. I don't know.

MR. WHITFIELD. You don't know who sent it to you?

MS. SMITH. I don't, no. I have seen the document.

MR. WHITFIELD. Did you understand that under Russian law there were three post-placement studies that were supposed to be conducted?

MS. SMITH. Yes.

MR. WHITFIELD. And did you conduct any or did you notify anyone to conduct any of these studies?

MS. SMITH. I have seen documents in the file that notified Mr. Mancuso of the schedule of post-placement that was due. At that time, it is typically standard that a copy of that goes to the home study agency, as well. Again, I can't answer as to exactly what occurred. I was not the case worker.

MR. WHITFIELD. So Mr. Dymtchenko, you were involved in this and I think Mr. Mancuso paid you over $4,000 for his expenses related to the Russian government adoption process. Did you receive any post-placement reports from Ms. Smith on Masha Allen?

MR. DYMTCHENKO. Yes, I did.

MR. WHITFIELD. How many?

MR. DYMTCHENKO. Two.

MR. WHITFIELD. And do you have copies?

MR. DYMTCHENKO. One that you just showed and the other one was on the letterhead of Reaching Out Thru International Adoption.

MR. WHITFIELD. Now--okay, let me just--

MR. DYMTCHENKO. Translate them both and submitted to Russian authorities.

MR. WHITFIELD. Okay. Now, my time is running out, but Mrs. Seamans-Conn, I understand that you have some knowledge of this post-placement report from Reaching Out and that this was conducted by telephone, is that correct?

MS. SEAMANS-CONN. Yes, I was employed at the time that that post-placement was conducted and I recall that that was conducted by telephone by Ms. Eiferman.

MR. WHITFIELD. And that is not the way these are supposed to be conducted, is it?

MS. SEAMANS-CONN. Traditionally, that is not the way that it--

MR. WHITFIELD. You are supposed to have an in-home site visit, is that correct?

MS. SEAMANS-CONN. Usually it is the same agency that conducts the home study, but not always, but it should be a licensed--

MR. WHITFIELD. But who did this telephone report?

MS. SEAMANS-CONN. I believe that was Carol Eiferman.

MR. WHITFIELD. Ms. Eiferman, is that true? Did you do this by phone?

MS. EIFERMAN. I conducted a follow-up telephone call to Mr. Mancuso at the direction of Ms. Seamans-Conn, who was our Executive Director at that time.

MR. WHITFIELD. So according to your testimony and the testimony of others who are involved in international adoptions, it is the accepted practice that it is an in-home visit, not a telephone call? Do you recognize that?

MS. EIFERMAN. At the time, of course, best practice is to see children in the home. It was considered acceptable practice. If you needed to conduct a telephone interview to glean the information, if families were reluctant.

MR. WHITFIELD. Yes.

MS. EIFERMAN. There are even very rare cases of agencies using self reports. A form is mailed to the family, the family--

MR. WHITFIELD. Mr. Wallace, do you agree with that?

MR. WALLACE. I would not think it would be acceptable best practices to complete what we call a post-placement over the phone.

MR. WHITFIELD. What about you, Mr. Baird?

MR. BAIRD. I don't agree with that. Pennsylvania regulations require that post-placement supervisory visits be conducted by a social worker in the home.

MR. WHITFIELD. Okay. Mr. Stupak, you are recognized for 10 minutes.

MR. STUPAK. Thank you, Mr. Chairman. Mr. Baird, you indicated in your statement that your agency determined that Mr. Mancuso was eligible to adopt?

MR. BAIRD. Yes.

MR. STUPAK. What did that mean?

MR. BAIRD. Our social worker contacted--well, would you repeat the question?

MR. STUPAK. Sure. What does eligible to adopt mean?

MR. BAIRD. Are you talking about the conclusion of the home study or the call that she placed to the New Jersey agency?

MR. STUPAK. Well, let me--your agency made the determination, so what went in to make that determination initially to adopt?

MR. BAIRD. Right. He contacted us and said he was working with a New Jersey agency. After he submitted his application package to us, our social worker contacted the New Jersey agency and spoke to Jeannene Smith and got her verification that he was eligible to adopt through them.

MR. STUPAK. Okay, to be eligible, is it just merely filling out some paperwork or do you do--

MR. BAIRD. The question she presented to the New Jersey agency was is he eligible, as a single man, to adopt and she got the answer back, yes, he was.

MR. STUPAK. Okay. Now, that--

MR. BAIRD. Of course then we went and did the home study and came up with a favorable recommendation after reviewing all the information.

MR. STUPAK. So you did do a home study in this case?

MR. BAIRD. Yes, we did.

MR. STUPAK. Did anyone ever contact the ex-wife or the daughter?

MR. BAIRD. No.

MR. STUPAK. Is it common that single--did your agency, at any time, look into or probe into why a 41-year old man, divorced man, would want to--who already had a biological daughter and you know, by looks of things, had some income and was capable of having more children with a second wife, but chose just, instead, to adopt a child, a 5-year-old child?

MR. BAIRD. Well, I think the home study addressed that. He provided an autobiography that gave several reasons why he wanted to adopt. He missed having a child. He had been divorced for 11 years. He enjoyed parenting.

MR. STUPAK. Well, autobiography, that is his own words, isn't it?

MR. BAIRD. Well, she interviewed him, also, and verified and probed and verified that that seemed to be his coherent story of why he wanted to adopt.

MR. STUPAK. And you don't think that is unusual?

MR. BAIRD. I can't comment on that. All I know is that there are currently over two million single men parenting children in the United States. I don't know how many are adoptive parents, but it is not unusual for a single man to be a parent.

MR. STUPAK. Well, but in reading this report that your agency submitted, if a person who wants to adopt, prospective adoptive father tells you he is not able to maintain a meaningful relationship with his teenage daughter who lived nearby, doesn't that sort of make you wonder?

MR. BAIRD. Not necessarily. He did provide reasons that she had become more active with her friends and she was very busy in her own life and that their visits had become less frequent and that he did not have an ongoing relationship with her, but he made it sound like it was a normal developmental thing. He did not say he was estranged from her or vice-versa. Nothing in his write-up about it or his responses, that I can tell, became a red flag.

MR. STUPAK. If that is normal, won't that same thing happen then after he adopted, once that child became a teenager, won't that child want to spend more time with friends and not necessarily with Mr. Mancuso?

MR. BAIRD. Well, he had gone through a divorce and it is possible that he, the estrangement from his wife had factored in.

MR. STUPAK. But he never really said that, did he?

MR. BAIRD. No, he didn't.

MR. STUPAK. So I guess I am really wondering why you didn't talk to the wife and the--

MR. BAIRD. He did say he and his wife had moved apart. They parted their ways.

MR. STUPAK. Oh, sure. Those are his self-serving statements, but no one ever checked in with the ex-wife or the child, that was all. I just thought it was strange, that is all. Let me go to Ms. Smith. You have a book, I believe, there in front of you, there? Now, there is a document book there. I want you to look at this document that we have. One minute, here. I have it here, but I don't have it in the book. Number 2, please. Now, this is a form that Mr. Wallace's had or was this your form, your agency's form?

MS. SMITH. That was a form we used in our office in Cherry Hill.

MR. STUPAK. Okay. It is 1997, so this would be Mr. Wallace's form?

MS. SMITH. I am sorry?

MR. STUPAK. It says on top 8/4/1997. Would this be Mr. Wallace's form?

MS. SMITH. No, that was a form we used in Cherry Hill.

MR. STUPAK. Okay. While you were an employee of Mr. Wallace?

MS. SMITH. Yes.

MR. STUPAK. Okay. Whose handwriting at the top here, where it says family name, whose handwriting is that?

MS. SMITH. That would be mine.

MR. STUPAK. Okay. So how did you interview Mr. Mancuso? By phone or in person?

MS. SMITH. Under the source, it is listed as AOL, so it appears that this was an information request that came in through the Internet.

MR. STUPAK. Okay. Where it says notes here, prefer female, 4 to 5 years old. Whose handwriting is that?

MS. SMITH. That is mine.

MR. STUPAK. Okay. Underneath that, 12/23/97, received dossier. Whose is that?

MS. SMITH. Hannah Druger.

MS. DRUGER. Mine.

MR. STUPAK. Ms. Druger? Okay. And then you called him to let him know that he had to do certain things, right?

MS. DRUGER. These things were not included.

MR. STUPAK. I am sorry, what?

MS. DRUGER. Not included. Power of attorneys--

MR. STUPAK. Right.

MS. DRUGER. We need a separate agency licensed--

MR. STUPAK. Okay. And then there is a 12/24/97. Whose handwriting would that be? Would that be yours again, Ms. Druger?

MS. DRUGER. Yes.

MR. STUPAK. Okay. And then, if we go on the next page, second page here, in the lower right-hand corner, never cashed, signature torn off, per Mr. Mancuso request. He then reissued check to FTIA coordinator. Whose writing is that?

MS. DRUGER. That is mine.

MR. STUPAK. That is yours. How about the agency fees in the upper right-hand corner, page two. Whose writing is that?

MS. DRUGER. On the upper right-hand corner is mine.

MR. STUPAK. Where it says agency fees? Okay. So agency fees here now, just so I make sure I have this right, this would be your agency, right, Ms. Smith?

MS. SMITH. At the time, they were fees that were received through Families Thru International Adoption. The top fees and that form was initiated at the time as FTIA.

MR. STUPAK. Okay. So when did he become your agent? I am sorry, your client?

MS. SMITH. I don't really know.

MR. STUPAK. Well, you agree you were terminated in February of 1998 with Mr. Wallace's company?

MS. SMITH. Yes, that is correct.

MR. STUPAK. So anything after February of 1998, he would be your client then, right?

MS. SMITH. No. When families switch to our agency, they signed a form indicating they wished to switch and they would fill out Reaching Out contracts.

MR. STUPAK. Okay. How about going to Exhibit Number 8 for me, then?

MS. SMITH. I am sorry?

MR. STUPAK. Exhibit Number 8, please.

MS. SMITH. Eight.

MR. STUPAK. Eight. Okay, did you have a chance to review that? And that is dated April 21st, 1998 and in there specifically, you talk about Mr. Mancuso to Mr. Wallace and you say therefore, the entire fee, which was remitted to your office in the amount of $2,050 is due at this time. Mr. Mancuso has received his referral and will be traveling soon. And Mancuso has decided to remain with our office and Russia program. And that is on the letterhead of Reaching Out Thru International Adoption, so April 21st, 1998, as far as you were concerned, he was your client, right? Mr. Mancuso.

MS. SMITH. I am looking at this document, but I don't recall this.

MR. STUPAK. Mr. Wallace, could you take a look at that document? It is in Tab Number 8. It would be in the white books there. There are a couple of them there.

MR. WALLACE. Yes.

MR. STUPAK. Okay. Do you remember receiving that at all? That document, Number 8?

MR. WALLACE. I don't recall the day I received it.

MR. STUPAK. What is your understanding of that document?

MR. WALLACE. I keep that in my file.

MR. STUPAK. It came out of your file?

MR. WALLACE. Yes.

MR. STUPAK. Okay.

MR. WALLACE. And I have the copy that was sent with the fax confirmation on it that prints out with the fax.

MR. STUPAK. Okay.

MR. WALLACE. So it has the date and so forth.

MR. STUPAK. So is it fair to say that after April 21st, 1998 Mr. Mancuso was no longer your client?

MR. WALLACE. Yes, and I would actually say before that, but yes, by that time, without question, it is black and white that she is saying that he is completing his adoption through her.

MR. STUPAK. Okay. Ms. Smith, how about Tab Number 9? Would you take a look at that, please? It is on Reaching Out Thru International Adoption, Inc. stationery.

MS. SMITH. Yes.

MR. STUPAK. And it says acknowledgement and agreement?

MS. SMITH. Yes.

MR. STUPAK. Now, is that from Mr. Mancuso with your agency?

MS. SMITH. Yes.

MR. STUPAK. And he has paid you a fee in the amount of $1,800?

MS. SMITH. Yes.

MR. STUPAK. And parent's signature, would that Mr. Mancuso?

MS. SMITH. I have no way of knowing that.

MR. STUPAK. Okay. Do you have any reason to dispute the day of May 1st, 1998?

MS. SMITH. No, not that I would have a reason to.

MR. STUPAK. Okay. Mr. Chairman, hopefully we will be having another round of questions.

MR. WHITFIELD. We will.

MR. STUPAK. Thank you.

MR. WHITFIELD. And at this time I recognize Mr. Ferguson of New Jersey.

MR. FERGUSON. Thank you, Mr. Chairman. I actually want to pick right up where Mr. Stupak left off. Ms. Smith, let me ask you a simple question first. This is an easy yes or no. Were you and your agency the adoption agency responsible for the adoption of Masha? Yes or no? It is real easy.

MS. SMITH. I think we all were.

MR. FERGUSON. That is a remarkable answer. I think that would probably catch a lot of people by surprise. I think perhaps some of us in this room were more responsible than others. Is the answer to that--legally, were you the responsible adoption agency for this adoption? Did you place her with Mr. Mancuso?

MS. SMITH. I think we had a role in it, yes. I don't know who, ultimately.

MR. FERGUSON. Okay, well then let us get into that, then. We have--you know, we had Tab 8, which Mr. Stupak just had us looking at, talking about you requesting the money for it. We have Tab 9 that Mr. Stupak just had us looking at on your letterhead with his signature, as further documentation. Also in Tab 9, we have an announcement with a picture of little Masha. "Reaching Out Thru International Adoption, Inc. is happy to present to Matthew A. Mancuso," picture underneath. Masha. And you told Mr. Wallace's organization that you had the referral in the document. Does that refresh your memory? Were you legally the adoption agency responsible for Masha's adoption, for her placement?

MS. SMITH. I don't know, but I would like to explain that.

MR. FERGUSON. This is a real easy question.

MS. SMITH. It is not an easy question.

MR. FERGUSON. Well, I realize it is not an easy question for you, but it has either, there is an answer that it is either yes or no, and the

preponderance of evidence here seems to suggest that you, at every turn, and your organization, were responsible for placing her. At this point, you still will not acknowledge that?

MS. SMITH. No, I think that we definitely had a part in that and--

MR. FERGUSON. Then the answer is yes, is it not?

MS. SMITH. Yes.

MR. FERGUSON. Thank you.

MS. SMITH. But I would like to clarify that further, if I can.

MR. FERGUSON. Go ahead.

MS. SMITH. We were a part of FTIA. We had no knowledge that office was going to be shut down and there were a lot of families that were caught in that. When they were caught in that, families turned to us for help and continued to turn to us for help for many months after that. We did the best that we could to get the families through that.

MR. FERGUSON. Why did you ask for your money back from Mr. Wallace?

MS. SMITH. Did Mr. Wallace ever give that?

MR. FERGUSON. That is not the question I asked you. I have asked you a question. Why did you ask for the money back?

MS. SMITH. I don't know. I don't recall--

MR. FERGUSON. We are getting a lot of "I don't knows" and "I don't remembers" and "I don't recall" and "I'm not sure" and "we are all responsible" and we are not getting a lot of straight answers here. Now, you have known you were going to testify here.

MS. SMITH. I understand--

MR. FERGUSON. You have got a lot of documentation. You don't know why you requested the money back?

MS. SMITH. This is the first I have ever seen that document in this whole investigation.

MR. FERGUSON. Your document? This is a document on your letterhead.

MS. SMITH. Yes.

MR. FERGUSON. But you have no knowledge of it? You have no idea?

MS. SMITH. Not of that document.

MR. FERGUSON. That is a pretty remarkable thing. That is it. That is just--it is tough to believe. It is tough to believe. Let me go on. Ms. Smith, your organization, is this true, never notified any home study agency that Mr. Mancuso had a child placed with him, is that true?

MS. SMITH. I don't know the answer to that.

MR. FERGUSON. Why don't you know the answer to that?

MS. SMITH. Because, as I said, our standard practice, when a client comes home, a letter is sent that indicates the post-placement schedule

and the home study agency is typically notified at that time. I am not the case worker on that file. I don't know what occurred.

MR. FERGUSON. That is a very lame answer. To say I am not the case worker, someone who runs an organization saying well, I am not responsible for the things whether my employees do their job or not. You are absolutely responsible.

MS. SMITH. There is a letter in the file that indicates the post-placement schedule and that letter did go out to Mr. Mancuso. I do not know if the home study agency was copied. There is not a specific note to that. Again, I didn't perform the service.

MR. FERGUSON. Were you licensed in April and May of 1998 when you said that Mancuso was your client?

MS. SMITH. No.

MR. FERGUSON. How do you explain that? Why did you say he was your client when you were not licensed to be doing what you were doing?

MS. SMITH. We received notification that we were approved and everything was in order. We received our paper license in June.

MR. FERGUSON. That looks pretty bad at this point, doesn't it, after a child's been abused and a man is in jail? That is a pretty flimsy explanation to say well, we had verbal approval, but we actually--I mean, technically you weren't licensed. You weren't licensed. You were collecting money. You were representing to another organization that this person was your client. You said that you take responsibility for placing this girl in this man's home and today we are hearing a lot of "I don't remembers," "I am not sure," "Aren't we all really responsible for this?"

What is your understanding of what a post-placement report is?

MS. SMITH. Post-adoption supervision.

MR. FERGUSON. Yes.

MS. SMITH. Typically, when a social worker goes into the home and meets with the adoptive family and verifies the child's placement and the well-being of the child.

MR. FERGUSON. Did that happen here? Did that happen here?

MS. SMITH. Not to my knowledge.

MR. FERGUSON. And you are the responsible placement agency, so why didn't it happen?

MS. SMITH. Apparently, Mr. Mancuso did not comply.

MR. FERGUSON. Why not?

MS. SMITH. I don't know. The file indicates that there were requests made. The file indicates than were attempts--

MR. FERGUSON. Mr. Wallace, what would happen if you were trying to do a post-placement report and someone didn't comply? You referenced it in your opening statement.

MR. WALLACE. We send out several notices. The person responsible for the file, if they do not get the post-placement, brings it to my attention. I start calling, contacting, and take all appropriate action to ensure that it is turned in and it sometimes takes a lot of time, but every time I do it.

MR. FERGUSON. Ms. Smith, who is the case worker? You said several times I am not responsible, I don't know, I wasn't the case worker on this particular case. Who was the case worker? Ms. Smith?

MS. SMITH. It looks like Hannah.

MR. FERGUSON. Hannah was the case worker?

MS. SMITH. Most of the case notes were signed by Hannah.

MR. FERGUSON. Okay. Let us ask your employees, then. Who ran the show here? Go ahead, you take a turn.

MS. EIFERMAN. Were you directing that at--

MR. FERGUSON. All three of you, each of you.

MS. EIFERMAN. In my experience as Executive Director, Jeannene Smith really ran the agency on a day-to-day basis and on every level, every function.

MR. FERGUSON. Hannah?

MS. DRUGER. I agree.

MR. FERGUSON. I am sorry?

MS. DRUGER. I agree. I was involved when the agency became licensed as an agency when she went through the licensing process with Anna Montez, so you know, I guess you would say I was there.

MR. FERGUSON. Can you answer the question that I asked?

MS. DRUGER. About post-placements?

MR. FERGUSON. Yes.

MS. DRUGER. We definitely had definite guidelines for when those were to take place, no question about that. I don't recall about sending a copy to the agency. I don't remember that part, but there was a time table for the adoptive parents to follow. I don't think there was anything formal about non-compliance that I know of, that I am aware of. Nothing formal.

MR. FERGUSON. So you had guidelines that just simply weren't followed?

MS. DRUGER. That may happen, especially during a certain period of time when things were in limbo because of some things, some issues between FTIA and Reaching Out.

MR. FERGUSON. Last question. Last question, Mr. Chairman. I appreciate the indulgence. Ms. Druger, was Ms. Smith familiar and knowledgeable about these different cases?

MS. DRUGER. Every case.

MR. FERGUSON. Every case, every situation? The details of the situations, the details of the cases?

MS. DRUGER. Absolutely.

MR. FERGUSON. That is remarkably tragic.

MR. WHITFIELD. Thank you, Mr. Ferguson. At this time, I recognize Dr. Burgess for 10 minutes.

MR. BURGESS. Thank you, Mr. Chairman. Mr. Wallace, do you have one of these evidence binders in front of you? Or can you get one?

MR. WALLACE. No, sir, I don't, but I will.

MR. BURGESS. Can I ask you to open that up to Tab 6 and this starts off with a fax cover page.

MR. WALLACE. Yes, sir.

MR. BURGESS. Now, that is your organization, correct? The Families Thru International Adoption?

MR. WALLACE. The name of our organization is Families Thru International Adoption, yes.

MR. BURGESS. And was Ms. Druger working for you at that time?

MR. WALLACE. Ms. Druger never worked for FTIA.

MR. BURGESS. Why is this like this? Is this just an error? Oh, this was addressed to Serguei. But through your company.

MR. WALLACE. As was explained earlier, FTIA had retained Ms. Smith as an independent contractor, a northeast regional coordinator, to contact families about international adoption, network with other professionals, and that relationship went on for about 16 months. It was somewhat turbulent. She was given far advanced warning that this has got to change; it didn't and she was terminated. During the time she worked with us, she would have access--well, she also changed--we had an application that we had prepared and submit for her to use and she would change it and then send it out.

MR. BURGESS. All right, I think I understand the gist, but Ms. Druger, you did not actually work for Families Thru International Adoption?

MS. DRUGER. No.

MR. BURGESS. Mr. Dymtchenko, if I have pronounced that correctly, you made the statement, in your opening statement, that you wish that Mr. Mancuso's wife and daughter had been more forthcoming with information. Under this same tab, we actually have a letter from Mr. Mancuso's daughter that looks pretty benign. Have you become aware of evidence from Mr. Mancuso's older daughter or ex-wife that

would have led you to believe that he was an unsuitable candidate for parenthood?

MR. DYMTCHENKO. The only letter that I saw, it was a letter of his daughter that he included as a reference in his adoption file, which was translated and also presented to the Russian court and Russian judge asking Mr. Mancuso, along with the prosecutor, a lot of questions about his relationship with his biological daughter.

MR. BURGESS. But you referenced, in your opening statement, that you wish that Mr. Mancuso's ex-wife and adult daughter had been more forthcoming with information and we got information from--

MR. DYMTCHENKO. I believe that would be helpful.

MR. BURGESS. Yes. Well, we got information from his daughter that, again, looks pretty benign. What about--are you aware of any information from Mr. Mancuso's ex-wife?

MR. DYMTCHENKO. No, I saw their interview on television.

MR. BURGESS. I am a little bit troubled that this tab--why don't we pass that all the way down to the end of the table, if he has just got one book there? It shows some pictures of some family outings, some pictures of the house. I guess it was a three bedroom house. One of the bedrooms was converted to an office. One of the things, the most troubling things that we heard during Masha's testimony was that from day one she didn't have her own room. She slept in Mr. Mancuso's bed from day one.

I mean, someone somewhere along the line had to know about that, that this little girl wasn't being provided her own bedroom. Wouldn't that be just one of the--I mean, I will admit. I have never heard of a single man adopting a 5 or 6-year-old child. Maybe it does happen and I am just not aware of it, but boy, it would seem to me to just be so basic. Does this child have her own bedroom? We have got three world-class social workers at the end of the table. Is that an unreasonable question to ask? Ms. Eiferman, let me just ask you. Is that an unreasonable question to ask?

MS. EIFERMAN. When I conduct in-home post-placement interviews with my New Jersey families, we certainly review the whole home and we look at the child's bedroom. Usually, the child will take me to their bedroom and perhaps proudly show me their new things, so it is intricately part of an in-home post-placement visit.

MR. BURGESS. Now, in this case, the in-home post-placement visits that we have, at least the ones we have to look at for the purposes of this hearing, are Tab 13 and Tab 15, is that--do you have that?

MS. EIFERMAN. Hang on a second.

MR. BURGESS. Do you have that available?

MS. EIFERMAN. Yes, here it is.

MR. BURGESS. Okay, Tab 13, Social Services of Western Pennsylvania.

MS. EIFERMAN. Yes.

MR. BURGESS. You are pretty familiar with these people, you work with them all the time? A good group? Straightforward?

MS. EIFERMAN. First of all, I was not employed in the office. I was not an employee of Reaching Out when this was done in March of 1999.

MR. BURGESS. Okay, fair enough.

MS. EIFERMAN. Since my--if you are asking since my employment there? Since November of 2000, this is not an entity that I have heard of before.

MR. BURGESS. Okay. Well, Frances White, who is a licensed social worker, is she someone, he or she someone who is known to you?

MS. EIFERMAN. I would have to say the same; same reply.

MR. BURGESS. Ms. Smith, you were working at the company March 23rd of 1999, is that correct?

MS. SMITH. Yes.

MR. BURGESS. Okay. Social Services of Western Pennsylvania, are they a stand-up group? They do a lot of work for you?

MS. SMITH. I do not handle any home studies or post-placement reports whatsoever.

MR. BURGESS. Who does?

MS. SMITH. All of that goes to our social work supervisor.

MR. BURGESS. Who is that?

MS. SMITH. Right now, it is Carol Eiferman.

MR. BURGESS. Who would that have been March 23rd of 1999?

MS. SMITH. That, most likely, would have been Leslie Breslau.

MR. BURGESS. And she is not with us today?

MS. SMITH. No.

MR. BURGESS. Okay. Are you familiar with Frances White, licensed social worker?

MS. SMITH. No.

MR. BURGESS. Why--I mean, this is so sad. Here is where it could have been stopped, right here, and no one really takes ownership of the report and no one knows the social worker. Whose responsibility is it when arranging an adoption and whose responsibility is it to receive these types of reports? I mean, is Serguei's group over there in Russia, is he going to be happy to send you more cases if this is the caliber of report that comes in? Nobody knows who the company is, nobody knows who the social worker is. Mr. Chairman, I would ask that we subpoena Frances.

MR. WHITFIELD. We have tried to find her and we don't think she exists.

MR. BURGESS. Well, then that calls into question just the whole validity of this report. Ms. Eiferman, let us look at the other report that we have available, which is under Tab 15, and this was done--I want to be sure I have got it during your time of employment.

MS. EIFERMAN. Right.

MR. BURGESS. This was done July 7 of 1998. Would that be under your jurisdiction or is that someone else, also? You signed it, so I presume that this is your report.

MS. EIFERMAN. I am looking under Tab 15. There is a report dated November 15, 2000.

MR. BURGESS. Yes.

MS. EIFERMAN. Which--you mentioned a July date. I am confused.

MR. BURGESS. I beg your pardon. It is the date the child was received, July 7, 1998.

MS. EIFERMAN. Okay.

MR. BURGESS. So you made this report yourself in November of 2000.

MS. EIFERMAN. This report was generated when Marlene, who was our Executive Director and also worked with families adopting from Russia as our in-office country caseworker, came to me and said this is an urgent matter. The Russian courts, and the Russian officials are requesting information about this child, Masha. Could you finish up on a report a predecessor of mine started? And at first I said, well, I am a bit uncomfortable with this, because I am licensed in New Jersey and I really practice in New Jersey. I was given the understanding and given the information that best practice is, of course, in-home; that at the time it was acceptable practice if families could not meet with the agency for some reason, that telephone interviews could be conducted. So I went and I found the initial scratch notes done by a predecessor and I did indeed then telephone Mr. Mancuso to verify information, to get a little more detail, and then I did prepare the report that you have here.

MR. BURGESS. From testimony that we received from Russia, as I recall, and anyone feel free to correct me, as I recall, the abuse started basically the night she arrived in Mr. Mancuso's home, so around July of 1998. So we are 2 and a half years later, November 2000, but I don't think the abuse was actually discovered for another several years. So here is a point at which had someone gone to the home and had an opportunity to interact with the child, it might have been a red flag to someone, that the little girl didn't say come and see my room, come and see my stuff--

MS. EIFERMAN. Yes.

MR. BURGESS. --come and see my things. And a logical question might have been, can you show me where you sleep.

MS. EIFERMAN. Yes.

MR. BURGESS. And that might have uncovered a lot of this stuff. You know, it is so frustrating for us up here, because we have had to sit and listen to hours and hours of testimony from the child herself.

MS. EIFERMAN. Yes.

MR. BURGESS. And I mean, almost all of us here are parents and it was extremely--it was a bad, bad day. Let us just leave it at that. Ms. Druger, I would like to ask you one other question and we will go back to Tab 6, the very last page of that, after all of the photographs showing things that just reek of normalcy, you penned a note there, or Mr. Mancuso, I beg your pardon, has penned a note back to you and says, I hope this helps explain my position and plan on the feminine needs question. Now, I am not trying to embarrass anyone, but for the life of me, I don't see where--number one, I guess I really don't know what was asked, but I suspect that I know. I mean, I am a physician, I am an Ob-gyn physician. I suspect that I know what the question is addressing, but for the life of me, I don't see how it was addressed in any of these photos. Can you elaborate on that at all?

MS. DRUGER. Are you talking to me?

MR. BURGESS. Yes. The note was addressed to you.

MS. DRUGER. Right, right.

MR. BURGESS. I assume that you are the woman the note was addressed to was you.

MS. DRUGER. Right. No, I have absolutely no idea what it meant, but I assumed that maybe it had something to do with when, during the home study process, when certain questions are asked regarding how he would address issues with her, at some point that is what I took as feminine needs, that is the way I interpreted it.

MR. BURGESS. Right. Boy, if we could have followed that up in February of 1998--

MS. DRUGER. Yes.

MR. BURGESS. --we would have stopped this problem a lot sooner.

MR. WHITFIELD. The gentleman's time has expired. I recognize--

MR. BURGESS. Thank you, Mr. Chairman.

MR. WHITFIELD. --Mr. Walden for 10 minutes.

MR. WALDEN. Thank you very much, Mr. Chairman. I have been listening to this panel and our colleagues here questioning the panel of witnesses and it is most disturbing. I am unfortunately engaged in a couple of other meetings at the same time and so I would like to yield, however, to my colleague. Mr. Ferguson from New Jersey has been very much involved in trying to get to the bottom of this and Mr. Chairman, with your permission, I would yield the balance of my time to Mr. Ferguson.

MR. FERGUSON. I thank the gentleman for yielding. I actually want to continue on what Dr. Burgess was talking about. Mr. Baird, as part of the home study, Mr. Mancuso submitted reference letters, three reference letters. All of them were from coworkers of his. They are attached to the home study in Tab 5. I don't if you can pass the binder around. If you could take a look at the binder and Tab 5. I am pretty sure it is Tab 5. Is it 5 or 6? Okay, we will find them. I think they may be in Tab 5. They may be near Tab 5. These recommendation letters are short. Two of them are about half a page in length. Did anyone talk--from your agency talk to these references to delve a little deeper and learn more about their opinion of him, as he might be an adoptive parent?

MR. BAIRD. Not from what I can tell from the file.

MR. FERGUSON. Okay. Any idea why?

MR. BAIRD. No. Typically, we did not check references. We did not verify letters of reference.

MR. FERGUSON. So these could have been from anybody. He could have written them himself.

MR. BAIRD. I suppose so, but that is right. It is not part of the requirements, the regulations, to verify letters of reference. So we don't typically do it unless there is some inconsistency that we see.

MR. FERGUSON. Ms. Smith, do you verify letters of recommendation?

MS. SMITH. Carol, can you address that?

MR. FERGUSON. Wait, wait, wait. Ms. Smith, do you know if you do it or not?

MS. SMITH. I don't handle the social work, no.

MR. FERGUSON. So you don't know if you verify letters of recommendation or not?

MS. SMITH. I don't know that, but can I ask my social work--

MR. FERGUSON. Sure.

MS. SMITH. --supervisor to address that?

MR. FERGUSON. Okay, I just wanted to establish that you don't know that. You do know that?

MS. EIFERMAN. At the present time we do. Whether that was a policy of the agency when this adoption took place, I can't speak to that.

MR. FERGUSON. Okay. That strikes me as unsettling, that nobody seems to--didn't, anyway, seem to even check letters of recommendation. Okay, back to Mr. Baird. So even though neither the State nor the adoption agency required you to follow up on the references, your agency attached them to the report. Why would your agency want to include information on the report if it wasn't actually verified?

MR. BAIRD. It was required by the page that we received from Reaching Out Thru International Adoption on what they needed to have accompany the home study.

MR. FERGUSON. So you submitted information that--did you tell them it wasn't verified? It just seems--

MR. BAIRD. I don't know, from the files, whether we did. We sent them as part of a package.

MR. FERGUSON. So you got these letters. By even any kind of objective observation, they were sort of skimpy looking. A couple of them are a half a page, all from coworkers, no verification whatsoever, but you just submitted them with the report, as if you believed they were completely bona fide.

MR. BAIRD. That is right.

MR. FERGUSON. You said in your testimony that it was your agency's experience that the planning agency in international adoptions contacted an applicant's references. Did you verify that Jeannene Smith or her agency checked his references?

MR. BAIRD. No.

MR. FERGUSON. Mr. Mancuso's references.

MR. BAIRD. No.

MR. FERGUSON. Why?

MR. BAIRD. We don't typically verify references ourselves, so there is no information in the file that we asked them to verify if they had checked the references.

MS. EIFERMAN. Mr. Ferguson, may I add something here? I mean, this was not a home--under the New Jersey standards which we operate for home study. It is not a standard of the State of New Jersey that when families submit--in New Jersey it is for letters of reference. The standards of practice for adoption agencies do not indicate that then the agency must contact each person that wrote those letters and submitted them. So it is not a State standard in New Jersey and perhaps not in Pennsylvania. So that is an issue for an agency--

MR. FERGUSON. Sure.

MS. EIFERMAN. --to decide.

MR. FERGUSON. And I wouldn't argue with you if we are going to agree that that is a problem. That is a serious flaw in the law.

MS. EIFERMAN. Yes. Okay.

MR. FERGUSON. But I am just trying to get to like a mindset here, sort of in good conscience.

MS. EIFERMAN. Yes.

MR. FERGUSON. What would someone--

MS. EIFERMAN. I understand.

MR. FERGUSON. What if it was your child?

MS. EIFERMAN. Right.

MR. FERGUSON. You know, why wouldn't--I mean, and particularly if you are getting letters of recommendation from someone. You have no idea who they are and that is why you asked for letters of recommendation. You get three from three coworkers and there is no verification that they were even done by them.

MS. EIFERMAN. Yes.

MR. FERGUSON. No follow-up, no conversation. I mean, it is skimpy to begin with. No nothing. Hannah, yes, that is--Hannah, I am sorry.

MS. DRUGER. Right.

MR. FERGUSON. Ms. Druger, you, in a letter--we have a letter from Mr. Mancuso. This is Tab 6, I think, still. Yes. You had actually asked for additional letters of recommendation. Based on his response, our assumption is that you had asked for additional letters of recommendation.

MS. DRUGER. Where are you?

MR. FERGUSON. This is Tab 6, page 2. The first page of Tab 6 is a fax cover page. The second page is a letter from--Dear Hannah, enclosed are some other references letter that you asked for, along with another statement from me concerning my reasons for adoption. I hope this what you were looking for. Matthew Mancuso. Why did you ask for additional letters of recommendation?

MS. DRUGER. I am wondering if I was asked by the social work supervisor to cover a category such as a neighbor, someone, maybe a person that knew him better. I don't remember, but I don't know if--I really don't remember specifically, but usually I would think that the reference letter would have to incorporate a certain familiarity, not just coworkers. So I don't know.

MR. FERGUSON. Who was working at the company at the time, at the agency?

MS. DRUGER. I was. I was there with Jeannene and we had a social work supervisor as well. Every agency has to have an executive director and a social work supervisor. She is not here.

MR. FERGUSON. And you weren't licensed, so you didn't necessarily have a social worker there.

MS. DRUGER. At this time, I think she was licensed May 1998. I don't know.

MR. FERGUSON. This is February.

MS. SMITH. At the time of that letter, it is before Mr. Wallace states he delivered the letter to us.

MR. FERGUSON. Okay.

MS. DRUGER. FTIA.

MR. FERGUSON. The point is, this isn't a big bureaucracy. There aren't thousands of people and it kind of got lost in a shuffle. There is three people in an office. No one knows why there was a request for additional letters of recommendation. This is the mystery. It is another mystery. What was the problem?

MS. DRUGER. There is nothing--

MR. FERGUSON. Someone wanted more letters of recommendation. A red flag went off. Somebody's conscience said there could be a problem here. I want to know who thought of that, what the red flag was, and why these additional letters of recommendation were requested. Ms. Druger, can you answer that question?

MS. DRUGER. I am sorry, I can't.

MR. FERGUSON. Ms. Smith, can you answer that question? Do you agree that this is an important question to have an answer for?

MS. SMITH. Yes, I do.

MR. FERGUSON. Serguei, can you tell me why?

MR. DYMTCHENKO. Unfortunately I cannot, but I can tell you that the letters of recommendations were not required by Russia, so they are not recognized as official documents. It could be prepared by anyone, so it is not official document. I don't know why they asked for it.

MR. FERGUSON. If the post-placement reports are not done, what does the Russian government do to that agency?

MR. DYMTCHENKO. Then it was a different procedure, but I personally send some of the request letters from the Russian minister--

MR. FERGUSON. Okay, let me rephrase. I am sorry to interrupt you. I am very short on time. How did the Russian government feel about this particular situation, where the post-placement report was not done?

MR. DYMTCHENKO. Usually, we used to--in writing post-placement reports and some of those letters I send personally to Jeannene Smith--

MR. FERGUSON. Were they--

MR. DYMTCHENKO. --because she was not complying with some other cases as well.

MR. FERGUSON. Were they pleased with what was going on here or displeased?

MR. DYMTCHENKO. Of course displeased.

MR. FERGUSON. Displeased.

MR. DYMTCHENKO. The post-placement report is the most important tool in supervision of the living of the child after adoption in a new family.

MR. FERGUSON. For very obvious reasons, yes.

MR. DYMTCHENKO. Yes, of course.

MR. WHITFIELD. The gentleman's time has expired.

MR. FERGUSON. Thank you, Mr. Chairman.

MR. WHITFIELD. Mr. Dymtchenko, the Russian government is aware that Mr. Mancuso was convicted of child molestation and is in prison today, is that correct?

MR. DYMTCHENKO. I personally was investigated by general prosecution office of Russian Federation twice on this case.

MR. WHITFIELD. So they are aware.

MR. DYMTCHENKO. And not just me, every single person who was involved the case in Russia.

MR. WHITFIELD. Okay.

MR. DYMTCHENKO. The judge, the prosecution, the Minister of Education, every single one.

MR. WHITFIELD. Now, I would assume that if these post-placement reports were not conducted, that the government of Russia may be less interested in using that agency for adoption purposes. Would that be accurate or not accurate?

MR. DYMTCHENKO. Oh, I believe so.

MR. WHITFIELD. So I mean--

MR. DYMTCHENKO. But--

MR. WHITFIELD. --everything seems so hodge-podge here and without any strict regulations and everything being very nebulous and arbitrary, it almost appears that the only reason that any of these adoption agencies would even ask for a post-placement report is they want to make sure they get additional adoptions opportunities from the Russian government.

MR. DYMTCHENKO. But since 2001, Russia requires the agencies operating in Russia be accredited by the Russian government.

MR. WHITFIELD. Yes, yes.

MR. DYMTCHENKO. The procedure has changed.

MR. WHITFIELD. Well, you seem to be further along than we are in this country. I mean, if there ever was an area that needs to be regulated by the Federal government, this is the area. And I would just ask Ms. Smith, what is your gross income per year at your agency?

MS. SMITH. Me personally?

MR. WHITFIELD. Your agency. What is the gross revenue?

MS. SMITH. I have no idea.

MR. WHITFIELD. You don't know? Mr. Wallace, what about you?

MR. WALLACE. Mr. Chairman--

MR. WHITFIELD. You don't know how much your gross revenues are with your fees? I mean, I can't believe you can sit there and say that you own this agency, you are licensed, and you don't know what your income is.

MS. SMITH. I have an accountant that does that and we file, but I don't--

MR. WHITFIELD. I am not asking you to--

MS. SMITH. Put a range.

MR. WHITFIELD. I am asking you just a range of your gross revenue.

MS. SMITH. I honestly don't know the answer to that question.

MR. WHITFIELD. Mr. Wallace, what about you?

MR. WALLACE. Which year?

MR. WHITFIELD. Any year. I guess the most recent.

MR. WALLACE. Well, we started out with probably $50,000 in gross revenues and we have been blessed to do well and at this point, calendar year 2006, we will probably have about two and a half million dollars in revenue.

MR. WHITFIELD. Okay. Well, I would hope that the other members of the subcommittee, even though Oversight and Investigations is not a legislative subcommittee, we do make recommendations on legislation, and I hope that all of us maybe could agree that this is an area that we need to explore some Federal legislation on this area. I yield to Mr. Stupak.

MR. STUPAK. Thank you, Mr. Chairman. Mr. Wallace, are you aware of any adoption agencies being shut down by State officials?

MR. WALLACE. I am sorry. Am I aware of any adoption agency being shut down?

MR. STUPAK. Sure. You are in Indiana, right?

MR. WALLACE. I am in Indiana.

MR. STUPAK. Do you know of any Indiana?

MR. WALLACE. I cannot--there is one in Florida that I am aware of, because I read adoption news.

MR. STUPAK. Yes, one in Florida.

MR. WALLACE. And there was one in a lot of trouble that I think was on probation maybe a year ago in Indiana. Unfortunately, I don't know of more.

MR. STUPAK. Well, it sounds like there is no standards and there is no enforcement in the world of adoption, is that right?

MR. WALLACE. I think it is very, very, very poorly regulated on a State by State basis. Some States have a little better oversight and regulation; many States have poor regulation. When there are problems, the agency usually has reasons why and promises not to do it again and--

MR. STUPAK. And that is about it.

MR. WALLACE. –there are very few consequences.

MR. STUPAK. I find it amazing that no one checks references. But before you hire someone, do you check their references?

MR. WALLACE. Yes.

MR. STUPAK. So you check references for hiring but not for adoptions?

MR. WALLACE. I am sorry?

MR. STUPAK. So you check references for hiring someone but not for references to place someone in a home?

MR. WALLACE. I would say it is absolutely not a common practice for adoption agencies to verify letters of reference. As I sit here today, it certainly--hindsight seems like it would be a great idea, but I do see a couple of issues. First of all, adoptive parents do have to jump through many hoops. There are sex abuse checks, child abuse checks, criminal checks.

MR. STUPAK. Well, then why did all of those fail here?

MR. WALLACE. The system isn't perfect. I am not here to defend it--

MR. STUPAK. Right.

MR. WALLACE. --but I am just saying adoptive parents have to work very hard to become adoptive parents. Thankfully, I hope and pray that Mr. Mancuso's case is one isolated incident. It may not be. And we do need a good standard and as I said--

MR. STUPAK. Well, let me ask you this question. Would you agree with Mr. Dymtchenko that the most important thing is the post-adoptive report?

MR. WALLACE. Yes. I mean, I think making sure the person--

MR. STUPAK. Sure.

MR. WALLACE. --as a qualified candidate, according to current standards, and there is a Federal FBI fingerprint check and everything, but yes, after that child is placed in the home, the most important thing is the post-placement.

MR. STUPAK. So even the most important thing in this case was never done, right?

MR. WALLACE. It was--from what I have heard and listened to--

MR. STUPAK. Right.

MR. WALLACE. --and so forth, no.

MR. STUPAK. Well, Ms. Smith, can you tell us why it was never done, the post-adoption report?

MS. SMITH. It seems evident that there were--

MR. STUPAK. Pardon?

MS. SMITH. It seems evident that there were attempts to have it done.

MR. STUPAK. What attempts were they?

MS. SMITH. There was notification sent. There were reports submitted that we have since found are probably fraudulent reports. We need tools and we need laws that will enforce this.

MR. STUPAK. Well, let me go to--go to Tab 12 for me, would you? Go to Tab 12. Do you have it there, a two-page report?

MS. SMITH. Yes.

MR. STUPAK. Okay, go to the second page. You sent Matthew a welcome home letter and the post-placement schedule and the dates are on there, 11/98, 3/99, and 7/99.

MS. SMITH. Yes.

MR. STUPAK. Who wrote that out there?

MS. SMITH. I don't know.

MS. DRUGER. I did.

MR. STUPAK. Ms. Druger?

MS. SMITH. That is her handwriting, yes.

MS. DRUGER. Yes.

MR. STUPAK. Okay. And then how about the next one, 9/25/98, received letter and photos from Matt. Sent to--

MS. DRUGER. That is mine, too.

MR. STUPAK. Okay. Now, was that a post-adoption report, then? You received a letter and photos?

MS. SMITH. I think it was referring to that note that came with the--that handwritten note that he wrote to me.

MR. STUPAK. Okay, but that is not a post-placement report, right?

MS. SMITH. No.

MR. STUPAK. Correct? This note from him is not a post-placement report?

MS. SMITH. No, it is not.

MR. STUPAK. Okay. 2/24/99, the next entry. Left a message requesting a post-placement report. Who is L.B.? Whose handwriting would that be?

MS. SMITH. That is Leslie Breslau, the social work supervisor.

MR. STUPAK. Okay. So how about 3/30/99, filed copy of post-placement and gave to Leslie to mail to Serguei? Filed copy in chart.

MS. DRUGER. That is mine.

MR. STUPAK. That is yours again, Ms. Druger?

MS. DRUGER. Yes.

MR. STUPAK. Okay. Then how about this one, 11/16/2000, sent PP? That is post-placement report, I take it, Number 4, to Matt Mancuso. The next is dated 7/2/01, correct?

MS. DRUGER. That is my handwriting.

MR. STUPAK. Okay. What does that mean?

MS. DRUGER. That means that the report that I generated with him, I sent him a copy as well.

MR. STUPAK. Okay, the report you generated with him, is this the one you did by phone?

MS. DRUGER. Correct.

MR. STUPAK. Why would you call it PP Number 4?

MS. DRUGER. That was a way to keep in chronological order.

MR. STUPAK. Okay, but--

MS. DRUGER. Also, I believe in--

MR. STUPAK. Well, are you telling me there is four post-placement reports on this case?

MS. DRUGER. No, that is my way of keeping in chronological order. The one that I--

MR. STUPAK. Okay. What does Number 4 mean then?

MS. DRUGER. The one that I was involved with would have been the fourth post-placement report requested.

MR. STUPAK. Okay. So you have a person with four requests for a post-placement and as far as we know, he only filed one, correct?

MS. DRUGER. When I last saw the file, there was only one there.

MR. STUPAK. Well, did you follow up on it then, when you only saw one there?

MS. DRUGER. The follow-up I did was the report.

MR. STUPAK. Was the telephone call?

MS. DRUGER. Yes, it was the report in 2000.

MR. STUPAK. What about the one that was due in July of 2001, did anyone follow up on that?

MS. DRUGER. When I completed the report, then I gave it to our Executive Director, Marlene.

MR. STUPAK. Okay.

MS. DRUGER. And my best recollection is, I said to her, I am really not comfortable with doing these. I don't want to do another one.

MR. STUPAK. Not comfortable doing what, these reports?

MS. DRUGER. A telephone post-placement with someone who was living out of State.

MR. STUPAK. So why didn't you have someone go visit the home then, if you are not comfortable with it?

MS. DRUGER. Well, the reports are voluntary. He could have perhaps let someone. At the time--

MR. STUPAK. Well, how can a report be voluntary when it is the critical aspect? The post-placement report, that is the critical part, the most important document that we have in adoption. How can that be voluntary? You said the reports are voluntary.

MS. DRUGER. The reports are voluntary. The State statutes do not speak to completed adoption post-placement supervision. The requirement--

MR. STUPAK. But does a Russian law?

MS. DRUGER. The Russian law does, but the State laws do not.

MR. STUPAK. So when you are sitting in your office when you are doing an adoption with a Russian child, what laws do you give credence to, the State of New Jersey or Russian?

MS. DRUGER. I give the New Jersey laws credence.

MR. STUPAK. How about Russian?

MS. DRUGER. And I tell the families that this is a requirement of the country you are adopting from, whichever it may be.

MR. STUPAK. Okay.

MS. DRUGER. And that these are--it is now in the agency contract.

MR. STUPAK. So the bottom line is now--

MS. DRUGER. That is something we are going to require of you. But if you look carefully at the New Jersey adoption standards, even to this day, finalized adoption reporting--

MR. STUPAK. Well, you are talking about--

MS. DRUGER. --are silent on.

MR. STUPAK. You are talking about the--

MS. DRUGER. To put this technically, yes.

MR. STUPAK. When you talk about this New Jersey adoption, did you have any policy in your office on how you are supposed to do this stuff? You talk about these standards.

MS. DRUGER. To do the reports?

MR. STUPAK. Or the adoption or your aspects. Did you have any written policy? In this office of Reaching Out Thru International Adoption, Incorporated, did you have written policies in that office?

MS. DRUGER. Of course.

MR. STUPAK. You did. Did they require you to do a post-placement report?

MS. DRUGER. They require us to make every single attempt that we can to get the information. When I was requested--

MR. STUPAK. Then what did--

MS. DRUGER. --to do the one report I did, and I did let the director know at that time I was not going to be doing another one.

MR. STUPAK. And then what did you do after July 21, I am sorry, July 2001, to get one from Mr. Mancuso?

MS. DRUGER. The subject never came up again.

MR. STUPAK. It never came up again until--

MS. DRUGER. No.

MR. STUPAK. --today?

MS. DRUGER. No, not until today, but I mean, it never came up between us at that time.

MR. STUPAK. Okay. But has your--

MS. DRUGER. My understanding was that perhaps other avenues were handling this.

MR. STUPAK. Who told you other avenues were handling this?

MS. DRUGER. No one told me that, but I--

MR. STUPAK. So you just assumed?

MS. DRUGER. I made it clear that that was not something I was going to do. I am licensed in the State of New Jersey to work with New Jersey families. I felt that if anyone should be doing that report, it should be someone in Pennsylvania.

MR. STUPAK. So did you contact anyone in Pennsylvania?

MS. DRUGER. No, I let the director know I wasn't going to do it and it never came--

MR. STUPAK. And the director--

MS. DRUGER. It was never discussed again as, okay, we have to get X, Y, and Z completed, done, finished. I never heard from--to the best of my recollection, I never heard from any other entity regarding this case.

MR. STUPAK. How would any other entity know about if you didn't tell them? So why would some other entity notify you about this case if you never notified them?

MS. DRUGER. The entities I refer to are the foreign officials.

MR. STUPAK. The foreign officials?

MS. DRUGER. Yes. There were no further requests ever made.

MR. STUPAK. Well, did your agency ever tell Pennsylvania that this child you helped to pursue the adoption with was now in Pennsylvania? Is that one of your requirements?

MS. DRUGER. If you are speaking at the time of the child's homecoming, that I--

MR. STUPAK. I am talking about Masha Allen.

MS. DRUGER. No, I understand.

MR. STUPAK. When you know she is going to Pennsylvania, aren't you supposed to notify Pennsylvania? Isn't that one of your requirements of your license?

MS. DRUGER. I was not in the employ of Reaching Out at the time of the child's homecoming, so I can't speak to that standard or that practice, what they did at that time. It is clear that there is a letter here from the previous casework supervisor outlining what was necessary to the adoptive parent.

MR. STUPAK. But wasn't Reaching Out Thru International Adoption required to contact Pennsylvania officials to tell them that this person has moved to their State? So the State adoption laws, as Mr. Baird testified, that would have been critical there.

MS. DRUGER. I am not versed in the Pennsylvania adoption laws.

MR. WHITFIELD. The gentleman's time has expired.

MR. STUPAK. Thank you, Mr. Chairman. It is a panel of see no evil and hear no evil and speak no evil.

MR. WHITFIELD. Yes, yes. Mr. Ferguson, Mr. Walden yielding you his time and we ware going to recognize you again for 5 minutes, then we will go to Dr. Burgess, and then I still think we will have time to go to the floor for a vote and then after your questions, we can dismiss this panel.

MR. FERGUSON. Mr. Wallace, how many kids--how many children have you all placed for adoption over the years?

MR. WALLACE. About 3,000.

MR. FERGUSON. Three thousand. Do you still talk to any of them?

MR. WALLACE. Many?

MR. FERGUSON. Yes?

MR. WALLACE. We have a reunion every year. We had about 2,000 people this year. We have an East Coast picnic. We get cards and letters. We let people know we are available if they need resources. We have had families call us and say, I think this other family has an issue or a problem, and we will take it and run with it.

MR. FERGUSON. Ms. Smith, how many children have you and your organization placed for adoption over the years?

MS. SMITH. A few hundred.

MR. FERGUSON. A few hundred. Do you have activities like that or do you ever see them? Do you ever talk to them?

MS. SMITH. Yes.

MR. FERGUSON. In what circumstances?

MS. SMITH. We have had reunions and gatherings.

MR. FERGUSON. Would you just pull the microphone closer? Sorry.

MS. SMITH. We have had some reunions, gatherings. We are much smaller. But yes, we see the families and the kids and that is a very big part of what we do.

MR. FERGUSON. Rewarding, isn't it?

MS. SMITH. Yes.

MR. FERGUSON. In the case of Masha, as far as we can tell, once she was placed in Mr. Mancuso's home, am I wrong about this, did anybody talk to her or Mr. Mancuso at all since that day? Has anyone? Ms. Smith, have you?

MS. SMITH. The file indicated that two of our social work supervisors spoke with Mr. Mancuso.

MR. FERGUSON. Okay.

MS. SMITH. And again, there was a post-placement report in the file. We did not know it was fraudulent at the time.

MR. FERGUSON. Ms. Eiferman, was it you who--did you speak to him?

MS. EIFERMAN. I had perhaps a 30-minute conversation with him once.

MR. FERGUSON. Post-placement?

MS. EIFERMAN. Correct. Post-adoption, correct.

MR. FERGUSON. Did you talk to her?

MS. EIFERMAN. This was conducted during work hours or work/school hours, so I spoke only with the father.

MR. FERGUSON. Did anyone else, either of you? You didn't speak to him. Did you ever wonder how she was doing, Ms. Smith?

MS. SMITH. We always wonder how the kids are doing.

MR. FERGUSON. How frequent is it that you have an adoptive parent who will not communicate, will not have someone come to the home, essentially nonresponsive, other than a phone conversation? Is that very frequent?

MS. SMITH. The problem has been pervasive in the industry. We have taken--

MR. FERGUSON. No, I am just talking about you. Is it common at your agency to deal with adoptive parents where you have placed a child--

MS. SMITH. It has happened.

MR. FERGUSON. Is it common?

MS. SMITH. It is less now, because we have taken steps to try and make it forcible. We make them prepay in advance now and we put it in a contract.

MR. FERGUSON. No, no, that is good, that is good. Good. If you have a parent who sort of wants nothing to do with you after placement of the child, how does that make you feel? Do you wonder about what is going on?

MS. SMITH. We do, but there is nothing we have been able to do about it. We have had cases like that.

MR. FERGUSON. Does it bother you?

MS. SMITH. It does. We have tried contacting DYFS, State agencies, and they want nothing to do with it. You are left helpless.

MR. FERGUSON. You were left helpless?

MS. SMITH. Yes.

MR. FERGUSON. That is quite a statement to make after we know what happened to Masha, isn't it?

MS. SMITH. It is.

MR. FERGUSON. There was definitely somebody left helpless here. I yield back.

MR. WHITFIELD. Thank you, Mr. Ferguson. Dr. Burgess, you are recognized for 5 minutes.

MR. BURGESS. Thank you, Mr. Chairman. Mr. Wallace, this is a bad case, isn't it?

MR. WALLACE. I am sorry?

MR. BURGESS. I said this is a bad case, isn't it?

MR. WALLACE. Yes.

MR. BURGESS. Mr. Baird, and I appreciate the very thorough report that you have given us. You would agree, too, this is a bad case?

MR. BAIRD. Yes.

MR. BURGESS. And bad cases make bad law, but you know, we are left with a situation here that we just can't help but react to. You said that it is not unusual to have a single man adopt a female child, is that correct, or that does occur? Was that your testimony where I heard that comment made?

MR. BAIRD. I said it is allowed in Pennsylvania. I mean, I should have said it is allowed in Pennsylvania. Anybody can adopt in Pennsylvania. There is no--

MR. BURGESS. Will you give me an idea of how many?

MR. BAIRD. How many?

MR. BURGESS. What kind of numbers we are talking about.

MR. BAIRD. I have no idea how many single men have adopted. I know there are over two million single fathers who are parents in the United States.

MR. BURGESS. But I don't mean to cast any aspirations on that group, but we heard testimony yesterday from a psychologist that 20 percent of men fantasize about a pedophilic relationship and 10 percent act on it. The numbers actually may be more toward the 20 percent with the advent of the Internet. I would submit that it may be something that whoever keeps these records and keeps tabs on these children, really may want to pay some attention to. We have no idea. I don't. Does anyone on the panel have an opinion as to whether or not this just such an outlier that we don't really need to worry about it, or is happening tonight? Does anyone have an opinion on that? Mr. Wallace, what do you think?

MR. WALLACE. I think that there is about 20,000 kids adopted every year internationally and that is the past several years. It has gone up and down over the years. And my hope and pray is that--in the opening statement by the Chairman, he said about bringing kids to the United States. To me, adoption is not about bringing kids to the United States. Adoption is about bringing kids into a loving permanent safe home. There are kids that leave this country that are adopted overseas into hopefully loving safe homes. My comment is I am not a big fan of regulation, but I have often said I wish no one could bring a child into their home, biological or adoption, without a home study, because nine times out of ten a home study is a good tool. It helps people prepare for parenting and it does catch some folks that aren't prepared. People are rejected. That being said--

MR. BURGESS. Well, it is the practice of your company to do a home study and these post-placement events would have occurred had the adoptions stayed through your agency.

MR. WALLACE. Absolutely.

MR. BURGESS. Well, should an agency that gets a post-placement report from any agency that they don't know, should you require that they produce a license or some type of documentation or verification that they are, in fact, an agency of record?

MR. WALLACE. We would require with a post-placement a copy of the agency's license.

MR. BURGESS. Ms. Smith, what do you think about that? Do you think if your firm contracts with an agency for a post-placement review, that you don't know that firm, they are new to you, should you require any additional documentation, a license, something to show that they are bona fide firm?

MS. SMITH. I would like to ask my social work supervisor on that.

MR. BURGESS. But I am really interested in your response because you are the owner of the company. I mean, I have owned a company and I know, the buck stops here. Are you going to accept this or should you get further documentation that this is indeed a reputable company? Because it looks like you had two post-placement checks on this child, one was fraudulent and one was phoned in, and the third wasn't done. And it was the worse of possible circumstances that you left this baby in.

MS. SMITH. It is my understanding that we get copies of licenses. Again, I can ask Carol to verify that, when we get post-placement.

MR. BURGESS. Yes, but Carol didn't work for you then, when we got this fraudulent one from whoever it was. Now I have forgotten which tab it was. We have been through this so much. Tab 13, Social Services of Western Pennsylvania, March 23, 1999. Carol, you didn't work there then, did you?

MS. EIFERMAN. No, I did not, but I can speak only to the current practice.

MR. BURGESS. All right, the current practice.

MS. EIFERMAN. I can't speak to the practice at that time.

MR. BURGESS. But the current practice is?

MS. EIFERMAN. Well, the current practice is that when--it is traditionally done, that the agency that home studies a client is also the agency that will return for post-placement visits. And we do give the family--

MR. BURGESS. But that didn't happen in this case.

MS. EIFERMAN. Okay.

MR. BURGESS. Southwest Services of Western Pennsylvania, apparently it is a company nobody has ever laid eyes on.

MS. EIFERMAN. There is occasionally--in the current practice, occasionally we will have a family that, for whatever personal reason, will leave their home study agency and have a different person or agency do their post-placement reporting. We have built into our system at the present time, that they must either prepay--

MR. BURGESS. What about requiring records from their doctors and their teachers, do you ever ask for things of this nature? I cannot believe a child would have sustained this degree of abuse over and over again and not have some medical difficulties on account of it. I mean, I just can't believe that that would happen.

MS. EIFERMAN. When myself and our social workers conduct the in-home post-placement reports in the State of New Jersey, yes, we do. We ask for a letter from either the pediatrician or perhaps the family practice physician to attest that the child is receiving care and to write a statement about the child's health at that time.

MR. BURGESS. I don't know about New Jersey or Pennsylvania. In Texas it is a law that if a doctor suspects something going on, they have to call CPS--

MS. EIFERMAN. Correct.

MR. BURGESS. --the Child Protective Services, before the sun sets. I mean, it is not an option, it is not negotiable, it has to happen. I am assuming it is the same in your State as well.

MS. EIFERMAN. We have the same law here and it extends past physicians.

MR. BURGESS. Mr. Chairman, I don't know what to say. The system failed this child repeatedly for a number of years. A statement was made that perhaps all of us bear some responsibility. I don't know, maybe that is true, but I got a feeling from this panel in front of us, some people are more responsible than others. It is a bad case. I will be surprised if there wasn't litigation. I don't understand why someone is not in jail. And I will yield back.

MR. WHITFIELD. Thank you, Dr. Burgess. With that, I would like to excuse this panel. We appreciate your being with us this afternoon. We have two votes on the House floor, then we will be coming back and I would say we will be back at about, at the latest, 15 until 5:00 and then we will call up the second panel. And I apologize in advance to the two panelists on the last panel, and we will be back as soon as possible. So we are in recess until 4:45.

[Recess]

MR. WHITFIELD. Okay, we will call the hearing to order, and we appreciate you all being with us, Mr. Rolsky, who is a board member of the Joint Council on International Children's Services in Alexandria, Virginia, and Ms. Trish--is it Maskew?

MS. MASKEW. Maskew.

MR. WHITFIELD. Maskew--President of Ethica, Incorporated in Silver Spring, Maryland. As you know, this is an Oversight and Investigations hearing and we do take testimony under oath, and do either or you object to testifying under oath?

If you would please stand and raise your right hand.

[Witnesses sworn]

MR. WHITFIELD. Thank you very much. You are both under oath now and, okay, Ms. Maskew, you are recognized for 5 minutes for your opening statement.

TESTIMONY OF TRISH MASKEW, PRESIDENT, ETHICA, INC.; AND JARED ROLSKY, BOARD MEMBER, JOINT COUNCIL ON INTERNATIONAL CHILDREN'S SERVICES

MS. MASKEW. Thank you, Mr. Chairman, and thank you for the opportunity to testify today. I am Trish Maskew, President of Ethica, a nonprofit advocacy group dedicated to improving ethics in adoption. Ethica was founded in 2002, in the wake of the Cambodian adoption crisis, as an independent voice for reform. And to maintain our independence, Ethica does not accept monetary support from anyone who places children for adoption.

Before founding Ethica, I worked for an adoption agency and I also served on the board of directors and as interim director of Joint Council. When the problems in Cambodia came to light, I had recently been asked by my agency's director to take over the program there. In the year that followed, I became disillusioned and shocked at the unethical and illegal activity that some were engaged in. I entered the world of adoption believing what I had always heard, that most agencies operated ethically and that there were a few bad apples. I know longer believe that is true. While I believe that the vast majority of adoption professionals are well intentioned, the unregulated environment they work in, the money that can be made, and most often their are concern for children and their desire to help encourage bad practices and lead some to employ situational ethics, believing that the end justifies the means. Some try to excuse the situation in Cambodia by noting that all of the cases were cleared and only two people were convicted of illegal activity. But the truth is that agencies were falsifying home studies, bending the rules and engaging in willful blindness, ignoring the red flags that signal trafficking, bribery, and visa fraud. Perhaps most shocking to me was the realization that other professionals who stood side by side with me throughout that crisis were able to walk away and continue operating in the same fashion in other countries.

As I became increasingly aware of these problems, I knew I would never again be able to work in an agency and be responsible for families and children until practices improved. I became convinced that adoption needed an entity that was free of the financial interests that encourage bad practices, and so I resigned and 6 months later I founded Ethica. I have also parented several children, including two sons adopted internationally. And in 2003, I was invited to The Hague, where I researched and wrote the first draft of an implementation manual of the Adoption Convention.

Adoption is one of the most unregulated industries in America today, and as a parent and an adoption professional, I don't use that word lightly, but adoption is big business and regulation hasn't changed with the times.

Recently Ethica, in cooperation with the National Association of Attorneys General, conducted a survey on adoption regulation, and while the full report is still in progress, the preliminary data shows that only three States require specific licensure for international adoption. Only two require that agencies provide educational background information on their overseas employees. The reality is that most States did not acknowledge the vast differences between adoption from foster care and international adoption. One area that is greatly impacted by this is post-placement monitoring. In adoption from foster care, a family might have lengthy visits with a child and a long post-placement period before adoption, and so regulations generally only require monitoring until an adoption is finalized. But a family adopts internationally, they might find themselves the legal parent of a child within hours of their first meeting. There is virtually no time to assess the rightness of the placement and no guarantee the foreign staff has any child welfare training. These parents return to the State with a finalized adoption and no post-placement monitoring. Some States, however, require that adoptive parents readopt the child, because the State doesn't recognize the foreign adoption decree. And in those States there is more opportunity for monitoring, because regulations can be applied to parents adopting internationally.

The lack of appropriate regulation in adoption today means that the driving force between decisions and policies is often the market and not the best interest of children. Too often an adoption is done in the best interest of the adoptive parent. And while we all recognize that the child, and sometimes birth and adoptive parents are victimized by this, Ethica also recognizes that there can be a fourth victim, adoption agencies who try to operate in the best interest of children. There is sadly too many agencies that cut corners in ways that are dangerous, as we have seen today, and they should be stopped. But there are other agencies that

acknowledge that more services are needed than are mandated by law. If an adoption agency were to place an older child from Russia, for example, and know that it is in the best interest of the child that they monitor that family, even if the State doesn't require it, they could choose to require the family to sign a contract, saying that they would do post-placement monitoring, and some agencies do this. But if an adoptive parent has three agencies in their town who will do a home study and only one requires post-placement monitoring, the parents are most likely going to choose the easiest and fastest route.

The same principle holds true for home studies. When I did my first home study in 1994, my agency required us to complete the same training program required for families from foster care, which was 10 weeks of classes in addition to home study visits. Those classes were invaluable to me as a parent and no doubt helped my agency get a better sense of me as well. Since that time, however, agencies have been moving to fewer and fewer requirements, because regulation doesn't require them and because they are in constant competition with other agencies that will do home studies without education, sometimes in only 3 to 4 weeks. One has to wonder if 10 weeks of classes would have allowed time to interview Mr. Mancuso's birth daughter, or maybe to probe his motivations for adopting. Likewise, we have to wonder whether a single post-placement visit would have said Masha years of abuse. While I believe it is impossible for anyone to design a home study that would be 100 percent effective in protecting children, I also believe it would help to require that parents adopting internationally have the same training and post-placement supervision as those adopting from foster care.

Some believe that the hate regulations will fix this problem, but we are not so optimistic. Among the many problems in the regulations, they mandate that every parent undergo 10 hours of training, but they allow such training to be done in the form of on-line classes or video tapes. I do not see how requiring Mr. Mancuso to watch 10 hours of videotapes in his own home would have protected Masha. The regulations also require post-placement monitoring, but only until an adoption is finalized. And finally, the regulations will only apply to adoptions between Hague countries, leaving many children, currently all those adopted from Russia, unprotected. By failing to adequately regulate this industry, we do a grave disservice to children. It is our hope that someday that will change. Thank you.

[The prepared statement of Trish Maskew follows:]

PREPARED STATEMENT OF TRISH MASKEW, PRESIDENT, ETHICA, INC.

Thank you for the opportunity to testify today. I'm Trish Maskew, president of Ethica, a non-profit advocacy group dedicated to improving ethics in adoption. Ethica was founded in 2002, in the wake of the Cambodia adoption crisis, as an independent voice for reform. To maintain our independence, Ethica does not accept monetary support from anyone who places children for adoption.

Before founding Ethica, I worked for an adoption agency and I also served on the Board of Directors, and as interim director, of Joint Council. When the problems in Cambodia came to light, I'd recently been asked by my agency's director to take over the program there. In the year that followed, I became disillusioned and shocked at the unethical and illegal activity that some were engaged in. I entered the world of adoption believing what I'd always heard—that most agencies operated ethically and that there were a few bad players that were ruining it for everyone. I no longer believe that is true. While I believe that the vast majority of adoption professionals are well intentioned, the unregulated environment they work in, the money that can be made, and, most often, their concern for children and their desire to help, encourage bad practices and lead some to employ situational ethics believing that the end justifies the means.

Some tried to excuse the situation in Cambodia by noting that all the cases were cleared and only two people were convicted of illegal activity (a subject I explored in depth in an article entitled "Child Trafficking and Intercountry Adoption: The Cambodian Experience, Cumberland Law Review, 2005) but the truth is that agencies were falsifying homestudies, bending the rules, and engaging in willful blindness, ignoring the red flags that signaled trafficking, bribery and visa fraud. Perhaps most shocking to me was the realization that other professionals who stood side by side with me through that crisis were able to walk away and continue operating in the same fashion in other countries. As I became increasingly aware of the problems, I knew that I would never again be able to work in an agency, and be responsible for families and children, until practices improved. I became convinced that adoption needed an entity that was free of the financial interests that encouraged bad practices. I resigned and six months later, I founded Ethica.

I've parented several children, including two sons adopted internationally. In 2003, I was invited to The Hague where I researched and wrote the first draft of an implementation manual on the adoption convention.

Adoption is one of the most unregulated industries in America today. As a parent and an adoption professional, I do not use that word lightly, but adoption is big business and regulation has not changed with the times.

Recently Ethica, in cooperation with the National Association of Atttorneys General, conducted a survey on adoption regulation. While the full report is still in progress, initial data shows that only three states require specific licensure for international adoption. Only two require that agencies provide educational background information on their overseas employees. The reality is that most states do not acknowledge the vast differences between adoption from foster care and international adoption.

One area that is greatly impacted is post-placement monitoring. In adoption from foster care, a family may have lengthy visits with the child and a long post-placement period before adoption, and so regulations generally only require monitoring until finalization. But when a family adopts internationally, they may find themselves the legal parents of a child within hours of their first meeting. There is virtually no time for the parents to assess the rightness of a placement, and no guarantee that the foreign staff has any child welfare training. These parents return to their state with a finalized adoption and no post-placement monitoring.

Some states do require that the adoptive parents re-adopt a child because the state does not recognize the foreign adoption decree. In those states, there is more opportunity for monitoring because regulations can be applied to internationally adopting parents.

The lack of appropriate regulation in adoption today means that the driving force behind decisions and policies is often the market, not the best interests of children. Too often, an adoption is done in the best interests of the parent. And while we all recognize that the child, and sometimes birth and adoptive parents, are victimized, Ethica also recognizes that there can be a fourth victim—adoption agencies that try to operate in the best interests of the child.

There are sadly too many agencies that cut corners in ways that are dangerous. Yet there are other agencies that acknowledge that more services are needed than are mandated by law. If an adoption agency places an older child from Russia and knows, unequivocally, that it is the best interests of the child to monitor that family even though the state doesn't require it, they could choose to require the family to sign a contract mandating post-placement monitoring. Some agencies do. But if an adoptive parent has three agencies in their town that will do homestudies and only one agency requires post-placement services, the parents will most likely choose to go the least expensive, easiest route.

The same principle holds true for homestudies. When I did my first homestudy in 1994, my agency required us to complete the same training program required for families adopting from foster care--10 weeks of classes in addition to homestudy visits. Those classes were invaluable to me as a parent, and no doubt helped my agency get a better sense of me as well. Since that time, however, agencies have been moving to fewer and fewer requirements because regulation doesn't require them and because they are in constant competition with other agencies that will do homestudies without education, sometimes in only 3-4 weeks.

One has to wonder if 10 weeks of classes would have allowed time to interview Mr. Mancuso's birth daughter, or to probe his motivations for adopting. Likewise, one has to wonder whether a single post-placement visit would have saved Masha years of abuse. While I believe it is impossible for anyone to design a homestudy that would be 100% effective in protecting children, I also believe that it would help to require that parents adopting internationally have the same training and post-placement supervision as those adopting from foster care.

Some believe that the Hague regulations will fix the problem. We are not so optimistic. While the regulations mandate that every parent undergo ten hours of training, they allow such training to be done in the form of online classes or videotapes. I do not see how requiring Mr. Mancuso to watch ten hours of videotapes in his own home would have protected Masha.

The regulations also require post-placement monitoring only until an adoption is finalized. And finally, the regulations will only apply to adoptions between two Hague countries, leaving many children, currently including all those adopted from Russia, unprotected.

By failing to adequately regulate this industry, we do a grave disservice to children. It is our hope that someday that will change.

MR. WHITFIELD. Thank you, Ms. Maskew. Now, I understand that you may or may not have to leave before we finish, so if you do, we will understand and thank you for being here. Mr. Rolsky, you are recognized for 5 minutes for your opening statement.

MR. ROLSKY. Thank you, Chairman Whitfield and Ranking Member Stupak. I am pleased to be here to talk to the subcommittee

about exploitation of children, and I hope the hearings will result in the goal of helping promote safe, loving and permanent homes for all children. I am going to address today something about the Joint Council on International Children's Services, what the Council believes and specific areas of home study preparation and post-placement services in adoption and how these definitions have evolved over the years, interstate adoption standards and lastly, the importance of post-placement and post-adoption reporting.

I have a Masters Degree in social work from the University of Pennsylvania. I have been working in the field of mental health and adoptions for over 35 years. I am currently the Executive Director of Golden Cradle Adoption Services, who serves both domestic and international adoptions, and we are located in Cherry Hill, New Jersey, which, I guess, says something about some of these issues. I am also a recent member of the Board of Directors of the Joint Council on International Children's Services and last year was chair of the Ethics Committee, whose job was to establish standards of practice, to revise and establish new standards of practice for our member agencies.

JCICS has been involved in international child welfare since 1976 and over that time has developed an appreciation of the complexity related to the processes and approaches that serve to protect children while hopefully meeting their needs of permanency, safety, and love. Collectively, we have over 240 members and those organizations serve approximately 80 percent of all the international adoptions in the United States. JCICS, as a value, believes that all children need to have a permanent home, deserve to have permanent, loving homes when the child cannot be safely cared for by their birth families, or in permanent adoptive homes within their country of birth.

We believe that inter-country adoption can be a positive option for these children. It is one of the largest child welfare organizations around and the mission is to advocate on behalf of children in need of permanent, safe, loving homes, promote ethical child welfare practices, strengthen professional standards, and educate adoptive families, social service professionals and government representatives throughout the world. International child welfare agencies, child advocacy groups, parent support groups, and international medical clinics choose to be members of the Joint Council.

All of our member agencies are required to subscribe to and establish standards of practice which is designed to protect the rights of children, above all else, as well as birth parents and adoptive parents. Some of the definitions of the things that we have been talking about today have changed over the years, especially since the 1990s, when this incident occurred and I just want to address that. Post-placement services today

is defined by, as a result of the Hague Treaty; it means services to the child and the family from placement through finalization. Post-adoption services, which was referred to today without a definition, basically means services after the finalization to that family and that child.

Prior to the Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption, there was little differentiation between those two definitions. All services after the placement of the child, whether finalized or not, were considered post-placement services. Every State, country, and commonwealth creates and enforces the post-placement requirements for the adopting families. The purpose of this is always to ensure the safety, well-being, and optimal development of the child.

The most usual consequences of a family's failure to meet post-placement requirements, which means the mandated ones, can ultimately be the removal of the child from the home by the adoption agency, and I want to clarify that that is when it is a post-adoption service mandated by State law. Post-adoption, there is no consequence that is backed up by law. Home study is the education and investigative process that determines the suitability of a family for the placement of a child. As in post-placement services, every State creates its own specific standards, but they are all looking to ensure that the family will provide a home that is safe, loving and caring.

Just as an example, New Jersey, which is one of the, whether for good or evil, today obviously, is one of the more stringent, highly-regulated States when it comes to specifying issues around adoption, requires--and it was mentioned earlier--four references; one neighbor, one person who knows them for more than 5 years, one employer, and one other. No family members can be a reference. Other States, Pennsylvania requires three and they don't specify much more beyond that. Interstate--JCICS's standards of practice have been submitted for the record and you have them there, require all agencies to be licensed in the State which they incorporated.

Many agencies, to facilitate working across State jurisdictions, have inter-agency service agreements. In New Jersey, a licensed agency is required to have an interstate adoption agreement, or we call it a service agreement. If my agency in New Jersey works with a family in Pennsylvania, we are required to have a written service agreement, it is not a contract, it is a service agreement, with the Pennsylvania agency who is licensed to do those services in that State. In addition, we have to get a copy of their license.

In particular, post-placement supervision, in this kind of a situation, would have to be done with a licensed Pennsylvania agency when it is interstate with these two States. The frequency and the content and the

specifics of the post-placement report would be governed by the most stringent of the State's requirements. For instance, when we do a placement of a child for a family in Pennsylvania, the home study has to meet Pennsylvania and New Jersey requirements. New Jersey requirements are more stringent.

The other thing that wasn't mentioned today but needs to be looked at is re-adoption. Re-adoption is something that most families, certainly back then, would have done, and that would have fallen under the State of Pennsylvania's requirements. When re-adoption is required, the county judge makes a statement as to how many post-placement visits need to be done. The weakness here, though, is there was no State definition of what that should be. Some counties will just say just give me the papers; others will say I want all three visits. I want it just like the full adoption. There is no consistent legal process for re-adoption in any State, I might add, and the trend is to make them easier.

The country of origin also has post-placement requirements; we have heard about that. Over the period of time that we have been talking about it, they vary from two to four visits from Russia over a 1 to 4-year period. Because the adoption is finalized in the country, when they come here, there is no legal backing for an agency, for an individual or whatever, to require, enforce except through the contract that they signed, the post-placement supervision.

I won't go into the details, but you probably already heard testimony about Ukraine and Russia's problems with unfulfilled post-placement reports. JCICS has been strongly trying to get involved with these two countries to try to do some enforcing, getting to the agencies and so on, but at this point, we haven't been given that information to do it. But certainly, JCICS has offered their resources in that regard.

I just want to, since I am way over, on behalf of all the members and all the colleagues in the adoption community, I think, I know we appreciate the Congress's interest in this and especially the subcommittee, to try to give us some resources, some tools in order to enable us to provide the kind of safety net that is required and necessary for children who come here from other countries. It wouldn't hurt, at the same time, to encourage all the other States who have very lax adoption laws, to raise to a standard, to rise to a standard that would be a real protection to children today.

[The prepared statement of Jared Rolsky follows:]

PREPARED STATEMENT OF JARED ROLSKY, BOARD MEMBER, JOINT COUNCIL ON INTERNATIONAL CHILDREN'S SERVICES

Chairman Whitfield, Ranking Member Stupak, Members of the House Subcommittee on Oversight and Investigations, thank you for providing me with an

opportunity to share our experience and recommendations on best practices in the international adoption field.

I am pleased to be here today and hopeful that the Subcommittee can take action against the exploitation of children and help promote safe, loving and forever homes for all children.

Today, I will address who Joint Council on International Children's Services is and what we believe; the specific areas of home study preparation and post placement services in adoption and how the definitions have evolved over the years; interstate adoption standards; and lastly, the importance of post placement reporting.

Introduction

I received a Masters Degree in Social Work from the University of Pennsylvania in 1968. I have worked in the field of child and family mental health and domestic and international adoptions since that time. I have been the Executive Director (Chief Executive Officer) of Golden Cradle Adoption Services since 1997. Golden Cradle Adoption Services, established in 1980, is a provider of both domestic and international adoption services, located in Cherry Hill, New Jersey.

I am on the Board of Directors of the Joint Council on International Children's Services (JCICS) and the Chair of the Ethics Committee whose job is to establish Standards of Practice for our member agencies. Through our involvement in international child welfare since 1976, JCICS has developed an appreciation of the complexity related to the processes and approaches that serve to protect children while expeditiously meeting their need of finding permanency, safety and love. Collectively our members, over 240 organizations, serve approximately 80% of all international adoptions in the United States. JCICS believes that all children – regardless of race, ethnicity, gender, medical limitations or other conditions – deserve a permanent, safe and loving home. When children cannot be safely cared for in their birth families, or in permanent adoptive homes within their country of birth, we believe that ethical intercountry adoption provides the most positive option for children.

As one of the oldest and largest child welfare organizations, *Joint Council on International Children's Services* is the lead voice on intercountry children's services. With a mission to advocate on behalf of children in need of permanent, safe and loving families, *Joint Council* promotes ethical child welfare practices, strengthens professional standards and educates adoptive families, social service professionals and government representatives throughout the world. International child welfare agencies, child advocacy groups, parent support groups and international medical clinics choose membership in *Joint Council* as a means to address the critical issue of parentless children and creating permanent solutions and promote best practices in our field. Joint Council Member agencies subscribe and are held to an established Standards of Practice, designed to protect the rights of children above all else, as well as birth parents, and adoptive parents.

Post Placement Reports and Home Studies

I would like to address the specific areas of home study preparation and post placement services in adoption. Some of the definitions have changed over the years. As of 2006:

Post Placement Services means those services provided to the adopting family and placed child from physical arrival of the child in the adopting household until legal finalization of the adoption.

Post Adoption Services means those services provided to the adopting family and placed child after the legal finalization of the adoption

Prior to The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, there was little differentiation between the two definitions above. All services after the placement of the child, whether finalized of not, were considered post placement services.

Every country, state and commonwealth creates and enforces the post placement requirements for adopting families. The purpose of this is to ensure the safety, well being and optimal development of the child. The most usual consequence of a family's failure to meet post placement requirements can ultimately be the removal of the child from the home by the adoption agency.

Home Study is the education and investigative process that determines the suitability of a family for the placement of a child in their home/family. As in post-placement services, every state creates its own specific standards but they all are looking to be sure that the family and home will provide a safe, caring and loving environment for the child.

Interstate adoption standards:

JCICS Standards of Practice, which have been submitted for the record, require all agencies be licensed in the state in which they are incorporated and in which they do their business. Many agencies, to facilitate working across state jurisdictions, have inter-agency service agreements. This means that a New Jersey licensed agency, in order to place a child with a Pennsylvania family will work with a Pennsylvania licensed adoption agency. This arrangement is also required by New Jersey adoption regulations.

In particular, the post placement supervision would have to be conducted (based on the above mentioned written service agreement) with a Pennsylvania licensed agency. The frequency, content and other specifics of the post placement report would be governed by the most stringent of the state requirements. The only exception to this is if the placement is already finalized (as is common in international adoptions). In that situation the sending county and the state where the family lives would determine the frequency content, etc. of the post placement supervision.

Re-adoption is used in International Adoptions to obtain a birth certificate from a US state which is then used to obtain US citizenship for the child. This was the process used for international adoption placements before the United States changed the law granting citizenship based on **the Child Citizenship Act of 2000 (H.R. 2883), which was signed into law on October 20, 2000. In January 2004, U.S. Citizenship and Immigration Services launched the Certificate of Citizenship Project which automatically issues certificates to children entering the United States on an I.R. 3 visa.** Prior to this federal law change re-adoption was frequently used by families who adopted internationally. Under current U.S. Citizenship and Immigration Services regulations, children who were not seen by all relevant parents prior to their overseas adoptions are not considered to have full and final adoptions. They must be re-adopted in the State where they will be residing.

Despite the frequency of re-adoption, there has been no consistent legal process used to achieve this end. Pennsylvania State regulations still do not address this issue. Individual county courts (who do the re-adoption) have differing requirements which can

include no post placement supervision to a full schedule of visits, similar to a domestic adoption, which consist of 3 visits over a 6-month period.

The country of origin also has a post placement requirement. Russia, since 1997, has required from 2 to 4 visits over a 1 year to 4-year period. When this is done for the country of origin it is conducted voluntarily by the family, as there is no US legal requirement for them to carry through. The adoption is already finalized and the agency can only cajole and appeal to their commitment to the best interest of this and other children who might come to this country. This has been a concern to both agencies and sending countries as there has been a number of families who have refused to allow post placement visits after returning to the US. Despite their being told in writing and verbally of the need, some just refuse.

Many sending countries have expressed concerns over the missing post-placement reports and have taken action by limiting the accreditation of agencies who can work in their country, closing regions of their country to adoption and limiting the number of placements of intercountry adoptions. The Ukraine government has voiced their concern over missing post placement reports from 900 children out of the 4,907 that were adopted from that country between 1996 and 2004. Russia is also concerned over the alleged approximate 1,700 missing reports from the 45,034 children adopted from their country between 1996 and 2005.

JCICS strongly encourages adoptive families to comply with their agency's and the child's country of origin required post-placement reports. These reports are becoming increasingly more important as many foreign officials assume the worst if they do not receive a report and are left wondering what happened to the child. Furthermore, failure to comply with these requirements can negatively impact other intercountry adoptions from that country. JCICS has been working very closely with the U.S. Department of State and the foreign countries to explore solutions. JCICS also has specific information on our website educating and encouraging families to complete their post placement reports.

These post placement services should provide counseling for the new family, observe the child's adjustment to the new home, and supply parents with information and referrals that might be needed for an optimal family adjustment. Many foreign countries also require post-placement supervision for six months to four years to ensure that the child has been well-placed and is receiving adequate care and love. For this reason, agencies may ask parents to furnish photographs, written reports and medical reports to send to the child's country of origin. As part of post placement, many agencies have organized support and education groups for new adoptive parents.

Conclusion

On behalf of our members and colleagues in the adoption community, I would like to convey our appreciation for the interest and support from the U.S. Congress, and especially this subcommittee, on ethical intercountry adoption and best practices in the child welfare field. Providing a loving, safe family for children in need around the world must be a priority of the U.S. Government and a priority for all of us, as citizens of a global community. With your assistance, we hope that more children around the world will find the safe, permanent families they deserve.

Thank you very much for allowing me to appear before the subcommittee today. I would be happy to answer any questions you may have.

MR. WHITFIELD. Mr. Rolsky, thank you and we appreciate your testimony. I am assuming both of you and your organizations, perhaps, would you support an effort at the Federal level to provide some Federal standards for adoption of children internationally?

MR. ROLSKY. Yes.

MS. MASKEW. We would welcome them, actually.

MR. WHITFIELD. Okay. So you see it as a significant need?

MS. MASKEW. Yes.

MR. WHITFIELD. Okay. Now, I found it a little bit interesting that the parents are, the adoptive parents, are the ones that appear to be responsible for paying and selecting the agencies that do the home placement and the post-placement. Is that normally the practice? I mean, it appear to me that someone, some other agency should have that responsibility of selecting the agency to do the study. Am I wrong about?

MS. MASKEW. The standard practice is that parents choose their agencies and the people who do their home studies.

MR. WHITFIELD. Why is that? I mean, it looks like that if they are the one paying directly for the home study, there is every incentive for the home study to be good.

MS. MASKEW. I would agree that that is probably a problem. I mean, one of the things that we hear continuously from social workers is that it is very difficult for them to deny somebody a home study.

MR. WHITFIELD. Yes.

MS. MASKEW. Because if they do, people--if they don't have a very good, solid, say based on a police record or something, then they can actually be sued for not--

MR. WHITFIELD. Yes. I mean, it just appears that, in this Federal legislation, if we can do it, there will be some other mechanism for selecting the group to do the study. Would you agree with that, Mr. Rolsky?

MR. ROLSKY. I think we would get accused of steering people to agencies and then the whole other issue of whether we have under--agreements and kickbacks would be an issue of the kind of--as long as they are going to a licensed agency, that should be the requirement.

MR. WHITFIELD. Yes.

MR. ROLSKY. The problem is that licensing across States is not equal.

MR. WHITFIELD. I must say that the panel, the first panel with Ms. Smith and her firm, didn't give anyone any confidence that anything was being done in a significant way to protect the child. You all heard the testimony. Did you come away with that same feeling or not?

MR. ROLSKY. Well, by New Jersey standards, they were not met. New Jersey standards were not met in much of what was discussed today.

MR. WHITFIELD. Yes. Well, I am surprised that New Jersey hasn't taken some steps to take their license away from them.

MR. ROLSKY. That surprises me, too.

MS. MASKEW. We would actually like to address that. We did this survey with the National Association of Attorneys General and one of the things that we have been looking at is how many complaints do licensing entities get and how many people can they discipline and the States that responded to the NAAG survey almost uniformly said they get complaints that they can't do anything about because it is not in the specific licensing standard. They have to be able to point to a standard and say this was violated.

MR. WHITFIELD. Oh, okay.

MS. MASKEW. And so those standards don't address the most common problems.

MR. WHITFIELD. How many adoptions would you say normally or on the average, occurs each year where an American citizen is adopting a child from another country? What is the total number?

MS. MASKEW. I believe it is about 22,000 now.

MR. WHITFIELD. Twenty-two thousand per year?

MS. MASKEW. Yes.

MR. WHITFIELD. Okay. Mr. Stupak, you are recognized.

MR. STUPAK. Thank you, Mr. Chairman, and thank you for staying with us this afternoon. Can anyone open an adoption agency?

MS. MASKEW. Pretty much, yes.

MR. STUPAK. And there are no requirements, no qualifications?

MS. MASKEW. Well, there are requirements for people to have certain qualifications to hold certain positions.

MR. STUPAK. Okay, but if I want to open one, I can go open one?

MS. MASKEW. Yes, if you were to hire a supervisor or an executive director that has the qualifications that are required by law, then pretty much anybody can be the principle that opens it.

MR. STUPAK. Okay. And Mr. Rolsky, do you want to say anything on that?

MR. ROLSKY. Well, I don't think it is quite that simple. New Jersey has very specific requirements as to who the staffing has to be.

MR. STUPAK. Right.

MR. ROLSKY. Pennsylvania does not. I mean, it is so variable and that is where the problem is.

MR. STUPAK. Okay.

MR. ROLSKY. I make jokes sometimes that a plumber can run an agency in Pennsylvania. It cannot happen in New Jersey. I am not holding up New Jersey as the highest paragon, but compared to Pennsylvania--

MR. STUPAK. But even in New Jersey, if they had standards, we just saw here today if there is no enforcement of those standards because

there are no guidelines or base line on which to judge against to determine there is a violation, how do you enforce anything? And there is really no way to do it.

MR. ROLSKY. We get bi-yearly, every other year visits from our regulators. They read our records, they point out stuff that we might be not doing correctly.

MR. STUPAK. Sure.

MR. ROLSKY. We have never been denied a license, we have to remediate. It is minor stuff. I am shocked that--because the stuff that was testified to today is blatant.

MR. STUPAK. Yes, it is.

MR. ROLSKY. I don't know where that fell apart.

MR. STUPAK. Give me an example of what was blatant here today.

MR. ROLSKY. They were operating without a license. They did a post-placement report in a State that they couldn't do. They had no service agreement with a home study agency, with an agency to do a home study.

MR. STUPAK. And one of the reports was fraudulent.

MS. MASKEW. And those are the kinds of things that are routinely covered by regulation, so there should have been some way to--it is possible that DYFS doesn't know.

MR. STUPAK. So if we were looking for a State that had the best adoption rules and regulations, whether it be domestic or international, which State would that be if we wanted to look at a model as we draft legislation?

MS. MASKEW. Right now, Florida is redoing theirs. They have been the most active in disciplining agencies, to our knowledge, and they have sought input from us and from others on how to tighten their regulations up. They are having problems with the fact that people can then--they actually took a license away from somebody who then crossed the State line into Georgia and got another license.

MR. STUPAK. Do you think, Ms. Maskew, do you think the Joint Council's standards of practice and disciplinary policies will be strong enough to weed out the bad agencies or will they just run over to another State?

MS. MASKEW. I think they are stronger than they used to be, after the rewrites that we participated in last year with them. But the problem is that they are not strong enough, if you will, to really regulate the kind of problems that we need because even if all the Joint Council agencies were to follow those, all the ones who aren't members of Joint Council, if they don't, they still have that race to the bottom, which is a problem for agencies as much as it is for children and families.

MR. STUPAK. Mr. Rolsky, do you agree with that?

MR. ROLSKY. Yes.

MR. STUPAK. Because you are from New Jersey and know both New Jersey and Pennsylvania adoption law. Can you tell us what is wrong with a New Jersey licensed social worker doing a post-placement for a Pennsylvania family?

MR. ROLSKY. Well, there are two issues. A New Jersey licensed social worker cannot do social work in Pennsylvania unless they are licensed in Pennsylvania. That is a licensing board issue.

MR. STUPAK. Right.

MR. ROLSKY. And the other part is that you need a license in Pennsylvania, an adoption license to do adoption work in Pennsylvania. I mean, it is very organized in that regard, so we can only do adoption services within the State in which we are licensed, period. I mean, that is not unique to Pennsylvania. That is the way it is. I am sorry, New Jersey.

MR. STUPAK. Well, let me ask you this. When a child is in a State that has a re-adoption requirement, and I think Pennsylvania did here, right? A re-adoption requirement?

MR. ROLSKY. Re-adoption is voluntary and certainly, back then it was used in order to obtain American citizenship and it was the only way to get citizenship.

MR. STUPAK. Re-adoption?

MR. ROLSKY. Yes.

MR. STUPAK. Okay, by today's standards, if I internationally adopted a child, in order to get a U.S. certificate, do I have to get--I mean, birth certificate, do I have to get a re-adoption?

MR. ROLSKY. No. If you went to that country, saw the child before the adoption was finalized, you would then come back to this country and based on the law that was just changed, the citizenship law of 2000, the child becomes a citizen upon landing in this country.

MR. STUPAK. Okay.

MR. ROLSKY. No further supervision of any kind is necessary for that. So families do not have to do re-adoption.

MR. STUPAK. Based upon the citizenship law of what?

MR. ROLSKY. Of 2000.

MR. STUPAK. 2000.

MR. ROLSKY. There is a specific citation number in my written testimony.

MR. STUPAK. There is a lack of memory here or whatever you want to call it today, from our witnesses, but in this case here, who should have notified Pennsylvania that Masha was in the State and who would be responsible for making sure the re-adoption requirement is completed?

MR. ROLSKY. It is the placing agency's responsibility to notify the home study agency when the placement is made.

MR. STUPAK. So in this case, New Jersey should have notified Pennsylvania?

MR. ROLSKY. Yes.

MR. STUPAK. Okay.

MR. ROLSKY. That is a best practice issue. I don't think it is a regulation.

MR. STUPAK. Right, I don't think it is a regulation. Well, under State re-adoption statutes, if they have them, home visits and reports can be required after placement, but it is my understanding that these sort of requirements to do this are basically being abolished and why is that?

MS. MASKEW. Most States are moving toward laws that make it easier for adoptive parents to adopt and this is an extra step that many consider unnecessary because of the immigration regulations that are in effect for international adoptions and so certainly, the most well-organized lobby, if you will, is the agency lobby and I think that this is something that--and even attorneys that do independent adoptions, it is something that they continue to--the standards continue to move and we see this across the board, even in domestic adoption.

MR. ROLSKY. I think we shouldn't ignore the other lobby, which is parents who want to adopt. They are wanting to go through fewer hoops and they are not an insignificant factor. They all vote. Agencies don't vote. I mean they are not part of a constituency in that regard and they are a very forceful voice for modifying some of the requirements.

MR. STUPAK. And it seems to me, though, since I have been here, we have had a number of bills where they want further tax breaks for adoptions and then things like that, which, I don't think anybody has any problem with that, but shouldn't they, before they have a chance to receive that financial benefit, if you will, shouldn't there be some things like post-adoptive reports being filed with somebody and proof of filing the State law or certification or something? I mean, how many children are adopted and we don't hear from them again in the United States? Is this a problem? I am talking about international. I mean, not hear from again. How do you track after a year, 2 years, 3 years?

MR. ROLSKY. It is voluntary, I think.

MS. MASKEW. It is voluntary.

MR. ROLSKY. Yes. They come to picnics, the families come to educational programs or they run into a problem and they need resource, help with finding resources.

MR. STUPAK. Okay.

MS. MASKEW. I would say, too, that I think the families that ask for minimum requirements are those who expect that someone's out there

watching the hen house and when they find out that there isn't somebody protecting them, certainly the people that all come to us are always asking how come we don't have more regulation, so I think that probably goes both ways. I think there is a general perception among the public that somebody is doing this.

MR. STUPAK. Right. I mean, we were shocked at the answers we were hearing today.

MS. MASKEW. And they don't find out until they are in a problem, until they call us in the middle of the night from Russia.

MR. STUPAK. Not that we got a lot of answers today, but I mean, do either of you see any interest by the State Department or Immigration Service to impose post-placement reports as a legal requirement? I mean, from what I am getting, you are seeing just the opposite, less post-placement.

MR. ROLSKY. We just went through this with The Hague. There was no indication that--I mean, I don't know if anybody raised it. I was certainly not part of those negotiations, but it certainly didn't come out in any of The Hague standards, The Hague regulations from the State Department.

MR. STUPAK. Have you known--like, Russia is not one of The Hague signators to that agreement, so that agreement would not cover them. Have you known of any countries come back and say we want this child back because you have not followed proper procedure or things like this?

MS. MASKEW. Actually, Russia is a signatory. They just haven't ratified yet.

MR. STUPAK. Okay.

MS. MASKEW. But the countries that have tried and that have come to The Hague conference and asked for this, there are standards of international law that once an adoption is finalized there are privacy concerns and all kinds of things that make it very difficult for the Federal government to impose that and to force anybody to do it, so it is a problem with post-placement issues. But I think, as a whole, what we have seen, and I think if there is one thing I could say that we need in this country, is the political will to regulate this industry. We just don't see that. And when The Hague regulations came in which--and we submitted our comments along with my testimony today, in every opportunity that they had to choose between standards that were more lax or things that parents have asked for, they chose to go with the things that were more favorable to agencies. We were very disappointed with the regulations.

MR. STUPAK. I see my time is up. Thank you and thank you again for being with us today.

MR. WHITFIELD. I just have one other question. You said there are about 22,000 of these adoptions a year, roughly, and what would you say the average fee is for an adoption agency? Does it range--I mean, Mancuso paid the agencies involved here around--I am not talking about the Russian part of it, around $5,000 or $6,000, I would say. What would you say the average fee is for an agency?

MS. MASKEW. I think that is pretty for the agency fee.

MR. WHITFIELD. Okay.

MS. MASKEW. The overseas fee can be $20,000 and up.

MR. WHITFIELD. Well, then what that amounts to, that is about $132 million a year industry that basically is unregulated, at the Federal level, certainly, and which says a lot, I think. But thank you all so much for your testimony, for being here and you all are excused. And I want--of course, I ask unanimous consent or without objection to enter into the record all documents of this hearing, subject to committee staff redactions. Also and without objection, I would like to enter Dr. Hernandez's report from yesterday's hearing into the record and also documents at the hearing on September 21st that were held on the financial industry's efforts to combat on-line child pornography and the record will remain open the requisite 30 days. And is there any objection to that? Okay.

MR. STUPAK. The only question we would have is you are going to place the documents in the proper hearing or are you just going to put them all in this one?

MR. WHITFIELD. In the proper hearing.

MR. STUPAK. No objections, then.

[The information follows:]

Tab	Document Description	Date
1	Application for Adoption- Matthew A. Mancuso	8/22/1997
2	Registration and Processing Form- Matthew A. Mancuso	8/4/1997
3	Note to Hanna Druger from Matthew Mancuso	9/6/1997
4	Background Information Form: Family Study Application	9/29/1997
5	Family Health Counsel Home Study- Nancy Simpronio	11/21/1997
6	Recommendation Letter from Ann Pennacchio-Mancuso to Serguei Dymtchenko	2/4/1998
7	Acknowledgement and Agreement Form	4/1/1998
8	Fax between Keith Wallace and Jeannene Smith regarding application and fees	4/21/1998
9	Acknowledgment and Agreement and Presentation of Masha Allen to Mancuso	5/1/1998
10	Check and Deposit Slip for $1800 from Mancuso to Reaching Out Thru Int. Adoption	5/2/1998
11	Payment Instructions from Serguei Dymtchenko to Matthew Mancuso	5/18/1998
12	Post Placement Report Instructions and Notes from Leslie Breslau	3/8/1999
13	Masha (Maria) Mancuso Post Placement Report	3/23/1999
14	Post Placement Supervision conducted by A. Perry; updated by C. Eiferman	9/1/2000
15	Adoption Post Placement and Court Report	11/15/2000
16	Summary and Timeline	
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Tab 1

Families Thru International Adoption

Application for Adoption

(Please type or print legibly)

Which program are you applying for? (Please check appropriate selection)

Children of China ____ ***Children of Russia*** X

FATHER		***MOTHER***
MATTHEW A. MANCUSO	NAME	NONE
091081336 4/99	PASSPORT NO. (Expiration Date)	
197524033	SOC. SEC. NO.	
39 3JUL58	AGE & D.O.B.	
PITTSBURGH, PA	BIRTHPLACE	
USA	CITIZENSHIP	
412 335 9161	TEL: WORK	
	TEL: FAX	

HOME ADDRESS: 158 SHEARER ROAD, NEW KENSINGTON, PA 15068

HOME TELEPHONE: 412 335 3189 (724)

General Health Condition: Father GOOD Mother ____

Is there a personal history of a nervous or mental disorder? Yes ____ No X If yes, explain separately.

Do you now or have you ever had a problem with substance abuse? Yes ____ No X

Do you have a medical plan that will also include the adopted child? Yes X No ____

EMPLOYMENT:

	EMPLOYER(S)	POSITION	ANNUAL INCOME
(FATHER)	KEIBLER INDUSTRIES, INC.	VP ENGINEERING	100K +
(MOTHER)			

EDUCATION (Highest Level):

(FATHER) B.S. PENN STATE UNIV.

(MOTHER) ____

PERSONAL INFORMATION

Height/ Weight: (FATHER) 5'-6½" 145 (MOTHER) ____

Religion: (FATHER) CHRISTIAN (MOTHER) ____

Marital Status: (please circle) Married Divorced Single (never married) Widowed

1. If currently married, date of Marriage: _____
2. Do you have children? Yes / No Please list their names and ages. State if they are biological (B) or adopted (A). RACHELLE (B) 20 YRS OLD
3. Are there previous marraiges? Yes / No
4. Dates of marraige(s) (Mother) _____ (Father) _____
5. Dates of Divorce(s) (Mother) _____ (Father) _____
6. Are you infertile or incapable of bearing a child? Yes / No
7. Are there children from previous marraiges(s)? Yes / No Whose? Mother / Father
8. Please list their names and ages: _____
9. Briefly describe custody arrangements: _____
10. Briefly describe living arrangements if children are now adults: _____
11. Are there other people living in your home? Yes / No Please list their names and ages: _____
12. What is ~~there~~ relationship to you? _____
13. Have you ever been convicted of a felony? Yes / No If yes, please explain of a separate page.
14. Have you ever been convicted of a misdemeanor? Yes / No If yes, please explain separately.
15. Have you ever terminated your parental rights for a biological or adopted child? Yes / No If yes, please explain on a separate page.

ADOPTION PREFERENCES:

1. Please explain why you want to adopt from this country: ABILITY FOR SINGLE FATHERS TO ADOPT AND PREVIOUS TRAVEL TO RUSSIA
2. Are adoptive parent(s) willing to travel? Yes / No If no, please explain _____
3. What is your preference regarding the child you want to adopt? (No guarantees)

   Age: (Months / Years) 5 YR OLD Sex: FEMALE
4. Are you willing to accept a child with minor correctable special needs? Yes / No (DEPENDS ON NEED)
5. Are you willing to accept a child with a true medical special need? Yes / No If yes, please circle any need you are willing to accept.

cleft lip	cleft palate	club foot	heart condition	+ Hepatitis B
missing digits	missing hand	missing foot	missing limbs	deaf
large birthmark	blind	cataract		

   Other: _____
6. Do you at present have an active application with any other adoption agency where there is a possibility of the placement of a child with you? Yes / No If yes, please explain _____

HOME STUDY AND IMMIGRATION & NATURALIZATION (INS):

1. Do you have a social worker connected with an agency to do your homestudy? Yes (Not YET)

   If yes, name and address and telephone number of agency: _____

   In Progress: _____ Expected Completion ? _____ Completed _____

2. Have you already filed an I-600A with the INS? (Yes) No If yes, date filed: 29 AUG 97

FINANCES:

1. Income from other sources (Other than employment income previously listed): _____
2. Source of other income: _____
3. Real Estate Value: 70,000 Remaining Mortgage Balance 0
4. Other Total Indebtedness: 0

CHILDREN OF CHINA PROGRAM ONLY

According to Chinese Adoption Law, in order to adopt a healthy child, adoptive parents should be 35-60 years of age and childless. Please acknowledge these eligibility requirements by placing your initials next to the guideline which pertains directly to you.

1. ***I/We are adoptive parents between 35-45 years of age and childless. I/We understand that under current Chinese adoption law we are entitled, but not guaranteed to adopt a healthy infant or any age.*** _____
2. ***I/We are adoptive parents over 45 years of age and childless. I/We understand that current adoption law allows us, but does not guarantee us to adopt a healthy child. We understand that since we are over 45 years of age, we may receive a referral of healthy infant under the age of 18 months. However, we are willing to accept a referral of a healthy child over the age of 18 months should such a referral be made.*** _____
3. ***I/We are adoptive parents who are younger than 35 years of age and/or adoptive parents who already have child(ren) in the home. I/We understand that current Chinese adoption requires that we be open to a referral of a child with a minor correctable special need and we are willing to proceed with this understanding.*** _____

AGREEMENT

I/ We understand:

That there are risks in adoption and realize that any country has the power and authority to close its doors to adoption if they should so decide.

That the Adoption Guide of Families Thru International Adoption, Inc. provides an outline of current eligibility requirements that any country can change the requirements or procedures during the adoption process.

That information on health and all other matters received through Families Thru International Adoption, Inc. is based on all available data sent by adoption officials in the foreign country.

That Families Thru Interntional Adoption can not issue any gaurantees as to age and/or health of any child.

That if we travel to the foreign country and decide not to continue with the adoption after making final agreement to do so by traveling to the foreign country, Families Thru International Adoption, Inc. will no be held responsible for the ultimate decision of the officials in the adoptive country as to whether any other child will be made available or for financial loss that may have been incurred to that point.

I HAVE READ THE ABOVE AGREEMENT AND UNDERSTAND THERE ARE NOT GUARANTEES AND BY MY/OUR SIGNATURE BELOW, I/WE ACKNOWLEDGE MY/OUR UNDERSTANDING AND ACCEPTANCE OF THE AGREEMENT

[signature] 22 AUG 97 N/A

ADOPTIVE FATHER ***ADOPTIVE MOTHER***

REFUND POLICY & FISCAL MANAGEMENT - Nothing saddens us more than hearing of adoptive families who have had an unpleasant experience with another agency and have " lost all monies paid" Yet, we understand that there will be some expenses occurred on your behalf. We strive to provide our families with exceptional service and a true feeling of security and comfort. So, for that reason, we have established our fee structure so that you pay as little as possible at the time of application, which is non-refundable. You will then make additional payments when your dossier is submitted and when you are referred a child. If you should choose to withdraw for any reason after your dossier is submitted but before the referral of a child is received, it is our goal to refund 50% of the dossier fee. Should you withdraw after you have paid the fee due when the referral of a child is received, it is our goal to refund 50% of your referral fee.

I/WE HEREBY CERTIFY BY SIGNING BELOW THAT I/WE GIVE CONSENT AND AGREEMENT TO THE ABOVE AND THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS CORRECT TO THE BEST OF MY/OUR KNOWLEDGE AND ABILITY.

_____ Date 22 AUG 97

_____ Date _____

For most families contemplating international adoption, their best resource is families who are in the process of adopting internationally or who have completed an international adoption. By your signature above, you give our agency permission to provide your name, address and telephone number to prospective adopting families.

WITH THIS FORM PLEASE INCLUDE THE FOLLOWING:

1. A check to **Families Thru International Adoption, Inc.** for $400. (non-refundable) for application , counseling and processing.
2. Photos: (2) Close up photos of Adoptive parent(s); (1) Outside of house only; (3) Different rooms inside of house. Photos can be sent at a later date.

PLEASE RETURN THIS APPLICATION TO:

FAMILIES THRU INTERNATIONAL ADOPTION, INC.
312 S. Lincoln Avenue
Cherry Hill, NJ 08002

Tel: (609) 321-0777 *Email: Jeannene1@aol.com* *Fax: (609) 321-0809*

One word of caution..... While the Internet can be a wonderful source of information, support and provide an opportunity for sharing during your adoption process, we request that you exercise caution about posting particulars about your adoption on the internet. Often, when private discussions about what is going on in China or Russia, or about a particular adoption has been posted to the internet, it can cause confusion and misinformation. While we encourage our families to be on the Internet and to take part in the wonderful adoption community it provides, please be very selective and use caution when posting particulars.

[redacted]

Tab 2

CHINA _____
RUSSIA ✓
BOTH _____

Date: 8/4/97

REGISTRATION AND PROCESSING

Family Name: Manausa Name (Father) Matthew A. Age: 39 DOB 7-3-58
Tel: (412) 335-3189 Name (Mother) _____ Age: ____ DOB _____
Address: 158 Shearer Road Work Tel: (412) 335-9161 (Him / Her)
New Kensington, PA 15068 Fax: ( ) _____ (Him/ Her)
Marital Status / How Long NO

Are there Children in Home: NO How Many _____ Ages _____ From Prev. Marr.? _____
Which Country: CHINA _____ RUSSIA ✓ OTHER _____ Social Worker/ Agency HAS NOT SELECTED ONE AS YET

NOTES: Prefer Female 4-5 years old.
12/23/97: Received Dossier.
Called Matthew to let him know the following:
NOT INCLUDED { - Apostilled P.O.A
- separate apostilled Home Study Agency license
- To remind about notarized passports and visa photos.
Mat has original POA and will be sending license.
12/24/97 -
SOURCE AOL EMAIL: _____

Infopkt sent: 8/6/97 Application Rec'd 9/3/97 Dossier Rec'd 12/23/97 Referral Rec'd _____
Welcome Letter Sent 9/3/97 Dossier Letter Sent 9/3/97 Travel Guide Sent 12/31/97 Referral Info. Sent _____

Fees Paid:
Application Fee $ $400 #1289 Date Rec'd 9/3/97 Dossier Fee $ 2,050 check # 1321 Date Rec'd 12/23/97
Translation Fee $ _____ Date Rec'd _____ MOCA Fee $ _____ Date Rec'd _____
Referral Fee $ _____ Date Rec'd _____ Travel Fees $ _____ Date Rec'd _____

When Received was Dossier complete: _____ YES _____ NO (If no, list documents outstanding or corrections needed) _____

Date and Name of applicant Notified of Incomplete Dossier _____ By Whom: _____

Date Dossier to Indiana _____ To Serguei _____ To Other: _____
Date to China _____ To Russia _____ To _____

Child Information: Age of Child Requested _____ Sex Preference _____ # of Children Requested _____
Open to Special Need : __ YES __ NO Please List _____
Name of Child Referred _____ DOB _____ Height: _____ Weight: _____
Orphanage _____ Province _____ Health _____ Any special needs listed _____

Travel Information: Anticipated Travel _____ Actual Travel _____ Court Date (Russia Only) _____
Destination _____ Leave From (City/ Airport) _____ How Many will travel _____
Names _____ Airlines _____

MANCUSO

BASIC INFORMATION

Country RUSSIA

Child Preferences: MASHA Age YASHENIKOVA Sex F

Open to Special Needs: (Yes) No COGRS

If yes, what needs:

DOCUMENTATION INFORMATION

Date Info. Packet Sent:

Date Application Rec'd:

Date Welcome Packet Sent:

Date Dossier Rec'd:

Was dossier complete: Yes No

If no, what was missing:

Date POA & SAC rec'd:

Date Dossier sent:

Sent to (FTIA, Serguei, Guatemala, etc.)

HOMESTUDY INFORMATION

Date Application Rec'd:

Date Given to S/W:

Date Documents Rec'd:

Date Homestudy Completed:

Dates Post-Placements Reports Due:

Post-Placement Contacts:

AGENCY FEES

App. Fee: $400 # 1389 8-29-97

Dossier Fee: $2050 # 1391 12-19-97

Referral: NB 1300 # 1370 5-14-98

HOMESTUDY FEES

App. Fee:

Review Fee:

Home Study Fee:

Post Placement Fees:

FEES TO COORDINATING AGENCIES

App. Fee:

Dossier Fee:

Referral Fee:

MOCA Fee:

COUNTRY FEES

Country Fee:

Translation Fee:

Partial Fee:

Foster Care:

Months in Advance:

TRAVEL FEES

Visa: # People

Fee:

Air: # Adults

Children Ages: Fee:

MATTHEW A. MANCUSO
158 SHEARER RD.
NW KENSINGTON, PA 15068-9319

8-26
430-51
6645651

1374

Date

Pay to the order of REACHING OUT THRU INT'L ADOPTIONS INC $ 1950.00

ONE THOUSAND FIFTY 00/100 Dollars

Mellon Bank
Mellon Bank, N.A.
Western Region
Pittsburgh, PA

THE SMART ACCOUNT

Memo 10 DAY LOCKING

⑆043000261⑆ 664-5651⑈

Cashed
signature forged
per Mr. Mancuso this FTIA
request ck to Serguei
issued ck to
coordinator

1289

MATTHEW A. MANCUSO
158 SHEARER RD.
NEW KENSINGTON, PA 15068

Date 29AUG97

8-20
-30
6645651

Pay to the order of FAMILIES THROUGH INT'L ADOPTION $ 400.00

FOUR HUNDRED 00/100 Dollars

Mellon Bank
Mellon Bank, N.A.
Western Region
Pittsburgh, PA

THE SMART ACCOUNT

Memo

⑆043000261⑆ 6645651⑈ 1289

MATTHEW A. MANCUSO
158 SHEARER RD.
NEW KENSINGTON, PA 15068

1321

Date 15 DEC 97

Pay to the order of FAMILIES THROUGH INT'L ADOPTION $ 2050.00

TWO THOUSAND FIFTY ——— 00/100 ——— Dollars

Mellon Bank
Mellon Bank, N.A.
Western Region
Pittsburgh, PA

SMART ACCOUNT

Memo

⑆043000261⑆ 664⑈5651⑈ 1321

Tab 3

6SEP9

HANNA

I HOPE THIS HELPS EXPLAIN MY POSITION AND PLAN ON THE "FEMININE NEEDS" QUESTION.

PLEASE CALL ME AT HOME IF YOU HAVE ANY QUESTIONS

THANKS

Matt.

P.S. I KNOW IT MAY BE DIFFICULT, BUT I WOULD LIKE TO HAVE THE PHOTOS BACK IF POSSIBLE.

THANKS

family adoption center

1201 Allegheny Tower, 625 Stanwix Street, Pittsburgh, PA 15222
(412) 288-2138

Tab 4

BACKGROUND INFORMATION FORM: FAMILY STUDY APPLICATION

(Please type or print legibly)

Date received at agency 9/29/97

Full Name (H) MATTHEW A. MANCUSO
(W) — (DIVORCED)
Address 158 SHEARER ROAD Name of Community PLUM BORO
NEW KENSINGTON 15068 County ALLEGH.
Phone Home: ( ) 335-3189 Work: (H)( ) (W)( )
Rent or own residence OWN Referred by THREE RIVERS ADT. COUNCIL

Age (H) 39 (W) Date of birth: (H) 03JUL58 (W)

Employment history for the past five years listing current or last employer first:

(H) Employer KEIBLER INDUSTRIES INC (W) Employer
Position VP ENGINEERING / SALES Position
Dates 1974 – PRESENT Dates

Employer Employer
Position Position
Dates Dates

Employer Employer
Position Position
Dates Dates

Continue on other side of page if necessary

Highest educational level obtained: (H) B.S. ENGINEERING (W)
Date of Marriage Length of infertility(if applicable)
Name of Physician
Previously married? (H) Yes X No (W) Yes No
If previously married, how long? (H) 11 YRS (W)
How was the marriage terminated? (H) DIVORCE (W)

I. Past Medical Treatment: Wife (If Applicable)

A. Past Treatment

1. What specific diagnostic and treatment methods have been tried in your infertility investigation?

	Date	Physician	Diagnosis
a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			
i.			
j.			

2. Where does your infertility investigation stand now? Who is your current physician?

_____
_____
_____
_____
_____
_____
_____

3. List all the significant medical problems for which you have received treatment.

	Date	Physician	Diagnosis
a.			
b.			
c.			
d.			
e.			
f.			
g.			

II. Past Medical Treatment: Husband (If Applicable)

A. Past Treatment

NONE

1. What specific diagnostic and treatment methods have been tried in your infertility investigation?

	Date	Physician	Diagnosis
a.			
b.			
c.			
d.			
e.			
f.			
g.			
h.			
i.			
j.			

2. Where does your infertility investigation stand now? Who is your current physician?

3. List all the significant medical problems for which you have received treatment.

	Date	Physician	Diagnosis
a.			
b.			
c.			
d.			
e.			
f.			
g.			

NONE

III. Past Mental Health Treatment: Wife

A. Have you ever had any type of mental health counseling? Yes_____ No_____

Date	Type of problem addressed	Name of psychiatrist/counselor

B. Are you currently receiving mental health counseling? Yes_____ No_____

Date	Type of problem addressed	Name of psychiatrist/counselor

C. Have you ever received medication for emotional problems? Yes_____ No_____

Date	Name of medication	Dosage

IV. Past Mental Health Treatment: Husband

A. Have you ever had any type of mental health counseling? Yes_____ No_____

Date	Type of problem addressed	Name of psychiatrist/counselor

IV. Past Mental Health Treatment: Husband (continued)

B. Are you currently receiving mental health counseling? Yes_____ No X

Date	Type of problem addressed	Name of psychiatrist/counselor

C. Have you ever received medication for emotional problems? Yes_____ No X

Date	Name of medication	Dosage

V. Adoption Investigation

What (if any) steps have you taken to investigate adopting? Include the dates, the activity, and with whom.

1. • EXTENSIVE RESEARCH ON THE INTERNET. (WEB SITES AND NEWS GROUPS.)
• TALK WITH FRIENDS WHO HAVE ADOPTED.

2. HAVE CORRESPONDED BY EMAIL TO FAMILIES THAT HAVE ADOPTED / ARE ADOPTING. (PRIMARILY TO GET INFO ON INTERNATIONAL ADOPTION)

3. TELEPHONE CONVERSATIONS AND INFORMATION PAMPHLETS FROM DIFFERENT AGENCIES

4. TELEPHONE CONVERSATIONS TO CHECK AGENCY REFERENCES.

5. VISITATION OF LOCAL DAY CARE CENTERS TO INVESTIGATE SERVICES + POLICY.

VI. Current Adoption Situation.

Please discuss your current adoption situation. Is it a private or agency adoption; foreign or domestic; local or out of state placement, etc.

If an agency, please list name, address, phone number, contact person, etc. If not, please list the attorney involved with the placement.

FAMILIES THROUGH INTERNATIONAL ADOPTION
CHERRY HILL, NJ.
JEANNENE SMITH
Ph. 609-321-0777
FAX 609-321-0809

I AM WORKING WITH JEANNENE IN THEIR CHILDREN OF RUSSIA PROGRAM. I HAVE BEEN TALKING WITH JEANNENE, (AND HANNA) FOR ABOUT A MONTH AND HAVE JUST RECENTLY SENT THEM MY FORMAL APPLICATION.

I HAVE TALKED TO OTHER FAMILIES THAT HAVE WORKED WITH JEANNENE. - ALL HAVE BEEN VERY POSITIVE.

10/2/97 I called Jeanneane Smith & confirmed Matt Barnes is a client. He can adopt as a single parent. She is sending agency information to me.

N Singleton ACSW/LSW

Tab 5

Family Health Council, Inc.
960 Penn Avenue • Suite 600 • Pittsburgh, PA 15222 • (412) 288-2138

Family Adoption Center

I, Nancy Simpronio, do hereby swear and affirm that the facts contained in the foregoing Home Study are true and correct to the best of my knowledge, information and belief.

Nancy Simpronio ACSW/LSW
Nancy Simpronio, ACSW/LSW

Sworn to and subscribed before me

this 21st day of

November, 1997

Roberta M. Mattheis
Notary Public

My Commission Expires: 12/28/98

Notarial Seal
Roberta M. Mattheis, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Dec. 28, 1998
Member, Pennsylvania Association of Notaries

Family Health
Council, Inc.

Family Adoption Center

900 Penn Avenue • Suite 600 • Pittsburgh, PA 15222 • (412) 288-2138

RECOMMENDATION OF FAMILY ADOPTION CENTER

RECOMMENDATION OF MR. MATTHEW A. MANCUSO

PASSPORT NUMBER: 091081336

Through a very thorough home study process, I am happy to favorably recommend Mr. Matthew A. Mancuso, a U.S. Citizen who resides at 158 Shearer Road, New Kensington, PA 15068 be approved for adoption through Russia. I recommend approval for Mr. Mancuso to adopt one child between the ages of five and six, either male or female. I also recommend Mr. Mancuso for the adoption of a child with a medical special need if he so chooses.

Mr. Mancuso is very capable, willing and well-prepared to provide a stable and loving home. He has begun to make preparations for the arrival of a child. Mr. Mancuso is prepared to help his child develop an educated awareness and understanding of Russian culture and will help the child to identify with his/her heritage. He is committed to raising a child.

I have a Master's degree in Social Work and over fourteen years experience doing adoptions. I have the authority to conduct home studies for Family Adoption Center, a licensed adoption agency/home study agency in the State of Pennsylvania.

This agency hereby agrees to provide post-placement reports for a period of three (3) years.

Name and Degree: Nancy Angelovich, ASW/LSW

Title: Director

State of Pennsylvania)
County of Allegheny)

Sworn and subscribed to before me this 21 day of November, 19 97.

Roberta M. Mattheis
Notary Public

My commission expires: 12/28/98

Notarial Seal
Roberta M. Mattheis, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Dec. 28, 1998
Member, Pennsylvania Association of Notaries

An Equal Opportunity Employer

Family Health
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Family Adoption Center

960 Penn Avenue • Suite 600 • Pittsburgh, PA 15222 • (412) 288-2138

HOME STUDY - MATTHEW ALAN MANCUSO
PREPARED NOVEMBER 20, 1997

Matthew Alan Mancuso - Born July 3, 1958
158 Shearer Road
New Kensington, PA 15068
Home phone - (412) 335-3189
United States Citizen
Passport Number: 091081336

This home study is being preformed at the request of Mr. Mancuso. He is in the process of adopting a child through an international adoption. The placing agency is a licensed agency in New Jersey, Families Through International Adoption. The phone is (609) 321-0777 and the contact is Ms. Jeannene Smith.

The home study is being prepared by Family Adoption Center, a licensed adoption agency. The interviews were conducted by a Master's degree licensed social worker with over fourteen years of adoption experience. The study was conducted in the office of Family Adoption Center and in Mr. Mancuso's home. It consisted of a written application, a medical statement from his physician, child abuse and criminal record checks, three reference letters, financial and income tax statements and intensive interviews with Mr. Mancuso.

PHYSICAL DESCRIPTION

Mr. Mancuso is a Caucasian male of Italian heritage. He is five feet, seven inches tall with a medium complexion, dark hair and hazel eyes. He weighs 145 pounds with an athletic build.

BACKGROUND INFORMATION

Mr. Mancuso was born on July 3, 1958 in Pittsburgh, Pennsylvania. He is the second of four children. Eugene, Jr. is the oldest with Mary Angela and Christopher being the younger siblings. They are two years apart from each other.

Mr. Mancuso's mother was a registered nurse and his father owned and operated an Italian bread business. When Mr. Mancuso was a toddler the family moved to Verona, PA. Mr. Mancuso appears to have very positive memories of his childhood which included playing with his siblings and having extended family members only a few blocks away from their home.

Mr. Mancuso stated his home life was typical for children in the 60's and the family considered themselves middle class.

As a child, Mr. Mancuso enjoyed taking art classes along with music lessons. He was an accomplished accordion player as a young child due to his grandfather's influence. As a teenager he played the organ, trumpet, guitar and the drums. Mr. Mancuso played the drums for a high school rock group with his cousin and brother. They successfully had one paying job before breaking up the band.

Holidays and family gatherings were always important as well as fun events for the Mancuso family.

During Mr. Mancuso's preteen and teenage years the family made a series of moves due to his father's involvement in various businesses. There was a time they moved out of Pennsylvania to Chicago. They did return to Pennsylvania after several months. Mr. Mancuso stated that he and siblings adapted to the moves and learned to make friends and navigate new schools and communities during this time.

Mr. Mancuso stated he enjoyed his childhood and has fond memories of his youth.

Presently, Mr. Mancuso's mother is a heathy, active woman with her own business. She is sixth five years old and stated a pet kennel. She has also published a book on dog training. Christopher works with their mother in the pet business. Eugene and Mary Angela also live close to them. Mr. Mancuso's father died suddenly in 1986 due to brain aneurysm and that was a great loss for everyone.

Mr. Mancuso stated that his strengths are his ability to think logically, he is resourceful and creative. He stated that he views himself as being loyal and an easy-going personality. He stated he feels at times his shyness gets in the way of socializing with new people. He prefers to spend time with long time friends or his family.

He enjoys cooking for friends, playing with his computer, working on his investments. Riding his motorcycle is also a favorite pastime.

MARRIAGE

Mr. Mancuso met his former wife through his cousin. She was from his home town of Verona and was a year younger. They shared many people and experiences in common. They dated during Mr. Mancuso's last year of high school and it was after his graduation that they discovered they were pregnant. Both families were upset when they told their respective parents of the situation. Mr. Mancuso's parents were the most upset and stated that they did not want to see him again. Mr. Mancuso's siblings also distanced themselves from him. Mrs. Mancuso's parents took them in and they eloped to Cumberland, Maryland where they got married. Mr. Mancuso lost his job at Keibler Industries when his father fired him.

The newly married Mancusos moved into Mrs. Mancuso's parents home and Mr. Mancuso found a job at a toy warehouse on a part time basis. Eventually in October of 1976 Mr. Mancuso's father called and offered him his former job full time at the plant.

In January of 1977 Mr. and Mrs. Mancuso moved into a small apartment in a nearby community. Mr. Mancuso worked, took a few classes at the Penn State extension campus in their community and drove his wife back to high school in Verona so she could graduated.

In March that same year their daughter Rachelle was born. After an initial period of adjustment that Mr. Mancuso admits to being stressful for both of them, he and his wife settled into a regular routine and home life with their daughter.

Mrs. Mancuso completed high school and Mr. Mancuso was offered a better position at the plant. This enabled them to return to Verona and be close to her parents. At the same time, Mr. Mancuso had stopped taking classes due to the added responsibilities of being a parent and the money needed to pay for tuition. Keibler Industries proposed a tuition plan for Mr. Mancuso and he returned to college majoring in mechanical engineering.

Mr. Mancuso has very strong memories about being a father to Rachelle and enjoyed his role. He continued to grow with responsibilities in the company and receive promotions.

In 1984 he and Mrs. Mancuso built their home where he still resides. He and Rachelle appreciated the rural setting while Mrs. Mancuso did not participate in the various adventures they would take such as walking in the woods behind their home or visiting the neighbor's horses.

When Rachelle was ten years the differences between Mr. and Mrs. Mancuso became more apparent. He stated he was always more of a "homebody" while she preferred the social scene. Mr. Mancuso stated he requested a divorce when he determined she was having a relationship with another man. They did attempt martial counseling for several months however she discontinued it and Mr. Mancuso learned that she had continued the affair during the time they were involved in counseling.

The divorce was finalized in March of 1987 and they had been married almost eleven years. Mr. Mancuso remains positive about the marriage until the end. He immersed himself in his work to cope with the loss. By mutual agreement, Mrs. Mancuso returned to Verona to be near her family and to raise Rachelle. Mr. Mancuso paid generous support and had weekend visits with his daughter.

As Rachelle entered her teenage years the weekend visits became fewer and fewer. She wanted to be near her school friends and participate in activities with them. At first, Mr. Mancuso would invite a friend or two to spend the weekend with them however Rachelle spent her time with her friends rather than her father. As she got older the closeness began to fade and by the time she graduated high school they only saw each other on birthdays and holidays.

This lack of relationship has been very difficult for Mr. Mancuso and he feels strongly that he will always be available to Rachelle. He paid for her education at a culinary school. At this time she is twenty years old and has a live-in relationship with a man.

ADOPTION

Mr. Mancuso wants to adopt a child as he strongly misses the parenting role that he had with his daughter. He very much wants to provide a strong home life for a child in need. Along with his desire to be a parent and his travels throughout the world have given him an appreciation of other cultures and the ability to help a child without a home.

Mr. Mancuso had spent a considerable amount of time researching adoption and discussing adoption with adoptive parents for the past six months.

He has discussed adopting a child with his family and they are supportive.

THE CHILD

Mr. Mancuso would like to adopt a girl between the ages of five and six of the Caucasian race. He is willing to consider a child with minor disabilities that can be corrected. He is also willing to take a child diagnosed with learning disabilities.

Mr. Mancuso feels that as a single parent adopting a young child and not an infant would be the best situation. He would prefer a daughter since he has experience with parenting a girl as he did with his daughter. He understands the adjustments that will be necessary in his life and he is prepared to make the changes to accommodate a young child.

Mr. Mancuso also understands that adoption brings challenges and issues that parents who give birth to a child do not have to manage. He is willing to seek professional assistance if necessary to aid him with the placement. Mr. Mancuso is eager to become a parent and has considered making changes in his work schedule to spend more time with the child he adopts. Some of his work he can do from his home office along with computer and fax support. He has already spoken to a local child care center that can provide extended day coverage while he is working.

RELIGION

Mr. Mancuso is of the Catholic faith. He no longer is an active member of a church at this time. He understands the importance of exposing a child to a religious faith and plans on doing this with the child he adopts.

EDUCATION / EMPLOYMENT / MILITARY SERVICE

Mr. Mancuso never served in the military.

Mr. Mancuso attended public grade and high school. He stated he has very fond memories of both grade and high school.

In high school Mr. Mancuso played football and was on the wrestling and track teams. He also was a member of the chess club. He took academic courses and would take the higher level math and science classes, often he was ahead of his other classmates. His grades were above average and upon graduation had taken calculus, physics, nuclear science, chemistry, biology and anatomy. At that time Mr. Mancuso was planning to attend college and becoming a chiropractor.

During high school Mr. Mancuso began working at the same company where he is now employed with the janitorial department. His job consisted of sweeping the floor, emptying the trash and scrubbing the bathrooms. Eventually he worked with other departments, the weld shop, the machine shop, the paint shop, the maintenance shop and the parts warehouse. He saved his money and before he graduated high school Mr. Mancuso had bought and paid for his first car, a used 1969 Firebird.

As stated earlier, Mr. Mancuso and his former wife became pregnant the summer before he was to go to college. That was a very stressful time in his life and he lost his job at the plant. In order to support his young family Mr. Mancuso found a part time job at a toy warehouse.

In November 1976 Mr. Mancuso returned to Keibler Industries due his father calling and asking if he wanted his old job back. Mr. Mancuso returned and eventually graduated to second shift supervisor and was able to receive educational benefits that enabled him to complete a degree in engineering.

Mr. Mancuso continued to advance within the company including designing several new machines. In 1985 he was promoted to Chief Engineer and received company ownership and a company car.

Presently Mr. Mancuso's title is Vice President of Engineering and Sales. He has traveled extensively around the world promoting international sales for the company. This has been a wonderful experience for him and Mr. Mancuso states that due to these travels he has developed a tremendous perspective of other cultures and living conditions. He feels he has gained a greater appreciation of life as a result of his work. This was been a reason why he has been interested in an international adoption. He has traveled to Russia and spent time with a family while he was there furthering his interest and awareness for the Russian lifestyle.

HOUSE / NEIGHBORHOOD

Mr. Mancuso resides in the rural suburb of New Kensington. He owns his home and built it in 1984. The property is nearly 3/4 of an acre and the home sits on top of a long driveway. The house is centered on a flat grassy area surrounded by trees.

The house is a ranch style home with three bedrooms with one bedroom being used as a home office, living room, kitchen and dining area. The basement is completely finished and Mr. Mancuso uses it as an exercise area. Laundry facilities, a work shop and another shower area are also in the basement. There is a patio off the dining area with outside furniture and a grill.

There is also a storage shed on the property and Mr. Mancuso stores his motorcycle and garden tools. He does all the yard work.

The community is still considered a farming community however Mr. Mancuso is very close (20 minutes) to large metropolitan areas and shopping centers. He is two miles from his employer.

Mr. Mancuso is close to his nearest neighbors including one with four daughters.

Any child he would adopt would have their own room. Currently the room is a mix-match of furniture which he plans on replacing with appropriate furnishings for a young girl.

PETS

Mr. Mancuso does not own any pets. Mr. Mancuso did state that he considers himself sharing the neighbor's cat as the cat visits Mr. Mancuso on a regular basis and often leaves "gifts" for him.

CRIMINAL RECORD/CHILD ABUSE CHECKS

Mr. Mancuso submitted the required criminal record and child abuse checks for review. Both were negative and are included with this report.

REFERENCES

Mr. Mancuso submitted three references from friends and family members who have known him for years and can testify to his personality and ability to parent. All the references were very positive and favorable to Mr. Mancuso. All the references stated they believed Mr. Mancuso should be permitted to adopt. The references are included with this report.

MEDICAL

Mr. Mancuso is under the care of Dr. Perviz Heyat of the New Kensington Health Center. Dr. Heyat examined Mr. Mancuso on July 14, 1997 and determined he is in good general health with no problems to indicate that he should not be an adoptive parent. Mr. Mancuso's medical history and physician's statement are included with this report.

FINANCIAL STATUS

Mr. Mancuso's 1996 income tax return showed a total income of $111,699. He included a financial breakdown of his assets and expenses. He carries no debts as his home is paid off and has no car payments. He has a four wheel drive vehicle and a motorcycle.

Mr. Mancuso carries medical insurance through his employer that provides comprehensive coverage with Blue Cross/Blue Shield/Select Blue program. He has life insurance along with significant pension and financial portfolio savings.

His employer Keibler Thompson Corporation submitted a letter stating Mr. Mancuso's current salary is $115,000.00 per year.

The addition of a child to Mr. Mancuso's income will not be a hinderance financially to Mr. Mancuso. He lives well within his means and has significant holdings for his future.

All financial information is included with this report.

SUMMARY AND RECOMMENDATION

It is the recommendation of this licensed social worker that Mr. Matthew Mancuso be approved for the international adoption of a young child.

He is a caring, loving man who misses the parenting role that he had with his daughter. He is a highly moral individual and will provide not just a financially stable home but the ability to parent a child with values. He is committed to having a family and is willing to make the necessary adjustments to his home and to his lifestyle to insure that the best interests of a child are paramount.

Mr. Mancuso understands that at times as a single parent he may require the assistance of other support people. His mother and sister are willing and able to assist. One situation Mr. Mancuso needs to establish is to have a will written and provide guardians for his child he adopts. He has given this matter some thought and plans on asking long time friends of his who he admires for their parenting skills.

Mr. Mancuso is committed to contacting professionals if needed for help with either parenting or adoption issues.

Family Adoption Center is willing to conduct the required supervisory visits along with being a local support for Mr. Mancuso during the adoption process.

Nancy Simpronio ACSW/LSW

Nancy Simpronio, ACSW/LSW
Director
PA License # 000561-E

Families Thr International Adoption, Inc.
Children of China and Children of Russia programs

Phone: 609-321-0777 | 312 S. Lincoln Avenue, Cherry Hill, NJ 08002 | Fax: 609-321-0809

[redacted]

Tab 6

Fax Cover Page

DATE: 9/4/98

TO: SERGUEI - 1-732-905-2724

FROM: Hannah Druger (Tel: 609-321-0777) (fax: 609-321-0809)

 # PAGES (including cover): 9

Memo:

January 26, 1998

Matthew A. Mancuso
158 Shearer Road
New Kensington, PA 15068

Families Through International Adoption
312 S. Lincoln Avenue
Cherry Hill, NJ 08002

Attention: Hanna

Subject: References

Dear Hanna,

Enclosed are some other reference letters that you asked for, along with another statement from me concerning my reasons for adoption. I hope that this is what you were looking for.

Please call me if you need anything else.

Thank you,

Matthew A. Mancuso

WHY MATT WOULD MAKE A GOOD PARENT:
~~TO WHOM IT MAY CONCERN~~

MY NAME IS ANN PENNACCHIO / MANCUSO
MOTHER OF MATTHEW ALAN MANCUSO
MY RESUME IS ENCLOSED.
BIRTH ORIGIN:
MOTHER - MARY SANTUCCI - BORN IN USA
FATHER - ANGELO PENNACCHIO - BORN IN AQUILA, ITALY
CAME TO AMERICA 1917 WORKED ALL OF HIS LIFE
INCIDENTALLY MY MOTHER WAS THE FIRST WOMAN IN THE TOWN OF VERONA TO LEARN HOW TO DRIVE AN AUTOMOBILE. MY FATHER WON A BLUE RIBBON FOR AN IRON SCULPTURE OF "DON QUIXOTE" WHEN HE WAS IN HIS 60'S.
MY CHILDHOOD WAS A VERY BUSY, HAPPY LIFESTYLE & VERY CREATIVE PARENTS.
AS PART OF MY SKILLS & EXPERIENCES - RAISING 4 CHILDREN MEANT DEVOTING EACH DAY TO THE CARE & EDUCATIONAL DEVELOPMENT OF EACH CHILD TO THE BEST OF MY ABILITY IN ORDER FOR THEM TO BECOME INDEPENDENT CITIZENS.
AS A RESULT, MATTHEW HAD BEEN EXPOSED TO MANY CHANGES (DUE TO MOVING 8 TIMES) & ADJUSTMENTS (DUE TO NEW ENVIRONMENTS) AT A VERY EARLY AGE. THE FAMILY ALWAYS STAYED TOGETHER.
SCHOOL EVALUATIONS CHARTED MATT AS VERY MATURE FOR HIS AGE AS FAR BACK AS THE 4TH GRADE.
MATT [illegible]

BIRTH ORIGIN:
MOTHER - Mrs. J ANTUCCI - BORN IN USA
FATHER - ANGELO PENNACCHIO - BORN IN AQUILA, ITALY
CAME TO AMERICA 1917. WORKED ALL OF HIS LIFE
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FAMILY ALWAYS STAYED TOGETHER.
SCHOOL EVALUATIONS CHARTED MATT AS VERY MATURE
FOR HIS AGE AS FAR BACK AS THE 4TH GRADE.
MATT WAS & STILL IS A HIGH ACHIEVER. TEACHERS
SINGLED HIM OUT AS "EVERYONE SHOULD HAVE A
FRIEND LIKE MATT." HE BECAME A CUB SCOUT, HIS
FATHER JOINED AS SCOUT LEADER. TALENTED IN MUSIC & ART,
MATT WON A BLUE RIBBON FOR A PAINTING; TAUGHT HIMSELF
HOW TO PLAY THE DRUMS, PLAYED THE ACCORDIAN, HELPED

Don't

FORM A BAND. ALSO HE PLAYED FOOTBALL, LEARNED HOW TO COOK & BAKE @ 12 yrs OF AGE. AT ONE POINT WE LIVED ON A FARM & MATT WAS THE BEST ONE OF ALL @ MILKING OUR COW.
HE IS A MULTI TALENTED NURTURING INDIVIDUAL & A BROAD SENSE OF HUMOR WHICH COMES NATURALLY TO HIM MAKING HIM FUN & EASY TO BE WITH.
HE'S A good LISTENER & WILL GIVE HELP WHERE NEEDED.
AMONG HIS CREDITS, MATT HAS TRAVELLED THE WORLD OVER, HAS HAD HIGHER EDUCATION & ACHIEVED ULTIMATE SUCCESS @ HIS JOB WHICH BY THE WAY HE STARTED @ AGE 16 & RARELY MISSING A DAY.
MATT IS VERY EAGER & THOROUGH ABOUT ANY NEW UNDERTAKING. HE IS NOT KNOWN TO BE A QUITTER.
FROM HIS MOM'S POINT OF VIEW OR ANY OUTSIDER (I MIGHT ADD) - MATT IS TO BE ADMIRED AS A PERSON WHO BECAUSE OF HIS NATURAL TALENTS & HOW HE APPLIES THEM WILL ALWAYS GET MORE OUT OF LIFE THAN THE AVERAGE PERSON.
AND LAST BUT NOT LEAST, I'M PROUD OF HIM & LOVE HIM DEARLY.

SINCERELY
Ann Marie

Ann Mancuso
1075 Third Street
North Versailles, PA 15137
412-824-7991

Work Experience/Qualifications

~~Country Lane Pet Hotel, North Versailles, PA~~ 1988 to Present
Owner and Operator -- reopened the Country Lane Pet Hotel in North Versailles

Country Lane Pet Hotel, New Kensington, PA 1979
Owner and Operator

- Developed Bowerino Biscottos
- Developed formal training for animals and owners
- Worked closely with Animal Protectors which included housing and placing their dogs
- Formed Pet Exchange
- Continued working on developing doggie products

Registered Nurse 1953-1978

- Worked in the nursing profession during this time period.
- Attended Seton Hill College for a three month nursing program
- Three year nursing Degree - R.N. at Pittsburgh Hospital
- Presbyterian Hospital, Pittsburgh, PA; training program for *Cardiac Intensive Care* special nursing unit.

General Background Information:

1962-1968 - Very active in PTA in Verona, Pennsylvania. Was elected president but was unable to serve in this capacity due to my husband's transfer to Chicago.

Was being groomed to hold a political office in Verona, PA but was unable to because of the transfer.

Became active in the PTA in the Chicago area. Was active in organizing festivals; serving on committees.

High School -- Was vice president of Student Council Junior and Senior year. Member of various clubs [Leaders/Commercial/Chorus]. Leading parts in Junior and Senior Plays. Served on various committees for fund raisers.

Publications/Dog Behavioral Training/Consultations

Published book titled, "Discipline with Love". 1995
Formed Bite Prevention Team. 1996
Involved daily with Dog Behavioral Training and consultations.

January 26, 1998

From: Rachelle (Mancuso) Byers
Daughter of Matthew Mancuso

To: Russian Adoption Agency

First of all, I want to say that I have no problems with my dad adopting. Because that's the first thing my husband asked me - "Does it bother you if your dad is adopting another kid?" Actually, I think it's great! I think my dad is the perfect father for raising children because he is always calm about things. He deals with every situation firmly and with patience. He always seems to know the right way to handle everything and I admire that quality. I also think it is an important quality to have for raising children. He is also a very intelligent man and I think he will be a good teacher for any child. He also exercises a lot which means he has enough energy for children and I also know there is no problems on his financial end. So I know that won't be any problem. I always know my dad is there for me when I need him and he supported me all the way through culinary college. I love my dad and I think he did a pretty good job raising me even though they were divorced. I know he will do the same thing for another child. So I am all for it.

Sincerely,

Rachelle Byers

Rachelle Byers

1/25/98

Dear Adoption Council,

I have known Matt Mancuso for about 4 months and we have become very close friends. I feel that I am the primary female friend in Matt's life right now because we spend a lot of time together and we make plans to do things together almost every weekend. We met through a business relationship and now we see each other frequently, going to each other's house to have dinner or watch television or play cards. Sometimes we go shopping together or to a restaurant or something else. My 8 year old son is fond of Matt too and they have gone fishing together and to a Penguins hockey game. Matt also took Garret to where he works and showed Garret some of the big machines and that was a big hit. I trust Matt with my son and I feel that Matt is a good role model for Garret. I have been divorced for 3 years and I think Matt has been a good father figure for Garret too. When Matt told me he was thinking of adopting I was a little surprized but very happy and excited for him. I know that he enjoys children and being around them and I know he will make a good dad. Matt and I have talked a little bit about our future together but right now I know he wants to get the adoption taken care of first. As for what happens after that I think we will continue to spend time together and do things together because we get along very well. I am always in close contact with Matt and I will be anxious myself to get to know his new daughter when he brings her home. I live about 5 miles from his house so I'm sure I will be spending a lot of time with them when they get home. I admire Matt for taking this step in his life to adopt another child and I want to be a close part of helping him with a new daughter. He has already told me that I am his number one choice for picking out clothes for her because he says I am better at clothes shopping than he is. I also feel that I will be albe to offer motherly support for a little girl because I will probably be around her a lot. It will be fun for me to have a little girl to be around because I always wanted to have a daughter too and I am looking forward to it. There are not a lot of men that would want to take on this kind of responsibility and I think it is just a part of Matt's personality. He is not afraid to do things and make things happen and that's a big part of why I like him. I hope everything works out with the adoption process because I know Matt has been waiting a long time for this to happen.

Yours truly,

Denise Anderson

Denise Anderson

January 25, 1998

Matthew A. Mancuso
158 Shearer Road
New Kensington, PA 15068

Citizenship: USA
Passport: 091081336

As an adult, I have always loved being around children. I think it's because by nature, I am an easy going person and I have matured without losing my youthful side. Children make me happy, and when I am around them, I have a natural instinct to get involved in what they are doing. Whether it is playing outside games or reading from story books, I am drawn into their activities. It's not something that I purposely do, it's just the way I am.

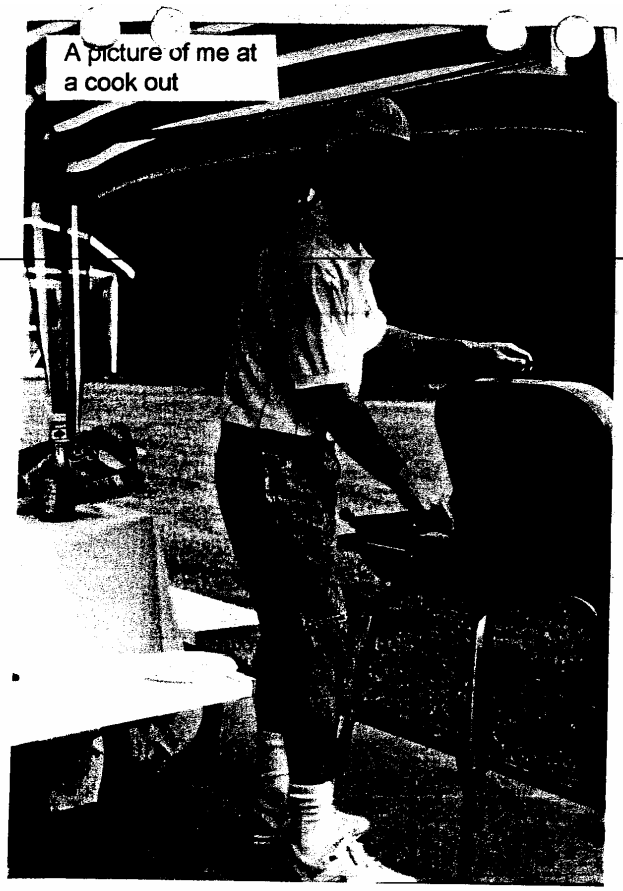
There are lots of people that I know who have children, and when I visit them, I'm usually greeted with "Hi uncle Matt". When kids approach me like that, I know that I have gained their friendship and trust, and it makes me feel needed and loved. A lot of times when I visit, I will spend as much time with the kids as I do with the adults. I like the enthusiasm that children have and I feel good inside when I am able to teach them something or answer their questions. As I've gotten older, I've noticed even more the way children respond to adult attention. I get a lot of satisfaction giving that attention.

This past summer, our company picnic was held at a nearby amusement park. Some good friends of mine were there with their two daughters, and I spent some time in the afternoon taking the kids through the park, riding the rides and playing some games. Later, when the girls were back with their parents, for some reason, I was particularly noticing their family group and how they interacted. I could see the bonded, dependent relationship between my friends and their young children and a strong feeling came over me. It was that day that I realized how much I wanted to have another child of my own.

After thinking more about my feelings and my situation, I also realized that my lifestyle had moderated in the past few years. I tend to be a domestic, stay-at-home type person now and I enjoy cooking and taking care of my house. I don't have any desire to chase the single's life anymore as far as going out to clubs and such. I am deeply rooted at home and that is where I want to be. With this direction, I knew that I needed to reestablish a family situation in my home and in my everyday life. It became clear to me that I really need the day to day routine and family tie to make my life complete. I then began to investigate the possibility of adoption.

I don't know if I am able to put all the right words together to explain my reasons for wanting to adopt, but I know that I have a deep feeling and desire to raise another child. I know I will be a patient, caring, and loving parent and I have the support of my family and friends in this decision. I have given a lot of thought to having another child in my life and I am very sure and anxious to make it happen. I have raised one daughter to adulthood, so I do know what to expect. Please understand that this is not something I thought up on a whim. This is something that is coming from my heart.

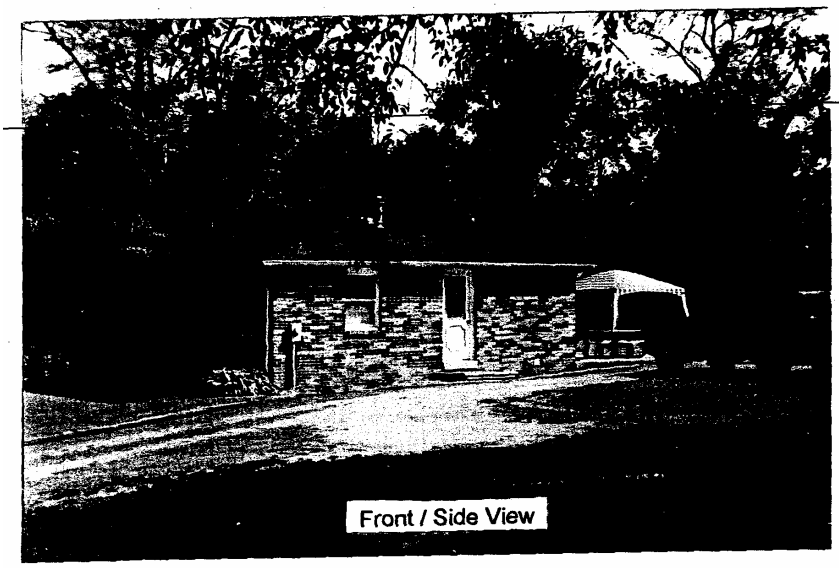
Matthew A. Mancuso



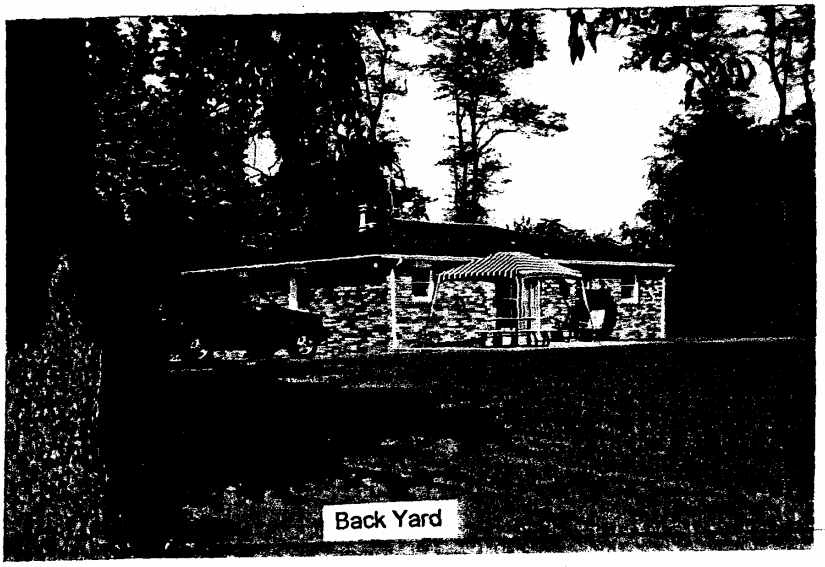
A picture of me at a cook out

Me with sister, mother and brothers

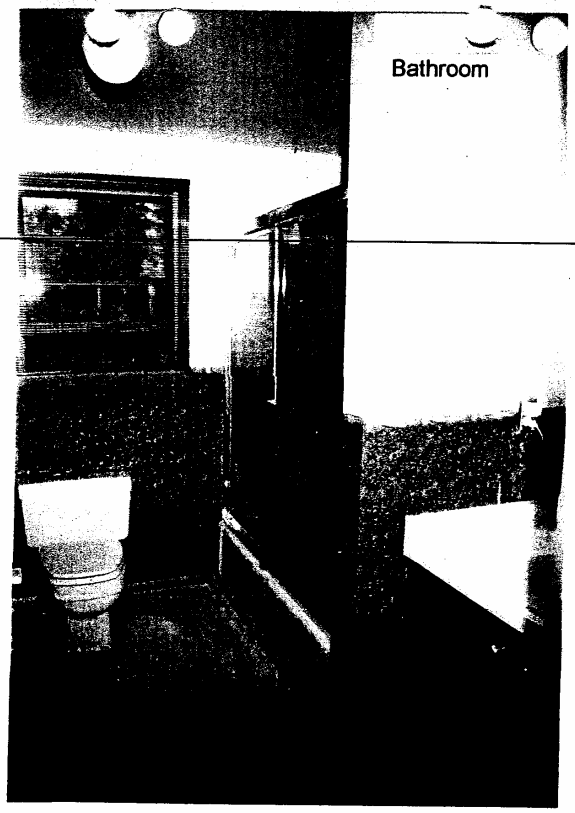
HOUSE

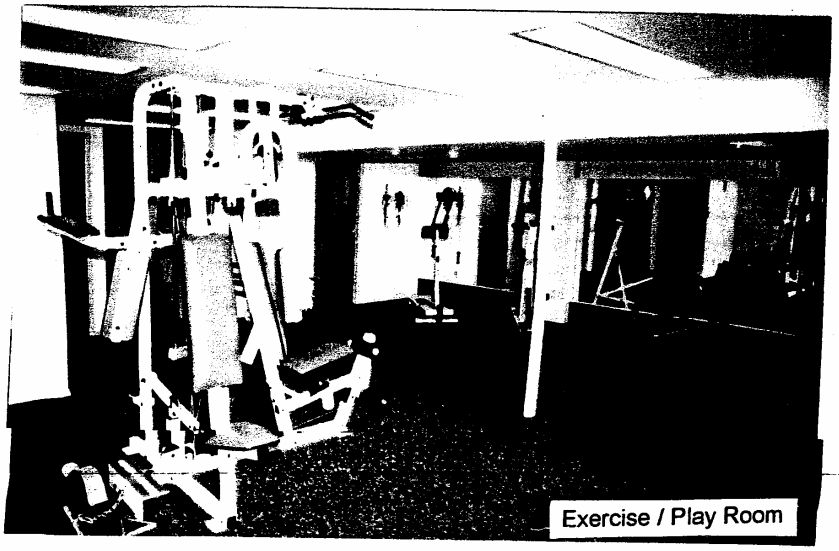


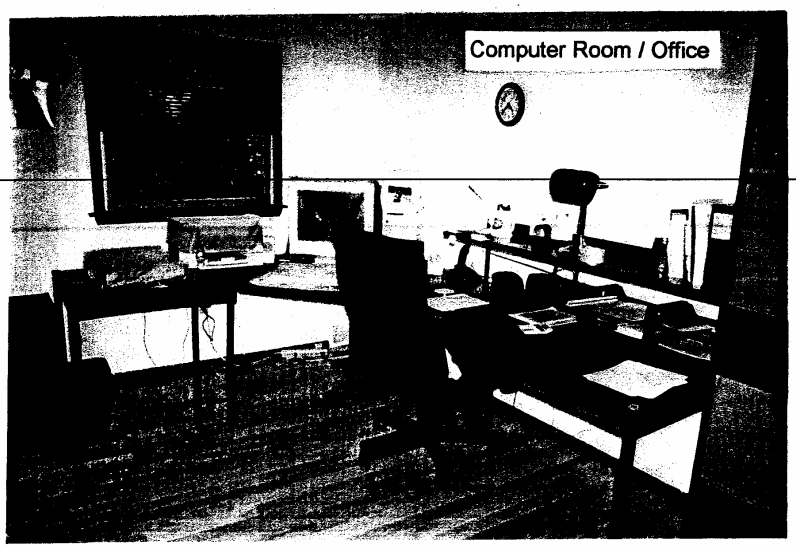
Front / Side View

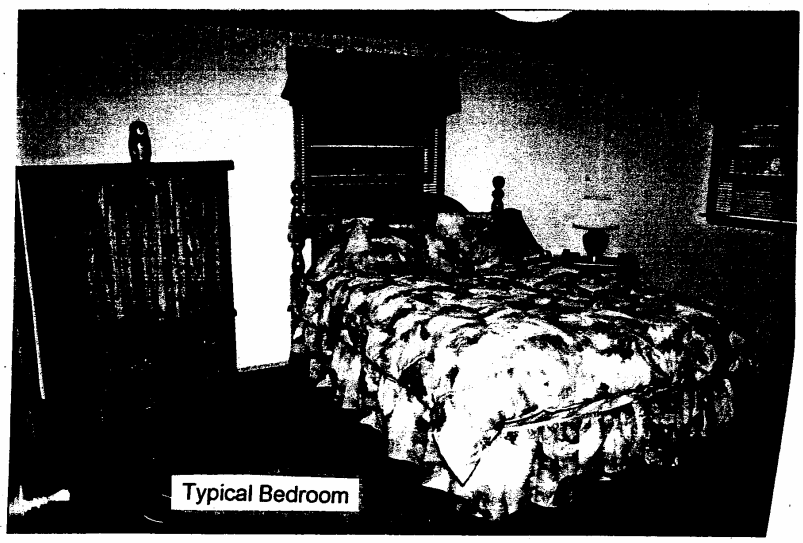


Back Yard


Bathroom


Exercise / Play Room


Computer Room / Office


Typical Bedroom

Kitchen / Dining Room

Living Room

6 SEPT.

HANNA

I HOPE THIS HELPS EXPLAIN MY POSITION AND PLAN ON THE "FEMININE NEEDS" QUESTION.

PLEASE CALL ME AT HOME IF YOU HAVE ANY QUESTIONS

THANKS

Ruth.

P.S. I KNOW IT MAY BE DIFFICULT, BUT I WOULD LIKE TO HAVE THE PHOTOS BACK IF POSSIBLE.

THANKS

Reaching Out thru International Adoption, Inc.

file sent to Indiana 4/1/98

[redacted]

Acknowledgement and Agreement

Tab 7

I/We have been informed of the formal separation between the Families thru International Adoption - New Jersey office and the FTIA Home Office in Indiana. I/We understand the New Jersey office has become an independent child placement agency now known as Reaching Out thru International Adoption, Inc. I/We have been presented with options of continuing my/our adoption and have indicated my/our preferences below.

____ I am aware that my adoption application and file are presently retained in the former NJ office of FTIA which is now an independent child placement agency known as **Reaching Out thru International Adoption, Inc.** It is my preference to continue working with the New Jersey office and I hereby grant permission for all documentation to be transferred to Reaching Out.

X I am aware that my adoption application and file are presently retained in the former NJ office of FTIA which is now an independent child placement agency known as **Reaching Out thru International Adoption, Inc.** It is my preference not to transfer my application and documentation to Reaching Out and to instead, have all documentation forwarded to the Families thru International Adoption, Inc. located at 971 A. S. Kenmore Avenue, Evansville, IN 47715. I understand that a representative from FTIA- Indiana will handle all future contact.

____ I/We wish to withdraw our application at this time.

Signature - Adoptive Applicant *Signature - Adoptive Applicant*

Name: MATTHEW A. MANGUS

Address: 155 SHEARER ROAD, NEW LEN, PA 15088

Program (China, Russia, Guatemala) RUSSIA

Form: RO LT93-1

Tab 8

Reaching Out

thru International Adoption, Inc.

Together.....we can make a difference in the life of a child

DATE: April 21, 1998

TO: Keith Wallace

FAX NUMBER: 812-479-9901

FROM: Jeannene Smith

NUMBER OF PAGES INCLUDING COVER: 3

Dear Keith,

I am in receipt of your fax dated April 21, 1998 regarding the fees due to our office at the present time. I feel that some things noted on your fax are in error and would like to clarify them at this time.

Mancuso - Mr. Mancuso has decided to remain with our office and Russia program. He has not transferred his application to FTIA. Therefore, the entire fee which was remitted to your office in the amount of $2050 is due and payable at this time. Mr. Mancuso has received his referral and will be traveling soon.

ep 08 06 12:00p JOSEPH TREPEL 3017704375 p.4

Reaching Out

Tab 9

thru International Adoption, Inc.

Together.....we can make a difference in the life of a child

Phone: 609-321-0777 312 S. Lincoln Avenue, Cherry Hill, NJ 08002 Fax: 609-321-0809

ACKNOWLEDGEMENT & AGREEMENT

I, Matthew A. Mancuso, the undersigned, hereby acknowledge receipt of the picture and medical information for my daughter Masha Yashenkova born on August 25, 1992. By our signature below, we are agreeing to complete the adoption of Masha Yashenkova through Reaching Out Thru International Adoption, Inc. by travelling to Russia when permitted by the Russian authorities. We further agree to submit the remaining portion of the agency fees due, in the amount of $1800.00, along with this signed acknowledgement.

Parent Signature

Date 1 MAY 98

Reaching Out thru International Adoption, Inc.

is happy to present to

Matthew A. Mancuse

Masha Yashenkova
Born August 25, 1992
Residing in Novashaktinsk, Russia

Tab 10

[redacted] 846

[redacted]

Pay To the Order Of Reaching Out Thru International Adopt $ [redacted]

Dollars

COMMERCE BANK NA

1-800-765-2000
101 SPRINGDALE ROAD
CHERRY HILL, NJ 08002

[redacted]

[redacted] [redacted]

[redacted] DATE [redacted]

PAY TO THE ORDER OF Reaching Out Thru Intl Adoption $ [redacted] 100 DOLLARS

United National Bank

Regional Banking Center
One Datum Center
5100 S. Dixieland Blvd., Miami, Florida 33156

MEMO [redacted]

[redacted]

MATTHEW A. MANCUSO
158 SHEARER RD.
NW KENSINGTON, PA 15095-9319

1370

Date 2 MAY 08

Pay to the order of Reaching Out Through Int'l Adoption INC $ 1800.00

One Thousand Eight Hundred — 00/100 Dollars

Mellon Bank
Mellon Bank, N.A.
Pittsburgh, PA
Downtown, PA

SMART

Memo

⑈04300028⑆ 661⑈5651⑈ 1370

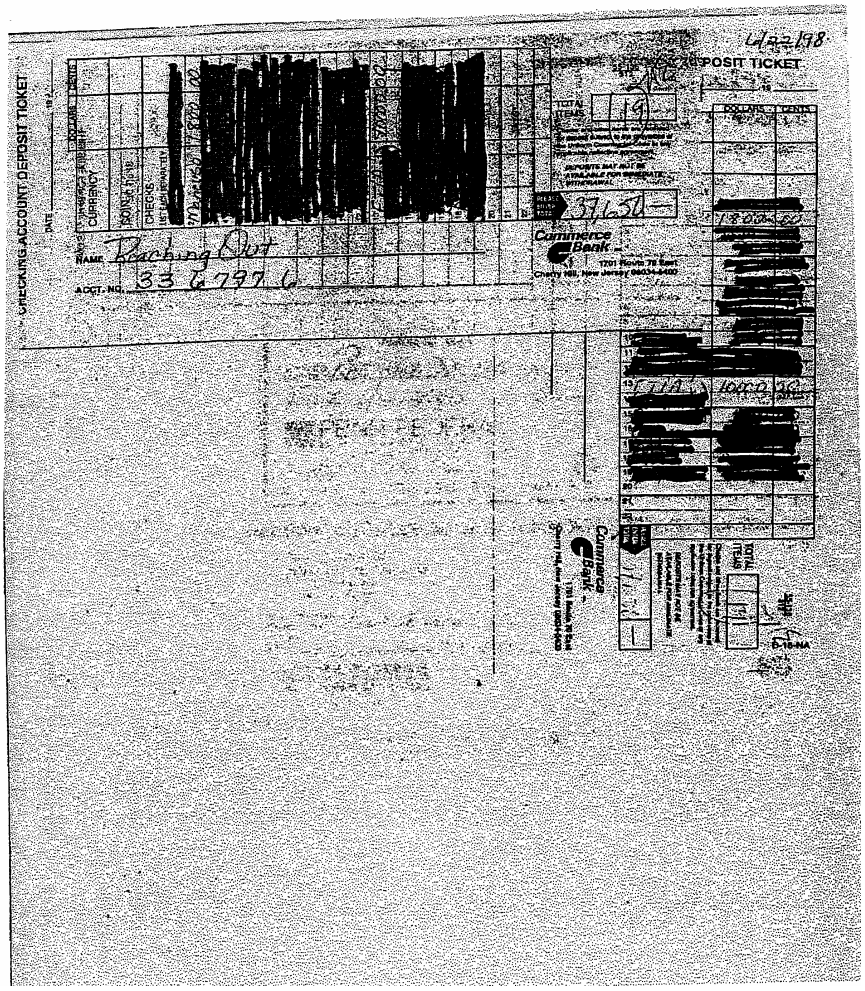
10

[redacted]

PAY TO THE ORDER OF REACHING OUT $ [redacted]

PNCBANK
PNC Bank, N.A.
New Jersey 050

[redacted]



CHECKING/ACCOUNT DEPOSIT TICKET

DATE

NAME Reaching Out

ACCT. NO. 33 6797 6

CURRENCY

COINS

CHECKS

TOTAL ITEMS 19

Commerce Bank

DOLLARS CENTS

4/22/98

DEPOSIT TICKET

TOTAL ITEMS 19

Commerce Bank

The TJS Company

The TJS Company
968 E. County Ln.Rd.
Lakewood, New Jersey
08701, USA

..one: (732) 906-3862
Phone: (732) 901-4293
Fax: (732) 905-2724
E-mail: jame@mail.idt.net

[redacted]
Tab 11

Facsimile

To: Matthew Mancuso
CC: Jeannene Smith
@Fax: (609) 321-0777
From: Serguei Dymtchenko
Date: Monday, May 18, 1998 @ 22:15 PM
Re: Travel
Pages: 3, including this

Dear Matthew,

I would like to remind you that you have to take cash (in new hundred bills) with you for

Donation	$2000
Passport, photos, certificate of adoption, birth certificate, translation of the child dossier	$615
Lodging, meals, transportation, etc. in Rostov for 8 days (in case if judge does not wave 10 days period)	$1560
Traveling to the Novoshakhtinsk orphanage 11 days x $35 (in case if judge does not wave 10 days period)	$385
Total (paid in Rostov)	**$4560**
Medical exam in Moscow	$100
Visa for a child	$325
Total (paid in Moscow)	**$425**

I would recommend you to take some extra cash, just in case.

Best regards,
Serguei.

P.S. I hope, you have checked that US Embassy in Moscow received the verification cable from INS, and Jeannene Smith informed you that you have to bring with you a notarized I-864 form (affidavit of support) and tax returns for the last 3 years

Also please tell your relatives and friends the phone number in Rostov 011-7-8632 548676 where to call you.

THE TJS COMPANY

958 East County Line Road, Lakewood, New Jersey 08701 USA

♦♦♦ INVOICE

♦♦♦

TOTAL DUE 6,105.00

Salesperson
Invoice number 53[illegible]
Invoice date [illegible]98
Customer ID
Terms
Date shipped
Shipped via
FOB
Prepaid / Collect
Tax exempt
Reason
Exemption no

♦♦♦

SOLD TO

Name [illegible]tthew Mancuso
Address (line 1) [illegible]hwarer Road
Address (line 2)
City, State or Prov [illegible]ensington, PA
Postal code, Country [illegible]5085
Phone [illegible]335-3169
Fax
Company name

♦♦♦

SHIPPED TO

Retype the following [illegible] name and address are not the [illegible] SOLD TO name and address

Name
Address (line 1)
Address (line 2)
City, State or Prov
Postal code, Country
Company name

QTY	DESCRIPTION	PRICE EACH	TOTAL
	TICKETS		
	SERVICES IN MOSCOW		
	SERVISES IN ROSTOV		
1	Country fee	4,500.00	4,500.00
7	Accommodation, transportation, etc. in Rostov	195.00	1,365.00
3	Postplacement reports translation, including shipping handling to Rostov.	80.00	240.00

Please make checks payable to.
The TJS Company
958 East County [illegible] Lakewood, New Jersey 08701 USA

SUBTOTAL	6,105.00
Sales tax %	
SHIPPING & HANDLING	
PAYMENTS	
PLEASE PAY THIS AMOUNT	6,105.00

TERMS:

Sheet1

SCHEDULE

Matthew A. Mancuso

Date	Description	Notes
06.22.98	JFK - Moscow	
06.23.98	Moscow - Rostov	
06.24.98	First visit to the orphanage	
06.25.98	Court	
06.26.98	Visit to the orphanage	
06.27.98	Visit to the orphanage	
06.28.98	Sunday's program	
06.29.98	Visit to the orphanage	
06.30.98	Visit to the orphanage	
07.01.98	Visit to the orphanage	
07.02.98	Visit to the orphanage	
07.03.98	Visit to the orphanage	
07.04.98	Visit to the orphanage	
07.05.98	Sunday's program	
07.06.98	You take a child home	
07.07.98	Preparation of the child's dossier	
07.08.98	Rostov-Moscow	
07.09.98	Med.Exam.	
07.10.98	Interview at US Embassy	
07.11.98	Moscow-JFK	

* Please take note, that schedule may change in according with the circumstances.

THE TJS COMPANY

958 East County Line Road, Lakewood, New Jersey 08701 USA

INVOICE

TOTAL DUE 128.00

Salesperson
Invoice number
Invoice date
Customer ID
Terms
Date shipped
Shipped via
FOB
Prepaid / Collect
Tax exempt
Reason
Exemption no

SOLD TO

Name Mancuso
Address (line 1) Bearer Road
Address (line 2)
City, State or Prov ington, PA
Postal code / Country
Phone
Fax
Company name

SHIPPED TO

Retype the following name and address if the SHIPPED TO name and address:

Name
Address (line 1)
Address (line 2)
City, State or Prov
Postal code / Country
Company name

QTY	DESCRIPTION	PRICE EACH	TOTAL
1	Portfolio translation	128.00	128.00

SUBTOTAL	128.00
Sales tax %	
SHIPPING & HANDLING	
PAYMENTS	
PLEASE PAY THIS AMOUNT	128.00
TERMS:	

Please make checks payable to:
The TJS Company
958 East County Line Road Lakewood, New Jersey 08701 USA

Tab 12

Reaching Out

thru International Adoption, Inc

Together.....we can make a difference in the life of a child

Phone: 609-321-0[illegible] *312 S. Lincoln Avenue, Cherry Hill, NJ 08002* *Fax: 609-321-0809*

Mancuso, Matthew
158 Shearer Road
New Kensington, PA 15068
Monday, March 08, 1999

Dear Matt,

We hope that you and your child are continuing to do well and thrive as a family. In order to continue helping other parents and Russian children unite as a family, we as an agency must comply with the Russian government's requirement to provide Post-Placement Reports. When you adopted your child, you were informed that these reports must be provided for a three year period. These reports should be scheduled as follows:

Two Months Post Adoption 4/98
Nine Months Post Adoption 9/99
Eighteen Months Post Adoption 12/99
Three Years Post Adoption 9/2000.

The Post Placement Report should be written by a licensed social worker. It does not have to be the social worker who conducted your home study, if you wish to hire another individual. The report should contain the following information:

1. Information on your child's adjustment
2. Your adjustment
3. An assessment of your child's health, including height, weight, pediatrician's information, and vaccinations
4. Your child's sleep and eating habits
5. Your child's daily routine
6. Your child's day care or school arrangements
7. Your family's reaction/acceptance of your child

The report should be approximately 2 to 4 pages in length. It should be notarized. You also need to submit 5 to 7 photos of your child alone and with you. You need to photocopy your court documents if we have not already received a copy. If this is the first Post Placement Report, you should also include a typed letter thanking the Russian Officials, and giving your own interpretation of your child's adjustment.

If you live in NJ and would like me to conduct your Post Placement visit, please contact me so that we can discuss the fees and schedule an appointment.

We look forward to receiving your Post Placement Report. Serguei, our coordinator, has asked us to get these reports to him no later than May 1, 1999. We greatly appreciate your cooperation in getting your report to us by this date. Please call me with any questions that you may have.

Sincerely,

Leslie Breslau, LCSW
Casework Supervisor

7/15/98: SENT MATT A WELCOME HOME LETTER AND POST-PLACEMENT SCHEDULE. 11-98, 3-99, 7-99.

9-25-98: Received letter and photos from Matt. Sent to Tanya (a copy) via UPS and Jeannene has originals for Newsletter

2-24-99 Left a message requesting a post placement report. — LB

3-30-99: Filed copy of post-placement and gave to Leslie to mail to Sarguei. Filed copy in chart - HD

11/16/2000 Sent P.P. #4 to Matt Mancuso. Next is due 7/2001.

[redacted]

Tab 13

Social Services of Western Pennsylvania

7515 Beaver Run Road • Delmont • PA • 15626

Phone: (724) 468-2950 Fax: (724) 468-8245

March 23, 1999

Families Through International Adoption
312 S. Lincoln Avenue
Cherry Hill, NJ 08002

On behalf of the Matthew A. Mancuso family, enclosed is a post placement report on their adopted child, Masha.

Sincerely,

Francis White

Francis White
ACSW,LSW

Social Services of Western Pennsylvania

7515 Beaver Run Road • Delmont • PA • 15626 Phone: (724) 468-2950 Fax: (724) 468-8245

Adoption Post Placement Report March 23, 1999
Progress report on: Masha (Maria) Mancuso

Nursery Name (Russian name of child)
Masha Yashenkova

Sex, Age, Date of Birth
Female, 6 yrs old, August 25, 1992

Parents
Mr. Matthew A. Mancuso - father

Address
158 Shearer Road
New Kensington, PA 15068

Placing U.S. Agency
Families Through International Adoption
Cherry Hill, New Jersey

Russian Institution/Agency/Orphanage (and address)
Orphanage (name unknown), Novoshaktinsk, Russia

Date of relinquishment to orphanage
January, 1997

Date child left orphanage (in custody of adoptive parents)
July 2, 1998

Date of guardianship
July 9, 1998

Date of arrival in the United States
July 11, 1998

Family Description
The immediate family consists of Mr. Matthew Mancuso, father, and his adopted daughter, Masha. Mr. Mancuso's mother, sister, and brother-in-law live nearby and are part of the immediate family.

Adoption Background
Masha is of Russian descent. At the age of four, she was placed in an orphanage in Novoshaktinsk, Russia. Mr. Mancuso adopted Masha in Russian court in June of 1998 and escorted her to the United States on July 11, 1998.

Initial Adjustment Period
Masha adjusted very quickly to her new home and family. She understands the concept of having a new family and has not displayed any signs of rejection. Masha has developed a strong paternal bond with Mr. Mancuso. There is no evidence of attachment disorder or withdrawal. Masha has not

shown any negative behavior problems.

During the first few months, Masha was quiet and shy around new people. Mr. Mancuso feels it was largely due to the initial language barrier. Masha has become more outspoken as her understanding of English has grown. Masha now communicates in English very well and she no longer speaks Russian.

Masha has not been eager to try new foods. Her diet is very plain, probably because of her upbringing.

Parents' Adjustment
Mr. Mancuso has changed his work schedule slightly to accommodate Masha's school and day care times. He has added a new room to their house primarily for Masha's activities and toys.

Family Adjustment
The extended family has accepted Masha and there have not been any problems between family members due to the adoption.

Physical Development
Masha has shown a dramatic improvement in motor skills and coordination. She is a very active child and Mr. Mancuso has spent a lot of time with her at the local park where she climbs and plays on the playground equipment. Masha's current weight is forty-one pounds. Masha's current height is forty-five inches.

Personality
Masha is a very cheerful and playful child. She is kind and generous to everyone. Masha is shy with adults she doesn't know but eventually she likes to be their center of attention. Masha likes to participate in group activities but she is also content being alone when coloring or doing puzzles.

Daily Routine
In the morning, Masha has breakfast at home before going to Pivik Elementary School where she attends morning kindergarten. At noon she is taken by school bus to a day care facility where she eats lunch and then spends the afternoon playing and socializing with the other children. Mr. Mancuso picks her up at 4:00 p.m. and takes her home. In the evening Masha has dinner at home, does her homework, plays with her toys, plays computer games, and watches cartoons on television. On Saturdays, Mr. Mancuso has been taking Masha to the local high school for swimming lessons.

Health
Masha has had regular visits to a pediatrician. She does not have any chronic medical conditions. She is having additional vaccinations on a scheduled basis to meet school district requirements. Masha is taking daily vitamins as prescribed by her physician.

Masha has had four dental appointments to take care of severe tooth decay. At this time her dental work is complete and she will now be on a bi-annual schedule of regular check-ups.

Two opticians have also examined Masha to evaluate her vision and crossed eyes. They have prescribed eyeglasses to correct her vision which she now wears all of the time. Corrective surgery for her crossed eyes is optional and would be for cosmetic purposes only. Mr. Mancuso has not made any decision on eye surgery for Masha at this time.

Education and School

Masha is enrolled in kindergarten at Pivik Elemetary School in Plum Borough, PA where she attends a four hour morning session. Twice a week, she meets with a speech teacher who helps her with English vocabulary and sentence structure. In spite of the initial language barrier, Masha is considered to be an above average student by her teacher. She does not show any learning disabilities. Masha now speaks fluent English and has forgotten how to speak Russian. She can also read and write many English words as well as do simple addition and subtraction. In the afternoon, Masha attends Sunnyside Day Care where she plays with other children. The day care has indoor and outdoor facilities including a computer that Masha enjoys.

Immigration and Legal Status

Masha has received her United States Alien Registration Card. Mr. Mancuso has filed the necessary documents for Masha's U.S. citizenship, which is pending. Masha has received a U.S. Social Security number. Mr. Mancuso has not yet re-adopted the child in the state of Pennsylvania but intends to do so.

Summary

Masha is a well adjusted child and there have not been any problems associated with her adoption.

I declare the above to be true and correct to the best of my knowledge and belief.

Francis White

Francis White ACSW,LSW

State of Pennsylvania)
)SS.
County of Westmoreland)

Before me this 24th day of March 1999, personally appeared the undersigned and acknowledged to me that the information in this document is true and correct.

Notary Public

[redacted]
Tab 14

Post-Placement Supervision

9/00 T. C. interview conducted by A. Perry. Updated by C. Eiferman

Date of Interview: _____

Name of Parents: _____

Address: 158 Sheras Rd
New Kensington Pa 15068

Phone: –

Name of Child at Birth: _____

American Name: _____

Child's DOB: _____

Court Date: _____

Pediatrician: Dr Kaur - NK Pa

Medical Information/Immunizations:
Excellent - up to date on all shots
wears glasses: nearsighted...

Weight at Arrival: _____ Weight at Now:: 48" Gain: _____
Height at Arrival: _____ Height Now: 50 lbs Gain: _____

Daily Routine: (Sleep habits, eats, drinks?)
7:30 Dressed to school 8:30 Quik Elementary
2nd grade 3:30 – Play till Dinner
out - homework Bed 8:30 9:00 pm

Favorite Toys: Artistic - crayon color Paints crafts
Card games

likes reading + writing

Developmental Progress: Progress excellent - wonderful child - one family - very motor skills very good good grades - Excellent - straight A's. Russian all gone - want to speak English

Social Butterfly very sociable like relates & adjusts Shy with those she doesn't know

Reactions of family and friends: Totally accepted

Adjustment of people in household: —

Child Care: — No - here - during day —

Other Comments: A wonderful experience

Changed for the Better sense of family teach - parenting value of Mary 23 yrs old daughter - Better more time easier 2nd time around

Citizenship: US citizen in ~~1999~~ 8/17/99.

dentist: Dr. Ko ~~Das~~ Oaklawn Pa

Tab 15

Reaching Out
thru International Adoption, Inc

Together.....we can make a difference in the life of a child

Phone: 609-121-0777 [redacted]

Adoption Post-Placement and Court Report

I. **Post-Placement Supervision Date: November 15, 2000**
Social Worker: Carol M. Elferman, MSW, LCSW
License Number: SC 14232

II. **IDENTIFYING INFORMATION:**

Child's Adopted Name: Masha (Maria) Mancuso
Child's Birth Name: Masha Yashenkova
Child's Date of Birth: August 25, 1992
Health Status at time
Of Adoption: Good

III. **ADOPTION INFORMATION:**

Name of Adoptive Parent(s): Matthew A. Mancuso
Address: 25 Shearer Road
New Kensington, PA 15068
Telephone Number: 724-335-0798
Placement Agency: Reaching Out thru International Adoption, Inc.
Date Child Was Received: July 7 1998

IV. **THE INTERVIEW:**
This worker interviewed Matthew Mancuso on November 15, 2000. Mr. Mancuso was eager and happy to talk about his daughter Masha.

V. **THE CHILD**

A. *Motor and Speech Development*

Masha's speech and motor development is within normal range. She has excellent fine and gross motor skills. She demonstrates an age appropriate use of English.

B. Health Status

Masha's health is excellent. Masha is current on all immunizations Her pediatrician, Dr. Kaur of New Kensington, Pa., sees her on a regular basis. Masha

now weighs 50 pounds and is 48 inches tall. She continues to wear glasses to correct her vision problems. She receives routine dental care from Dr. Co of Oaklawn, Pa.

C. Personality

Masha is a happy, cheerful and outgoing child. Her second grade teacher describes her as a social butterfly who gets alone well with other children. Mr. Mancuso states that Masha is initially shy around adults until she gets to know and feel comfortable around them.

D. Daily routine

Masha gets up at 7:30 each morning. She dresses eats and leaves for school at 8:30AM. Masha attends the second grade at the Pivik elementary school in New Kensington, PA, has no trouble in school and earns high academic grades. Masha returns home at 3:30 and plays until supper. After supper she does home work, watches television and goes to bed at 8:30 or 9 PM. Masha is very artistic and enjoys coloring drawing, painting and doing crafts. She is also learning to play card games.

VI. THE FAMILY

A. Family Adjustment

Mr. Mancuso states the Masha's transition into his family is complete. He relates that it seems like she has always been a part of his life and he is enjoying being a parent again. Both he and Masha have a real sense of being a family. Masha has been fully accepted by all family and friends as Mr. Mancuso's daughter.

B. Childcare

Mr. Mancuso has arranged his work schedule so he can be at home when his daughter is not in school.

C. Citizenship Status

Masha was awarded U.S. citizenship on August 17, 1999.

VII. SOCIAL WORKER'S RECOMENDATION:

It appears that Masha (Maria) Mancuso, nee Masha Yashenkova, has adjusted well in the home of Mr. Mancuso.

to Masha. The family adjustment has gone smoothly. Their home is full of love and warmth. This placement was very much in the best interest of the child.

I am a Licensed Certified Social Worker in the State of New Jersey and have the authority to conduct post-placement supervision for *Reaching Out thru International Adoption, Inc.*, a licensed Home Study/Adoption Agency in the State of New Jersey.

Name: Carol M. Elfernan, LCSW
Carol M. Elfernan, MSW, LCSW
Casework Supervisor

Date: Nov. 15, 2000.

Reaching Out
thru International Adoption, Inc.

Tab 16

Together...we can make a difference in the life of a child

SUMMARY/TIMELINE

I have put together a summary/time line of the information you requested in our meeting. Please note the following information:

Association with Families thru International Adoption (FTIA).

- Jeannene Smith became employed as the NJ Branch Representative of FTIA in July 1996. In this capacity, I held local information meetings, worked to create an awareness of the FTIA programs, and provided general assistance to adoptive families in getting started and provided assistance with questions on completing their required paperwork for the foreign country serving as a client liaison and general source of support. (Non-related to this particular case, I also later became involved with researching foreign requirements and traveling to Guatemala and Vietnam to help FTIA in establishing a program in these two countries.)
- All applications received in the NJ office were forwarded to the FTIA Indiana office upon receipt along with any accompanying fees.
- All client documents were submitted to FTIA Indiana upon receipt (i.e. dossier, home study, etc.) along with any accompanying fees.
- At no time was there an FTIA bank account retained for the NJ office. All FTIA fees collected were submitted to the FTIA Indiana office upon receipt.
- The NJ office did not have a Social Worker or Social Work Supervisor on staff. The FTIA Indiana office completed all social work supervision and review of home studies.

Families thru International Adoption, Inc. establishes Russia Program

- FTIA Russia program developed Feb/Mar 1997 with Serguei Dymtchenko (aka the TJS Company). Keith Wallace, Executive Director of FTIA Indiana flew to Newark, NJ to meet with Serguei Dymtchenko to establish Russia program with Serguei serving as the Russian Foreign Coordinator. Serguei and his wife Tonya, own a home in Rostov-on-Don, Russia. Tonya Dymtchenko previously worked for the Ministry of Education in Rostov-on-Don, Russia.
- FTIA New Jersey office to begin working with the Russia program in the following manner
  - Client applications received in the NJ office for Russia Program to be submitted to FTIA Indiana upon receipt.
  - FTIA NJ office would provide assistance to clients in gathering documentation (i.e. how to fill out I-600a, what documents were required by the foreign country, how to have documents notarized, certified/apostilled, authenticated, etc.
  - When dossier (foreign required documents) and home study were completed, NJ office would submit completed dossier to FTIA Indiana along with accompanying fees.
  - FTIA Indiana would process dossiers, review and approve home study and send/register dossier in foreign country
  - When adoptive family received a referral, FTIA-NJ would send the Travel Guide to help families prepare for traveling, and would receive Referral Acceptance Fee which was then documented in the file and forwarded to FTIA Indiana for processing/deposit.
  - After referral acceptance, FTIA-NJ would continue to assist client with travel preparation.

Phone: (856) 435-2222 144 S. White Horse Pike, Somerdale, NJ 08083 Fax: (856) 435-3555
Email: ReachOutNJ@aol.com

Reaching Out
thru International Adoption, Inc.

Together...we can make a difference in the life of a child

- Adoptions were completed in Russia and registered to: Families thru International Adoption, Inc., 971A South Kenmore Drive, Evansville, IN 47714 (I believe address may have since changed)
- FTIA Indiana would handle all Post Adoption and Post Placement Supervisory follow up.

Matthew Mancuso contacts and applies to FTIA

- File notes indicate that Mr. Mancuso telephoned the FTIA-NJ office on 8/4/97 to request an information package. A notation was made that he learned of FTIA via the Internet.
- 9/3/97: Application received in the FTIA-NJ office. Received ck# 1289 in the amount of $400 made payable to FTIA. Submitted application and check to FTIA Indiana on 9/3/97.
- 12/19/97: Dossier received in FTIA-NJ office. Received ck# 1321 in the amount of $2,050. payable to FTIA. Submitted dossier and check to FTIA Indiana 12/23/97.
- FTIA Indiana submitted and registered adoption dossier in Russia and sent NJ office copy of Dossier submission form.
- May 1, 1998 Mr. Mancuso received referral.
- May 14, 1998: Notation made in file that Mr. Mancuso paid $1800 by ck# 1370. There is no copy of the check (only a note in file) to indicate who the check was made payable to.
- May 18, 1998: Ck# 1374 in the amount of $1950 (listed on check as 10-day in-country lodging) and Ck#1375 in the amount o $4500 (listed on check as "country fee") were received by Reaching Out in error and remain in the file UNCASHED. Client directed Reaching Out to tear off signature of check and he would re-issue to correct parties.

Dissolution of FTIA-NJ Office

- In December 1997, NJ State licensing conducted an investigation of FTIA. Anna Montes (NJ State Licensing Adoption Agency Coordinator) prepared report indicating that she had interviewed Keith Wallace, Director of FTIA Indiana by telephone on several occasions and Mr. Wallace was sent an application to apply for licensing as he indicated he wanted to comply with NJ regulations.
- On January 20, 1998 Mr. Wallace informed NJ Licensing Bureau that he decided not to apply for a license in New Jersey. On January 29, 1998, a letter from Mr. Wallace notified Jeannene Smith that the New Jersey office had been closed and that all clients had been notified that FTIA Indiana would handle all future correspondence throughout the remainder of their adoption process.

Creation of Reaching Out thru International Adoption, Inc. (ROTIA)

- ROTIA became incorporated on February 11, 1998 as a non-profit corporation
- ROTIA submitted application for licensing to NJ State Licensing Bureau Feb. 28, 1998
- ROTIA received verbal notification in May 1998 from NJ State Licensing that all obligations had been met and a Certificate of Approval would be issued.
- ROTIA received their Certificate of Approval as a licensed child placement agency in New Jersey in June 1998 and began formal processing of adoptions.

Mr. Mancuso contacts Reaching Out

- In May 1998, Mr. Mancuso contacted Reaching Out thru International Adoption, Inc. with grievances against FTIA's responsiveness and follow up since his case had been transferred

Phone: (856) 435-2222 144 S. White Horse Pike, Somerdale, NJ 08083 Fax: (856) 435-3555
Email: ReachOutNJ@aol.com

Reaching Out
thru International Adoption, Inc.
Together...we can make a difference in the life of a child

to the Indiana office. Although he had received a referral of a child, he was reluctant to proceed because of the lack of response he was receiving. He claimed nobody returned his calls and the service was poor. Mr. Mancuso asked if Reaching Out could assist him in making his final travel arrangements and provide guidance and assistance.

- Due to the former relationship established with the client, Reaching Out agreed to assist with final arrangements wherever possible. Serguei Dymtchenko, the FTIA Russian coordinator, agreed to allow Reaching Out to assist client with final travel arrangements. Serguei Dymtchenko sent instructions and travel itinerary directly to Mr. Mancuso and copied Jeannene Smith. Jeannene Smith sent client a Russia Travel Guide and discussed travel preparation plans with prospective client. Client submitted check to Reaching Out for final fees by mistake. Reaching Out advised client to re-issue check directly to the TJS Company (as was indicated on the original invoice) and Reaching Out still retains the original check (uncashed) in the copy file with the signature torn off as per clients instructions. Mr. Mancuso issued a new check directly to the TJS Company.
- When Mr. Mancuso left for Russia, Reaching Out sent to Mr. Mancuso a copy of the standard Welcome Home Package to provide information necessary for adoptive parents to know "after arrival". This guide covers issues such as the first pediatricians visit, how to obtain a social security number for the child, re-adoption, how to apply for citizenship and instructions for out-of-state clients to contact a local social service organization to arrange for post placement visitation with a schedule of post placement reports due to Russian authorities (with a copy of the post placement schedule for submission to a local service agency).

Post Adoption

- Although Reaching Out was not the placing agency on record, due to our involvement at the end of the case – and because of Mr. Mancuso's grievances against FTIA, Reaching Out did attempt to encourage and provide instruction on appropriate post placement scheduling to help insure that the client understood the importance of post placement reporting for all internationally adopted children from Russia.
- On September 20, 1998, Mr. Mancuso submitted a story and photos for submission in an adoption newsletter.
- A post placement report was received on March 23, 1999 from Social Services of Western Pennsylvania,7515 Beaver Run Road, Delmont, PA 15626

Phone: (856) 435-2222 144 S. White Horse Pike, Somerdale, NJ 08083 Fax: (856) 435-3555
Email: ReachOutNJ@aol.com

May 2003

JOINT COUNCIL ON INTERNATIONAL CHILDREN'S SERVICES MEMBERSHIP CRITERIA AND DISCIPLINARY ACTION PROCEDURES

ORGANIZATIONAL MEMBERSHIP

(a) Membership Criteria

1. Organization membership shall include any non-profit North American organizations or U.S. licensed, non-profit agencies that directly or indirectly arrange for intercountry adoption placements; or provide pre-placement or post-placement services; or provide adoptive parent support services, that are concerned with international adoption, or provide services to children in countries other than Canada and the United States of America. Each Member organization shall have one vote.
   (a) All U.S. agency Members must be 501(c) (3) entities in good standing.
   (b) All U.S. agency Members must be currently licensed entities in good standing.
   (c) Non-agency Members must have proof of non-profit status.
   (d) All non-U.S. organizations shall be considered for approval by the BOD on a case-by-case basis.

2. Members whose application is denied will receive written notice within 10 days as to the reasons for denial. Members who have had their application denied may file an appeal within 10 business days and provide additional documentation to the BOD for review. If the application is again denied, the Member may reapply for Membership in the following calendar year.

JCICS DISCIPLINARY POLICY

(b) Disciplinary Policy

1. ***Introduction***

   a. JCICS members agree to abide by the tenets of JCICS's Standards of Practice and to remain free from disciplinary action. When JCICS receives information about a member who is alleged to have violated the Standards of Practice or has otherwise been subject to formal disciplinary action in a matter related to professional practice or conduct by a state licensing board or accrediting entity or through the judicial process, the JCICS Review Committee will review the matter and determine whether disciplinary action against the member is warranted. All JCICS disciplinary procedures have been developed to make sure that JCICS acts fairly and in accordance with due process principles.

   b. All timelines and deadlines set out in this document may be extended, at the discretion of the Review Committee, for periods of up to an additional thirty (30) days upon written request containing a reasonable explanation of the need for the extension.

2. ***Standing to Lodge a Complaint***

   a. Any individual may lodge a complaint of possible violation of the Standards of Practice or JCICS policies and procedures, whether or not the individual is a member of JCICS. A complaint must be in writing. Complaints must include the name, position, address, telephone number, and signature of the author(s) of the complaint, a statement of the alleged violation including references to specific JCICS Standards

of Practice that are believed to have been violated, and any supporting documentation including a summary of attempts taken with the agency to resolve the problem. The events in question must have occurred after May 2003, the date this policy was enacted, for the complaint to be considered. Complaints will not be considered if they fail to meet these requirements. Complaints will be logged by JCICS staff and forwarded to the JCICS Executive Director.

b. Upon receipt of the complaint, JCICS staff or the JCICS Executive Director will perform a preliminary assessment of the complaint. The preliminary assessment will determine if the submission (i) contains unreliable or insufficient information on which to proceed, (ii) is frivolous or inconsequential, or (iii) does not raise a matter within the scope of JCICS's jurisdiction. JCICS will have thirty (30) days to evaluate the complaint.

c. The JCICS complaint procedure is not a substitute for a court of law. JCICS may, in its discretion, defer complaints if litigation or other enforcement action has commenced or is pending with regard to the subject matter of the complaint, or for other exigent circumstances. JCICS may also, in its discretion, refer matters to federal state, or local government agencies in appropriate situations.

d. The complainant will be notified if the complaint has been dismissed after the preliminary review by staff, referred to the JCICS Review Committee, and/or referred to the appropriate federal, state, or local agency.

e. In the event an interim Executive Director with an agency affiliation is appointed, complaints will be logged by JCICS staff and forwarded directly to the JCICS Review Committee.

3. ***Relationship to and Effect of State Disciplinary or Legal Action***

a. JCICS's disciplinary actions are independent of disciplinary sanctions imposed by state licensing boards, accrediting entities, or through the judicial process. JCICS reserves the right to take disciplinary action irrespective of any action taken or not taken by any state licensing board, accrediting agency, or any other administrative, regulatory, or judicial body.

b. A JCICS member that is the subject of investigation by a state licensing board, accrediting agency, or criminal investigation notify the JCICS Executive Director, in writing, within 10 business days of receipt of notification from a state licensing board, accrediting entity, or judicial body of possible investigation or disciplinary action against the Member in a matter related to professional practice or conduct.

c. Upon receiving information that a state or other entity is investigating a member, but has not issued a final decision, JCICS will not normally take action until there has been a final order issued in the state or judicial proceeding unless there are exigent circumstances or immediate action appears necessary to protect the safety of the public.

d. If the JCICS Executive Director receives information regarding a complaint(s) against a member, or information about a member otherwise comes to the attention of JCICS, JCICS may initiate a complaint based upon the material and/or notify the appropriate state licensing board or accrediting entity of the complaint. If the state or entity proceeds to investigate the member or is investigating the member but has not issued a final decision, then JCICS will not normally take action until there has been a final order issued in the state or judicial proceeding unless there are exigent

circumstances or immediate action appears necessary to protect the safety of the public.

e. When a final order of disciplinary action has been issued by a state licensing board or accrediting agency, or a final action is taken by a court for conduct that relates to the member's professional practice, JCICS will contact the member to request an explanation as to why the member should not be subject to disciplinary action. If a response is not received within thirty (30) days, then the Review Committee may immediately revoke or suspend JCICS membership or take other disciplinary action that it deems appropriate.

4. ***Review of Complaints***

a. If the Executive Director or staff reasonably believes that an actionable complaint within the scope of the Review Committee's authority has been presented, then a review of the record will be conducted to clarify, expand, or corroborate the information provided by the complainant. The JCICS Board of Directors, with a 2/3 majority vote, appoints a Review Committee to investigate and make an appropriate determination with respect to each such valid and actionable complaint; the Committee may review one or more such complaints as determined by the Board.

b. The Review Committee will consist of three or more members of the international adoption, advocacy, governmental or legal communities which have knowledge of intercountry adoption procedures, and that are not members of the Joint Council. Members of the Review Committee hearing the complaint must have no personal involvement or conflict of interest with the Member or the matter being investigated.

c. The member who is the subject of the investigation will be notified by certified mail of the complaint and review. The member will be given 30 days to submit a written response to the complaint and/or additional evidence in support of the member's position. Failure by the member to respond to the request for response will be sufficient ground on which the JCICS Review Committee may impose sanctions.

d. All reviews and deliberations are conducted objectively, with no prejudgment, on a confidential basis. All matters are reviewed based on the written record. Staff and the JCICS Review Committee may consult or seek assistance from JCICS legal counsel or other appropriate individuals or organizations.

e. At the conclusion of the review, the JCICS Review Committee will evaluate the findings as well as any evidence and/or explanations submitted by the member. In the event that a final order of disciplinary action has been issued by a state licensing board or accrediting agency, or a final action is taken by a court for conduct that relates to the member's professional practice, the JCICS Review Committee will include such information in its review.

f. A determination by the JCICS Review Committee does not include a hearing or any similar trial-type proceeding; only the facts and documents in the record will be reviewed. Any evidence that the JCICS Review Committee considers relevant and appropriate to the disposition of the complaint may be considered, however the formal legal rules of evidence will not apply to JCICS disciplinary proceedings.

g. As a result of its review, the JCICS Review Committee may (i) dismiss the complaint, (ii) direct the staff to obtain additional information (iii) postpone a determination until related proceedings, litigation, or state disciplinary action has been completed, or (iv) make a determination of disciplinary action.

h. If the JCICS Review Committee determines that disciplinary action should not be taken, the complaint is dismissed with written notice to the member. If the JCICS Review Committee makes a determination that the member is not free from disciplinary action and imposes a sanction, the member will be informed of that determination in writing within 30 days. The member will also be notified of the right to appeal the decision to the JCICS Appeal Committee. If the decision is not appealed, the action of the JCICS Review Committee is final.

5. ***Sanctions***

a. The JCICS Review Committee may impose disciplinary sanctions it deems appropriate to the particular matter, including but not limited to: (i) written reprimand, (ii) probation pending completion of specified conditions, (iii) termination/revocation of membership.

b. In imposing disciplinary actions, the JCICS Review Committee will consider the severity of the violation, the intent of the member, the extent of injury to other persons or the profession, and whether the violation was willful or negligent. The JCICS Review Committee may, in its discretion, impose any disciplinary action, as warranted, in specific cases.

c. Annual dues paid by Members who are subsequently placed on probationary status, or whose membership is revoked, will not be refunded.

d. A Member who is placed on probationary status or whose membership is revoked shall not use the JCICS name or logo in any way, including but not limited to use in materials, on a website, or Member letterhead; shall not be listed as a JCICS Member in JCICS directories; shall not be able to vote on matters placed before the Membership; or have any other formal membership privileges, until the matter is resolved.

6. ***Appeal Procedures***

a. A Member having the right to appeal has 30 days from receipt of notification of the JCICS determination to appeal the decision to the Joint Council Appeal Committee. The Member must send a notice of appeal to the Appeal Committee via the Executive Director and must state the grounds for the appeal. The appeal will not include a hearing or any similar trial-type proceeding; only the facts and documents in the record will be reviewed.

b. The Board of Directors, by a 2/3 majority vote, will appoint an Appeal Committee which will consist of three members of the international adoption, advocacy, governmental or legal communities which have knowledge of intercountry adoption procedures, that are not members of the Joint Council. Members of the Appeal Committee hearing the appeal must have no personal involvement or conflict of interest with the Member or the matter being investigated.

c. The Appeal Committee will review the record to determine whether the JCICS Review Committee determination was inappropriate because of: (i) material errors of fact, or (ii) failure of the Joint Council staff or Review Committee to conform to published criteria, policies, or procedures. Only facts and conditions up to and including the time of the Review Committee determination as represented by the facts known to the Review Committee will be considered during an appeal.

d. The Appeal Committee will conduct and complete the appeal within 30 days after receipt of the request for an appeal. The decision of the Appeal Committee affirms,

modifies, or overrules the Review Committee's determination and is final. The Appeal Committee will notify the member and the JCICS Review Committee within 30 days of reaching a decision.

e. In addition to disclosures required by law, the Joint Council reserves the right to disclose final disciplinary actions to others as it deems appropriate, including but not limited to any state licensing or accrediting entity.

7. ***Records***

a. After disciplinary proceedings are completed, all records and reports are to be returned to JCICS. That information shall be kept confidentially and permanently in the Member's file. If no disciplinary action is taken, the complaint record to that point will be removed from the Member's file in accordance with JCICS's normal record retention procedures.

Standards of Practice

Donate Now
Make A Difference

Standards of Practice

Revised: April 2006

Glossary:

- *Direct Service Provider - individual or agency providing education, home study, and/or post placement services.*
- *Placing Agency – organization that works with sending country institution/individual that has custody of child, identifies child who is free for adoption and makes referral to family eligible for placement of such child.*

JCICS member agencies base their practice on the understanding that children need permanent, loving families in order to reach their full potential, and that children deprived of this care suffer effects which may last a lifetime. JCICS agencies believe that when there is no family in the child's country able to care for the child permanently and without undue delay, then international adoption can be an excellent option. JCICS agencies view international adoption as a child welfare service that focuses on the best interests of the child.

JCICS member agencies follow a professional standard of practice that has as its core values integrity, honesty, transparency, and professional service delivery. JCICS subscribes to the following tenets:

- Member agencies annually renew their commitment to adhere to the JCICS Standards of Practice.
- Failure to comply with the Standards may result in disciplinary action taken within the JCICS association pursuant to the JCICS Grievance Process and Disciplinary Policy.
- These Standards address what agencies shall do to adhere to ethical and professional practices.

Professional Conduct

Member agencies will:

- Be knowledgeable of and adhere to relevant laws and regulations and policies pertaining to adoption-related services provided by the member agency.
- Refrain from posting photos of children on web sites if prohibited by the sending country. Children shall be placed on hold only for families who have a valid Home Study. All efforts shall be made to protect the privacy of listed children.

- Develop written policies and procedures that recognize and respect the rights of families and children, such as response times, support, methods of communication, and payment practices.
- Encourage the continuing education and professional development of agency staff that shall include training in ethics.
- Encourage staff participation and leadership in professional organizations.
- Provide a written grievance policy to clients and staff.
- Maintain records that include case notes, written information given to families about the agency policies, procedures, fees, and current projected costs, as well as characteristics of children eligible for placement.
- Communicate and attempt to resolve professional conduct or practice matters in writing with other agencies or individuals. Should such issues not be resolved in this way, member agencies use the JCICS Grievance and Disciplinary Policy.
- Treat all case records as confidential material. Release of such information shall be done only with informed written consent of the person whose information will be released (or the parent or legal guardian of such a person who is unable to provide informed consent").

Financial

Member Agencies Will:

Provide to all applicants, prior to the acceptance of any fees, 1) a written schedule of current estimated fees and expenses, 2) a statement on when and how the fees and expenses must be paid, and 3) an explanation of the circumstances under which fees or expenses may be charged, increased, waived, reduced, or refunded. In addition it shall include a statement when and how fees and expenses must be paid. Agencies may also wish to include a statement on the costs beyond their control, including but not limited to immigration fees, travel expenses, and legal fees for adoption or re-adoption in the US.

Prohibit the use of payments or other material transactions meant to 1) induce or encourage any parent or relative to place a child for adoption, 2) induce or encourage any person or entity with jurisdiction over the child to release a child for adoption, or 3) influence a decision to place any child with a particular person or entity over another entity.

Prohibit payments to any international staff or facilitators solely on a contingency basis (such as a minimum number of placements by facilitators) in an effort to curb financial incentive or profiteering as motivation for adoptive placements. Payment for child placement services shall be based on fee for service model based on the average estimated amount of time, and other costs related to that placement and/or other related child welfare services.

Provide an Annual Report or most recent form 990 or 990 EZ to clients upon request.

Acquire professional liability insurance and/or establish an arbitration or mediation process.

Education/Preparation/Home

Member Agencies Will:

Provide their clients with complete and current information about policies and procedures related to the referral and placement of children and post placement requirements.

Apprise clients in writing of the services and information they provide.

Provide clients with full and accurate information about their programs before submission of a formal application, including the projected waiting times, the costs, risks, and uncertainties inherent in international adoption.

Disclose to clients in writing the nature of their association with 1) a separate home study/post placement provider (Direct Service Provider), 2) any placement provider the clients might select, or 3) a foreign or domestic entity placing children in the clients' selected program.

If acting as the placing agency, be in compliance with US and International adoption regulations, as well as eligibility requirements of the clients selected country/program.

Ensure that each new adopting parent receives a minimum of 10 hours of pre-adoption education (either through the agency or through other professionals or entities) which goes beyond that provided during the home study but not including meetings with the agency/social workers in preparation for the home study. The pre-adoption education will include the legal, medical, emotional, institution, psychosocial, attachment, and cultural issues that affect all adoptions.

Thoroughly assess the suitability and eligibility of prospective parents with the understanding that some clients may not be appropriate for an international adoption, for a particular international country program, or for the challenges inherent in the adoption of children with special needs. Based on this assessment, the home study document shall include a recommendation as to the nationality, age range, medical condition, and special circumstances of the child/children to be placed.

Provide accurate information about adoptive parents to other placement agencies or entities and to US government officials and the clients' selected country/program. Confidentiality practices must be adhered to, and agreements/releases of information must be signed by the clients as appropriate.

Placement

We begin with the premise that any international adoption must be in the best interest of the child. Siblings should be placed together when in the best interest of all children concerned. When possible, if member agencies and/or their representatives are involved in the intake of children, should ensure that qualified staff is available to assess such cases for family preservation and/or domestic adoption if requested by the child welfare officials in the country of origin.

Adhere to the adoption rules of sending countries including the use of publications and the Internet to promote the placement of children.

Make a good faith effort to work with reputable, ethical organizations and individuals.

Placing Agencies shall keep abreast of travel advisories or warnings and changes in the child welfare and international adoption laws that affect international adoptions. Should such changes occur that impact current or future international adoptions, the agency will inform their clients of these changes as expeditiously as possible. In addition, member agencies should encourage families to visit the State Department Website, to monitor travel advisories, and to check medical care and travel safety information.

Provide to prospective adoptive parents all information received to date and allowed by law pertaining to children eligible for international adoption including copies of documents in the original language. This information must be translated into English. Placing agencies should advise parents that this information and its translation may not be entirely accurate or complete. Such legally allowed documentation should include medical, social, legal, and psychological and/or developmental information.

Allow clients a reasonable period of time to make their decision, and provide support in whatever decision they make.

Strongly encourage families to seek professional help in evaluating child referral information, and provide listings of resources, including medical professionals who specialize in international adoption.

Maintain permanent records of all information received about the children placed through the agency.

Placing Agency will provide adopting parents who are making required overseas trips assistance with:

- receiving the child
- attending the meetings and hearings to complete the adoption
- necessary paperwork to return to the United States with their child
- telephone contact numbers of the nearest US consulate
- 24 hour (or on-call) non-medical emergency contact telephone number(s)

Ensure that systems are established in the US between Direct Service Provider and the Placing Agency regarding the fulfillment of post placement reporting requirements of sending and receiving countries. The Placing Agency shall inform adoptive parents of such post placement reporting requirements prior to departure or before the child's arrival in the US.

Encourage families to learn about and celebrate their child's cultural heritage by providing or referring families to relevant resources.

Provide information about local and national services, educational opportunities, and support to adoptive families as a part of post adoption services.

Provide or refer clients to counseling, respite, or other therapeutic services in the event of placement issues, potential disruption, or potential dissolution of the adoption.

Post Adoption

Member Direct Service Providers and Placing Agencies will designate in writing which agency will be responsible for providing or arranging post adoption services. That agency will:

Advise families to obtain a medical evaluation within 3-4 weeks of arrival as advised by International Medical Professionals.

Follow up with their clients to ensure that they have access to information on the laws and regulations of the foreign country and the United States concerning the finalization process.

Make an effort to see that the post placement reporting requirements of the sending and receiving countries are completed. Placing Agency shall provide written post placement reports, as allowed by law, in the fulfillment of the agreements made with foreign countries.

Encourage families to learn and celebrate their child's cultural heritage by

providing or referring families to resources in this regard.

Provide ongoing post adoption services and information about local and national services, educational opportunities and support to adoptive families.

Provide to adoptive parents all additional documentation about a child given to the placing agency after the placement, such as additional siblings eligible for adoption, medical, social, or family history. Attempt to find answers in response to parents' questions within a reasonable period of time.

If requested, make a good faith effort to provide adoptive parents information on any known resources or legal procedure that may assist them in the search for birth families in a foreign country.

Maintain written family crisis intervention procedures with the other agency on managing family adjustment crises and recommendations for appropriate professional counseling options.

Should a family not complete the adoption, and counseling has not succeeded in resolving the crisis, and the placement is disrupting, the Placing Agency and Direct Service Provider shall act promptly and in accord with any applicable legal requirements to 1) remove the child from the pre-adoptive home, 2) assume custody of the child, and 3) arrange another placement of the child.

If the adoption has already been finalized, the Placing Agency shall offer to provide services for the re-placement of the child.

Interagency Relationships

Member agencies will work collaboratively to share information about such issues as changes in adoption procedures in the US and abroad, effective professional practices, new research, community resources, and opportunities for additional support to child welfare sectors of sending countries.

The responsibilities of each collaborating agency will be delineated in a written service agreement that shall include statements on establishing lines of communication, disclosure of information on children, notification of the child's arrival, post placement visit schedule, expectations for the post placement reports and family crisis intervention procedures. (See Post Adoption, lines 189-90).

The Placing Agency shall involve the Direct Service Provider or independent social worker, where allowed by law, in the referral process. Minimally, they should be informed of the referral and receive the child referral information at the same time it is sent to the adoptive parents. Doing so allows the Direct Service Provider both to counsel the prospective adoptive parents in their decision-making process and to provide appropriate post placement services.

Member agencies will respect the communication and marketing boundaries established with each agency's client relationships. Agencies shall not actively recruit clients from another agency to their own adoption programs. The Placing Agency shall provide country specific information, and the Direct Service Provider shall encourage their clients to obtain that information directly from the Placing Agency.

Humanitarian Aid

Member Agencies will:

Support overseas child welfare services that make a positive impact on the welfare of children and families.

Ensure that any humanitarian aid from prospective adoptive families does not create a conflict of interest or a situation in which preferential treatment is given to any family, agency, facilitator, or orphanage.

Encourage Joint Council member agencies to work cooperatively to support and promote humanitarian aid projects that benefit children and families.

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ethica
A Center for Ethical Adoption
1116 West 7th Street, Columbia, Tennessee 38401 931.840.4565 931.381.2953 fax
ethica@ethicanet.org www.ethicanet.org

Adoption Regulation and Consumer Protection

Adoption is one of the most unregulated industries in America today. Most states have only minimal requirements for establishing an adoption agency. No federal regulation currently exists. In times past, such minimal requirements were likely all that were necessary. Adoption numbers were small and costs were low. Adoption was seen as an altruistic service to find families for children in need.

Over the course of the last 15 years, the landscape of adoption has been dramatically altered. As infertility rates soar and adoption is being increasingly accepted as a normal, healthy way to build families, the number of families seeking to adopt has exploded along with the number of entities offering adoption services. The number of families adopting children from other countries tripled in a decade, rising from 6,536 in 1992 to 20,002 in 2002. Accurate statistics for private domestic adoptions are impossible to obtain, because of statistical practices that co-mingle adoptions by step parents, adoption of children from foster care, and private adoptions. It is thought, however, that the number of domestic private adoptions is at least as large as the number of intercountry adoptions.

The costs of intercountry adoption have soared in recent years. Most families pay an average of $15,000 in fees to adoption agents. In addition, most families pay thousands more dollars in required travel and documentation costs, making it normal to pay $20,000 to $30,000 to adopt a child.

Domestic adopters often pay similar or higher fees to adoption agencies or attorneys. On top of the fees, it has become common for parents to pay thousands of dollars of living expenses to prospective birth parents prior to the birth of the child. As a result, domestic adoption is as expensive, and often more expensive, than adopting internationally.

Forbes recently noted that adoption has become a $2 billion industry—yet it operates with less regulation and consumer protection than your neighborhood health club. And adoption deals, in the truest and most direct sense, with human lives that can be torn apart by unscrupulous practices.

Adoption: A Brief Overview

Domestic adoption refers to the adoption of a U.S. citizen or resident child by U.S. citizen parents. Intercountry adoption refers to the adoption of a non-U.S. child by a U.S. citizen parent. Generally, the same licensing regulations are applied to both types of adoption. In virtually every state, an agency that wishes to place children for adoption must be licensed to do so. However, some states also allow unlicensed individuals, also called facilitators, to operate.

Domestic Adoption. To adopt a child domestically, a prospective adoptive parent applies to a local agency, which performs a home study on the parent to determine adoption eligibility. Some parents then proceed to adopt a child through their local agency. However, in some cases, the local agency does not actually have children to place for adoption. Instead, the local agency contracts with a larger agency, either in its state or another state, for placement services. A more likely scenario, however, finds the prospective parents themselves searching for children to adopt. As more and more parents seek to adopt while the number of available, healthy infant children is declining, facilitation services have sprung up around the country to provide matching services for adoptive parents. In most adoptions today, the birth parent of the child reviews profiles of many different prospective adoptive parents and then chooses a family to parent the

child. Thus, adoptive parents often register with a facilitator who uses a network of attorneys or other facilitators in several different states, providing the parent with increased chances of being chosen by people seeking to place their children for adoption.

Intercountry adoption. To adopt a child from overseas, a U.S. citizen parent generally uses the services of at least one, but most often more than one, adoption agency. The family applies to a local agency, which performs a home study and approves the family to adopt. The local agency or prospective adoptive parent often then contracts with another agency which has adoption programs in various countries. These agencies generally use independent contractors called facilitators in the foreign country. Such facilitators often contract with many different agencies. Agencies that run overseas programs often consider the U.S. operation and the foreign operation to be separate and distinct even though they collect the fees for both programs through their agencies in the United States.

Problematic Adoption Practices

Consumers are faced with a dizzying array of adoption service providers, countries, orphanages and programs from which to choose. However, consumer information on agencies and facilitators is often impossible to acquire. The Better Business Bureau seldom has complete reports on agencies or facilitators, and no independent consumer protection office currently exists.

***Lack of Regulation*:** The sharp rise in the number of adoptions, coupled with a significant increase in adoption fees, has led to an influx of adoption practitioners who are lured by the possibility of making significant sums of money performing adoption services. In addition, the field is being expanded by an increase in the number of agencies started (often by adoptive parents themselves) with good intentions, but lacking the experience and significant social service base common to agencies of the past. There are, of course, agencies that engage in good practice and put the best interests of children at the forefront of their work. Good agencies, however, are finding it more and more difficult to work in such an unregulated environment.

It is quite easy to establish an adoption agency in the United States. Many states have only basic requirements which may include educational standards for personnel, criminal background checks on employees, record-keeping policies, confidentiality requirements, policies for working with birth parents, and an annual accounting of agency operations.

Even for those adopting abroad, the only regulation of intercountry adoption is the state licensing process. Immigration requirements stipulate that prospective adoptive parents meet certain standards to adopt (including the requirement of a home study by a qualified social worker), but there are no requirements of the professionals who conduct adoptions.

Unfortunately, these basic requirements do not address the main problems affecting adoption consumers. Many licensing requirements do not address the competency of adoption professionals. Even when educational requirements are included, agencies can circumvent them by having a social worker "on staff" who works a minimal amount of time, the remainder of the work load being handled by untrained staff. Rarely do states consider the past experiences of an agency or its principals in other jurisdictions. So, if an agency has problems, the principals can just change the agency name, cross a state

border, become licensed in that state, and resume business as usual with a "clean record."

Some states allow unlicensed facilitators in the United States to offer adoption services. Although families require the services of a local agency for a home study, they are often free to choose an adoption service provider located in any state for their domestic or overseas adoption services. So, if State X allows unlicensed facilitators to operate, then the citizens of States Y and Z are also affected. Therefore, states that allow unlicensed persons to perform adoption services are removing the only safeguard available to consumers across the country. Additionally, facilitators that only match consumers with available situations argue, perhaps accurately, that they do not actually "place" children for adoption. They may, therefore, operate with no oversight from any state.

Contractual Difficulties: The consumer pitfalls begin almost immediately, when the family is asked to sign an agency contract (e.g. see Annex 1). The majority of services affecting intercountry adoptive families occur overseas. Agencies seldom have their own employees in foreign countries and rely on the services of independent foreign agents to locate children for adoption, obtain medical and social information, process and translate documents, and navigate the maze of adoption regulations.

Commonly, agencies take the position that they have no control over the actions of their foreign agents, and that intercountry adoption is inherently unpredictable. They claim it is too difficult to get accurate information on children being placed for adoption. Even though some agencies manage to find dependable medical or personnel resources, other agencies working in the same country rely on the above excuses to alleviate themselves from responsibility. They, in turn, ask the families to obsolve them of responsibility.

The end result is that even those agencies that have their own overseas personnal end up requiring across-the-board contractual releases for all adoption-related matters that occur abroad. It is common practice for agencies to require prospective adoptive parents to sign a blanket waiver of liability for the actions of overseas contractors. Families are asked to accept that medical information will be incomplete or inaccurate, that the process is unpredictable, that funds sent overseas are nonrefundable, and that the U.S. agency has no responsibility whatsoever for the actions of the parties with whom it has contracted for intercountry adoption placements. Some agencies even ask parents to excuse negligence or fraud. Moreover, since the agencies use their contracts to eliminate any potential liability for what occurs outside of the United States, the agencies have no incentive to investigate their foreign agents to ensure that those parties are operating legally or ethically.

Unlike domestic adoption, where the child generally lives in the household for several months before the adoption is finalized, in intercountry adoption the child is either adopted overseas after a very short amount of time (sometimes hours) with the parents, or sometimes brought to the United States without the parent ever having met the child. There is thus a much higher risk of parents agreeing to an adoption without having adequate or accurate medical and other background information about the child, and perhaps becoming legally committed to a child they are unable to adequately parent.

While the acceptance of a certain amount of responsibility is appropriate for a family (e.g., even a thorough medical evaluation may not detect a genetic abnormality),

agencies often use contracts to eliminate completely any responsibility to exercise due diligence in determining a child's health status. Furthermore, if an adoption is not processed to completion, the family is often left with no money, no child, and no recourse. In short, the current structure of the adoption process places virtually all risks relating to the adoption on potential adoptive families, and not on industry principals who are in a far better position to control the process and to comprehend the complexities of intercountry adoptions.

Domestic adoptive families may face similar challenges. Adoption facilitation services are common and many parents locate such services through the Internet. At times, facilitators may post "available situations" without revealing that they do not actually work directly with birth parents seeking to place their children for adoption. Instead, the facilitator has a network of lawyers, agencies, or other professionals who call them when a situation might be available. The facilitator may charge the prospective adoptive parents several thousand dollars for the opportunity to send in their homestudy for the birth parents to consider. Then, the family discovers that the birth mother placed her child elsewhere or was never seriously considering adoption. The family, however, cannot get a refund; it can only apply the funds to another placement situation through the same facilitator.

Financial Pitfalls: The entire adoption process is subject to significant market forces. Families typically spend $15,000 to $30,000 to adopt a child from a foreign country, and may spend that, or more, to adopt a healthy infant in the United States. In domestic adoption, agency fees are only part of the cost. One of the most significant costs is the payment of living expenses for prospective birth parents.

Intercountry adoption fees generally include an overseas processing fee in excess of $10,000. Even fees that look modest to American consumers can be enormous fortunes in poverty-stricken countries. Thus, the dangers of profiteering, corruption and fraud are particularly strong. The plethora of agencies and facilitators creates an intense amount of competition among agencies. Often, there are more parents hoping to adopt infants than there are infants available. All of these factors contribute to a substantial risk to adoptive families, birth families, and children.

This climate has given rise to a number of fraudulent practices. Unregulated use of Internet photolistings allows agencies to advertise a particular child as available for adoption, enticing parents to sign contracts with that agency. In several documented cases, the parents signed contracts and traveled to a foreign country, only to find that the child pictured was not the child they were offered, or that that child had already been placed for adoption. Such "bait and switch" tactics are actively investigated in many industries, but often ignored when the "product" is children.

The highly publicized "Internet Twins" story illustrates some of the risks facing families on the domestic adoption front. With the aid of a facilitator, a Missouri woman placed her twin girls with a California couple; six weeks later, the birth mother took the babies and turned them over to a British couple who had paid the facilitator nearly $6,000 more to adopt the same twins. The British couple finalized the adoption in Arkansas and took the children to Wales. The resulting transatlantic tug of war (further complicated when the Missouri mother changed her mind and decided she wanted the girls back) led to the girls being put in foster care. In March 2004, the Missouri Supreme Court awarded custody to the birth mother and voided the girls' adoption by their foster family (by this time the twins were three years old), ruling that the mother's parental rights

had been wrongly terminated. While this is a particularly egregious and complex case, variations on similar scenarios play out all too often in domestic adoptions.

Inducement or Coercion: The significant amounts of money to be made also lead to substantial danger of illicit inducement or coercion of birth families. These concerns are particularly poignant abroad because of the extreme powerlessness of many poor women in developing countries. There is often little regulation over solicitation or purchase of children in the foreign country, and little to no regulation in the United States.

While a mechanism to deny adoption cases involving child buying exists in immigration regulations, in practice the standard of evidence employed is virtually impossible to meet. (See, Child Trafficking: Why Can't the Immigration service Prove It, by Trish Maskew, 2003, available at www.ethicanet.org/INSEvidence.PDF) Improved regulation must be instituted on a federal level. In the meantime, a significant amount of improvement could be realized by enforcing regulatory authority on the U.S. agencies that wire money abroad.

There are equally compelling problems with inducement and coercion in the United States. The payment of birth parent expenses is a common occurrence. Approximately 46 states have statutes that specify the type of expenses a prospective adoptive family is allowed to pay. However, the actual dollar amount is usually limited by the standard of "reasonable and customary." While states apply different types of regulation meant to control the payment of expenses, the practice is open to abuse, and can be coercive to parents deciding whether to parent their child or place him or her for adoption.

A few states limit payable expenses to medical or legal expenses. These are easily documented. Therefore, if a state couples this type of expense with reporting requirements at the adoption court hearing, there are fewer opportunities for fraud. It is, unfortunately, common practice for agencies or attorneys to move pregnant mothers to states with looser regulations. Some states have no limits on the amount or type of expenses that can be paid. In recent years, the payment of "living expenses" has become common. Originally designed to provide a way to help indigent birth mothers access safe housing, food and medical care, these expenses have become a tool for the unscrupulous.

It is not uncommon, for example, to hear of situations in which an adoptive family has been matched with an expectant mother who is considering adoption. The adoptive parent is paying living expenses for her. Then, another agency, lawyer, or facilitator arrives on the scene offering the expectant parent more money for "expenses" to place her child with one of their clients.

Other expectant mothers tell of being coerced to accept payment of expenses, even when these are not necessary. They are often told that "this is the way things are done" with a particular agency or attorney. This type of activity, and indeed all payment of living expenses, can cause a type of subtle inducement where the parent feels obligated to place her child, even if she later has second thoughts, as many do after the birth of their child.

Some try to prevent such inducement by paying expenses only after the birth of the child. In some cases this helps. However, this practice can also be subtly persuasive. One adoptive parent relates that her child's birth parents, realizing that a significant

amount of money would be paid after the adoption, became less careful with money and began overspending. By the time the child was born, the family was late on their rent and had few resources with which to care for their other children. Therefore, the knowledge that expenses were to be paid exerted a strong pressure on the birth parents.

Coercive tactics and agency marketing strategy are revealed quite openly in the excerpts of the following email sent by an adoption professional to a list of prospective adoptive parents:

> *"[Redacted] asked me to say a few words on the costs involved with adoption, particularly advertising.*
>
> *(1)Advertising is expensive and many outlets charge extra for adoption ads. The only reason I can see for this is because they can get it.*
>
> *(2)The more birthmothers you want, the more expensive they become. We were told when we first started you could get one Caucasian birthmother for $1K in advertising. But to get 4 a month you may have to pay three or four times that much per birthmother located. Several years ago one major facilitator said her cost per Cau. birthmother in advertising was $2500. A very large agency (300 placements per year) told me that their costs in advertising per birthmother were around $5K each.*
>
> *(3). Then you have to add additional overhead: salaries, phone bills, office supplies, etc.*
>
> *(4) From a purely business point of view you need to expect a reasonable markup from the cost of doing buisness so there is a profit at the end of the day. The agency that is paying $5K per birthmother has an agency fee of $15K. This is a high stress business that never quits. Crisis calls come 24/7.*
>
> *(5)Competition is driving the costs up. All advertising outlets want to keep the profit margin so they increase their price annually. But other advertisers are invading the markets. In one particular outlet we had to increase our advertising by 250 percent to stay competitive.*
>
> *Expect to pay $6 - 10K to a facilitator for a birthmother that is serious about adoption. And twice that much to an agency. They have much more overhead. In general, it cheaper to use a facilitator and an attorney than it is to use an agency. Attorneys charge anywhere from $2 - 8K depending on the state and how much they do. And then there are living expenses: They average $6 to 8K total for a pregnancy. Again it varies by state. Some states don't allow any. The idea behind living expenses is to help the birthmother out: you get a healthier, happier baby if her life is stable and she should get a chance to stabilize her life. In total, facilitator--attorney adoptions usually run in the mid to upper teens if the birthmother stays in place. Agency adoptions with or without a facilitator run from $25K up... sometimes to $40K.*
>
> *But there is more to understanding the cost of adoption: Not all birthmothers place. There are a lot of variables involved in placement. Some you don't find*

out till after the fact. Since we roll-over our fee if the birthmother does not place. We are less concerned with the total cost; we are most concerned with getting the birthmother in a situation where she is most likely to place. We do not want to do the same work twice with no extra income. One of the things that we have found is that birthmothers that are willing to relocate for the purpose of adoption have a 95%+ likelihood of placing. Therefore we use maternity housing as much as possible. It does increase the cost of adoption significantly—at least $5 to 10K, but they almost always place. You have travel and maternity housing is usually more expensive."

The Adoption Regulatory Scheme

Regulation of adoption begins at the state licensing level, an administrative function. In most states the licensing authority is overseen by the Attorney General.

Federal authorities can also play a role in combating adoption fraud, especially when crimes involve families in multiple states or when they involve intercountry adoption. Immigration enforcement officers, the FBI, and U.S. attorneys may all be involved.

On an international scale, regulation is impacted by the Hague Adoption Convention. Although the United States signed the Hague *Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* in 1994, the Convention is not yet in force for the United States. The Senate ratification of the treaty occurred in 2000, and the Department of State has been drafting regulations for its implementation since that time. Currently, it is expected that the treaty may enter into force in 2006.

Some believe that the treaty will solve the problems with intercountry adoption and provide the necessary regulation. While the Hague Convention will indeed help, it will not be a failsafe solution to the problems for several different reasons.

The Hague Convention is a co-operative Convention on child protection and adoption. It is designed to encourage countries to work together to set standards which protect against abduction and the sale of or traffic in children, and to establish procedures for intercountry adoption. The treaty requires that adoption service providers be accredited or approved by a central authority in a country. For the United States, the Department of State will be the central authority. The regulatory scheme envisioned in the Intercountry Adoption Act and the proposed regulations has DOS utilising independent accrediting entities to perform accreditation of agencies and persons. Individual U.S. states may also apply to accredit agencies and persons in their state.

However, the Hague Convention will not be the panacea envisioned by some. The Convention is only in effect between two countries that are parties to the Convention. The State Department itself estimates that the Convention would apply to only about 11% of intercountry adoption cases, though that percentage will rise somewhat as an increasing number of countries implement the Convention. Agencies can, and likely will, choose to work only in non-Hague countries to avoid accreditation requirements.

Furthermore, as a treaty of co-operation, there is no active enforcement by outside entities. It is left to the member countries to establish their own rules of accreditation and process. The regulations will only be as strong as the people who are tasked with enforcing them. Under the latest version of proposed regulations, the Department of

State has assigned oversight and investigation responsibilities to the accrediting entities, who face significant financial and practical obstacles to active enforcement of the regulations.

While the proposed regulations do address some of the problems associated with intercountry adoption, they cannot in and of themselves adequately protect consumers.

Regulatory Concerns

In the absence of any federal regulation, licensing is the only protection afforded consumers. However, the experiences of numerous consumers raise considerable concern about the effectiveness of the current regulatory scheme.

Due to the absence of a central complaint registry or consumer protection agency, consumers rely on state licensing entities for information about adoption agencies. However, families often report that they place numerous calls to adoption licensing departments which remain unanswered. If they do manage to reach a licensing specialist, they are often told that the state does not keep complaints on file, or that they cannot be released to the public. Few are instructed how to obtain complaints through FOIA requests.

Some families have experienced difficulties that may indicate improper relationships between the licensing specialist and the agencies they are required to regulate. For example, in one recent case, a family filed an official complaint with the licensing office in a southern state. The family was quite surprised to receive a call from the adoption agency's executive director tearfully asking how they could have reported her and demanding that they withdraw the complaint—the surprise being that the call was placed, according to caller ID, from the very desk of the state licensing director! It was later discovered that this licensing director was aware of numerous licensing violations by the agency.

In another case, a family that experienced significant problems with an agency filed an official complaint in a state that begins with the letter "M". In response they received a letter from the state licensing entity that stated, "Your letter of concern about the above named agency has been received. I am sorry to hear of your difficulties and what seems to have been a less than satisfactory experience. Thank you for including the documentation with your letter. Please be assured that your concerns are not taken lightly and they will be addressed with (agency)."

Five months later, another family wrote to the same licensing director: "Hello. My husband and I are looking into using the adoption agency [redacted] for our foreign adoption. Since we are new to adoption, we do not want to be taken by any unscrupulous adoption personnel. We would like to know if [agency] has any complaints filed against them on record with your office. We have checked with the Better Business Bureau and there does not seem to be too much there. Thank you for your help in this matter."

The licensing director replied, "[Agency] is a licensed adoption agency in the State of M. I have no complaints against them. I am sure they will do a good job for you. If you have any other concerns as time goes on, please feel free to contact me." A review of the documentation on this case shows that significant concerns were raised about this agency, several of which implicated consumer fraud issues and client confidentiality. Yet the licensing director did not even qualify her statement by indicating that there were no

substantiated complaints that implicated licensing provisions, or even that complaints were confidential. She stated there were *no* complaints *and* gave her assurances that the agency would do a good job.

In another case, in a different state, parents doing research on agencies wrote to request copies of licensing documentation and complaints that had been filed. Several days later they received an email, carbon copied to the agency in question, stating that the request had been shared with the agency and that the requested records could be accessed for less money through the agency itself and that the state did not keep complaints on file.

In these and other cases, a disturbing lack of investigation and a close relationship between adoption agency and regulatory authority raise substantial questions about the ability and willingness of the state to effectively regulate and protect consumers.

Another common problem is the lack of communication between states in investigating adoption fraud, or protection of consumers. For example, one agency was adequately investigated by a state. After investigation, the agency's license was revoked. The agency, however, simply moved to another state and established operations under another license. Because this agency performed intercountry adoption services, the actual operation of the agency was not affected at all. All its programs remained operational and the executive staff was still employed.

In another case, an unlicensed facilitator had operated for years in one Western state, racking up numerous complaints by parents to the Better Business Bureau, the District Attorney, the FBI, the Immigration Service, and the Attorney General. Despite the numerous inquiries and investigations, this facilitator applied for, and was granted, a license from another Western state. When parents contacted the state entity that had licensed the facilitator, they were told that this state would accept complaints only from residents of their state! Given the fact that many intercountry adoptions occur through agencies in states other than the adoptive parents' state of residence, such positions endanger the well-being of children and adoptive parents. Indeed, this would be the perfect state for corrupt facilitators or agencies to move to. If they simply didn't accept clients from their home state, they would be free from regulation and prosecution and have the advantage of calling themselves a licensed agency.

The concerns about adequate regulation on the state level also raise considerable questions about the ability of these same state licensing bodies to adequately perform regulatory functions under the Hague Convention, or to fulfill their part of the regulatory scheme contemplated in the Intercountry Adoption Act and the Hague Regulations.

Is there a Solution?

To adequately protect children, birth families and consumers, policy makers must consider ways that individual states can work together to combat the growing problem of adoption fraud. The best protection for children and consumers may well be the existence of a consumer protection agency for adoption. Such an office could:

1. Retain detailed complaint reports on each agency, facilitator, and attorney, including complaints which do not implicate licensing violations;

2. Maintain a publicly available registry of licensing violations for each practicioner;

3. Act as the offical reporting office for consumer complaints;

4. Refer complaints to State licensing offices and the Attorneys General for necessary action;

5. Maintain statistics to determine if regulatory or licensing changes are warranted;

6. Maintain statistics which allow states to determine if complaints are being properly investigated by licensing departments;

7. Facilitate communication between states when a pattern of complaints is noted;

8. Publish a Consumer's Guide to Adoption Fraud.

Due to the lack of consumer protection that currently exists, *Ethica* has received numerous requests to develop a mechanism or office which would provide complaint information to consumers seeking to adopt. Consideration of these requests is ongoing, and we plan to begin establishing a private consumer protection office in 2005. However, while we have both the desire and the experience to fulfill such a need, there are signficant obstacles to the establishment of practical consumer protection devices in the private sector. For example:

1. *Ethica* cannot compel agencies or faciliators to respond to complaints.
2. *Ethica* cannot adequately protect consumers from the threat of litigation for filing complaints.
3. Agencies and attorneys are prohibited by confideniality clauses from disclosing relevant information to private bodies.
4. Liability coverage for private consumer agencies is prohibitively expensive.
5. Even the presence of egregious violations of law cannot be acted upon by a private entity.

All of these concerns could be addressed with the establishment of a government mandated consumer protection office. *Ethica* encourages policy makers to give thoughtful consideration to the development of stronger regulatory devices and consumer protection mechanisms related to the adoption of children.

About *Ethica*

Ethica is a 501 (c)(3) nonprofit education, assistance and advocacy group which seeks to be an impartial voice for ethical adoption practices worldwide. In order to maintain our impartiality, *Ethica* does not accept monetary donations from agencies or other child placing entities, nor are any of our managing Board of Directors associated with adoption agencies. *Ethica* strives to develop organizational policy and recommendations based solely on the basic ethical principles that underscore best practices in adoption

and speak to the best interests of children. The core of our mission is our effort to achieve comprehensive reform of both the domestic and intercountry adoption systems.

Through our crisis management and case advocacy program, *Ethica* becomes aware of numerous types of adoption fraud and misconduct. We work with various federal and state governmental entities to address problems affecting indivdual cases, or groups of families affected by a particular situation. *Ethica* often provides background information on country conditions, current practices, and pending legislation to offices seeking to improve regulations. *Ethica* President Trish Maskew recently returned to the U.S. after spending several months in residence at the Hague Conference on Private International Law assisting with the development of an implementation guide and training materials for countries planning ratification of the Hague Adoption Convention. The implementation guide will assist countries in designing laws and procedures which serve to protect children and their families. Ms. Maskew is continuing her work for the Hague Conference from the United States as preparations are underway to develop a full-scale Convention implementation assistance program. The *Ethica* Center for Adoption Consumer Assistance and Protection (ACAP) opened in January, 2005.

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RAY RUSHTON DISTINGUISHED LECTURER SERIES: CHILD TRAFFICKING AND INTERCOUNTRY ADOPTION: THE CAMBODIAN EXPERIENCE

NAME: Trish Maskew *

BIO:

*Trish Maskew is the President of Ethica, Inc., a tax-exempt non-profit organization dedicated to adoption reform. Ms. Maskew is also currently working for the Permanent Bureau of the Hague Conference, where she is assisting in writing an implementation manual for countries ratifying the Adoption Convention. At the onset of the Cambodia crisis, Ms. Maskew was employed by an international adoption agency as a program coordinator for Southeast Asia and was intimately involved in the efforts to document the cases involved in the situation. Ms. Maskew delivered this paper in the program "Reforming Intercountry Adoption: Present Realities and Future Prospects," as part of The Ray Rushton Distinguished Lecture Series held on April 15, 2005, at Cumberland School of Law in Birmingham, Alabama.

SUMMARY:
... On December 21, 2001, James W. Ziglar, Commissioner of the Immigration and Naturalization Service, suspended the processing of adoption petitions filed by United States citizens for children from **Cambodia**, declaring, "INS' responsibility to determine that a child is truly an orphan must never be tainted by any action that results in the exploitation of innocent children by separating them from their biological families as a result of fraud, trafficking in human beings or other criminal activity. ... Although one might conclude or infer that the birth mother was induced by the payment to give up her son for adoption, there is no evidence that the money was paid by the adoptive parent, or a person or entity working on his behalf. ... Second, the OIC should supplement the record with evidence that the money received by the birth mother was a payment for the child or an inducement to the birth mother to give up the child . . . . The OIC is also reminded that any investigation of child-buying should focus on concrete evidence of the alleged child-buying or an admission of guilt. ... The end result of the Cambodian adoption situation is that hundreds of United States families had their cases subjected to investigation and approved, while criminal investigations revealed substantial abuses that lead one to believe that many of the children may have been separated from their birth families through fraud, coercion, or purchase. ...

TEXT:

On December 21, 2001, James W. Ziglar, Commissioner of the Immigration and Naturalization Service, [n1] suspended the processing of adoption petitions filed by United States citizens for children from **Cambodia**, declaring, "INS' responsibility to determine that a child is truly an orphan must never be tainted by any action that results in the exploitation of innocent children by separating them from their biological families as a result of fraud, trafficking in human beings or other criminal activity." [n2] The decision to suspend processing followed months of serious allegations about children being trafficked for adoption. It was the only time that the United States had ever stopped adoptions from abroad.

Background

American citizens who wish to adopt a child from abroad are required to obtain two clearances from the Immigration Service. The first of these is the approval of the person as an adoptive parent. The evidence that a person is approved as an adoptive parent is generally included in the documentation provided to the foreign government. Occasionally, the foreign government asks that the clearance be submitted directly by the United States Embassy. The Cambodian government required such a clearance, asking the United States Embassy to issue a letter -- known as a "release letter" -- to verify that the adoptive parents were approved. This letter had to be received by the Cambodian government in order for an adoption to be

approved.

The second clearance certifies that the child is an orphan, as defined by United States immigration law. The child must be approved before an immigrant visa can be issued, and the process generally occurs after the American parents have traveled to the foreign country and formally adopted the child. Classification as an orphan requires documentary proof that the child is an "orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption." [n3] The criteria are strict, making it difficult for children with two parents to be approved. The Immigration Service is required to perform an investigation into the orphan status of each child, although in the vast majority of cases, this investigation consists solely of a review of the submitted documents. If the officer adjudicating the petition believes further investigation is necessary, a field investigation is conducted to determine the eligibility of the child. [n4]

While ultimate responsibility for approving adoption cases falls to the Immigration Service, certain responsibilities can be delegated to Consular officers within the Department of State. In countries where there is no permanent immigration officer, the Consular officer adjudicates the child's orphan status. Consular officers, however, cannot deny a child whom they believe does not qualify. Instead, the Consular officer must report his or her find ings to the Immigration Service for review and subsequent approval or denial.

United States citizens generally hire an adoption agency to assist them in locating a child to adopt and in obtaining the required clearances from the Immigration Service. In many cases, adoption agencies in the United States contract with persons, known as "facilitators," in the foreign country to perform services.

Cambodian Adoptions -- 2001

Cambodian adoption had long been the subject of controversy. Concerns about child trafficking and other illegal activity forced **Cambodia's** government to halt adoptions several times. Adoption processing reopened in the spring of 2001 under new regulations meant to protect children and families. Even with the new regulations, Cambodian adoptions were substantially faster and less expensive than adoptions from other countries. Large numbers of United States Citizens applied to adopt children, resulting in intense competition between facilitators and agencies.

In September 2001, police raided a clinic used by at least one orphanage placing children with American families. The police found twelve children alleged to have been trafficked, and four workers were charged with trafficking offenses. The details of the case remained murky throughout the fall with the Cambodian courts first granting custody of the children to the orphanage, then to the human rights group LICADHO, and then back to the orphanage. There were rampant allegations that the raid had been a "set up" by competing facilitators; however, solid evidence was difficult for anyone to obtain.

At the time, there was no immigration officer assigned to Phnom Penh, and Consular officers were adjudicating adoption petitions. Investigations were called for in early October after Embassy personnel refused to issue visas to twelve American families who had traveled to adopt children. Over the next twelve weeks, a string of unfortunate events created a crisis environment. In the wake of the terrorist attacks of September 11, security concerns were paramount and Embassy personnel determined that it was too dangerous to conduct the field investigations themselves. They requested immigration officers from Bangkok, who arrived in early November to conduct the investigations. By then, the American families who had arrived in **Cambodia** expecting a stay of less than a week had been there almost a month, prompting Congressional inquiries into the delays.

The twelve families were issued Notices of Intent to Deny ("NOIDs") their applications on November 30, 2001, because of significant paperwork irregularities that made the origin of the children questionable. Almost immediately, the validity of the decision to deny the cases was questioned. The NOIDs contained errors in names, gender, and birthdates of the children and often mixed cases up entirely. Most troubling was the fact that the INS had not interviewed key players in the adoptions and that the NOIDs were filled with accusations not supported by fact. One contained a section describing an interview "with a man who drove up on a motorcycle" who claimed to have facts about the lack of abandoned children in the area. However, the NOID not only was devoid of any evidence of the man's stated position in the village, it failed to even provide his name. Congressional advocates became involved, the plight of the families waiting in Phnom Penh received national media attention, and demands for the clearance of the cases increased.

Meanwhile, the Embassy halted all adoptions being handled by certain facilitators, leading to considerable outcry from the adoption community. According to established procedure, the adjudicating officer is supposed to review the petition and supporting evidence and make a determination of whether the case is "clearly approvable." [n5] After the original twelve families were delayed, the State Department announced that the Embassy had stopped processing all adoption petitions

temporarily. Adoption agencies, facilitators, and adoptive parents were aware, however, that visas for some cases were still being quietly processed. Many facilitators -- mostly Cambodian nationals -- reported that the Embassy would not even allow them to submit cases for review, while cases being submitted by two American facilitators continued to be processed. It was then announced that no new release letters would be issued, effectively halting any new adoptions from occurring. However, it quickly became apparent that this rule, too, was not being applied to all cases, even though the State Department continued to assert that it was. [n6]

In December, Congressional advocates held briefings and demanded answers. In a meeting on December 14, 2001, with adoption agency advocates, the State Department asserted that the only cases being processed were those that were "clearly approvable" and that no release letters were being issued. When presented with evidence that letters were indeed being issued, the State Department agreed to inquire of the Embassy. Several days later, release letters for dozens of families who had been denied processing were issued, paving the way for the adoptions to proceed. However, some seventy-two hours later, the Immigration Service granted the original twelve families humanitarian visas to bring their adopted children into the United States and then declared a moratorium on all Cambodian adoptions. While Commissioner Ziglar no doubt felt that closing Cambodian adoptions was the prudent thing to do in the midst of the considerable concern about child trafficking, the uneven processing by the Embassy in the months leading up to the moratorium made the decision problematic.

In the weeks that followed, it was determined that several hundred United States families had been in the process of adopting Cambodian children when the moratorium was declared. Of those, approximately 150 cases had already progressed through the Cambodian government, and the United States citizens had been declared the parents of the adopted children. Most of these cases would have completed visa processing prior to the December 21st suspension had the Embassy continued to process the petitions according to established procedure. A second small group of less than a dozen cases was halted in the middle of the Cambodian process. A third group totaling approximately 100 families included those whose adoptions would have progressed to completion if the Embassy had continued to issue release letters to all approved families. A fourth group consisted of those who had filed applications to adopt but who had not yet been matched with a child. [n7]

Under considerable pressure to address the situation, a task force was formed comprised of members of the Immigration Service, the Department of State, and the Royal Government of **Cambodia** to address the adoptions already in progress. Due to the considerable concern about child trafficking, it was determined that each case would be subjected to a field investigation by the task force prior to approval. This "special initiative" to clear pending cases began in March 2002. At the same time, special agents with the investigative branch of the INS, now called Immigration and Customs Enforcement ("ICE"), were dispatched to **Cambodia.** After uncovering evidence of illegal activity, a criminal investigation was launched into the actions of several adoption facilitators, most notably an American facilitator whose cases had earlier been deemed clearly approvable by the Embassy. The two processes -- the investigation and processing of pending adoptions and the criminal investigation -- occurred simultaneously throughout the next eighteen months. The conclusions of the two, however, were vastly different.

The investigations into the pending cases were completed by the end of 2003, with the vast majority clearing by January of that year. Of the hundreds of cases, it is reported that only one was originally denied a visa. That case, too, was approved after the petitioner appealed the decision.

In October 2002, search warrants were executed based upon the criminal investigators' findings. In 2003, several co-conspirators were indicted on charges of visa fraud, conspiracy to launder money, and structuring of financial transactions related to Cambodian adoption cases.

It is unclear why the information uncovered by the criminal investigators did not directly impact the processing of the adoption cases. Some speculate that the intense political pressure to clear the pending cases was a factor. Others believe the evidence uncovered at the time did not clearly show that the children were not, indeed, orphans. Without denials, public records on the findings of the investigations are not available. There was, however, discussion during the investigation addressing the fact that finding sufficient evidence to deny the cases due to child trafficking would be difficult. A review of the problems encountered in other countries starkly illustrates why it was difficult to achieve the Commissioner's goal of ensuring that "INS' responsibility to determine that a child is truly an orphan must never be tainted by any action that results in the exploitation of innocent children by separating them from their biological families as a result of fraud, trafficking in human beings or other criminal activity."

Federal Regulations on "Child Buying"

Regulations under the Immigration and Nationality Act, 8 C.F.R. $ S 204.3(i), provide:

Child-buying as a ground for denial. An orphan petition must be denied under this section if the prospective adoptive

parent(s) or adoptive parent(s), or a person or entity working on their behalf, have given or will give money or other consideration either directly or indirectly to the child's parent(s), agent(s), other individual(s), or entity as payment for the child or as an inducement to release the child. Nothing in this paragraph shall be regarded as precluding reasonable payment for necessary activities such as administrative, court, legal, translation, and/or medical services related to the adoption proceedings. [n8]

This administrative provision seems straightforward: if the adoptive parent, or someone working on the adoptive parent's behalf, gives money or other consideration to the child's parents, except for the payment of the necessary reasonable expenses outlined in the regulation, then the petition must be denied on the grounds of child buying. Furthermore, the burden of proof in immigration cases lies with the petitioner (the adoptive parent). If the Service determines that money has been paid, it is the responsibility of the petitioner to prove that the child is eligible for a visa and that the child was not bought. At first glance it would seem that with proper investigation and documentation, the Service could easily verify allegations of child trafficking in those instances where trafficking has occurred.

Occasionally, the Service obtains confessions from either the child's parent or the petitioner regarding payment that is not intended as reimbursement for expenses. With such a confession, INS can easily deny the case and uphold its decision on appeal, as illustrated by a case in which an adopted Vietnamese child was denied a visa because the adoptive parent gave the birth parent a small amount of cash as a "gift." [n9]

In the absence of a confession, however, the Service must demonstrate that evidence exists proving the child was bought. According to the Foreign Affairs Manual, officers must take into account the fact that some payment of expenses is allowed under the law. Officers are advised, "Investigations of child buying, therefore, should focus on concrete evidence or an admission of guilt." [n10]

Does the requirement that INS obtain either an "admission of guilt" or "concrete evidence" protect the children? A review of just one case raises serious concerns about this standard of evidence. According to the publicly available appeal decision [n11] in this case, the Officer in Charge ("OIC") denied the petition based upon a finding that the child's mother sold the beneficiary (child) to an adoption facilitator. In support of the denial, the OIC relied in part on a signed statement of the birth mother that said she was unable to take care of her son and had given him to a woman who had come to her house to contact her about relinquishing her son for adoption.

She indicated that the woman, Ms. Y, [n12] helped her fill out forms, picked up her son, and paid her eight million Vietnamese Dong (around $ 500 in United States currency). She also stated that Ms. Y promised her that she would be paid more money after her son was on board a plane to the United States. The investigative report by the INS stated that the mother initially said her purpose for relinquishing the child was so that he could have a brighter future, and that she had initially told INS that she had "received no money from the facilitator who she did not remember the name or address." [n13] The report then stated that the mother persisted in providing erroneous information until a police officer advised her that she should tell the truth about the facilitator and provide a written statement if she had received money. [n14] The report then recited the details of the birth mother's statement and related that "the birth mother cried and said that if her child did not go to the United States with the adoptive father, she would have to return the money to [Ms. Y]." [n15] Additionally, the investigation allegedly uncovered information that the chief agent of the facilitating agency admitted to Vietnamese authorities that he and his siblings were engaged in the business of buying babies for international adoptions and that many of the biological mothers who worked with the facilitator had confirmed to Vietnamese authorities that they willingly sold their babies. However, the NOID contained no evidence of these alleged confessions. [n16]

When the NOID was issued to the petitioner (the adoptive parent), it did not contain either the investigative report or the above-referenced statement by the mother. Two days later, the petitioner submitted a letter to the INS asking for copies of the evidence. On the same day, the mother gave a contradictory statement to the Vietnamese law firm representing the petitioner. "When asked if she had received any money from the petitioner, the birth mother claimed that 'neither individual nor organisation sic gave me any money.'" [n17] She also denied ever being "interviewed by the police or by any other organization, domestic or foreign." [n18]

Some six weeks later, the mother made yet another statement regarding the adoption to the Vietnamese law firm. In this statement, the mother "explained her family's dire economic situation and her father's rejection of her son." [n19] She stated that during her pregnancy she decided to place the child for adoption and through a series of contacts was introduced to a Ms. X, who told her "the people who adopted would also give me some financial assistance for the delivery of the baby." [n20] She stated that Ms. X introduced her to Ms. Y, who lent the mother money to recover her "residence registration booklet" from a pawn shop so she could obtain the baby's birth certificate. [n21] She further outlined her need for money for the birth expenses

and foster care, stating that whenever she needed money she called "Ms. X and asked her to seek Ms. Y." [n22] She also stated that she had received money several times from Ms. Y after the birth of her baby and that the total she had received was about three million in VND. [n23] She then stated that after the adoption ceremony at the Department of Justice, Ms. Y gave her 3.9 million in VND. [n24] The mother explained that during her interview with the Vietnamese authorities she was frightened and told them that she had received money. [n25] She explained that when the attorneys later asked her whether she had received money she thought that her earlier admission was the reason she was being investigated, so she then told the lawyers she had not received any money. [n26] The mother "concluded her statement by maintaining that 'if Ms. Y did not give me money I would still give my child for adoption. Because I do not want to and cannot feed my child sic.'" [n27]

The petitioner submitted a response to the NOID asserting that it was "vague and filled with errors, and that the OIC's conclusion is 'misleading and bootstrapping and replete with indefinite references.'" [n28] The petitioner stated that, "contrary to [United States] law, the NOID did not indicate the grounds for the intent to deny or the evidence that the Service relied on in reaching its conclusions." [n29] The response also included the two subsequent statements of the mother, affidavits, and other documents. [n30] Three weeks later, the OIC denied the petition, repeating his earlier allegations and dismissing the affidavits and additional evidence submitted by the petitioner as untrustworthy. [n31]

The Appeal Decision

In its appeal decision, [n32] the Administrative Appeals Unit ("AAU") determined that the OIC had failed to include the evidence used to deny the petition. The denial did not contain the alleged confessions of the "chief agent" of the facilitating agency or of the birth mothers who supposedly stated they had sold their children to the facilitator. [n33]

The appeal pointedly states that "denial of this petition cannot be based upon the serious allegations of the OIC without evidence offered in support of those conclusions." [n34] The appeal decision makes a convincing argument that the Service failed to properly investigate or document its sweeping allegations against the agency in question.

On the other hand, the appeal notes that the "credibility of the birth mother is seriously injured by her inconsistencies and constantly evolving statements." [n35] Additionally, it is noted:

The petitioner has submitted evidence on appeal which raises serious concerns regarding the practices of agency and its role in the procurement of children for foreign adoption. In his affidavit, [Mr. Z], an employee or "assistant" of Mr. [agency representative] and agency, stated that "upon completion of the adoption process, the adoptive parent(s) or agency, in consideration of the economic conditions of the child's birth mother, might offer some money and/or gift as financial assistance." Considering the impoverished conditions of the birth mothers, such payments can only create the appearance of impropriety, at best. With birth mothers living in extreme poverty, such payments or gifts might induce a parent to abandon a child for foreign adoption if the parent had expectations of a gift or prior knowledge of the potential for a monetary gift. This type of payment or "gift" cannot be condoned and the OIC would be justified in investigating such a practice. However, in the present case, there is no direct evidence in the record to establish that the birth mother received such a gift from the adoptive parent, or a person or entity working on his behalf.

In accordance with 8 CFR 204.3(i), an orphan petition must be denied for "child buying" if the following elements are established:

1. the prospective adoptive parents or adoptive parent(s), or a person or entity working on their behalf

2. have given or will give money or other consideration

3. either directly or indirectly to the child's parent(s), agent(s), other individual(s), or entity

4. as payment for the child or as an inducement to release the child. [n36]

The appeal then notes the exception for expenses as outlined in the law and defines "'inducement' as 'the act or process of enticing or persuading another person to take a certain course of action.'" [n37]

In reference to the crucial piece of evidence, the statement by the birth mother, the appeal decides:

While this statement raises serious concerns regarding the adoption, this statement, by itself, does not establish that the

petitioner was engaged in "child buying" as defined in the regulation. Although the birth mother indicated that she received money directly from [Ms. Y], there is no evidence to establish the identity of [Ms. Y] or to demonstrate that [Ms. Y] was working on behalf of the petitioner or [the agency] . . . . The birth mother's claim that the money was loaned to her to cover the expense of childbirth and foster care might be a plausible explanation for the money, considering her impoverished condition, except for the established unreliability of her testimony. [n38]

Previously the appeal had noted that neither the OIC nor the petitioner had submitted any evidence on the identity of Ms. Y or her involvement in the adoption. The appeal states that "the record is disturbingly silent as to the identity of [Ms. Y] or her connection to [the agency]." [n39]

The appeal continues:

Furthermore, the birth mother's statement does not specifically indicate that she accepted the money as payment for the child or as an inducement to release the child. The birth mother began her statement by unequivocally expressing her inability to care for the child due to her economic hardship. Although one might conclude or infer that the birth mother was induced by the payment to give up her son for adoption, there is no evidence that the money was paid by the adoptive parent, or a person or entity working on his behalf. Without this critical element, there is no basis to find that the birth mother was induced to give up her child. This petition may not be denied based on inferences or conclusions that are not supported by the record. [n40]

In subsequent sections, the appeal states:

The matter will be remanded to the OIC so that the record may be supplemented to address the unresolved issues. First, the OIC should provide evidence to establish whether [Ms. Y] was

an agent of agency and ultimately of the petitioner. Second, the OIC should supplement the record with evidence that the money received by the birth mother was a payment for the child or an inducement to the birth mother to give up the child . . . . The OIC is also reminded that any investigation of child-buying should focus on concrete evidence of the alleged child-buying or an admission of guilt. [n41]

Was the decision of the appeal unit correct? It is undoubtedly true that the record did not meet the standard of "direct evidence" and that the OIC seriously damaged his own case. The decision states that the OIC must provide concrete or direct evidence that Ms. Y was working for the agency, and thus the petitioner, and that the payment the mother received was a payment for the child or an inducement to relinquish the child. This requirement raises serious questions: What evidence would suffice to support the allegation? What would prove that Ms. Y worked for the adoption facilitator? Short of a confession that they did indeed work together or, in its absence, an employment contract or record of financial transactions -- both very unlikely to be available in this situation -- is there anything that would provide concrete evidence of a link between the two entities?

What would prove that the money received by the child's mother was a payment for the child or an inducement to relinquish the child? In the absence of a confession by the mother that she had never intended to place her child for adoption before she was offered payment or that the money was not meant to cover expenses, is there any other type of evidence that could be used to prove this?

The record contains the fact that the facilitator openly stated that they often offered birth mothers money after an adoption, and the birth mother stated that she received approximately $ 500 in United States currency from Ms. Y. While the statute provides for the "reasonable payment for necessary activities such as administrative, court, legal, translation, and/or medical services related to the adoption proceedings," there is nothing in the record that indicates that the money received by the mother was for such expenses. It should be noted that adoptive parents generally pay fees that cover administrative, court, legal and translation expenses, and the only medical service generally related to the adoption proceedings is the medical exam required by the United States Embassy.

In addition, the World Bank reported that in 2001 the annual per capita income in Vietnam was $ 410, which means that the mother received approximately 125% of the annual per capita income. By contrast, in the United States, the per capita income for 2001 was $ 34,870, which means that a United States birth mother receiving an equivalent payment for expenses would be allotted $ 43,587. Yet this type of evidence was not deemed sufficient to prove that the mother was paid for the child or received an inducement to relinquish her child.

Short of a confession, it is hard to fathom what kind of direct evidence the OIC could possibly unearth to support the charge of child buying. Indeed, under this interpretation of the regulation, it would seem that anyone could traffic in children

with impunity provided that: (1) they hired a "runner" or other non-employee to deliver the cash or contact the birth mothers; and (2) the birth mother stated that she intended to place the child irrespective of the payment she received -- a statement that a mother can easily be coached to make.

This troubling case highlights the extreme difficulty in producing direct evidence to prove child buying. In the **Cambodia** cases, it was verbally stated that the task force was instructed to deny only those cases that could be sustained on appeal. Given the record in previous cases, officers are therefore forced to use an interpretation of inducement that concludes that if a parent offers the child to an orphanage prior to receiving money, the consent was not induced. This interpretation, however, fails to take into consideration the reality that if a specific orphanage or facilitator is known by all to give money after a child is placed, that in itself can serve as an inducement. The results of the criminal investigation in **Cambodia** prove that this concern is a valid one.

The Criminal Investigation

In March 2002, two special agents with the Immigration and Naturalization Service traveled to **Cambodia** to investigate allegations of baby trafficking. In a search warrant executed on October 16, 2002, Special Agent Richard Cross details allegations against adoption facilitator Lauryn Galindo and her sister Lynn Devin, the owner of a United States adoption agency, and their associates. The search warrant details several incidents in which adoptive families were directed by Ms. Galindo and her associates to give cash to the birth parents of the newly adopted child. One such incident was captured on videotape. In documents later filed with the United States Embassy under penalty of perjury, the children were declared abandoned with no known parents. The warrant also documents bribes paid to officials to process cases or to falsify paperwork. In November 2003, Ms. Galindo and Ms. Devin were charged with conspiracy to commit visa fraud, conspiracy to launder money, and structuring. Both Ms. Galindo and Ms. Devin pled guilty. Ms. Galindo was sentenced in November 2004, and Ms. Devin was sentenced in January 2005.

Information released by United States Immigration and Customs Enforcement in November 2004 detailed findings of the investigation. [n42] The information reads, in part:

Operation Broken Hearts was a landmark investigation into allegations of child trafficking by a criminal enterprise. The conspiracy involved alien smuggling, visa fraud, wire fraud, mail fraud, tax fraud, money laundering and violations of the Foreign Corrupt Practices Act. From January 1997 to December 2001, the conspirators operated a scheme to defraud U.S. Citizens who adopted some 700 children from **Cambodia.** They received approximately $ 8 million dollars from adoptive parents in the United States, and then used the profits to live lavish lifestyles in Seattle, Hawaii and **Cambodia.**

. . . .

How Did This Child Trafficking Enterprise Operate?

The enterprise operated through a series of deceptive and fraudulent schemes, among them:

Baby Recruiters -- A baby recruiter would approach a birth family in their local village concerning their willingness to sell their child. Once the recruiter located a potential child, they would notify a baby buyer in Phnom Penh. The "buyer" would pay the "recruiter" a $ 50 commission for each child he or she located in a village. The recruiters were also known as "freelance locators" and "helpers."

Baby Buyers -- The baby buyers in this enterprise were orphanage directors and taxicab drivers. The "buyers" used several means to obtain children from their birth families. Some birth families were told they could have their child back at any time.

. A reputable nongovernmental organization will provide food and medical care to your child in **Cambodia.**

. Your child will be able to attend a school in **Cambodia.**

. You can regularly visit your child at the orphanage in **Cambodia.**

. You can have your child back at any time.

OR

. A rich family will raise your child in the United States. They will send you money and photos of the child for the rest

of your life.

. When your child becomes an adult, he can petition for you to immigrate to the United States.

. I will give you money and rice for your child now. [Note -- The payments ranged from $ 20 to $ 200 and a fifty-kilogram bag of rice. These payments were also known as "nurse care."]

. . . .

False Documents -- After the children were purchased and stored, the next step in the conspiracy was to create a false paper trail. The children's true identities were erased. They were give sic new names and histories. This information was placed on birth certificates and adoption related documents. These documents were then used to obtain legitimate Cambodian passports. [n43]

Even though this United States Immigration and Customs Enforcement document clearly indicates that this was a "child trafficking enterprise," no charges of child trafficking were brought against the involved parties. Under United States law, child trafficking for the purpose of adoption is not illegal. The Victims of Trafficking and Violence Protection Act of 2000 makes it a crime to traffic in children for sexual exploitation and labor only. [n44]

It is further noted that even in the cases where adoptive parents admittedly gave money to birth parents, these actions were done after the children had been placed in the orphanage, [n45] which makes it very possible that the cases could not have been denied under the current regulation on child buying. Even if they could have been denied, the only ramification is that the victim (the child) is punished by not being issued a visa. The perpetrator could not be charged with trafficking.

In the Immigration and Customs Enforcement investigation, charges were brought for visa fraud and money laundering, with some noting that these crimes are easier to prosecute. The absence of a law on child trafficking and adoption, however, provides the avenue for some to argue that the only crimes committed were minor paperwork irregularities. These arguments do nothing to further the dialogue on preventing children trafficking.

The documentation fraud in the **Cambodia** cases served to erase the identities of the adopted children. Investigators found that children had complete birth families, making their approval as "orphans" impossible. [n46] Thus, while some may argue that documentation fraud is endemic in countries such as **Cambodia**, the evidence shows that even when identifying information was available on the children it was erased to procure visas for the children. The erasure of identity also served to make it nearly impossible to trace the origins of the child and to investigate trafficking concerns. Investigators noted that of the hundreds of adoptions processed, only a small number were traceable. In light of these actions, the "minor paperwork irregularities" take on a more sinister implication.

The end result of the Cambodian adoption situation is that hundreds of United States families had their cases subjected to investigation and approved, while criminal investigations revealed substantial abuses that lead one to believe that many of the children may have been separated from their birth families through fraud, coercion, or purchase. Ultimately, the effect of the fraudulent adoptions on these families and children will be lifelong.

Increased Protection Needed

In order for adopted children and their families, both birth and adoptive, to be protected the United States needs to implement appropriate child protection laws regarding adoption.

The United States is party to two international treaties dealing with intercountry adoption: The Optional Protocol ("Optional Protocol") to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; [n47] and the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention). [n48]

The Optional Protocol states, "Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration." [n49] Article 3 specifically requires states to have laws on the sale of children. The Article provides:

Article 3

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal

or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

a. Sexual exploitation of the child;

b. Transfer of organs of the child for profit;

c. Engagement of the child in forced labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;

(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;

(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2. [n50]

Although some individual states in the United States have laws on the purchase or sale of children, these are by no means uniform. They are also difficult to use when prosecuting crimes that happen outside the United States. The lack of a federal law on the sale or purchase of children creates a dangerous gap in child protection and arguably places the United States in a position of non-compliance with the requirements of the Optional Protocol. The Hague Convention requires that state parties "shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention." [n51] One of the main objectives of the Convention is "to establish safeguards to ensure that intercountry adoptions take place in the best interests of children and with respect for his or her fundamental rights as recognized in international law" and "to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children." [n52]

The United States has not yet ratified the Hague Convention, although it was signed in 1994 and received Senate ratification in 2000. Since the Senate's ratification, the Department of State has been drafting regulations to implement the Convention. A proposed set of regulations was released for public comment on September 15, 2003. The proposed regulations contained this section on child buying:

§ 96.36 Prohibition on child buying.

(a) The agency or person prohibits its employees and agents from giving money or other consideration, directly or indirectly, to a child's parent(s), other individual(s), or an entity as payment for the child or as an inducement to release the child. If permitted or required by the child's country of origin, an agency or person may remit reasonable payments for activities related to the adoption proceedings, pre-birth and birth medical costs, the care of the child, the care of the birth mother while pregnant and immediately following birth of the child, or the provision of child welfare and child protection services generally. Permitted or required contributions shall not be remitted as payment for the child or as an inducement to release the child.

(b) The agency or person has written policies and procedures in place reflecting the prohibitions in paragraph (a) of this section and reinforces them in its employee training programs. [n53]

The language from the proposed regulations closely mirrors the current administrative clause that has proven so ineffective in trying to prove that child-buying has occurred. The proposed regulations did not contain any additional regulatory language that would broaden the definition of "inducement" or that would lower the standard of evidence from needing "concrete evidence or an admission of guilt."

On the other hand, the categories of allowable expenses have been substantially broadened from those currently contained in Immigration regulations. The proposed language would allow for the payment of pre-birth expenses for the birth parents, for example, and yet the proposed regulations do not delineate any method of review that would ensure that such expenses were not used to induce the mother to place her child.

Many have argued that the payment of prenatal and adoption expenses for birth parents overseas should be allowed because such expenses are allowed in United States adoptions. However, there are serious concerns about some practices regarding the payments of expenses in the United States, too, which some believe serve as a subtle form of coercion that persuades parents to follow through with an adoption plan when they may not otherwise do so. Given the difficulties in enforcing safeguards in other countries, protections may need to differ from those in the United States if they are to provide the same level of protection that is given to United States birth parents. Section $ S 96.36 contains none of the safeguards or requirements normally used in domestic adoption to regulate the payment of expenses. Without such safeguards, the proposed Hague regulations may actually lead to an increase in child trafficking activity.

It is imperative that the United States implement a law that makes child trafficking for the purpose of adoption illegal, and modify the current regulations to allow petitions to be denied if probable cause is found to suspect child buying. Without such changes, there is nothing to prevent the tragedy that occurred in **Cambodia** from happening again.

Legal Topics:

For related research and practice materials, see the following legal topics:
Family LawAdoptionInvalid AdoptionsFamily LawAdoptionProceduresForeign AdoptionFamily LawAdoptionExpenses

FOOTNOTES:

n1 On March 1, 2003, the Immigration and Naturalization Service was incorporated into the Department of Homeland Security. For the sake of simplicity, the former INS, now USCIS, will be referred to simply as "INS," the "Service," or the "Immigration Service."

n2 See Press Release, U.S. Dep't of Justice, Immigrations and Naturalization Services, INS Announces Suspension of Cambodian Adoptions and Offer of Parole in Certain Pending Cases (Dec. 21, 2001) available at http://uscis.gov/graphics/ publicaffairs/newsrels/cambadopt.htm.

n3 8 U.S.C. § 1101(b)(1)(F) (2004). See also 8 C.F.R. § 203.3(a)(2) (2005).

n4 Foreign Affairs Manual, 9 FAM 42.21 N13.4-3 Orphan Investigation Procedures (TL:VISA-372; 03-18-2002), provides:

a. Orphan investigation procedures vary from post to post, since the best means of collecting necessary information regarding the child's status and history often depend on local conditions. Most Form I-604, Request For and Report On Overseas Adoption Investigations are conducted at the time of the visa interview and are based on document review. An investigation can also include interviews with the child (if of sufficient age), social workers, orphanage representatives, the prospective adopting parents, or biological parent(s), if available. When fraud is detected or indicated, a full field investigation may be warranted. A fraud investigation should be conducted as expeditiously as possible.

Id.

n5 9 FAM 42.21 N13.4-4 (TL:VISA-562; 08-01-2003) provides:

When the Form I-600, Petition to Classify Orphan as an Immediate Relative, is filed at an abroad post, the Form I-604, Request For and Report On Overseas Adoption Orphan Investigation, must be completed before the petition can be adjudicated. In this situation, the Form I-604 investigation plays an essential role in determining if the child qualifies under INA 101(b)(1)(F) and thus if the petition is "clearly approvable." Documents required for completion of the Form I-604 investigation will vary because local conditions differ. [See guidelines in 9 FAM 42.21 N13.3-6 and 9 FAM 42.21 N13.3-10.] If the Form I-604 investigation either is inconclusive or indicates the child does not qualify for status, the

Form I-600 petition should be referred along with the completed report to the appropriate DHS office abroad for adjudication.

9 FAM 42.21 N13.4-4 (TL:VISA-562; 08-01-2003).

n6 A Congressional Hearing entitled "International Adoptions: Problems and Solutions" was held in the House International Relations Committee on May 22, 2002. The situation in **Cambodia** was discussed at length. Follow-up questions regarding accusations of preferential treatment at the Embassy were answered by Ambassador Mary Ryan and entered into the record. The answers reveal that visas continued to be approved and release letters were issued throughout the October-December 2001 period.

n7 Information and statistics on the Cambodian adoption crisis and the "special initiative" to clear pending cases can be accessed on the USCIS website at: http:// uscis.gov/graphics/services/resadopcam.htm.

n8 8 C.F.R. § 204.3 (2005).

n9 U.S. Citizenship and Immigration Services Website, Decisions Issued in 2001, Ho Chi Min City Vietnam, November 30, 2001 at http://www.immigration.gov/graphics/lawregs/admindec3/f1/2001/NOV300101F1101.pdf.

n10 IMMLS PSD FAM III 42.21 NT (2003). See U.S. Citizenship and Immigration Services Website, Foreign Affairs Manual, Regulations, Foreign Affairs Manual & Foreign Affairs Handbooks, Table of Contents, 42.21 Notes at http://foia. state.gov/masterdocs/09FAM/0942021N.pdf.

n11 See Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101 (b)(1)(F) of the Immigration and Nationality Act, I.N.S. Off. Admin. App., File No. 01F1101 (Sept. 18, 2001), available at http://uscis.gov/graphics/lawsregs/ amindec3/f1/2001/sep180101f1101.pdf.

n12 Id. Names were removed to protect the identity of the child.

n13 Id. at 4.

n14 Id.

n15 Id.

n16 Id. at 12.

n17 See id. at 5.

n18 Id.

n19 Id.

n20 Id.

n21 Id.

n22 Id.

n23 Id. at 6.

n24 Id.

n25 Id.

n26 Id.

n27 Id.

n28 Id.

n29 Id.

n30 Id.

n31 Id. at 7.

n32 Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101 (b)(1)(F) of the Immigration and Nationality Act, I.N.S. Off. Admin. App., File No. 01F1101 (Sept. 18, 2001), available at http://uscis.gov/graphics/lawsregs/ admindec3/f1/2001/sep180101f1101.pdf.

n33 Id. at 9.

n34 Id. at 10.

n35 Id.

n36 Id. at 10-11 (emphasis added).

n37 Id. at 11 (quoting BLACK'S LAW DICTIONARY 779 (7th ed. 1999)).

n38 Id.

n39 Id.

n40 Id.

n41 Id.

n42 See U.S. Immigration & Customs Enforcement, Backgrounder: Operation Broken Hearts (Nov. 19, 2004), at http://www.ethicanet.org/galindobackgr.pdf.

n43 Id. (emphasis in original).

n44 See Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000).

n45 See U.S. Immigration & Customs Enforcement, Backgrounder: Operation Broken Hearts (Nov. 19, 2004), at http://www.ethicanet.org/galindobackgr.pdf.

n46 See id.

n47 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, G.A. Res. 832, U.N. GAOR, 54th Sess., Supp. No. 49, U.N. Doc. A/54/49 (2002), available at http://www. ohchr.org/english/law/crc-sale.htm. The United States has not ratified the Convention on the Rights of the Child, but it has become party to the Optional Protocol on the Sale of Children.

n48 See Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, May 29, 1993, available at http://www.hcch.net.

n49 See G.A. Res. 832, U.N. GAOR, 54th Sess., Supp. No. 49, art. 2, U.N. Doc. A/54/49 (2002).

n50 Optional Protocol, supra note 47, at Art. 3 (emphasis added).

n51 Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, supra note 48, at Art. 8.

n52 See Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, May 29, 1993, available at http://www.hcch.net.

n53 Prohibition on Child Buying, 68 Fed. Reg. 54,064, 54,101 (Sept. 15, 2003) (to be codified at 22 C.F.R. pt. 96).

MR. WHITFIELD. This hearing is adjourned and thank you all again.
[Whereupon, at 5:15 p.m., the subcommittee was adjourned.]

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