



## Analysis of intercountry adoption policy and regulations: The case of Korea

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### ABSTRACT

This article discusses rules and regulations regarding intercountry adoption. Specifically, the case of South Korea is addressed, based on Korea's adoption history. The sociopolitical conditions in both the Republic of Korea and the United States that result in intercountry adoption are explained. Intercountry adoption is fundamentally considered to be a private legal matter between individuals/couples and a foreign court. Therefore, the personal process of intercountry adoption is explored. The Intercountry Adoption Act of 2000 (IAA), complying with the Hague Convention, provides regulations and acts to assist both U.S. citizens seeking to adopt children from abroad and residents of other countries seeking to adopt children from the U.S. Related policies, such as The Child Citizenship Act of 2000 and significant Korean adoption laws are presented. Finally, we discuss the possible positive and negative effects of the intercountry adoption of children from the Republic of Korea, post-adoption services, and psychological findings, with the goal of improving policy in intercountry adoption.

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### 1. Introduction

Over the past few decades, the demand for permanent homes for parentless children in the world has grown dramatically (Center for Adoption Policy, 2006). Historically, the purpose of adoption in the U.S. was to provide childless couples the opportunity to raise children (Boer, Bieman, & Verhulst, 1994). However, the lack of potential adoptees (U.S. Department of State, 2006a), confusion about laws in 50 states with different requirements, as well as the tangled bureaucracy governing foster children have all played important roles in diminishing domestic adoption opportunities. As a result, couples have sought an alternative in the intercountry adoptions of babies.

From 1990 through 2001, intercountry adoptions in the U.S. almost tripled, from 7000 to 19,200. In 2005, 22,728 visas were issued to intercountry adoptees entering the United States, according to the U.S. Department of State (2006b). Intercountry adoption has served as a plausible option for several decades; however, some critics have argued that intercountry adoption should be a last resort for children whose needs cannot be met in their homeland.

### 2. Historical background and controversial issues

Although it was not specifically targeted at adoption, the United Nations Convention on the Rights of the Child (UNCRC) was adopted in 1989, except by the U.S. and Somalia, who were coerced into signing the agreement the following year. The generally accepted international legal guidelines governing domestic and intercountry adoption are codified in the Hague Convention on the Rights of the Child, signed in 1993. The U.S. signed the Hague Convention in 1994, thereby signaling its intent to proceed with ratification efforts. President Clinton submitted the Convention document to the Senate for ratification in 1998. That legislation ultimately was signed into law as the Intercountry Adoption Act of 2000 (IAA). The Act designates the U.S. Department of State as the central U.S. authority responsible for complying with the Convention; and promulgated regulations for implementing the Act and Convention in the U.S. in mid-February, 2006.

IAA 2000 is designed to provide for implementation of the Convention by the U.S.: to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents; to ensure the children's best interests; and to improve the ability of the Federal Government to assist both U.S. citizens seeking to adopt children from abroad and residents of other countries seeking to adopt children from the U.S.

The goal of intercountry adoption is to provide families for children without families across the borders of different countries. Intercountry

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adoption has been treated as if it is the only viable solution to the problem of an over-abundance of children without families in some countries and a similar abundance of families who need children in other countries. But the practical purpose and result of intercountry adoption appears to be to provide babies from other countries for U.S. families due to the reduction in children available for adoption in the U.S.

In the aftermath of wars, many countries suffer from poverty and lack the resources to care for orphaned children. Countries in this situation have used intercountry adoption as a way of getting out of national crises. For example, the Korean government was able to provide foreign homes for orphaned Korean children, and got financial support from outside the country through intercountry adoption.

In recent years, some countries of origin have started to raise questions about “the best interests of children.” As a result, these countries discourage intercountry adoption while others still call for international assistance. And the policy of intercountry adoption has met with increasing resistance in the adopted children’s countries of origin. For example, during the 1980s, some countries put a hold on intercountry adoptions, while others became more restrictive (Boer et al., 1994). Romania in 2001 imposed a moratorium on foreign adoptions after allegations of corruption by the officials involved in the adoption process (Crawley, 2005). The tragic death of a Russian boy adopted by an American couple has stimulated political argument in Russia (Sector, 2005). Russian newspapers, in glaring headlines claimed that foreign adoptions were depleting Russia’s most precious resource, its youth. More politicians are arguing for imposing strict limits on the number of Americans adopting Russian children.

Despite the increase in intercountry adoptions, many domestic American children with special needs and children of color available for adoption have been put on waiting lists (Bausch & Serpe, 1997; Egbert & Lamont, 2004; McKenzie, 1993; Reilly, 1996). Given the difficulties in raising children with special needs, an increasing number of families in the U.S. have opted to adopt internationally (Asbury, Cross, & Waggenpack, 2003). As intercountry adoption increases, domestic children with special needs are less likely to be adopted (Bartholet, 2005). For example, while American parents help many children in foreign countries have families through intercountry adoption, children with special needs in America find it harder than ever to get help.

### 3. Overview of intercountry adoption

Intercountry adoption is essentially a private legal matter between a private individual and/or couple who wishes to adopt and a foreign court, which operates under its country’s laws and regulations. Adoption law creates a legal parent–child relationship between persons who have no biological relations. It is largely a product of state law. Domestic adoption laws vary from state to state, and international laws vary from one country to another. U.S. authorities cannot intervene on behalf of private parents; however, the Bureau of Consular Affairs in the U.S. Department of State provides extensive information about the adoption processes in various countries and outlines the U.S. legal requirements to bring a child to the U.S. (U.S. Department of State, 2007).

The State Department helps parents by a) providing information about intercountry adoption in foreign countries, b) providing information about U.S. visa requirements, c) making inquiries of the U.S. consular sections abroad regarding the status of specific adoption cases and clarifying documentation or other requirements, and d) preventing discrimination by foreign authorities or courts and fraudulent adoption through providing information about authorized institutions and qualified legal counsel (U.S. Department of State, 2007).

Here, however, is what they cannot do: a) have direct involvement in the adoption processes, b) act as an attorney or represent adoptive parents in court, or c) engage in orders of adoption or visa issues (U.S. Department of State, 2007).

### 4. Rules and regulations of intercountry adoption in the U.S

U.S. citizens can usually adopt children from a foreign country without difficulty. The intercountry adoption law requires permanent residents who are not citizens to reside with a child for two years before entering the U.S. to bring the adopted child. However, after fulfilling the two-year co-residence requirement, parents can only file a child as a “second family category” (child of a legal permanent resident) petition. Then, they wait for the petition to be heard, so residents typically wait six years or more before their adopted child may enter the U.S. (U.S. Department of State, 2007).

Long-term nonimmigrant visa holders, including Treaty Traders or Investors (E1/E2), Students (F-1), Journalists (I), Exchange Visitors (J-1), Temporary Workers (H, O, or P), Intra-company Transfers (L-1), and Religious Workers (R-1), must also fulfill the two-year co-residence requirement of living with the adopted child for two years in the child’s native country before bringing him/her to the U.S. (U.S. Department of State, 2007).

For U.S. citizens, there is no two-year co-residence requirement. If prospective parents just visit the foreign country to meet and join the child, and complete the process, then their adopted child becomes a U.S. citizen automatically upon his/her entry into the U.S., with all of the rights and protections of citizenship (U.S. Department of State, 2007). Although the physical presence of the adoptive parent is required in most foreign countries to receive adoptive children, a few countries, such as South Korea and India, do allow adoptive parents to adopt through a third party without actually traveling to that country (Selinske, Naughton, Flanagan, Fry, & Pickles, 2001; U.S. Department of State, 2006c).

However, some countries require a period of residence by one or both adoptive parents. Although Zambian adoption laws appear to be flexible, the Zambian Adoption Act requires that parents reside in Zambia for a period of at least 12 months in order to adopt a Zambian child. Furthermore, adoptive parents may be required to foster the child for three months (U.S. Department of State, 2006d). Also, there is a three-year residency requirement for all U.S. citizens who are prospective adoptive parents in Micronesia (U.S. Department of State, 2006e).

In general, a single U.S. citizen over twenty-five years of age or a married U.S. citizen of any age may adopt children from foreign countries. The spouse of a U.S. citizen need not be a U.S. citizen, but he/she must agree to the adoption. However, some foreign countries have different standards for age, marital status, and so on. For example, the Austrian government prefers that the prospective adoptive parents be married, although the law does not officially specify this. The adopting father is recommended to be at least 30 years old and the adopting mother 28 years old (U.S. Department of State, 2006f). Also, the government of Argentina requires that prospective adoptive parents must be at least 30 years of age if single. There is no minimum age if married, but the couple must have been married for at least 3 years and have no offspring (U.S. Department of State, 2006g).

To complete an intercountry adoption and bring children to the U.S., prospective parents must fulfill the requirements set by the U.S. Citizenship and Immigration Service (USCIS) in the Department of Homeland Security (DHS), the U.S. Department of State, the foreign country in which the children reside, and any additional requirements. A two-step process is suggested: 1) petitioning to classify an orphan as an immediate relative, and 2) applying for that child’s immigration to the U.S. (U.S. Department of State, 2007).

The USCIS determines the eligibility of parents for adoption. A lengthy screening process may be required before a determination can be made. These screenings are done prior to identifying a specific child for adoption by filing an Advance Processing Petition (I-600A) with USCIS. After the submission of a petition, an immigrant visa is issued to an adoptive child. Additionally, a legally binding Affidavit of Support (I-864), complete with specific mandatory supporting documents, is required in cases where a child is immigrating to the U.S. to be adopted in a state court.

The U.S. Government requires that the status of the adoptive child be designated as an orphan under U.S. law, or that he/she be legally and irrevocably released for emigration and adoption unless he/she has not resided with but has been in the legal custody of the adopting parent for at least two years. The U.S. Government defines an orphan as a child who has no parents due to several circumstances. The main requirements for orphan status are:

1. The child must be under the age of 16 at the time an I-600 petition is filed with the USCIS or a consular officer;
2. The child meets the U.S. immigration law definition of “orphan” if:
  - a) The child has no parents due to the death or disappearance of, abandonment or desertion by, or separation from or loss of both parents; or
  - b) The sole or surviving parent(s) are incapable of providing proper care and have, in writing, irrevocably released the child for emigration and adoption.

In some cases, re-adoption of the child in the U.S. is required. This generally occurs when the adoptive parent did not see the child prior to or during the process (U.S. Department of State, 2007).

The Child Citizenship Act of 2000 allows certain foreign-born biological and adopted children of U.S. citizens to acquire American citizenship automatically. Adopted children are granted citizenship when they enter the U.S. as lawful permanent residents. When a child is classified as an orphan, as demonstrated by an approved I-600 petition, the U.S. Embassy or Consulate’s consular section will review and issue a visa for that child.

### 5. Post-adoption services

Once the adoption process is finalized, the child becomes a U.S. citizen when he/she enters the U.S., with all of the rights and protections of citizenship. He/she is also automatically protected under the Child Protection Laws of the U.S., at both the federal and state levels. Although child protection laws vary from state to state, they all provide certain basic types of protection regardless of citizenship and adoption status, such as criminalizing child abuse and neglect. The same procedures apply to protecting all children—both natural children and adopted children from other countries as well as from within the U.S.

Post-adoption services are among the child welfare services available to children in intercountry adoptions. In certain cases, children are eligible for post-adoption financial subsidies and medical assistance. If an adopted child is seen to be at risk of harm or neglect, a public child welfare agency will take responsibility for the child and provides a safe environment. If necessary, the agency places the child in another placement home, usually in the U.S., instead of sending him/her to his/her country of origin. In some cases, the child may be placed with his/her relatives in another country, if that is deemed to be in the best interest of that child.

Several countries require a post-adoption follow-up conducted by the adoption agencies or the foreign country’s consul in the U.S.: such Post-Placement Reports examine the health and the welfare of children. The progress reports are usually required to be completed by the local authority or voluntary adoption agency registered to work on intercountry adoption. It is therefore important that adoptive parents maintain contact with their local authority or voluntary adoption agency in order to comply with this requirement. But the required frequency of these reports varies from country to country.

The reporting system is designed to track the child’s development and progress in adjusting to his/her new family and life in a new country. Reports also provide assurance to political leaders and adoption officials in the country of origin that the children they place in permanent families through intercountry adoption in the U.S. are receiving appropriate care and protection. Failure to provide post-adoption reports may put intercountry adoption programs at risk and

make the process harder for U.S. parents who wish to adopt in the future. Accordingly, parents are strongly encouraged to comply with the reporting conducted by the Department of State.

### 6. The history of Korean intercountry adoption

In the 1860s, due to famine and poverty, the modern exodus of Korea began (Lee, 2000). A great number of Koreans poured into Russia and Chinese Manchuria. In 1881, many Korean students began moving to Japan, and, in 1909, emigration to the U.S. commenced (Lee, 1993). During the colonial period, Japan exploited Korea and its people ruthlessly. In 1945, when Korea was liberated from Japan, American and Russian troops occupied the country and divided it into south and north territories along the 38th parallel (Lee, 1985). Then the Korean War broke out, in 1950.

When Japanese rule ended, there were 38 child welfare institutions inhabited by 3000 children. By 1950, those numbers had increased to 215 institutions and 24,945 children. Finally, in the post-war era, as of 1957, there were 482 institutions and 48,594 children (Hubinette, 2004). During the war, numerous orphanages were founded by foreign soldiers (Choi, 1996). Many missionaries introduced charitable social welfare and relief activities for refugees during the Korean War. It has been suggested that social welfare practices were tested in Korea for the first time, and modern western aid to developing countries was established, because of the Korean War (Hubinette, 2004).

During and after the war, many Korean children and Korean-American children born of unions between Korean mothers and American soldiers were sent to the U.S. (McGinnis, 2007). It was easy to bring in a parentless child who was roaming the streets or a biracial child (half Korean half American) abandoned by both parents due to social stigma and shame from chaotic, war-torn Korea (Hubinette, 2004). The adoption of children from South Korea right after the Korean War was the first large-scale intercountry adoption initiative. It might not have been possible to practice mass intercountry adoption without Holt’s agency, founded in 1956 by American Harry Holt, who had adopted eight mixed children from Korea. Holt’s agency rapidly developed into a node of intercountry adoption, both in Korea and the world, placing half of its adoptions from Korea (Holt International Children’s Services, 1992).

Between 1955 and 1964, the industrialization of South Korea produced massive numbers of unmarried female factory workers and abandoned children. In 1976, women constituted 53% of the industrial labor force, and two out of three were unmarried girls between 15 and 25 years old (Jung-Ang Newspaper, 2005). Also, the Confucian-based son preference and the male-centered family head registry system restricted the reproductive rights of women. Many married women underwent abortions due to these traditions, and Korea earned a reputation as an abortion paradise (Kim, 2002). These social contexts pushed the continuation of intercountry adoption (Hubinette, 2004). Although between 1976 and 1981, the Five Year Plan for Adoption and Foster Care reduced the number of intercountry adoptions and increased domestic adoptions through a system of quotas (Kim, 2002), South Korea still has the longest running intercountry adoption program, and has sent more children to foreign countries than any other country (McGinnis, 2007).

Adoption from South Korea became representative of intercountry adoption, and was used as a bonding strategy to develop close relationships between Korea and the adopting countries. On the down side, as a Canadian social worker warned, intercountry adoption actually hindered the development of a domestic social welfare system in South Korea (Hubinette, 2004). The U.S. was the most important adopting country during the post-war, because of Korea’s semi-colonial status in the U.S. world order (Lim, 1985). Although all intercountry adoptions were run with humanitarian motivations, until the mid-70s the practice was primarily shaped by the need to find

families for children, and after that time, it shifted to being shaped instead by low fertility rates and a lack of infants available for domestic adoption in the U.S. and other Western countries (McGinnis, 2007).

## 7. Development of Korean adoption policy

Although the first formal overseas adoption was the adoptions of four Korean infants in 1953 (Lovelock, 2000), it is assumed that there might have been informal adoptions previously during the Korean War conducted in the complete absence of a legal framework. Throughout the 1950s, the majority of intercountry adoptions involved children of mixed-race, the offspring of Korean women and usually American military fathers. Intercountry adoption programs in South Korea were formally set up in 1954, when Child Placement Services were established (Kim, 2007). In 1961, a legal framework for intercountry adoption in South Korea was established, and it was amended under the Orphan Adoption Special Law (Sarri, Baik, & Bombyk, 1998) in 1966. Only government licensed adoption agencies could provide international adoption services at that time. In 1976, the Korean government revised adoption law and enacted the Five Year Plan for Adoption and Foster Care to reduce the number of intercountry adoptions and increase domestic adoptions (Sarri et al., 1998).

However, in 1981, the government reversed this policy and expanded intercountry adoptions; then, this policy was overturned again in response to massive criticism from Western media (McGinnis, 2007). In 1989 the South Korean government enacted a policy to terminate intercountry adoption, with the goal of limiting overseas adoption by 1996 to only mixed-race children and children with disabilities; however, this policy was abandoned in 1994 due to continuing low rates of domestic adoption (Sarri et al., 1998).

In 1996, the South Korean government revised its adoption law, creating the Special Law on Adoption Promotion and Procedure to promote domestic adoption and to decrease intercountry adoption annually by 3 to 5% by 2015 (Holt Korea, 1999). Since 1986, the number of Korean children adopted internationally has continuously decreased, with the total adoptions by U.S. families at fewer than 2000 children from 1991 to the present (U.S. Department of State, 2008). For the last several years, China and Russia have ranked above South Korea in the number of children adopted internationally. Only recently, with the current economic crisis in Asia, has South Korea allowed the number of children placed for adoption internationally to increase (U.S. Department of State, 1999). South Korea has not signed the Hague Convention (U.S. Department of State, 2006h), although the government was evaluating possible adoption policies (Bae, 2005).

## 8. Criteria for international adoption in the Republic of Korea

Two sets of laws are relevant in intercountry adoptions: a) the laws of the child's country of birth govern all activity involving children in the country in general; and b) the U.S. Federal immigration law governs the immigration of the adopted child to the U.S. In the case of Korea, South Korea's special adoption law N. 2977, Section 9 (A), requires the use of an adoption agency for the overseas adoption of Korean orphans, and Section 10 (A) provides that such agencies must be authorized by the Ministry of Health and Social Affairs (U.S. Department of State, 2007).

South Korean authorities have advised the U.S. embassy in Seoul of the criteria for selecting adoptive parents. They have some unique criteria, as listed below (Social Welfare Society Korea, 2007; U.S. Department of State, 2007).

- Single parents are not eligible.
- The couple should be married for at least three years and be between the ages of 25 and 44. However, they may make exceptions in some cases; if a) at least one parent is under 45, b) the

adoptive parents have previously adopted a Korean orphan, or c) the parents are willing to adopt an orphan with serious medical problems.

- The adoptive couple should have no more than five children. This number includes the child or children to be adopted.
- The couple should not have an age difference of more than 15 years.
- The income of the adoptive couple should be higher than the national average of their country and sufficient to raise the child.

There is no residency requirement. The period of time between when a couple begins the pre-adoption processing and when the child arrives in the U.S. can be anywhere between one and four years. According to the Korean Ministry of Health and Social Welfare and Korean adoption agencies, the total cost is between \$9500 and \$10,000. This includes child care fees, medical expenses, legal processing fees, administrative fees, social worker payment and counseling fees, and post-adoption service fees. Personal expenses such as air tickets, hotel expenses, and meals are not included. The Korean government requires prospective adoptive families to work with agencies that have been approved by the Korean government. Korean adoptions are always conducted through one of the authorized adoptive agencies; therefore, the first step to adopting a Korean child is to contact an approved adoption agency.

## 9. Issues and concerns

### 9.1. The need for continuing modification of international laws and regulations

The Hague Convention has been working since 1980 to create an international policy to respond to problems regarding intercountry adoption (Simov, 1999). In 1993, the Hague Convention set as its goals and minimum standards to protect children and to eliminate fraud and illegal coercion of termination of parental rights. Although many countries participated in the negotiation process, some countries didn't ratify the Convention until after its initial development. For example, the U.S. signed a year after the first intercountry act was approved. Now, 68 nations have joined the Convention (U.S. Department of State, 2006h).

Although these 68 countries have signed the Intercountry Adoption Act, there is still a need to improve policies and services. Intercountry adoptions involve different concerns than do domestic adoptions, including the distance involved, the different laws and authorities that must be consulted, the problems with black markets for children, as well as cultural issues.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations, but the ICJ hears few cases about conflicts on intercountry adoption (Hubing, 2001). Families cannot seek relief through the ICJ because the court does not work for private parties. Legal disputes can only be submitted by states, authorized U.N. organs, or specialized agencies (The International Court of Justice, n.d).

Because of this limitation, there is a definite need for a proper pathway or authority to protect the adopted child, the adoptive parent, and the biological parent under uniform international laws, as well as to regulate intercountry adoptions through the international community rather than only through individual nations or states within a nation (Simov, 1999). Therefore, the Intercountry Adoption Act (IAA) needs to be continually modified to govern all aspects of intercountry adoptions more effectively.

The IAA 2000 is designed to protect adopted children, adoptive parents, and biological parents from adoption fraud through providing legal information and guidance in the processes necessary to establish a legal parent-child relationship; however, it also prevents biological parents' immigration on behalf of their adopted child. Accordingly, it terminates any potential rights of the biological parents, which may

not be in the best interest of adopted children. The designation of a child as an orphan makes certain factual conclusions about abandonment or desertion by the biological parents that may weaken the parents' claims over their children.

In other words, in order to prevent the future immigration of biological parents, the law requires termination of the biological parents' rights as parents. Under this act, there may be misconceptions that lead to blaming and dehumanizing the biological parents, as well as ethical concerns about the human rights of both the biological parents and the children. This policy contains an assumption that the termination of parental rights is a consequence of biological parents' inability to fulfill parental responsibilities. As a result, it may not show biological parents as worthy of contact with their children.

The tendency of this policy is to blame parents for personal failings. Some theorists suggest, however, that personal failings are often a result of larger societal factors. Schiele (1997), for example, disagrees with equating fault with individual responsibility. Afrocentric philosophy views the success and failure of individuals as collective successes and failures. It emphasizes circumstances, powers, resources and support systems beyond one's own control. So when an individual fails despite his/her best efforts, that failure must be shared by all (Schiele, 1997). This collective and spiritual worldview, seeks to not only facilitate the well-being of particular groups but also, societal transformation for all.

In order for agencies and practitioners to obtain the voluntary consent of a parent, they must get parents to agree to the placement of children. Valid termination of parental rights includes the voluntary consent of a caregiver from the family. However, in practice, the consequences of such "voluntary consent" are often not clear to the biological parents, which have caused some countries to have concerns about some adoptions. For example, Romania and Guatemala have suspended all intercountry adoptions due to suspicions about invalid termination of parental rights, which means that children were removed from the country without the appropriate (i.e., informed) consent of the birth family (Adoption Council of Canada, 2004). Especially when the adoption process is lengthy, requires the involvement of several jurisdictions, and takes place across great distances, foreign biological parents should have the opportunity to change their minds and withdraw their consent to termination of their rights before the process is finalized, as do American biological parents in the U.S. domestic adoption process (Simov, 1999).

Considering the best interests of the child, contact with foreign biological parents after the child is adopted by U.S. parents should be maintained under certain limited circumstances. Certainly, some internationally adopted children have been real orphans, but others were "orphaned" through the terminations of their parents' right for questionable reasons. For example, many parents had to give up their children for adoption because of economic circumstances (Boer et al., 1994). In such cases, many biological parents may want to keep in touch with adoptive parents and adopted children.

Based on Schiele's (1997) view that human beings are mutually interdependent, biological parents should be included within the total picture of the best interests of children. Because open adoption—which includes contact between biological parents, adoptive parents, and the adopted child—potentially increases the adoptee's positive adjustment (Rody, Wyatt, & Pettys, 2005), continuing contact with biological parents can help international adoptees' adjustment.

Although there is no agreement about the net benefit of openness, some believe that openness increases comfort levels for biological parents, eases insecurity for adoptive parents, and provides truth and self-knowledge for adopted children (Pertman, 2000). In a nationwide longitudinal study, biological mothers in closed adoption experienced more unresolved grief than in open adoptions (Grotevant & McRoy, 1998). The study also concluded that children with some biological parent contact are more satisfied with their degree of contact than

those in closed adoptions (Mendenhall, Berge, Wrobel, Grotevant, & McLoy, 2004).

## 9.2. Lack of post-adoption services

There is a call for social support in the form of post-adoption services for both adoptive parents and adopted children (Mohanty & Newhill, 2005). Adoption is a lifelong journey. The majority of intercountry adoptions are also typically interracial adoptions (Price, 2005). Most researchers on intercountry adoption argue about the importance of ethnic identity and cultural understanding with regard to adopted children's natural countries. Research findings are somewhat inconsistent, but generally, adoptees' ethnic identification and pride play an important role in the development of positive self-esteem and overall psychological adjustment (Phinney, 1991). Scroggs and Heitfield (2001) suggest that parents' efforts to give their adopted children a sense of pride and understanding of their birth culture and country prepare the children for the questions and stereotypes that they may encounter in their lives.

Providing adoptive parent training programs regarding culturally competent parenting strategies and culture socialization can help to increase adoptees' self-esteem and psychological competence. Adopted children and adoptive parents may be asked intrusive questions, such as "Where is he/she from?" and "How much did he/she cost?" Educational workshops and support groups can help families and adoptees acquire the tools to deal with these questions and set personal boundaries (Price, 2005). Barth and Miller (2000) propose that full disclosure of information about their adopted child and the child's birth culture from adoption agencies may help parents to better understand their adopted child and deal with the issues surrounding their particular adoption. It is believed that providing opportunities for adoptive parents to learn about an adoptee's birth country—and parental efforts to understand the child's birth country and culture—can enhance adopted child's positive adjustment (Chang, 2001) as well as strengthen international relations between the U.S. and foreign countries (Iritani, 2001, February 7).

Recently, at least seven states in the U.S. have passed cooperative adoption laws that allow some kind of ongoing contact between adoptees and their birth parents even after the finalization of adoption (Evan B. Donaldson Adoption Institute, 1999). Ongoing contacts with birth families have been beneficial for adoptees (Dunbar & Grotevant, 2004), especially for older children, birth mothers (Berry, Dylla, Barth, & Needell, 1998), and adoptive parents (Belbas, 1987).

In sum, in keeping with the dramatic growth of intercountry adoption, post-adoption services need to be developed, provided, and advocated. These services fall into three categories: a) educational and informational, b) clinical, and c) material services (Barth & Miller, 2000). Support to adoptive families and adoptees must be provided by the agencies that do adoptions. Such assistance may include social programs, educational workshops, individual counseling, search and reunion services, tours to the adoptee's birth land, and sponsorship of ongoing support groups for families and adoptees.

Adoptive parent education can be provided before and during the adoption process. Overall, studies show that most adopted children are confused about their race and ethnicity and face difficulties in handling racial and ethnic bias and discrimination (Triseliotis, 1997). In particular, adolescents seem to be concerned with their physical appearance, which is obvious to others (Mohanty & Newhill, 2005). Whereas many cases of intercountry adoption report positive outcomes and successful adjustment, studies also report that many international adoptees show behavioral problems, mental health problems, and sometimes such extreme difficulties in adjustment as demonstrated by suicide. In a Swedish cohort, international adoptees showed clearly increased risks for suicidal attempts and death (Borczykowski, Hjern, Linblad, & Vinnerljung, 2006). Although suicidal issues among internationally adopted children in the U.S. have not been reported, a

likelihood of incidence has been suggested based on the high rate of suicide in domestic adoptees (Boyles, 2002; Cohen, 2007; Slap, Goodman, & Huang, 2001) as well as on findings from other countries. For example, Swedish researchers argued that children adopted from abroad had a higher rate of suicide, substance abuse, and treatment for depression during their adolescent and early adult years than children who were born in Sweden or immigrated to the country with a parent (Hjern, Lindblad, & Vinnerljung, 2002). Therefore, more effective programs and services for international adoptees and their adoptive families are called for.

Adoptees may have a sense of being disconnected from their genetic and ethnic origins. Adoptive parents can rarely pass on the legacy of a culture that is not their own, but they can embrace their children's homeland and provide opportunities for the children to experience their culture and learn about their heritage (Price, 2005). Each year, adoption agencies and adoptive parent support groups offer heritage and culture camps designed to immerse adoptees in their birth heritage. Camp is one way to connect adoptees to their pasts.

As a part of the endeavor to build adopted children's ethnic identity, adoptive parents may need to maintain contact with biological parents in particular cases. In order to be open-minded about adopted children's birth countries and origins, we need to stop seeing biological parents as unloving, irresponsible, or lacking parental instincts. It may be important to realize that biological parents have valid reasons for giving up their children, and they may also have the right to meet their biological children later in their lives (Simov, 1999). Mothers who have surrendered their babies to adoption often have great difficulties in getting on with their lives and endure a vast array of psychological problems stemming from the separation (Askren, & Bloom, 1999; Condon, 1986). However, the potential to study relinquishing mothers has been largely ignored, and their difficulties and agonies are not well known (Blanton, & Deschner, 1990).

Culturally competent adoptive practice does not only involve adopted children and adoptive parents, but also social workers and people who work for intercountry adoption agencies. Social workers need to properly assess the adoptive parents' motivation to adopt internationally and the eligibility of adoptive parents according to the Hague Convention. Therefore, social workers should be sensitive about the issues that may undermine parental support for the child's identity and development through practices that validate the adopted child's birth culture.

## 10. Limitations and recommendations

Some issues have not yet been discussed in intercountry adoption policy and implementation. Difficulties for sibling adoption, lack of adoption options for children with special needs, as well as issues regarding gay, lesbian, and single parents' adoption have not been addressed in existing policy. Although some states allow gay, lesbian, and single parents to adopt, many foreign countries do not accept these family forms as appropriate for adoption. For example, China requires prospective single parents living with someone of the same sex to sign an affidavit stating that they are not gay (Ordóñez, 2004). Also, there is extensive discrimination and stigma toward these populations in international relations. Intercountry adoption law does not address these gaps and limitations as yet. It is hoped that these issues will be more adequately considered in the near future.

The ultimate goal of intercountry adoption systems, and of the practice of intercountry adoption, is to promote the child's well-being regardless of race, nationality, status, gender, or disability. The policies do not target the underlying causes of intercountry adoption, such as poverty, child abuse, lack of social resources, lack of appropriate social welfare systems, and wars in foreign countries. Most foreign countries seeking intercountry adoption are in need of comprehensive support by international organizations. Resources for child rearing are lacking,

and medical programs, safety net services, and social supports are very low. Although helping foreign children find a permanent family in the U.S. may be viewed as a humanitarian act, now may also be the time to help these countries to build the capacity to protect their own children through supportive programs such as access to basic services, education, and economic self-sufficiency opportunities (Rody, Wyatt, & Pettys, 2005). Therefore, intercountry adoption should be augmented with efforts to increase foreign countries' autonomy and self-sufficiency as well.

Termination of biological parental rights to prevent further immigration and the lack of effort to keep families of origin in contact may reflect the conservative attitude of governments, which value materialism over the best interests of children. Also, foreign governments may consider an inability to raise children to be the individuals' and birth countries' responsibilities. However, we all—individuals, societies, and countries—are to blame for the consequences of our bad choices and behaviors. The mission and spirit of an Afrocentric perspective (Schiele, 1997) can be applied as well, which emphasizes the equitable distribution of opportunities for all people regardless of nationality.

Considering Afrocentric philosophy, the policy of open adoption seems to be relevant to intercountry adoption. Although, it has recently begun in domestic adoption, more attention should be paid to the maintenance of ties between biological parents and adoptive children (Barth & Berry, 1988). Most adult Korean adoptee subjects have reported their wishes to have more knowledge about their birth county and wanted to maintain contact with their birth families when that was possible (Park, 1993).

There were no orphans in traditional African culture, since parentless children were cared for within kin systems (Foster, 2002). Extended families have been caring for more than 90% of orphaned children throughout sub-Saharan Africa (UNICEF, 2003). However, under extreme strains, such as poverty, migration, Westernization, demographic changes, and AIDS, families are less willing or able to take orphans in Africa (Roby & Shaw, 2006). Intercountry adoption can help African orphans to find permanent homes, but it cannot be a fundamental solution. At the same time, more active universal aid should be provided by the countries participating in intercountry adoption for countries that export their children to strengthen their families and societies, and ultimately to decrease intercountry adoption.

## 11. Conclusion

Intercountry adoption is not new. Large intercountry adoption programs developed after World War II. When the Korean War began, they emerged again and have grown considerably in response to recent regional wars, the growth in refugees, poverty, and political, social and environmental disruptions (Sarri et al., 1998). The original goal of intercountry adoption in Korea was to solve the social problem of orphaned and abandoned multiracial children as a result of the Korean War and to provide families for children without caregivers (Won, 1990). However, this goal appears to have gradually shifted during the long history of practice. Now, intercountry adoption policy appears to serve organizational maintenance needs of private adoption agencies, and the Korean government's desire to resolve the issue of unwanted babies due to the cultural stigma of illegitimate births and racial and gender prejudices (Won, 1990).

Several other factors also contribute to maintaining the practice of intercountry adoption in South Korea. One example is the absence of single-parent family services (Sarri et al., 1998). The Korean government unfortunately does not actively address the social needs of single-parent families, which include appropriate income support, medical services, family planning, and social services (Yun & Suh, 1995). Discrimination against women who bear children out of wedlock makes it difficult for them to keep their babies. Also, since the

1960s, the family planning program to control population has influenced couples to have smaller families. The government reduced benefits to families with more than two children and such families were not eligible for tax breaks as well (Kim, 1992). Considering efforts to reduce the size of families, it is reasonable to assume that people are indifferent about adoption. The relatively easy process of intercountry adoption may contribute to decreasing domestic adoption practice in South Korea (Hubinette, 2004; McGinnis, 2007; Sarri et al., 1998). In the US, moreover, although thousands of a special needs, older and minority children are available for adoption, white middle-class Americans appear to prefer to adopt healthy foreign infants (Asbury et al., 2003; Peloton, 1988).

Although intercountry adoption is not the best way to help orphans and abandoned children in South Korea or in the world, there is no doubt that intercountry adoption can help orphans, children in poverty, and families without a child. The lessons from over fifty years of Korean intercountry adoption can be utilized to improve the practice of intercountry adoption and help empower countries to overcome poverty, social stigma, and tragedies. Sudden elimination or restriction of intercountry adoption without proper interventions and alternatives would not remove the problems of poverty that contribute to the abandonment of children (Bartholet, 2005). There is still a great need to find families for many children in the world. About 143 million orphans from birth to 17 years of age are still in need of care (UNICEF, 2004). Most of countries that send their children to foreign countries don't have organized child welfare funding and services. Understanding the history, evolution, and application of intercountry adoption in South Korea can provide valuable insights for the improvement of intercountry adoption practices and the development of social welfare systems and practices. Finally, understanding the experiences of adult intercountry adoptees can provide evidence to inform the adoption community about the lived experiences of the children and families, and focus attention on their best interests.

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