

Executive Committee

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Families for Orphans Coalition

February 15, 2009

Kathleen Guy
Executive Director and Board President
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1413 K Street, NW
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Washington, DC 20005

Coalition Members

Worldwide Orphan
Foundation
Kidsave International
Joint Council on
International Children's
Services
National Council for
Adoption
EACH
The Institute for
Orphan Advocacy
The Institute for
Human Services/North
American Resource
Center for Child
Welfare

Dear Ms. Guy,

We are saddened that Global Action for Children, an organization which focuses on the healthy development of children, has publicly expressed its lack of support for the Families for Orphans Act. The Families for Orphans Act, introduced in July 2009, is based on the internationally recognized right of a child to grow up in a family (UNCRC). This basis is further advanced by research indicating that children living outside of permanent parental care lack the stimulation and attention needed for their full and harmonious development. In fact, current research in child development has shown that the quality of caregiver-infant relationships in the first years of life may be more important than nourishment in facilitating healthy human development.

First, we would like to address your concern that we were “using the tragedy in Haiti as cause for moving forward this misguided legislation.” To suggest that advocates of the Families for Orphans Act are somehow misusing the earthquake for our own gain is akin to suggesting that UNICEF’s and Red Cross’s Haiti Specific Appeals are “using a tragedy” for their own financial benefit. Personal accusations of this kind have no place in what should be a thoughtful debate on a matter of important international policy.

We stand firm in our belief that the existence of an Office of Orphan Policy and Diplomacy as proposed by the Families for Orphans Act would have contributed greatly to our recent response in Haiti. We also believe it is a necessary component of a forward thinking strategy for reducing the number of orphan children in Haiti and throughout the world. As such, we will continue to advocate for its passage.

That being said, we welcome an opportunity to meet and further discuss the concerns you have outlined. In the meantime, please find our responses below.

The Families for Orphans Act does not duplicate PL 109-95.

The Families for Orphans Act calls on the United States Department of State to focus specifically on fostering policies and programs that provide families for children without parental care. There is no language in Public Law 109-95 specifically calling for USAID to

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foster such programs and as a result, this vital focus gets lost among USAID's efforts to address all of the other challenges faced by vulnerable children worldwide. As a member of the PL 109-95 task force, you know that the majority, if not all, of the organizations represented do not have an interest or experience in promoting permanency through guardianship, domestic and intercountry adoption. When questions on these issues arise, USAID defers them to the U.S. Department of State's Bureau of Consular Affairs, whose only involvement in these issues is to process visas for internationally adopted children.

The Family for Orphans Act's call for *diplomatic representation on permanency*-related issues does not duplicate or inhibit USAID from providing *development-based solutions* for the *protection* of all vulnerable children. In fact, the existence of the Office of the U.S. Global AIDS Coordinator and the Office to Monitor and Combat Trafficking in Persons has only served to strengthened USAID development based efforts on both AIDS and trafficking.

While we agree that the passage of PL109-95 was an important step forward, it is also important to note that there are still significant challenges with its approach. You are well aware that the Special Advisor for Orphans and Vulnerable Children has only the authority to convene and coordinate child protection programs. PL 109-95 did not provide this position with funding for replicating successful programs or the authority to negotiate with foreign governments on issues related to orphans and vulnerable children. It was our understanding that GAC's Emergency Presidential Initiative for the World's Children aimed to address these very shortfalls by calling for the appointment of a Coordinator and the doubling of the current USAID investment in OVC. Interestingly, in calling for the creation of this **new** office then Executive Director Jennifer Delaney said,

"Establishing an executive-level office to oversee and coordinate foreign assistance programs for children in developing countries will ensure aid is spent on building healthy future civil societies, economic growth and political stability in developing countries -- not to mention fulfilling a critical U.S. public diplomacy goal."

The existence of development programs aimed at reducing trafficking, the prevention and treatment of HIV/AIDS, and democracy building in Eastern Europe did not stop the Administration and Congress from creating any of the following offices within the Department of State:

- Office to Monitor and Combat Trafficking in Persons
- Coordinator of the United States Activities to Combat HIV/AIDS (or its related 5 year global strategy)
- Coordinator of the Support for Eastern European Democracy (SEED) Act

The fact of the matter is that the strategy employed by the Families for Orphans Act on behalf of orphan children living outside of parental care has been successfully used in each of the above instances. It is also a strategy that has been proposed for other areas of great social need, such as the elimination of violence against women.

Saying that current OVC efforts have been successful depends on your definition of success.

If the goal of PL 109-95 was to merely coordinate U.S. development programs serving orphan and vulnerable children, then it has been successful. Under the leadership of its new Special Advisor it has helped to improve interagency coordination and the identification of programs aimed at serving orphan and vulnerable children.

Yet, the following indicate a need to do more:

- The number of orphaned children in many countries is rising.

- The number of children living in institutions (as reported by USAID Special Advisor) is 2 million. (This number seems extremely low for a global estimate, given that 240,000 are reported in Russian orphanages alone.)
- There is no universally accepted definition of “orphan,” meaning we are trying to solve a problem we have yet to even define.
- The 2,044 OVC projects are still not guided by or directed under any comprehensive, U.S. policy or global strategy. In fact, were it not for the work of the Special Advisor to create a database of these programs, we would not even know the purpose and location of many of these programs.

The Families for Orphans Act proposes to transform the U.S definition of success to be more like that which is used to guide the President’s Emergency Plan for AIDs Relief (PEPFAR). Under the Families for Orphans Act, U.S. efforts on behalf of orphan children would be deemed successful if:

- The number of children abandoned was significantly reduced.
- The number of children living in institutions was dramatically reduced.
- The number of children living in safe and stable families was increased.

Creation of the proposed Office of Orphan Policy would not harm children in Haiti.

As was addressed above, there is absolutely nothing redundant about creating an office to deal with an issue that is admittedly not a focus of USAID and/or the UNICEF led Child Protection Sub-Cluster efforts. That being said, it is our understanding that “Operation Protect Children” is being implemented through the coordinated efforts of the U.S. Government’s Response Management Team, the Interagency Working Group on Orphans and Vulnerable Children in Haiti in Washington, D.C. and the 30 international and non-governmental organizations represented in the Child Protection Sub-cluster in Haiti. Simply adding the support of an office solely dedicated to finding permanent families for orphan children to this already large and diverse group would in no way confuse or duplicate efforts. To the contrary, it would help to ensure that these efforts give proper consideration of permanency as an important tool in the rebuilding efforts.

It is also confusing to us that you would suggest that the **addition** of \$16 million dollars to fund the work of this new office would somehow drain resources from existing efforts. First, P.L. 109-95 does not provide for funding for the work of the Special Advisor or the Interagency Task Force so it is impossible to drain something that does not exist. Secondly, according to the most recent report of USAID’s Special Advisor, other U.S. government agencies are investing \$5 billion annually in programs for highly vulnerable children, even if \$16 million of these funds were diverted toward a focus on providing orphan children with families, it is hard to imagine this would have as significant an impact as you suggest it would.

Had the Families for Orphans Act been law, the U.S. Department of State would have been in a position, both before and after the earthquake, to:

- Develop and implement a plan for responding to needs of orphans in a disaster.
- Directly assist the government of Haiti in establishing a child welfare system that prevents the abandonment of children, uses foster care as a temporary intervention, as well as promote opportunities for domestic and international adoption.
- Engage a diverse group of non-governmental and professional organizations in the development of programs that promote permanent parental care over institutionalization or foster care.

- Provide accurate data on the number of orphans, and use this data to determine appropriate permanency plans for each child.
- Develop a social services and legal infrastructure for permanent family care for children in Haiti.
- Apply lessons learned from child welfare best practices all over the world.

The Bureau of Consular Affairs does not have statutory authority to “handle all child welfare matters that involve intercountry adoption of orphans from Haiti or elsewhere”.

In fact, this is one of the many reasons we think that the Families for Orphans Act is so vital. The Bureau of Consular Affairs’ statutory authority is to issue all immigrant and non-immigrant visas – one of which just happens to be the orphan visa. At the same time, they are responsible for providing all American citizen services abroad and U.S. border protection. International adoption is a very small part of the work of the Bureau. It is also wrong to imply that they do have any statutory authority beyond the issuance of visas. If they were to engage in the development of child welfare policy, they would be acting outside their authority. Even if they did so, they have no direct funding to use in support of technical assistance programs that would be needed to assist governments in the development of good policy in international adoption.

The Families for Orphans Act does not “place impossible burdens on poor countries,” rather it attempts to provide critical resources to under resourced countries hoping to replace institutional care with permanent family care.

Many countries wish to provide better than institutionalization for their children, but do not have the knowledge or financial means to get started. This modest budget for technical assistance would begin to help. We do not see how funding this technical assistance could be viewed as bureaucratic “red tape.” In addition, compliance with the minimum standards in the bill is not compulsory; it is merely a requirement for one of the four grant programs funded by the bill (\$3 million of the \$16 million). Governments not yet in full compliance are eligible to apply for funds to meet the minimum standards as well as receive assistance from non governmental organization programs in permanency. This is the very same approach the U.S. currently uses in working with and assisting other countries with trafficking issues. In fact, the TIP goes even further, requiring an annual, public ranking of countries according to compliance and ties economic sanctions and rewards to those rankings. That is not called for in this bill.

It is also puzzling to us that you believe it would be “expensive” or “impossible” for a participating country that is receiving financial support from the grant programs called for in the bill to publicly acknowledge the need for permanent parental care for orphans and demonstrate a commitment to improving their laws, policies, infrastructures, and training programs. You might be surprised to learn that several governments are working to do this now, just without U.S. leadership or support

A biennial census of children without permanent parental care would not be impossible or expensive.

If such assessments are not helpful, why does the UN choose to dedicate a portion of its resources (which could also be used to directly serve children) to producing the State of the World’s Children Report? Similarly, USAID chooses to allocate funding to support the global Demographic and Health Survey. The census envisioned by the bill would be similar to the World Health Survey used by World Health Organization to determine global health strategy. Although these tools are not perfect, they have proven extremely helpful in moving children into permanent families and far superior to the incomplete and misleading estimates compiled by UNICEF.

In conclusion we would just like to reiterate our desire to collaborate with Global Action for Children on this important child welfare issue. The crisis in Haiti has given us yet another important reminder of the need to focus our collective resources on meeting the needs of orphaned children. We hope that we can work together toward achieving this mutual goal.

Sincerely,

The Families for Orphans Coalition Executive Committee



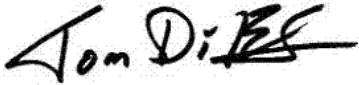
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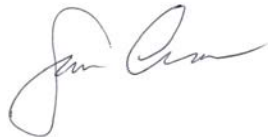
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