



February 9, 2010

A Statement of the Joint Council on International Children's Services on Changes to U.S. Policy for Children Without Permanent Parental Care

Since the earthquake on January 12, hundreds of millions of dollars have been raised by UNICEF, Save The Children, World Vision and others dedicated to helping Haitian children.

According to Google News, in a recent seven-day period, there were over 11,000 news articles on Haitian orphans.

One adoption service provider alone received over 5,000 inquiries - all with an interest in adopting a Haitian child.

Members of Congress are now searching for a legislative response to the crisis facing Haitian children and the demand by voters that something be done.

Donations, awareness, concern and a response from the U.S. government are all part of what President Obama described in a recent *Time* magazine article as "What we do." "In a time of tragedy, the United States steps forward and helps. That is who we are" the President said. The overwhelming response to the incomprehensible tragedy facing Haitian children has indeed shown once again who we are. The President is right in saying "It is what we do". But it also casts a clear light on what we could have done in the years preceding the quake and what we can do for the future.

In the years prior to January 12, tens of millions of dollars were donated to organizations helping Haitian children. The U.N. had appointed former President Clinton as its Special Envoy. UNICEF, and thousands of other non-profits had already established their presence (prior to the quake, Haiti had more non-profits per person than any country in the world). Yet when the quake hit, not one of the leading non-profits, not one governmental agency, not one child protection organization had a comprehensive list of the orphanages (or their location) or the names of the children. How does one serve children if you do not know where they are? How does one protect children if you do not know who they are? When the quake hit, not one non-profit, court or government knew who had custody of each child. Was it their family, the orphanage, the crèche, the street or in the case of a Restavek, their owner? We did not know who they were, where they were, or who was responsible for them. And that was before the quake.

Before the quake and even more so now, we don't know which children are orphans. In fact, we don't even know what an orphan is. UNICEF uses a definition that is different from the one used by governments for immigration purposes which is again different from what is commonly understood by the average person. Immigration definitions are usually so complex as to be meaningless in identifying children in need. UNICEF says that an orphan is a child who has lost one or both parents through death. Other than inflate an already tragic number, how does that definition help children truly in need of permanent parental care? Children do not need a definition that labels them solely for reasons of immigration. Nor a label that raises awareness (and funding) yet often misleads the public. And children do not need a definition that stigmatizes them within their local or national community. What is needed? A definition that instead of categorizing them, defines them as what they are – children - children who need our help – children who need permanent and safe parental care.

Prior to January 12, only a handful of organizations in Haiti had programs, which directly served to preserve existing families or find a family for children living outside of parental care. There were few services to reunite children separated from their parents or to promote adoption. Highlighting the lack of services is the amount USAID's Office of Orphans and Vulnerable children spent in Haiti: zero dollars. In short, there was no leadership in assuring that children lived, grew and flourished in a permanent and safe family. There is no leadership on this most basic of children's rights because for the U.S. government, the Haitian government and leading non-governmental organizations, a safe and permanent family for every child is simply not a goal. Not something worthy. It is, as has been stated by those responsible for child protection, "Not what we do."

Is a lack of a U.S. policy and U.S. leadership on ensuring that children live, grow and flourish in a permanent family what President Obama meant by "It is who we are?" Is an uncoordinated response to the crisis facing children what he meant by "It is what we do?" If not, then we should be doing some things differently.

Again, the tragedy facing the children of Haiti sheds a clear light on what we can, should and could have done. Not just for the children of Haiti but also for the 30 abandoned infants lying in Mother Theresa's Rwandan orphanage. For the 18 children with hydrocephalus slowly dying in an orphanage in Kyrgyzstan. For the millions who live without their family of birth. For these and all children, the U.S. needs a clear, understandable and unwavering policy that states: children do not belong in orphanages, in temporary care or in 'family-like' settings – they belong in a safe and permanent family. The U.S. government needs to lead, not play a secondary or supporting role to UNICEF as it is reportedly doing in Haiti. As President Obama has said, leadership on issues of human suffering shows the character of our country. At present, our character on the right to a family for every child is apparently very weak. Yet on HIV/AIDS, human trafficking and religious freedom, the U.S. has demonstrated great character. On these issues, the U.S. government has established clear policies, strong diplomatic initiatives, effective programs and leadership through dedicated government officials and partnerships, all to great effect. As a result, fewer people have HIV/AIDS, more are free from sexual abuse and more are free to worship as they desire. The U.S. can and should do the same for children.

The Families For Orphans Coalition, of which Joint Council is a founding member, supports such U.S. leadership, diplomacy and programs for children. We do so through the Families For Orphans Act. This legislation would establish the right of every child to live in a safe and permanent family as the policy of the United States. And it creates the diplomatic authority, the programs and the partnerships with other governments that are needed to make the policy a reality. Unlike the current policies favored by those with entrenched financial, turf or philosophical interests, the Families For Orphans Act would not support programs which call family-like settings, group homes (which by any other name would be described as a small orphanage) or community care as an acceptable permanent solution. The end game, the goal, should and must be a safe and permanent family.

Temporary alternative care, while not the goal, does serve children in need. The U.S. government and the non-profit community provide many alternative care programs led by caring professionals and volunteers which strive to move children off the street and out of institutions. The scope and depth of children's needs simply cannot be met without such interim steps. For these reasons and many others, the Families For Orphans Act would not prevent programs designed to provide temporary care nor would it eliminate or reduce the funding needed for these valued services. The Act recognizes that a family-like setting is better than an institution – but not better than a safe and permanent family.

The Act also helps children by stating that an orphan is not a child living with one parent. It says an orphan is a child who is permanently living without parents – for whatever reason. And perhaps most importantly, it states that we must preserve existing families so that fewer children are orphaned in the first place. For those who are orphaned, it identifies them, tells us where they are and what services they need – all in intimate partnerships with other governments. Without these critically important priorities, the worldwide orphan crisis will only continue to impose its suffering on the children of our world.

Knowing which children need our help, knowing who and where they are, providing services to preserve and create families, creating effective partnerships and establishing U.S. policy and leadership on a child's right to a mom and dad – imagine that.

For those who say that nothing needs to be done, that the system is working, we offer you this. Rene is a young man living in a Haitian orphanage with 91 other children. After receiving life-saving surgery in the U.S. he returned to Haiti. The orphanage staff, being supervised on a daily basis by a young man and woman both under 20 years of age, did not know how to treat his wound or recognize life-threatening symptoms. As a result, Rene's incision became infected. After borrowing a pair of shoes from another child, Rene was taken to the local hospital, had his incision cleaned and returned once again to the orphanage. Rene is not an orphan by UNICEF definition because he has living parents. Parents who understandably could not care for him yet have not even visited him in years. Given Rene's physical condition and lack of daily care, there is a likelihood that he may die. Shouldn't we help Rene's family so that he can live with them? And if that isn't possible, shouldn't we find Rene a family so that he can flourish? And if Rene should pass, shouldn't he be able to do so in the loving embrace of a mother and father?

Nothing needs to change some are saying. I wonder if Rene would agree.

Tom DiFilipo
President