

January 17, 2008

Joint Council on International Children's Services
117 South Saint Asaph Street
Alexandria, VA 22314
Attn: Tom DiFilipo, JCICS President
Adam Schlict, JCICS Child Advocacy Program Manager

Dear Tom and Adam,

Thank you for the opportunity to comment on the draft Vietnam Standards of Practice. *Ethica* supports JCICS initiatives to help retain adoption as an option in Vietnam for children in need of permanent homes. The current situation is very troublesome and we strongly encourage the Vietnam Caucus to seriously consider the views and recommendations about best practices offered by agencies who have not incurred additional oversight by JCICS, the U.S. Department of State, and U.S. Citizenship and Immigration Services. While we understand that *minimum* standards must be met, we hope that JCICS continues to urge its members to utilize high standards of practice and policy that serve the best interests of children.

Sincerely,

Linh Song, MSW
Executive Director
Ethica, Inc.

The following are *Ethica's* recommended additions to the proposed JCICS Standards of Practice for Vietnamese adoptions.

Laws & Regulations

- All adoption service providers (ASPs) will cease activities known as “umbrella’ing” with unlicensed agencies. Umbrella’ing is defined as allowing a placement agency or attorney *who is not the homestudy agency for the prospective adoptive parents* to place children under the auspices of your license. The U.S. embassy has confirmed that this practice is illegal in Vietnam.
- ASPs who are not licensed in Vietnam shall not hold themselves out as having programs in Vietnam and should fully inform prospective adoptive parents of their unlicensed status.
- ASPs shall refrain from transferring or relocating children across provincial lines in order to qualify for adoption, which is a violation of Vietnamese law.

How Children Come into Care:

- ASPs will provide translations of abandonment and relinquishment documents to prospective adoptive parents.
- ASPs will have translators recommended by the U.S. Embassy review abandonment and relinquishment documents for accuracy.
- ASPs will refer children from licensed orphanages and not from unlicensed care centers.
- ASPs will cease contracting with maternity hospitals for referrals and from providing aid in exchange for referrals.
- ASPs will forbid their in-country staff from staging abandonments and erasing identities of children to avoid investigations into a child’s origins.
- ASPs will not refer a child, or provide pictures or information on a child, until the child is legally free for adoption according to Vietnamese law.

Child Caring Agencies Financial Accountability:

- ASPs will not submit any additional fees outside those established in MOU agreements with orphanages and will not provide additional money to orphanage staff and directors. ASPs will instruct their clients not to provide money to orphanage staff and directors.
- ASPs and their clients shall refrain from offering “gifts” to any official, orphanage staff member or director, or hospital staff in excess of \$20 USD unless such “gift” is explicitly provided for in the humanitarian aid agreements.
- Local staff and contractors must not have been deported, arrested or cited by an official body for trafficking, illegal adoption, felonies or other illegal activities in the U.S. or in Vietnam.
- ASPs will not fund foster care programs as fostering children in the process of international adoption is illegal in Vietnam.
- ASPs will conduct annual in-country visits to monitor staff activities and finances.

Accountability of In-Country Staff:

- ASPs will provide the US Embassy, Vietnamese Department of Intercountry Adoption, and JCICS with staff directories including names and contact information of consultants, contractors,

travel guides, and translators.

- In-country staff will commit to working only within the ASP's designated province/s.
- In-country staff will verify all financial transactions with receipts.

ASP Transparency:

- ASPs will provide the US Embassy, Vietnamese Department of Intercountry Adoption, and JCICS with policy and procedures manuals for in-country staff and U.S. based program staff.
- Policy and procedures manuals will detail the course of action to be taken when personnel violate standards of practice and are involved in illegal activity.

Conflict Resolution:

- JCICS membership will be temporarily suspended during the investigation.
- The committee's decision will be shared with the Vietnam JCICS Caucus.