

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

Spencer E. Austin
Chief Criminal Deputy

Ric Cantrell
Chief of Staff

Tyler R. Green
Solicitor General

Bridget K. Romano
Chief Civil Deputy

December 4, 2017

Dear Colleague:

I write to report to you the involvement of my office, at the request of the National Association of Attorneys General, on the U.S. Department of State Unregulated Custody Transfer Working Group.

Based upon a request from the U.S. Congress, the U.S. Department of State, Office of Children's Issues ("DOS") formed a working group to study and recommend solutions to end a practice described as the unregulated custody transfer of adopted children, also known by the colloquial term "rehoming." In a series of investigative reports, the Reuters News Agency uncovered an internet market for children adopted from foreign countries through which an alarming number of children were being given away by their adoptive parents to strangers, often across state lines, without any form of home study, background check or legal transfer of parental rights or responsibilities. Horror stories emerged about children who were sent to homes in which they were emotionally, physically and sexually abused.

Members of the DOS working group include representatives from: the U.S. Department of Justice; the U.S. Department of Health and Human Services, Children's Bureau; the U.S. Citizenship and Immigration Services; and, the Interstate Compact on the Placement of Children. The DOS asked NAAG to appoint to the working group a representative who could weigh-in on possible gaps in state law that need to be filled to prevent the unregulated custody transfer of children adopted from overseas. NAAG asked my office to serve as the representative to the DOS working group.

The DOS working group identified several areas in which changes to state and federal law could help prevent or eliminate rehoming:

1. State child protection laws need to be changed to make an "unregulated custody transfer" (UCT) a form of child neglect/abandonment so that Child Protective Services will be authorized and obligated to investigate the safety of a child who has been the subject of an UCT;
2. There is a need for a uniform legal definition of UCT;

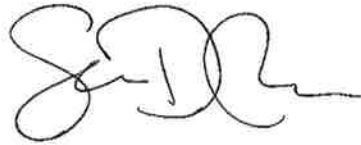
3. State and federal laws regulating the licensing of private adoption agencies need to be strengthened to require prospective adoptive parents to be trained:
 - a. To anticipate the challenging kinds of behaviors displayed by adopted children who often suffer from trauma, attachment and other disorders; and
 - b. To know where to turn for help when an adopted child's behaviors become overwhelming; and
4. A criminal penalty needs to be imposed for violation of the Interstate Compact on the Placement of Children (which requires background checks and home studies of proposed custodians when a child is sent across state lines for placement).

Under the leadership and direction of the working group, my office agreed to pursue the enactment of state legislation to address the gaps identified with the intent that the law could serve as a template for other states and the federal government to consider. During a recent session of the Utah State Legislature, House Bill 199 was enacted to address each of the points identified by the DOS working group. A copy of Utah's HB 199 is attached for your perusal.

The recommendations of the DOS working group and, specifically, the state law enacted by the state of Utah, have now become a pattern for three bills currently pending in the U.S. Congress. Copies of the bills are attached. The bills are sponsored by a bipartisan coalition headed by Rhode Island Representative Jim Langevin.

I hope you will consider using your influence to support improvements in state and federal law designed to end this practice of unregulated custody transfer of adopted children.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Reyes', with a long horizontal flourish extending to the right.

Sean Reyes
Utah Attorney General