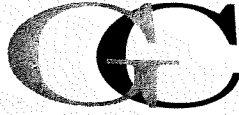


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To: Senate President Robert Travaglini
Speaker of the House Salvatore DiMasi
Senator Karen Spilka, Chairwoman, Committee on Children & Families
Representative Shirley Owens-Hicks, Chairwoman, Committee on Children & Families

Cc: Legislative Members, Committee on Children & Families
Arthur Bernard, Chief of State, Senate President Travaglini
Christian Scorzoni, Deputy Chief of Staff, Senate President Travaglini
David Morales, Fiscal Director to Senate President Robert Travaglini
David Friedman, Chief Policy Advisor to Senate President Robert Travaglini
Mary Ann Calia, Chief of Staff/ Chief Policy Advisor, Speaker DiMasi
Daniel Toscano, Deputy Chief Policy Advisor/ Legal Counsel, Speaker DiMasi
Jason Aluia, Deputy Chief of Staff/ Legislative Director, Speaker DiMasi
Kyle Sullivan, Chief Counsel, Education Policy, Speaker DiMasi
Maureen Ferris, Executive Director, Children's Caucus

From: Charles Glick

Date: December 14, 2006

RE: New Law Inadvertently Opens the Door to For-Profit Adoption in Massachusetts and Huge Increases in Adoption Costs: Need for Corrective Action Before End of Session

I appreciate the opportunity to call a pressing policy matter to your attention. Charles Group Consulting has the pleasure of representing the Adoption Professionals of Massachusetts, a coalition of licensed "non-profit" social service agencies committed to providing services to all involved in the adoption process, as they seek to remedy a recent legislative change that could result in devastating consequences to child welfare in Massachusetts.

Earlier this year, the legal definition of "placement agencies" (Chapter 28A, Section 9) was amended via an unrelated legislative vehicle to allow a well respected Massachusetts "for-profit" foster care agency, the ability to provide foster care placement services without the need to partner with a "non-profit" placement agency.

However, in the process of allowing "for-profit" *foster* care agencies to engage in foster placement services, the Commonwealth also **unintentionally allowed for "for-profit" adoption placements in Massachusetts, a task that up until now had been the exclusive responsibility of the "non-profit" community.** The introduction of for-profit adoption agencies will, as it has in other states, **drive up the cost of adoption dramatically, force existing non-profit adoption agencies out of business, and cause untold harm to children, birth parents and families wishing to adopt.**

The Consequences of Introducing For-Profit Adoption to Massachusetts

Unlike foster care, adoption agencies do not have mandated fee limitations. Therefore, an adoption agency (whether "for-profit" or "non-profit") determines the fee they may charge to prospective parents in addition to determining how they may provide financial assistance to birth parents. It is not uncommon for "for-profit" adoption agencies to **"assist" birth parents by providing them with large sums of money, cars, or even luxury housing accommodations if they make adoption plans for their child.**

Offering financial incentives to birth parents in exchange for the termination of their parental rights is not only **morally and ethically reprehensible, but will also significantly increase the cost of adoption for families in Massachusetts.** In states where "for profit" adoptions are legal, the cost of procurement is transferred to adoptive parents through increased fees. For example, in Louisiana a birth mother may be given stipends totaling tens of thousands of dollars, a new car, and housing in a fancy condominium in exchange for terminating her parental rights. Once a birth mother is lured by these items, she is coerced to sign a document stating that she fully understands that she would be required to return all the money and gifts given to her if she does not agree with the adoption plan after the baby is born.

The consequences for this change are also far reaching. Prospective adoptive parents seeking children from foreign countries will likely be confused with the entry of out-of-state "for-profit" operators, because many foreign countries allowing U.S. adoptions work exclusively with "non-profit" agencies.

The importance of non-profit adoption agencies

The profit made by an individual or by an agency should never be the paramount issue in an adoption placement. Rather, what is in the best interest of the child should outweigh any and all issues regarding the bottom line. That is why "non-profit" adoption agencies charge prospective adoptive parents reasonable fees for services rendered instead of "what the market will bear." Unlike for-profit adoption agencies who often will work only with birth parents and children who will yield the greatest profit for their firms, non-profit agencies work with all birth parents and all children including those with special needs, even if they are harder to place and yield little or no profit for them.

"Non-profit" adoption agencies require transparent operations and procedures protecting the long term interests of all members of the adoption triad (birth parents, adoptive parents, and child) and

statewide standards and mandates are accepted and practiced universally by all "non-profit" groups participating in adoptions in Massachusetts. This is why The Child Welfare League of America Standards for Excellence in Adoption Practice state: "Adoption as a child welfare service for children is best provided through an authorized public child welfare agency or voluntary, nonprofit adoption agency....."

Adoption is also a life long journey which often leads those touched by it to seek the assistance of adoption professionals with ongoing knowledge of their situation. Unlike "non-profit" agencies, "for-profit" adoption agencies do not offer ongoing counseling or a mechanism for people to maintain contact over the years with access to professional help when needed. Instead, "for profit" adoption agencies assess their bottom line in terms of the numbers of placements and the financial gains made from those placements, rather than committing themselves to the long term health and wellbeing of children and families. The "non-profit" adoption agencies currently functioning in Massachusetts are committed to the long-term support of the children, birth parents, and adoptive parents that they serve.

Imperative that technical correction language be enacted as soon as possible

The Commonwealth of Massachusetts has always been a leader in setting high ethical standards for adoption practice. Massachusetts social welfare professionals, adoption attorneys and others involved in the day-to-day work of adoption have always been an essential and critical component in the process of amending legislation regarding children, birth parents and adoptive families. Unfortunately, the consequences of this change only came to light after the law went into effect.

The door to "for-profit" adoption will remain open until this change in the definition of "placement agency" as it relates to adoption is amended. **As such, it is imperative that the enclosed "technical correction" language be enacted as soon as possible. We would respectfully ask that this language be added to any legislative vehicle that becomes available before the end of this legislative session.** While there has been no apparent public call, or even legislation filed in support of for-profit adoption in Massachusetts, policy makers could always hold public hearings in the next legislative session on the issue.

APAM members are committed to serving and protecting the interests of adoptive children, birth parents and adoptive parents while maintaining the highest ethical standards in the area of adoption and I, as always, am committed to working with you and other members of the General Court for the betterment of our Commonwealth.

Proposed language:

Section 9 of Chapter 28A of the General Laws of the Commonwealth are hereby amended by striking out the definition of "Placement Agency" and inserting in place thereof the following:

SECTION ___: