

# Adoption Activities on the Internet: A Call for Regulation

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There is a growing practice of adoption services on the Internet with varying degrees of regulation, depending on whether it is domestic infant adoption, public foster care adoption, or international adoption. Regulation is particularly lacking in domestic infant adoptions, with Web sites connecting prospective birth and adoptive parents, sometimes through an adoption brokerage service. International adoptions can also be plagued by unethical practices as the Internet has become available in both developed and developing countries. These activities, although offering the benefits of privacy and convenience, also pose serious problems of potential fraud, exploitation, and, most important, lack of professional consideration of the child's best interest. In this article, the authors review the landscape of current Internet-based adoption activities, examine the benefits and risks of Internet-based adoption activities, and call for social work self-regulation and leadership.

KEY WORDS: *adoption fraud; adoption Web page; Internet-assisted adoption; photo listing*

The advent of the Internet has changed the face of information access and communication as well as the provision of goods and services. The Internet is now facilitating interactive services such as psychotherapy (Alleman, 2003; Holmes & Ainsworth, 2004) and medical advice (Currell, Urquhart, Wainwright, & Lewis, 2000). Adoption services, too, are increasingly being facilitated through the Internet, with Web sites proliferating since the first photolisting Web site was introduced in 1994 (Martin, n.d.). The Internet has become a factor in all three types of adoptions—domestic infant adoption, public foster care adoption, and international adoption. Although foster care adoptions are now subject to considerable regulation (Freundlich, Gerstenzang, & Blair, 2004), adoption activities on the Internet seem to be flourishing—particularly domestic infant adoptions—with little or no regulation. International adoptions are not free of Internet-based abuses, with increasing access to the Internet around the globe. The purposes of this article are to describe the current functions of adoption-related Web sites, examine their potential benefits and risks as applied to different spheres of adoption activity, discuss the current state of regulation related to Internet-based adoption activities, and begin a dialogue on social work self-regulation and leadership in this arena. In the end, we argue that the social work profession has a special responsibility

to establish self-regulation of its own members and to extend its leadership to the wider arena of Internet-assisted adoption activities.

## FUNCTIONS OF ADOPTION-RELATED WEB SITES

To survey the landscape of Internet-based adoption activities, we scoured hundreds of Web sites available between September 2006 and March 2008. We found that services offered on these Web sites can be roughly divided into the following categories: information and referral, mutual contact between families, profiles of families and children, brokerage services by intermediaries, and chat rooms. In this section, Web sites offering each of these functions are briefly described (see Table 1), and representative Web sites are listed for discussion purposes, although we do not necessarily approve or disapprove of them.

### Information and Referral

These Web sites offer resources and information to members of the adoption triad (birth parents, adoptive parents, and adoptees) and adoption professionals. Adoption Online (<http://www.adoptions.com/hopingtoadopt.cfm/>), for example, provides information related to pregnancy, adoption, parenting, reuniting, and additional services. For professionals, many sites offer continuing educational opportunities and practice tips.

**Table 1: Sampling of Adoption Web Sites and Services**

Web Site	Service					
	Education	Mutual Contact	Photolisting: Children	Photolisting: Parents	Brokering	Chat Rooms
Parent Profiles	x	x		x		
Adoption Online	x	x	x	x	x	x
Adoption.com	x	x	x	x	x	x
Adoption Connection	x			x		
The Adoption Guide	x				x	
National Adoption Center	x					
Precious in His Sight	x		x			
Adopting.org	x					x
ABC Adoptions	x			x		x
Child Welfare Information Gateway	x					
Adopt America Network	x		x	x		
AdoptUS Kids	x		x			

### Mutual Contact

On these Web sites, birth parents and adoptive parents exchange information and interact. Participants can search by multiple variables, such as state, ethnicity, religion, and demographic factors. Many claim to only post screened and qualified adoptive families (for example, Adopt America Network [<http://www.adoptamericanetwork.org/>]).

### Photolistings/Profiles

The initial, and still the most prominent photolisting Web site is AdoptUSKids (<http://www.adoptuskids.org>), designed to increase the adoption of children from the public child welfare system. This site provides the child's photo, medical history, family and developmental background, and personality traits along with information about the adoption process. This U.S. public child welfare photolisting service evolved from the previous adoption exchange catalogues, went online in 1994, and is now also used in Canada and, to a lesser degree, in the Russian Federation (Freundlich, Gerstenzang, & Holtan, 2007). As a federally funded Web site, AdoptUSKids enjoys a level of government oversight that is missing from the privately maintained sites (personal communication with M. Freundlich, June 24, 2008). Disclaimers are often posted with private photolistings, disclosing that the information has not been verified (see, for example, <http://photolisting.adoption.com/waiting-children/photo-listing-disclaimer.html/>). Photolistings of

children available for international adoptions have existed since the mid-1990s, according to Precious in His Sight, a religious nonprofit organization that works with over 80 adoption agencies and lists children from around the globe (<http://www.wvip.com/annette/>). Such listings are often criticized for commercializing children's images and lacking accurate information (Cartwright, 2003). Finally, prospective adoptive parents can post information and photos of themselves and their home and surroundings with pleas for prospective birth mothers to consider them for adoption placement (see, for example, <http://www.parentprofiles.com/>).

### Brokering

Usually in the context of domestic infant adoptions, some Web sites offer not only information to prospective adoptive and birth parents, but also adoption services facilitated by the Web site's sponsors—often adoption agencies (Pustilnik, 2002) or an attorney. For example, the Adoption Guide (<http://theadoptionguide.com/>) provides information as well as links to adoption agencies, facilitators, and attorneys.

### Chat Rooms

Chat rooms facilitate online information exchange for members of the adoption triad who are looking for advice and support in understanding and dealing with their circumstances and issues. For example, a chat room may be devoted to adult

adoptees discussing strategies in finding birth parents (see, for example, <http://forums.adoption.com/adult-adoptees/>). In another (<http://forums.adoption.com/birthparents/>), birth parents who are dealing with the aftermath of domestic infant adoption placement can console one another. Adoptive parents talk to each other before, during, and after adoption. They can identify generically, as more specific groups of parents who have adopted from certain source countries or regions, or by the nature of their adoption—for example, those who have adopted children with disabilities or those who are involved in open adoptions.

### **POTENTIAL ADVANTAGES**

The Internet offers many advantages, including the dissemination of information to a large audience, the ability to network, convenience, time and cost savings, and greater consumer control.

#### **Wider Audience and Networking**

The Internet facilitates wider and more rapid dissemination of information (Espejo, 2002) in all three types of adoptions. In domestic infant adoptions, both agency and nonagency adoptions are increasingly involving use of the Internet. In testimonials, birth and adoptive parents have noted receiving multiple and rapid responses to their listings (see, for example, <http://www.parentprofiles.com/parents/stories/>). Photolisting of children in foster care has resulted in more than 12,000 adoptions of children featured on the AdoptUSKids Web site (<http://www.adoptuskids.org>), although Freundlich et al. (2004) have urged that care be taken to balance the goals of insuring the privacy of the child and providing accurate information. Precious in His Sight reports that over half of the children adopted internationally through their network in 2002 were via photolisting (Cartwright, 2003, pp. 91–92).

#### **Convenience**

Unlike the traditional adoption agency or law office, the Internet is always open and does not require face-to-face encounters until one is ready. De Stewart-Otto (quoted in Sheldon, 2003) stated, “By having email be the first communication with [birth parents] you can compose a response in the comfort of your home. You don’t have to feel instant pressure or nervousness on the phone” (¶ 3). Being able to research service providers, print out materi-

als, and create electronic folders and files provides further convenience.

#### **Cost and Time Savings**

As Caldwell (2004) noted, the Internet-assisted adoptions can be more time and cost efficient than traditional methods of adoption. Participants may spend less time in agency or law offices and access more information. The Internet has been shown to decrease the time that children in foster care wait for adoptions, hence saving money for the public agency and increasing the agency’s chance of receiving adoption incentives (AdoptUSKids, n.d.).

#### **Increased Control and Self-Direction**

The convenient access and anonymous communication of the Internet provide a greater degree of control and privacy (Caldwell, 2004). In domestic infant adoptions, there is less chance that birth parents will get “talked into” the adoption option prematurely by an agency or intermediary, or that prospective adoptive parents will feel pressured to accept a referral prematurely. Families contemplating foster adoption can visit photolisting at their leisure and participate in networking to the degree that they would like.

### **POTENTIAL RISKS**

The potential risks of using Internet-based information for adoption have been illustrated by several recent cases. In 1999, an intermediary posing as a close friend of a Hungarian birthmother contacted an American couple who had posted their profile on a Web site with the “good news” that he had a perfectly healthy Caucasian girl for them. The intermediary solicited \$60,000 from the couple, boasting that he could get more such infants. Fortunately, the couple—suspicious after the initial meeting—contacted the FBI prior to the second meeting, at which the money was to be transferred, and the intermediary was arrested. It was found later in court that the intermediary had offered the same infant to other couples for as much as \$120,000 and that he had sold two other infants to other U.S. couples (Barry, 1999).

In the famous “Internet twins” case, a California-based adoption broker posted information about twin infant girls and later placed them with a family in California. The twins’ birthmother took them from the prospective adoptive parents, under the guise of a last visit before they were adopted, and

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placed them with a family in Great Britain, also found on the Internet. Both times she was given tidbits for the children (Gray, 2001). Later, a British court ordered the infants transported back to the United States, where they were placed in foster care (Herbert, 2001). Needless to say, these infants experienced multiple disruptions in their early bonding years. Not surprisingly, shortly after this incident was publicized by CNN, 67 percent ( $n = 3,879$ ) of the respondents in a national survey ( $N = 5,807$ ) stated that the Internet should not be used at all for child adoptions, and 27 percent ( $n = 1,546$ ) stated that it should be used only with tight regulations; only 7 percent ( $n = 382$ ) felt that the Internet should be used for child adoption (Herbert, 2001).

In yet another case, Pertman (2000) described an adoption agency owner in Oklahoma who was imprisoned for 10 years after being convicted of "trafficking in children" as a result of creating phantom embryos and promising the future babies to several couples through contacts made online, extracting thousands of dollars in fees. Later, the couples were told that the babies had died at birth, but there had not been any embryos or babies at all. Pertman, author of *Adoption Nation* and current director of the Evan B. Donaldson Adoption Institute, has stated that "anytime you have unregulated industry, you will have abuse . . . along with possible benefits, there [are] potential pitfalls that can occur if this is not better regulated" (personal communication, Jan. 31, 2007). Adoption can be a get-rich-quick scheme regulated only by the market forces of supply and demand (Pertman, 2000).

All of these cases could have happened without the Internet, but they demonstrate the heightened risks of adoption in the Internet age.

### **Risks to First/Birth Parents**

Adoption marketers have easy targets in birth parents who post themselves on the Internet or respond to unethical claims. Birth parents in extreme poverty or in other difficult personal circumstances, whether in

developed or developing countries, can be vulnerable to making premature decisions or participating in unethical consent processes on the basis of inducement or misrepresentation (Roby & Matsumura, 2002; Walsh, 2000). Birth parents who have direct access to the Internet (including those in urban areas of developing countries) may be at risk of being manipulated by real or fictional adoptive applicants who claim to have all the qualities, resources, and motivations for adopting or by intermediaries. Birth mothers who face crisis pregnancies without the necessary support and counseling are particularly at risk, especially to financial "incentives."

### **Exploitation of Children**

Internet-assisted adoption of children can sidestep professional consideration of the child's best interest. Thus, children can become commodities in the process (Dottridge, 2004), with the danger that their rights of personal dignity and cultural integrity may be violated (Roby, 2007). In the absence of regulation, economic and cultural factors can combine to create a market for children, leading to *child laundering*—the manipulation of legal procedures to "deliver" a child, using unethical and illegal means, for profit (Smolin, 2006). In well-publicized cases like the Internet twin case, it is easy to see that the absence of regulation placed the children in a state of legal (and likely emotional and psychological) uncertainty that could last for many years. Nicholas Lasnman, secretary general of the Internet Service Providers Association, stated it plainly: "The Internet is just another medium for crime" (Barry, 1999, ¶ 5).

### **Risks to Prospective Adoptive Parents**

Those who choose to adopt are usually unfamiliar with the adoption process and anxious to receive information and proceed through the adoption process with the least amount of stress, expense, and time lag (Barr & Carlisle, 2003; Dudley, 2004). Those who decide to adopt as a result of infertility may experience an increased sense of urgency and perhaps even desperation (Espejo, 2002), especially if they are seeking a healthy white infant through domestic adoption. Adoption applicants have generally welcomed the availability of adoption-related information on the Internet and have even demanded a nationwide database of applicant families (Dahlke, n.d.). However, they could become entangled in the unequal bartering between adoptive parents and

facilitators as they enter into the often confusing and complex world of adoptions without familiarity with its legal and ethical parameters. They may become vulnerable to fraud and exploitation, particularly in their quest to be “chosen” as the right family (Dahlke, n.d.).

Fraudulent and exploitative practices in both domestic and international adoptions include intentional misrepresentation of important facts, exorbitant or falsified fees, and alteration of a child’s history or background (Freundlich & Peterson, 1998). Even with the regulations on foster care children, their profiles can be manipulated to increase their desirability (Gerstenzang & Freundlich, 2003). Another scheme involves women who are pregnant, or con artists pretending to be pregnant, collecting money from multiple parties they find on the Internet and then disappearing. This scenario can happen in multiple jurisdictions, scamming dozens of families (<http://www.babycrowd.com>). As William Wallace, an assistant district attorney, said in the case of the Hungarian intermediary, “Essentially what these people [are] doing [is] trafficking in human life” (Barry, 1999, ¶ 3).

#### **CURRENT REGULATORY SCHEME**

Despite the significant problems described in the previous section, little attention is being paid to the need to regulate adoption activities on the Internet. An exhaustive review of both social science and legal literature revealed very little discussion on the topic, beyond lamenting the absence of such regulation. Madelyn Freundlich, former general counsel for the Child Welfare League of America and prominent author on adoption ethics, has stated that “although adoption practitioners are regulated in other spheres, marketers of adoption, including the rapidly expanding world of those engaging in Internet-assisted adoption, have enjoyed relative freedom from legal regulation or restrictions imposed by ethical standards of practice” (personal communication, July 2, 2008). According to Trish Maskew, founder and president of Ethica, a nongovernmental organization promoting ethical adoptions, professionals in the adoption community are reluctant to discuss the problem because they do not want to be viewed as being “antiadoption” (personal communication, March 5, 2007). Pertman (2000) has stated that there is a “conspiracy of silence” not to discuss the dark side of adoption for fear of exposing the problems—which may lead to

more time and expense in adoptions. There is an apparent consensus that Internet-assisted adoption practices are in need of regulation, but the question is this: How?

To be sure, there are many difficulties in regulating activities on the Internet. For one, the Internet transcends physical boundaries, so most traditional laws based on state or national jurisdictional boundaries are difficult to apply (Pergament, 1998). Although a discussion of jurisdiction—the power to decide a matter—is beyond the scope of this article, an internationally coordinated scheme of cyberspace jurisdiction is being discussed (Zekos, 2007) but is not imminent. Such a scheme would require international laws and the equivalent of Internet police to enforce them. Regulation of specific types of activities (such as adoption) would still need to be addressed, hopefully with input from the practice community. Another difficulty in regulating Internet-based adoption activity arises from the fact that, although adoption is a creature of statute, Internet-based adoption Web sites typically target domestic infant adoptions, which can, depending on state law, remain largely in the private sphere prior to the court’s final ratification (Pustilnik, 2002). Furthermore, people have the right to view and respond to information on the Internet even when that material may be inaccurate or unethical. Currently, there is an emerging set of regulatory schemes being applied to Internet-based adoption activities, and these are discussed next. Because the Internet is a fairly new phenomenon, the fit between offence and law can be quite awkward. Still, recognizing that something must be done, the courts are beginning to look to applicable laws.

#### **Civil and Criminal Liability**

Currently, a handful of common law principles as well as criminal and civil statutes are generally being applied to adoption-related wrongdoings. The most commonly used legal theory is fraud, in both civil and criminal forms. This legal theory can be applied to all three forms of adoptions, including with international adoptions facilitated by U.S.-licensed agencies. For example, in *Moriarity v. Small World Adoption Foundation of Missouri* (2008), the New York courts were persuaded by the common law theory of “wrongful adoption.” In that case, Small World knowingly concealed the medical records of a Ukrainian infant boy from adoptive parents, and the child was diagnosed after arrival in the United States

with severe health problems, including cerebral palsy that apparently stemmed from events related to his birth. The court said that when the adoptive parents relied on the false representation by the agency and were induced to adopt the child and, subsequently suffered a financial loss, the agency had committed wrongful adoption. In the public foster care arena, a California attorney reported of a case in which he successfully secured a settlement of 1.45 million dollars for a 16-year-old boy and his adoptive parents against the county child welfare agency (<http://www.alexanderinjury.com>). The parents were told that their child had been abused on one occasion but later discovered that he had been abused extensively for many years prior to the adoption and had been hospitalized from age 13 to 17 due to severe mental health issues). The usual remedy for common law fraud is payment of damages, but setting aside of an adoption is also possible (for example, *Kupec v. Cooper*, 1992; *McAdams v. McAdams*, 2003).

Corresponding criminal charges rely on fraud perpetrated by mail or wire (typically phone) and can apply to both domestic infant adoption and international adoption. For example, Howard, a pregnant woman in Texas, was charged with multiple counts of wire fraud and mail fraud for deceiving three adoption agencies into recruiting adoptive applicants, collecting nearly \$6,500 and causing a total loss to the families of \$35,000 (including attorney's fees, application and administrative fees, and travel costs) when she had no intention of placing her baby for adoption (U.S. Department of Justice, 2007). Her phone calls constituted wire fraud, and receiving checks in the mail constituted mail fraud. These violations carried a maximum sentence of 20 years in federal prison and \$250,000 in fines and restitutions, although she received a 24-month sentence in the end (U.S. Department of Justice, 2007). Fraud committed on the Internet may also qualify as wire fraud, although there has not been a decision on point regarding adoptions.

Several other cases have applied federal laws to international adoption schemes. Alien smuggling includes the unlawful transportation of aliens (foreign children) into the country and falsification of information to facilitate the illegal entry (18 U.S.C. §§1581-1592). Related charges can arise from advertising services on the Internet (conspiracy to commit alien smuggling), receiving a deposit based on information that prospective families accessed on the Internet (money laundering), using falsified

birth certificates (counterfeit) or falsified visas in the actual transportation of the child into the country (visa fraud), and child exploitation. In 2004, Lauryn Galindo, the principal of a U.S. agency working out of Cambodia, was sentenced for child trafficking, money laundering, and visa fraud (U.S. Department of State, 2005). In another case, a Utah agency owner and her husband were charged with conspiracy to commit alien smuggling, visa fraud, and money laundering for advertising children as orphans available for adoption when they were in fact children from intact families in Samoa (U.S. Immigration and Customs Enforcement, 2009).

The Racketeer Influenced and Corrupt Organizations Act of 1970 (P.L. 91-452), another federal statute, imposes criminal and civil liability for actions related to unlawful business practices, and can be applied to adoptions. Recently, the owner of Waiting Angels Adoption Services and his business partner faced racketeering and tax fraud charges after they were accused of not delivering children to clients who had paid money (Franz, 2007). The Intercountry Adoption Act of 2000 (P.L. 106-279) is available in limited intercountry adoption cases and potentially carries both criminal and civil penalties for false statements and misrepresentation. Finally, the Foreign Corrupt Practices Act of 1977 (P.L. 95-213) is being used in cases of bribing foreign officials with corrupt intent, which carries criminal and civil penalties (Rasor, Rothblatt, Russo, & Turner, 2010).

### **Hague Convention and U.S. Regulations**

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions (hereafter, "the Hague Convention") has provided some helpful guidelines (Hague Conference on Private International Law, 1993). Ratified or acceded to by 83 countries as of April 2010 (Hague Conference on Private International Law, 2010), the Hague Convention prohibits practices that may constitute or lead to selling, abducting, trafficking, and exploiting children (Bartholet, 1993; Duncan, 1993; Roby, 2007). Although the Hague Convention applies only to international adoptions between member countries, when implemented by domestic laws, the provisions are legally enforceable. The United States signed the Hague Convention on March 31, 1994, followed by the passing of the Intercountry Adoption Act (P.L. 106-279) in 2000, and U.S. implementation began on April 1, 2008

(U.S. Department of State, n.d.). Relevant to the Internet discussion, the Hague Convention prohibits contact between adoptive and birth parents until after consent has been signed (Article 29) to prevent improper inducements for relinquishment. Although electronic contact has not been expressly prohibited, it is reasonable to assume that such prohibition is implied. The U.S. Implementation Regulations of the Hague Convention, under part 96 of the Code of Federal Regulations, provides the first set of restrictions on Internet use by U.S.-accredited entities (personal communication with A. M. Coburn, attorney-advisor to the Office of Children's Services, U.S. Department of State, November 26, 2007). The use of the Internet is allowed only under circumstances in which such use:

1. is not prohibited by applicable State or Federal law [of the United States] or by the laws of the child's country of origin;
2. is subject to controls to avoid misuse and links to any sites that reflect practices that involve the sale, abduction, exploitation, or trafficking of children;
3. if it includes photographs, is designed to identify children either who are currently waiting for adoption or who have already been adopted or placed for adoption; and
4. does not serve as a substitute for the direct provision of adoption services, including services to the child, the prospective adoptive parent(s), and/or the birth parent(s). (Federal Register, 2006)

These aforementioned U.S. law and regulations are helpful, though further clarification will be necessary for effective implementation. For example, the "sale, abduction, exploitation, or trafficking of children" referred to in the Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) can be debated as to how terms are defined and applied in specific circumstances (Roby, Turley, & Cloward, 2008; Smolin, 2005).

### **RESPONSIBILITY OF THE SOCIAL WORK PROFESSION**

The foregoing discussion illustrates that in many cases, both civil and criminal, social workers have committed wrongdoings, calling for professional self-regulation. In addition, social work leadership is essential in guiding the regulation of Internet-

assisted adoption activities for several reasons: The core foundation of adoption practices should rest on social work expertise and advocacy for the best interest of the child rather than on economic, political, or purely legal parameters. Social work has a historical link to the practice of adoption, and it is still the primary profession delivering adoption services, particularly in direct contact with the members of the adoption triad.

Child welfare is a defining field of social work activity. In a national survey by NASW, next to mental health, child welfare was the second largest sector of social work practice, with 15 percent of all social workers involved specifically in adoption and reunification (Whitaker, Weismiller, & Clark, 2006). However, because the survey targeted only licensed social workers, a majority of the sample (79 percent) had master's degrees. In reality, it is likely that a greater percentage of social workers engaged in the day-to-day work of adoption are bachelor's-level professionals. Richard Barth, author of the adoption chapter of the *Encyclopedia of Social Work* (19th ed.) (Barth, 1995), agrees that social workers dominate the agency adoption field and that in many states, a social work degree is required for adoption agency work (personal communication, June 4, 2008). Social workers play a wide range of roles in adoptions (NASW, n.d.; Reamer & Siegel, n.d.). They are typically directors of adoption agencies (see, for example, Utah Department of Administrative Services, Division of Administrative Rules, 2010), adoption home study evaluators, counselors, intermediaries between birth and prospective adoptive parents, disruption therapists, and witnesses at court proceedings related to adoptions. Finally, the social work profession has a mandate to address unjust and exploitative practices and emphasize the importance of relationships, including those relating to adoption (NASW, 1996).

Many professions have established self-regulatory schemes regarding practice on the Internet. For example, psychologists have proposed that minimum national standards should include uniform Internet licensure standards, identity verification, assurance of privacy, and informed consent (Pergament, 1998). The National Board for Certified Counselors (n.d.) provides a *Code of Ethics* related to various aspects of conducting therapy online, including the need to assist the client in finding a local professional to transition the case to if necessary. In a similar manner, the American Medical Association requires that

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physicians pass the U.S. State Medical Licensing Examination before participating in telemedicine. In addition, the Federation of State Medical Boards has provided parameters for telemedicine, including ethical issues related to client self-report of symptoms, privacy of communication on the Internet, and licensure issues (Robin, 2007).

As discussed, child welfare professionals—many of whom are social workers—have made important strides in providing parameters for foster care adoption photolisting (Gertenzang & Freundlich, 2003). Is it possible to expand the social work profession's self-regulatory scheme to the sphere of other Internet-assisted adoption activities? We believe it is not only possible but imperative. Obviously, regulating social work activity will not provide broad protection for members of the adoption triad from each other when they are engaged in adoption activities without social worker oversight. However, because social workers are predominantly involved in adoption activities, professional self-regulation may provide a significant inroad toward regulation. Currently, NASW's (1996) *Code of Ethics* has far-reaching impact on social work regulation, both through professional disciplinary mechanisms and as supported by state statutes. The code already requires that "social workers who provide services via electronic media (such as computer, telephone, radio, and television) should inform recipients of the limitations and risks associated with such services" (Section 1.03[e]). This section could be the foundation on which pragmatic regulations are built. The requirements to protect client confidentiality (Section 1.07), to avoid deceptive practices (4.04), and to maintain professional competence (4.01) are also relevant pieces. Furthermore, the social work values of service, social justice, dignity and worth of the person, importance of human relationships, and integrity and competence are directly applicable to Internet-assisted adoption activities.

Beyond self-regulation, the social work community should provide leadership in initiating a nationwide effort to regulate Internet-based adoption activities. It is a rather daunting task, but one that

must be addressed. Here, a framework envisioned by Freidmutter (2002) may be relevant, in which regulation of adoptions would include national accreditation standards; legally binding service contracts and estimates of fees to be paid, reinforced by mandatory liability insurance for agencies and other adoption professionals; access to information about service quality of the adoption facilitator or agency and access to records, and an ombudsman to investigate unprofessional practices. These points of practice, although suggested for adoption in general, could easily incorporate practices related to the Internet. The four points offered under the U.S. Hague Convention implementation regulations may also be relevant, particularly on the need for face-to-face counseling rather than counseling over the Internet. In addition, a nationwide task force including child welfare, legal, and Internet experts should be convened to draft recommended ethical and legal guidelines. The social work community could then lobby for appropriate legislation, as it has done in the past regarding many other pertinent issues.

## CONCLUSION

The Internet will continue to be used for adoption-related activities. Leaders in adoption policy seem to agree that regulation—particularly in domestic infant adoption—is necessary, but the topic is not receiving the deliberate and careful attention that it needs. The current state of regulation relies on derivatives of common law principles and statutes that were not developed with the Internet or adoption in mind; these have no explicit regard for the best interest of the child and, hence, tend to be piecemeal or ill suited for application to adoption cases. Unlike medicine and psychotherapy (Rigby, 2002), the social work profession has not begun the necessary debate beyond photolisting of foster children, and no ethical guidelines exist to address the remainder of this burgeoning social phenomenon. Given the profession's mandate to protect the best interest of the children and to promote social justice, leadership should rise out of the social work community. A good starting point is professional self-regulation from within the profession. The next step could be initiating a dynamic national task force consisting of experts from multiple disciplines to draft recommended legal and ethical parameters. **SW**

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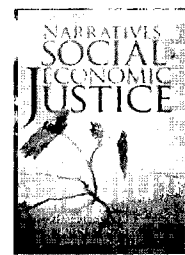
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