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The National Adoption System and Child Protection in Guatemala: Looking Back and Examining the Today

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ABSTRACT

This article discusses the evolution of adoption policy and practices in Guatemala from the 1990s to 2021. The authors synthesized own research and analyzed adoption scholarship and reports and organized that history in three distinct periods: (1) conflict years (1966–1996) when mostly Guatemalan military families and associates adopted stolen children, (2) post-conflict and millennium adoption years (1997–2007) when the commercialization of children and illicit adoptions surged, and (3) reform years (2008 to date) when new adoption regulations and institutions were established. The article concludes that Guatemalan regulations aligned with international conventions improved domestic adoption, but gaps remain within the adoption and child protection system.

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Introduction

Until 2007, Guatemala was one of the most active sending countries for intercountry adoption in the world; approximately 34,392 children left Guatemala and were placed with U.S. families between 1990 and 2018, with 2019 marking the first year without any adoption (U.S. Department of State [USDOS], 2021). Practices and procedures related to intercountry adoption in Guatemala from the 1980s through 2007 received considerable attention, particularly as related to illicit adoption practices. Empirical studies and anecdotal research conducted on intercountry adoption in Guatemala are wide ranging but all highlight aspects of an unethical, corrupt, and demand-driven process (Bunkers et al., 2009; Comisión Internacional contra la Impunidad, CICIG [International Commission against Impunity in Guatemala], 2010; Cruz et al., 2010; Dubinsky, 2010;

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Estrada Zapeda, 2009; Gresham et al., 2003; Monico, 2013, 2021; Rotabi & Bromfield, 2017; Rotabi et al., 2008; United Nations, 2000).

The best interest of the child provisions contained in The Hague Convention of May 29, 1993, on Protection of Children and Co-operation in Respect of Intercountry Adoption (hereafter the Hague Convention) and explained later in this article, provide the theoretical foundation of the study for the analysis of the literature presented in this article. Through an extensive review of the recent history of adoption, both domestic and intercountry, we (the Authors) inferred three distinct periods: (1) the conflict years, (2) the post-conflict and millennium adoption surge years, and (3) the reform years and national child protection systems development. We examined the current system supporting domestic adoption as part of a continuum of care within a larger effort to develop the national child protection system.

In this article, we first discuss the methodology used in conducting this historical analysis based on a review of relevant academic literature as well as official reports from the intergovernmental agency responsible for implementing the Hague Convention. Next, we discuss the findings of such analysis summarized in three periods in the evolution of Guatemalan adoption, both domestic and intercountry. Last, we discuss study implications for policy and practice leading to improved intercountry adoption and domestic adoption.

Methodology

The authors attempted to answer the following question: What progress has Guatemala made as a result of the implementation of the Adoption Law 2007 (Decree 77-2007)? To address this question, we examined the history of Guatemala over the course of three distinct periods: during the conflict years, the surge of illicit adoptions from Guatemala, during changes in existing adoption laws in accordance with international rights-based conventions, and after the implementation of the new national legal and regulatory framework.

The authors built on their previous and extensive research on both domestic adoption and intercountry adoption in Guatemala, as well as on the official reports of the implementation of the new adoption law. The authors have carried out research or worked directly for and engaged with different elements of the child protection system over the last fifteen plus years, including substantial in-country ethnographic work, technical assistance and training to key governmental and nongovernmental actors engaged in child protection, and monitoring progress of legal implementation of reform in Guatemala.

For the literature review, the authors examined the annual reports of the Consejo Nacional de Adopciones (CNA), which translates as National Council for Adoption, the agency established to implement the new national legal and regulatory framework. The CNA is an intergovernmental agency with a Board of Directors composed of designated members from the Supreme Court of Justice, the Social Welfare Secretary, and the Ministry of External Affairs. The CNA has become known for its transparency and accountability; in fact, its annual reports are publically available through their institutional website and in printed form at their offices in Guatemala City. The Authors have interacted with this agency since its establishment and even trained some of their staff regarding the past history of inter-country adoptions. The authors analyzed the reports from 2008, the years in which the CNA was established through 2020, the last report which the CNA had produced at the time of carrying out this study.

For academic literature, authors hand-searched for literature being published by known experts on Guatemalan adoption. Also, the journal *Adoption Quarterly* was also hand searched. Further, the search engine Social Service Abstracts as well as Google Scholar were utilized using search terms of *intercountry adoption*, *international adoption*, and *child adoption* plus *Guatemala*.

After presenting the findings from this extensive literature review and result of this analysis of the academic and official documentation regarding Guatemala's adoption system, the authors discuss the progress made and existing challenges in the Guatemalan domestic adoption system and the broader child protection system. Findings are also summarized in graphs and tables containing adoption statistics and facts from the U.S. and Guatemalan governments.

Findings from extensive literature review

The conflict years

Guatemala's civil conflict took place between 1960 and 1996 with at least 200,000 people killed as a result of genocide (Recuperación de la Memoria Histórica [REMHI] [Recovery of the Historical Memory], 1999). The Peace Accords were signed in 1996 and a considerable truth and reconciliation process shed light on the atrocities that took place during the conflict (REMHI, 1999). Then and now, it is a country characterized by extreme poverty, and abuses in the child adoption system are not all that different from other conflict countries such as Vietnam and Cambodia (Rotabi, 2012b; Smolin, 2007).

An unknown number of adoptions took place during this conflict period with the USDOS reporting data only starting in 1990. The United States

was the most active receiving country globally and the data used here only reflects this U.S. pattern even though Canada, Spain, and other European countries received Guatemalan children in this era (Dubinsky, 2010). As these countries do not provide such comprehensive data, particularly during the war years, government data regarding intercountry adoptions of children declared “orphans” became questionable as the integrity of the adoption processes turned dubious.

. During and after the civil war in Guatemala through prior to the moratorium of intercountry adoptions, taking place in 2007, the deficient adoption regulations left children and their biological families (also referred to as birth families) without adequate protections. Independent investigations from national human rights organizations and international bodies, including the United Nations, concluded that Guatemalan adoptions were being conducted in an irregular and often illicit manner, and in many cases without the adequate informed consent of birth/biological families. Vulnerable parents were denied due process of informed consent (with documents often in English); they experienced lack of self-determination during the civil war period (Rotabi & Bromfield, 2017). As these children were presented as victims of the civil war (i.e., “orphans”) and not necessarily having the usual investigation of the origins, required by good practice and international law, they departed Guatemala with little documentation of their background. Bluntly, intercountry adoption from Guatemala was often deeply flawed during this period. Today we are very much aware that the civil conflict was used by many as an opportunity to exploit vulnerable birth families, as exemplified in some of the investigative reports discussed next.

Significant evidence about the illicit practices involved in adoption during this time were found. *Finding Oscar*, a book and documentary film, is one example of an adoption that took place during this period and what reconciliation processes are bringing to light (Sufferen, 2016). A case of illicit adoption is the story of one young man’s search for his history, abduction into adoption during the war years, and his return to find the village from which he originated and his learning about the massacre that took place there. The genocidal destruction of the village is known as the Dos Erres massacre (REHMI, 1999).

As a result of the truth and reconciliation process (REMHI, 1999), considerable documentation of the atrocities illuminated how some children were removed from their communities not just for adoption but also to feed a growing orphanage business and most likely to take them away from their indigenous culture and community. For example, the following account was documented:

In 1984, the mayor of Rabinal ordered the auxiliary mayors to take children between the ages of five and ten from the Pacux settlement to the Children's Home of the Church of the Nazarene in San Miguel Chicaj. They took twenty boys and girls against their parents' wishes... Later, in 1988, the families complained to the parish priest that their children had been turned into evangelical Christians; they wanted their children returned to them. They were returned that same year (REMHI, 1999, p. 38).

It should be noted that the 1948 Genocide Convention recognizes the forcible removal of children from their families and communities, for the purpose of resocialization, as a form of genocide (Schabas, 2021). In the case of these particular children of Rabinal, they were returned to biological families and their community; however, many were not. Those who disappeared into what was called adoption, but is now recognized as child laundering and erasure of identity. They are now known to have either departed the country as adoptees or been taken in by Guatemalan families; for the children who remained in Guatemala, it is believed that most often military families received the children (REMHI, 1999).

The legal framework which enabled many of these "irregular" and illicit adoptions was The Law Regulating Processing by Notaries of Matters under Voluntary Jurisdiction (Legislative Decree No. 54-77) and it was implemented from 1977 to 2007 (Rotabi & Monico, 2015; Rotabi et al., 2008); that is, until all intercountry adoptions were suspended (CICIG, 2010). This decree became known as the Notary Public system and was later referred to as the old adoption law. A "notary" in Guatemala is a lawyer who was able to process adoptions with little oversight from a family court—fundamentally and most frequently one lawyer would process all aspects of the case without a full legal hearing to determine the legitimacy of the adoption (Rotabi et al., 2008; United Nations, 2000). This includes limited or no safeguards and in most cases they can be considered a conflict of interest as the notary was essentially the judge. Under this system, an elite group of attorneys earned millions of dollars while exploiting birth families (United Nations, 2000).

As a result of adoption fraud under this system, there were efforts to implement reform as Guatemala signed the Hague Convention (CICIG, 2010). The Hague Convention sought to "ensure that intercountry adoptions are made in the *best interests of the child* and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children" (Hague Conference on Private International Law [HCCH], 1993, p. 1, emphasis added). Under the Hague Convention, the best interest of the child was viewed as paramount to make decisions regarding the children's adoptability (readiness for adoption), their entry into alternative care placements, and eligibility for intercountry adoption. Signatories of the Hague Convention were expected to take the "appropriate

measures to enable the child to remain in the care of his or her family of origin” while recognizing that intercountry adoption “may offer the advantage of a permanent family” in case a suitable placement is not available in the child’s country of origin (HCCH, 1993, p. 1). The principle of subsidiarity is key in the Hague Convention. This promotes the exploration of all possibilities of a child first remaining with the biological family and where that is not possible, exploring a domestic adoptive family in the child’s country of origin. Only when those two options are deemed not possible or appropriate should intercountry adoption be considered.

The post-conflict and millennium adoption surge years

By the turn of the millennium, Guatemala experienced a significant surge in intercountry adoptions because U.S. prospective adoptive parents began to aggressively seek opportunities in Guatemala with the aid of US-based adoption agencies. The Guatemala adoption system was seen to be superior to other countries for several reasons. First, children were very young when the adoption was finalized—in most cases age 3–6 months. Second, Guatemala had a large system of informal (i.e., unregulated by an authority) foster care which was used as children were awaiting the paperwork process to be completed (Gibbons et al., 2009). Both of these elements drew prospective adoptive parents as the challenges associated with long-term residential care and its impact on child development were just coming to light in seminal research on the damaging effects of orphanages on child development (Schoenmaker et al., 2014). However, despite the increase in interest and demand, illicit practices were being identified and documented and were a clear cause of concern as the United Nations (2000) deployed a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. The resulting report was a damning documentation of system irregularities and illicit practices, ranging from child sales to child abduction into adoption and the mechanics of the notary system (United Nations, 2000). Subsequent investigations reinforced these findings, detailing the human rights abuses (CICIG, 2010). Yet, despite these documented concerns, the demand continued to grow (Dubinsky, 2010).

Intercountry adoption in Guatemala received significant attention during the post-conflict period. [Figure 1](#) depicts the upward trend of intercountry adoptions from Guatemala to the United States from 1990 to 2020. At the peak of intercountry adoption during this period, Guatemala was recognized to be sending one child in every one hundred child births; a rate higher than any other country engaged in intercountry adoption at the time (Selman, 2012). No new cases were considered for U.S. intercountry adoptions from Guatemala after the moratorium of 2007; additional visas were issued to cases in transition after being resolved.

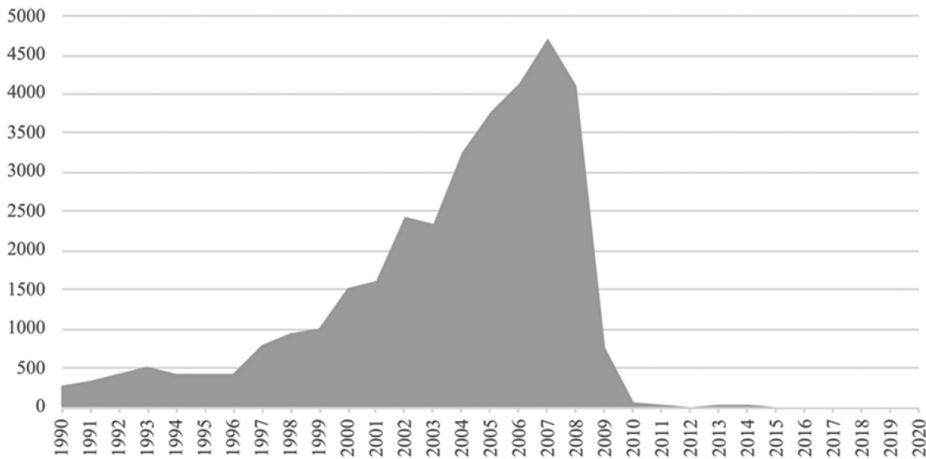


Figure 1. U.S. intercountry adoptions from Guatemala.

Sources: Schuster Institute of Investigative Journalism (2012) and U.S. Department of State (USDOS) (2021).

Table 1 compares Guatemala to top countries from where most children came to the United States as orphans from 1990 to 2019: China and Russia. The number of Guatemalan children adopted in the United States was not the highest in 2006, as compared to those countries; more than four times the rate of Russia per population. However, when considering the population density of each of these countries, Guatemala had more children adopted in the United States per million than those countries that had long become top countries of origin of “orphans” adopted by U.S. families.

Countries experiencing deadly social unrests (e.g., El Salvador and Argentina), large-scale natural disasters (e.g., Haiti and Honduras), or other major devastating events forcing people to dislocate from their communities in mass (e.g., Syria and Afghanistan) have produced an upsurge of child trafficking, and in some cases an increase in the number of intercountry adoptions. The Authors have studied several of these countries and documented child abduction disguised as adoption. However, a comparative analysis is beyond the scope of this article.

Table 1. Chinese, Guatemalan, and Russian Children Adopted into the United States in 2006.

Country	Population aged 0–14 in 2006	Number of children adopted into the United States in 2006	Number of children adopted into the United States per million
China	273 million	6,493	24
Guatemala	5 million	4,135	827
Russia	20 million	3,706	185

Sources: Central Intelligence Agency (2006); U.S. Department of State (USDOS) (2021).

In Guatemala, during the years leading up to the adoption moratorium in 2007, there were calls by human rights actors to end the practice of intercountry adoption based on the grounds of wide scale force, fraud and coercion (Bunkers et al., 2009; Cruz et al., 2010; Estrada Zapeda, 2009; Rivera et al., 2009; Rotabi, 2012a; Rotabi & Bromfield, 2017). There was urgent alarm, in particular, related to child abduction into adoption; human rights defenders were actively pursuing legal recourse for a group of highly public biological mothers who had experienced child abduction into adoption (CICIG, 2010; Cruz et al., 2010; Estrada Zapeda, 2009; Monico, 2013, 2021; Rotabi, 2012a; Rotabi & Bromfield, 2017; Rotabi & Monico, 2015).

With international pressure, Guatemala finally ratified the Hague Convention in 2002 and the convention entered full force in 2003 (Rotabi & Monico, 2015; Schuster Institute of Investigative Journalism, 2012). However, the Hague Convention was contested by adoption lawyers in the Guatemalan Supreme Court and true reforms stalled out. Finally, in 2007 reform began in earnest when the U.S. government, key child rights organizations, and U.S. media united in raising concern about unethical practices and promoted ratification of the Hague Convention. Subsequently, a new adoption law was passed, meeting Hague Convention criteria. That child adoption law (Decree No. 77-2007) was designed to meet international standards, which first and foremost protects children and birth families in the adoption process. It also aimed to protect the third part of the adoption triad, adoptive families. With the new adoption law, processing of new intercountry adoption cases ceased on the last day of 2007 (Rotabi & Monico, 2015).

All cases processed after the intercountry adoption moratorium were cases filed by the end of 2007 that were not completed due to a variety of reasons including bureaucratic delays (CICIG, 2010). These cases became “grandfathered” from the new adoption law and declared cases in transition. Many of those children were eventually released and adopted in subsequent years; however, some of the child adoption cases were referred to the CICIG (2010) who investigate unresolved cases to this day. For example, Loyda Rodriguez was one of the high-profile cases included in the CICIG investigation (Romo, 2011). The Guatemalan court found that her child was abducted from the front gate of her house and subsequently adopted by a family from the United States. As the child was deemed to be the victim of kidnapping, a court order was issued requiring the child be sent back to Guatemala. As Loyda awaited the return of her daughter, she told the international press the following.

All I want to tell them [the adoptive parents] is to return my girl. I don't have anything against them because perhaps they took my daughter without knowing

that she had been stolen from me. That's why I want to ask them to return her to me because I have been suffering for five years (Romo, 2011, p. 1).

To date, the child has not been returned to Guatemala. The U.S. family refuses to respond to the court order and insists that it is not in their child's best interests to return to Guatemala (Rotabi & Bromfield, 2017).

As the media, investigators, and scholars covered these cases, Guatemalan authorities were undergoing rapid changes with the development of the National Council for Adoption in December 2007. This central authority for adoption met Hague Convention criteria for establishing governmental oversight of child adoption with a congruent legal framework (Schuster Institute of Investigative Journalism, 2012). The CNA implementation resulted in wide-scale change meeting criteria as set forth by the new adoption law in 2007 (Decree 77-2007) (Rotabi & Bromfield, 2017; Rotabi & Monico, 2015).

The reform years with child protection systems development

Since the moratorium on intercountry adoption on December 31, 2007, Guatemala's child protection system was strengthened with the new adoption law (Decree 77-2007). The old system where Notary Public individuals took charge of children's adoptability was drastically reformed. The CNA, which was established to implement the new adoption law, started operations on February 8, 2008. The new adoption law (Decree 77-2007) entrusted the CNA as the central authority responsible for the entire adoption process (CNA, 2008). The CNA was charged with evaluating and determining the most appropriate Guatemalan adoptive family for children eligible for adoption. The Family Court became responsible for the administrative adoption process. The CNA Board of Directors was composed of representatives of various government agencies, such as the Ministry of External Relations, the Social Welfare Secretariat, and the Supreme Court of Justice (CNA, 2008).

To operate, the CNA secured the technical support of the HCCH, the United Nations Children's Fund (UNICEF), the Board of Directors of the National Treasury, and the Human Rights General Attorney Office. Because funding was limited at the beginning, the office of the Board of Directors was provisionally established within the Ministry of External relations until the permanent office was procured in June 2008 (CNA, 2008). The board established CNA's organizational structure, operational manuals and protocols, and the guiding instruments for the implementation of the new adoption law; in addition, it developed a strategic plan for 2009–2013 that included the institutional mission, vision, and values and principles (CNA, 2008). The CNA is organized in four service units: psychology, social

work, pediatric, and legal representation (CNA, 2008); each of these units report annually on the adoption services provided.

The new CNA procedure for considering adoption applications involved protecting and representing children declared eligible for adoption throughout the entire process. The CNA is grounded in upholding the best interest of the child, to prevent the economic profiting of parents and legal representatives of the children during this process, to observe the transparency of the parental assessment process, to comply with the court adoptability mandates, and to follow the legal principles and process established for child adoption. Additionally, the CNA is mandated to keep a confidential and efficient register of the adoption cases, to prioritize domestic families in the adoption process, and to consider intercountry adoptions as subsidiary only. Their duty is to register, accredit, and supervise the national entities responsible for child protection and to accredit the international institutions according to the new law (CNA, 2008).

Under the new adoption law, the adoption process was organized into three phases: (1) pre-adoption, in which the adoptability of the child is determined by the Children and Adolescents Court, the evaluation of the prospective adoptive family is completed, and the counseling and support of both biological mothers at risk of or in conflict with their pregnancy, and adoptive parents (approved as eligible for adoption); (2) adoption, in which the administrative process within the CNA and with the Children and Adolescents Court is completed through a comprehensive evaluation of the child, the potential for matching with the adoptive family, and the period of socialization of the child with the adoptive family is carried out; and (3) post-adoption, in which CNA monitoring and follow up is conducted in all of the cases of national adoption for a period established based on the best of interest of the child (CNA, 2008).

The CNA developed the 2009–2013 strategic plan with significant success but with new challenges. Table 2 shows the strategic areas, the strategic objectives, and an overall assessment of each based on CNA reports, independent sources, and the authors' observations. The conclusion of the implementation of the strategic areas is that important progress was achieved in the six areas: institutional development and strengthening, CNA positioning and advocacy, preservation of families (children with biological families), national adoption, intercountry adoption, and post-adoption and search of origins (CNA, 2014). However, some challenges are noted.

To contextualize the CNA work, we report on the services this government agency has provided. Since the CNA's foundation, a total of 1,668 domestic adoptions have been processed with 90 of them completed from January 1 to October 15, 2021. In addition, 289 children and adolescents

Table 2. Progress made and challenges with the implementation of the 2009–2013 Strategic Plan of the National Center for Adoption.

Strategic Area ^a	Strategic Objective ^b	Overall Assessment
1. <i>Institutional development and strengthening</i>	<i>Apply administrative norms and procedures to get public support to carry out CNA functions.</i>	Progress made toward the development and adoption of protocols, organizational structure, and securing operational infrastructure in Guatemala City and the country's interior. Registration, accreditation, and supervision of protection and shelter facilities was limited.
2. <i>CNA positioning and advocacy</i>	<i>Gain recognition at the national and international levels through good practice.</i>	Presence in all departments in Guatemala, credibility with national and international organizations supporting child protection and the new adoption law, and expansion of national adoption as a good practice. Children under care in house of protection and shelters found subject to child abuse and neglect amounting to torture (Plasencia, 2018).
3. <i>Preservation of families (children with biological families)</i>	<i>Promote permanency of vulnerable children with their family of origin, and remove them from them only when the child is at risk.</i>	Family preservation through counseling and assistance to mothers in conflict and support to the families of origin of children whose adoption cases were pending and under investigation since the moratorium. The adoption of children in protection and shelters was limited to collaborations with accredited agencies, mostly nonprofits.
4. <i>National adoption</i>	<i>Reunified the vulnerable child with their family, as per their right to grow with their family, and their cultural and ethnic community.</i>	Expansion of national adoption, matching vulnerable children in need of a family with Guatemalan families interested in adopting, taking into consideration the cultural and ethnic background of both.
5. <i>International adoption</i>	<i>Promote the principle of subsidiarity of international adoption over national adoption only in cases of the best interest of the child.</i>	After the 2007 intercountry adoption moratorium, only the pending cases were processed for international adoption; only a few children in protection and shelters were adopted abroad through the principle of subsidiarity.
6. <i>Post-adoption and search of origins</i>	<i>Establish a follow-up system in cases of adoption to ensure the child's adaptation to their family of adoption, and prepare them later for searching their origins.</i>	Although a follow-up system was established, limited post-adoption services have been provided. Although DNA testing was conducted to finalize child adoptions, no formal DNA database was established for children to search for their origins in the future.

^aFirst author's translation into English from CNA 2009 report.^bIbid.

have been declared legally adoptable to date in 2021; the majority of whom are considered priority groups, i.e., older than 6–7 years (77), siblings (9), children and adolescents with physical, intellectual, audible, visual, and mixed disabilities (181). Of the 289 children and adolescents declared eligible for adoption, 48 were currently in the care of foster families, 201 were placed in private residential care facilities, and 40 were in public residential care facilities; of the total, 143 were female and 146 male (personal communication with CNA, October 15, 2021).

Even with improvements to the adoption system and to the larger child protection system, children and adolescents continue to be placed in residential care due to poverty, neglect, limited or no access to basic services, violence and abuse, and abandonment (Organismo Judicial, 2019). The majority of these children and adolescents are placed with families temporarily so that once the protection process is completed, they are integrated into a family environment. For instance, as of October 5, 2021, 3,694 children and adolescents were placed in 150 public and private residential care facilities, of which 2,143 were females placed in shelters within the departments of Guatemala, Sacatepéquez, Quetzaltenango, and Chimaltenango y Zacapa. Of those placed in shelters, 587 were placed in 20 public residential care facilities, and 3,124 were placed in private residential care facilities (personal communication with CNA, October 15, 2021).

The CNA formulated a new institutional strategic plan for 2019–2023, which this entity continues to carry out despite the challenges posed by the COVID-19 pandemic (CNA, 2020). Among its primary objectives, the CNA proposed to continue efforts to reinstate the right of children and adolescents to live within a family environment, specifically an adoptive family, to provide information and counseling to parents in struggling with their own parental responsibilities, as well as to expand the accreditation and supervision of all private residential care facilities (CNA, 2020). A challenge to operationalize these plans is the lack of resources and sufficient program financing (CNA, 2020). Next, the authors discuss other major challenges the CNA faces moving forward with the implementation of the new adoption law.

Discussion and conclusion

In a preliminary assessment of the domestic legislation enacting the Hague Convention in Guatemala, Long (2009) predicted that the implementation of the new adoption law would

benefit the children, the biological parents, and the adoptive parents in the long run. While the near future could prove to be problematic for the children [with

the 2007 suspension of international adoptions], some amount of difficulty must be overcome in order to secure a better future for the thousands of other children who will follow. (p. 659)

At the time of writing this article, the moratorium on Guatemalan intercountry adoption has not been lifted, but this country's child protection system has undergone significant changes. To assess the progress Guatemala has made, we started the review of the evolution of both domestic adoption and intercountry adoption during the conflict years and the post-conflict periods. We followed case analysis with a close look at the child protection system that has emerged as a result of comprehensive reforms in Guatemala. The three periods of analysis identified have produced lessons to inform future directions of intercountry adoption domestically and globally.

Child trafficking or “buying, selling, or stealing children for personal gain” (Meier, 2008, p. 186) started during the 36-year civil war in Guatemala, which resulted in thousands of vulnerable children in conflict areas separated from their families and often placed with military families or adopted internationally (REMHI, 1999; Rotabi & Bromfield, 2017). The notary-based system enabled organized criminal networks to engage in the *commodification* of children (Herrmann & Kasper, 1992) and *child laundering* to make the children appear to be a part of “legitimate” adoptions (Smolin, 2006). This made Guatemala a top country of origin with a global record number of intercountry adoptions, mostly to the United States. After the 2007 moratorium, Guatemala enacted a new adoption law more aligned with international child rights conventions, which has generated important changes in relevant domestic regulations.

Improvements in the adoption system in Guatemala included the establishment of the CNA and operational procedures for a professional handling of domestic adoptions. A major milestone was the completion of the revision of the cases under investigation of adoption irregularities after the moratorium. Given the serious irregularities found in the transition cases, some of the children were placed back with their families of origin while others awaited a final determination of their cases (CICIG, 2010). For instance, the CNA referred 985 cases to the Children and Adolescents Court for a “verification process” and sought injunctive relief for 893 cases (CICIG, 2010). The pending cases were procedurally “resolved” after a decade of careful investigation, follow up with both birth and adoption families, and the application of the best interest of the child. The CNA contributed substantially to this process, but involved other Guatemalan child protection agencies and various international stakeholders. Yet, litigation of past irregularities is still pending in Guatemalan courts, which must follow international private law consideration. At the time of this

article, only a few of the cases the CICIG investigated were brought to justice in spite of the advocacy work of mothers whose children were stolen and trafficked for intercountry adoption (Monico, 2013, 2021).

Concurrently to the new adoption law, Guatemala has implemented other policy changes aimed at improving the response to child kidnappings and trafficking. For example, Guatemala established the Alba Kenneth Alert System, similar to the Amber Alert in the U.S.; both of them mandate broadcasters to team up with local police for activating an early warning system to help find abducted children. The human trafficking law enacted in Guatemala aimed at preventing child trafficking; it is under these law that some of the legally reported child abduction and trafficking for intercountry adoptions have been tried in courts. Although complementary to child protection, the analysis of these regulations and the country's readiness to re-initiate intercountry adoptions is beyond the scope of this article.

The need for an integrated and effective child protection system in Guatemala remains a challenge. However, important efforts have been made to improve and strengthen the child protection system over the past decade and a half, since the 2007 Adoption Law went into effect. Some of this evidence was documented in the CNA annual reports (*Memorias de Labores*), and the webpages of international organizations. Yet, relevant independent monitoring and academic research studies are lacking, so it is impossible to verify the existing evidence.

Despite the mentioned progress made, the recent history in Guatemala included the horrific fire in March 2017 at Hogar Seguro, a public residential care facility that left 40 girls dead, who had been abused and neglected prior to the fire (Plasencia, 2018). The fire, an enormous tragedy, also brought to light a long history of child sexual and physical abuse and neglect, child sex trafficking and exploitation, and child pornography; the shelter was the home of over 800 children and adolescents in a 500-person capacity facility, of whom after the fire 33 were accounted missing and 120 were found to have some disability (Monico, 2017; Plasencia, 2018). State-run residential care facilities mandated with protecting children have often done just the opposite in spite of legislation deeming them to care and protect children and ensure their best interest.

This tragic event brought attention to the dismal state of child protection in Guatemala, especially within public residential care facilities. With the loss of lives and evidence of abuse, neglect, and corruption within the system designed to care and protect children, Guatemala was forced to account for their behavior (Comisión InterAmericana de Derechos Humanos y la Organización de los Estados Americanos, 2017; Rosenthal, 2017). Since 2017, the authors have confirmed government efforts to reintegrate children placed in residential care back into their biological families and

to expand publicly run foster care programs while international organizations and civil society organizations have strengthened the care and protection of children in Guatemala through various assistance programs. More accountability is needed with regard to the management of all care facilities and entities ensuring the protection of children. Necessary is the pursuit of justice for the harm done on children and their families by those responsible for these facilities. Essential is the training of social workers and other professionals and staff caring for these children who are entitled and deserve safety, permanency, and well-being.

Yet, to date these programs remain isolated activities rather than part of a holistic effort to reform the national protection system to one that places family care at the center. The CNA has continued to promote domestic adoption, including during the COVID-19 pandemic. Most recently, with the support of nongovernmental organizations, they launched a campaign to promote domestic adoption of special needs children (Bolaños, 2020; Patzan, 2021), which raised awareness and drew hundreds of prospective adoptive families who wanted to learn more. The CNA is also looking at ways to promote child-family reintegration within the more than 150 private residential care facilities they are mandated with overseeing. Most recently, this included a live event with 300 participants in which examples of deinstitutionalization were shared and discussed (personal communication with CNA, December 6, 2021).

In sum, all these efforts are leading to major improvements in the child protection system, particularly as related to a child's right to live in a family environment, including an adoptive family. As time passes, one can expect a strengthened child protection system, particularly with commitments from development organizations, UNICEF, and nongovernmental organizations dedicated to supporting children and their families.

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