

In the  
best interest  
of the children

*A true story*

LIEVEN VANDENDRIESSCHE

DESIGN: abeloosdesign

PHOTOGRAPHY: Wannes Vandendriessche

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*For Jeff, the love of my life and my tower of strength.*

*For Ella and Maya, the light of our lives, our sun, moon and stars.*

*Daddy and papa love you very much.*

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## Preface

This book tells the extraordinary story of how we adopted our two beautiful daughters.

It is also the story of a period in Flanders and Belgium (2007-2012) when there was a huge disparity between what the law said and how adoption policy worked in practice.

The reader will find out that we had to sue the Belgian State to have our US adoption recognized.

When doing research for our court case at the time, I discovered the work of Professor Elizabeth Bartholet. Professor Bartholet is Morris Wasserstein Public Interest Professor at Harvard Law School, and Faculty Director of the Child Advocacy Program (CAP), which she founded in the fall of 2004.

Professor Bartholet's work covers international adoption among many other topics. She studied the actions and policies of governments and agencies in the adoption field, some of which our family had to endure while suing the Belgian government. It is difficult not to label these actions and policies as anti-adoption, anti-child, and – in the case of the author – also as anti-gay. And the problems transcend Belgium.

The Professor explains how international adoption is under siege. The forces mounting the attack claim the child human rights mantle, arguing that such adoption denies heritage rights and often involves abusive practices. Many nations assert rights to hold onto the children born within their borders, while others (very often in the industrialized West) support those demands citing subsidiarity principles (meaning that adoption, and certainly inter-country adoption should be an exception, and only be allowed when there is no other way to care for the child in casu).

However, Professor Bartholet further states, children's most basic human rights are to grow up in the families that will often be found only in international adoption. On top of that, children have the right to *thrive*, not just survive.

These rights should trump any conflicting state sovereignty rights. Policies restricting international adoption, including in-country holding periods, should be rejected. Neither adoption abuses nor concepts of heritage justify limiting international adoption.

I fully endorse Professor Bartholet's view: international adoption appropriately recognizes children as citizens of a global community with basic human rights entitlements.

#### FOR WHOM IS THIS BOOK THUS WRITTEN?

For everyone who wants adoptions to work: policy makers at the Flemish and Belgian level and globally, employees of adoption services, magistrates, government officials, and adoptive and birth parents and adoptees. If adoption is to become a fully-fledged, positive and inclusive alternative way to make a family, there is still a lot of work to be done.

For people who would like to believe that in our country Belgium, with its progressive legislation, the struggle for equal rights for LGBTs and other minority groups has been won. This is not the case. There is still a lot of work to be done before the rights that the law gives us can be realized in concrete, social situations.

For the LGBT community: all of us — interest groups, activists, and LGBT families with or without children — must con-

tinue to work together so that the rights we have acquired, often with great difficulty, become firmly anchored in our society. There is still a lot of work to be done.

For everyone who has a deep desire, an enormous project or a seemingly impossible ambition. Our experience has taught us that belief, perseverance and love can move mountains. Don't give up on your dreams!

More from Professor Barthalet through [www.law.harvard.edu/faculty/barthalet/pubs.php](http://www.law.harvard.edu/faculty/barthalet/pubs.php).

RECOMMENDED READING FROM PROFESSOR BARTHOLET'S WORK:

*Books:*

- NOBODY'S CHILDREN: ABUSE AND NEGLECT, FOSTER DRIFT, AND THE ADOPTION ALTERNATIVE (*Beacon Press, 1999*)
- FAMILY BONDS: ADOPTION, INFERTILITY, AND THE NEW WORLD OF CHILD PRODUCTION (*Beacon Press, 1999*), originally published as FAMILY BONDS: ADOPTION & THE POLITICS OF PARENTING (*Houghton Mifflin 1993, paperback ed. 1994*)

*Articles and Book Chapters:*

- "The International Adoption Cliff: Do Child Human Rights Matter?," Chapter in THE INTERCOUNTRY ADOPTION DEBATE: DIALOGUES ACROSS DISCIPLINES, Ballard, Goodno, Cochran, and Milbrandt, eds. (*Cambridge Scholars Publishing, expected 2014*)
- "The Hague Convention: Pros, Cons, and Potential," Chapter in THE INTERCOUNTRY ADOPTION DEBATE: DIALOGUES ACROSS DISCIPLINES, Ballard, Goodno, Cochran, and Milbrandt, eds. (*Cambridge Scholars Publishing, expected 2014*)
- "Creating a Child-Friendly Child Welfare System: Effective Early Intervention to Prevent Maltreatment and Protect Victimized Children," 60 Buffalo L Rev 1323 (2012), also available at SSRN
- Elizabeth Bartholet and David Smolin, "The Debate," chapter in INTERCOUNTRY ADOPTION: POLICIES, PRACTICES, AND OUTCOMES, 233 (*Ashgate Publishing 2012*).
- "Race and Child Welfare: Disproportionality, Disparity, Discrimination: Re-Assessing the Facts, Re-Thinking the Policy Options," July 2011, also available at SSRN

- Bartholet, Wulczyn, Barth, & Lederman, “Race and Child Welfare,” Chapin Hall at the University of Chicago (2011), also available at SSRN
- “International Adoption: A Way Forward,” 55 *New York Law School Rev.* 687 (2010-2011)
- “Permanency Is Not Enough: Children Need the Nurturing Parents Found in International Adoption,” 55 *New York Law School Rev.* 781 (2010-2011)
- “Ratification by the United States of the Convention on the Rights of the Child: Pros and Cons from a Child’s Rights Perspective,” 633 *The ANNALS of Amer. Acad. Political and Social Science* 80, Special Issue, *The Child as Citizen* (2011), also available at SSRN. The final, definitive version is available at <http://ann.sagepub.com/content/633/1/80.full.pdf+html>
- “International Adoption: The Human Rights Position,” 1 *Global Policy* 91 (2010), pre-peer-reviewed version available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1446811](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1446811)
- “International Adoption: The Human Rights Issues,” chapter in *BABY MARKETS*, Michele Goodwin ed. (Cambridge Univ. Press 2010)
- “International Adoption: The Child’s Story,” 24 *Ga. St. U. L. Rev.* 333 (2008), also available at SSRN
- “International Adoption: Thoughts on the Human Rights Issues,” 13 *Buff. Hum. Rts. L. Rev.* 151 (2007), also available at SSRN
- “Commentary: Cultural Stereotypes Can and Do Die: It’s Time to Move on With Transracial Adoption,” 34 *J. Am. Acad. Psychiatry Law* 315-20 (2006), also available at SSRN
- “International Adoption,” chapter in *CHILDREN AND YOUTH IN ADOPTION, ORPHANAGES, AND FOSTER CARE*, Lori Askeland ed.,

ISBN # 0-313-33183-9. Greenwood Publishing Group Inc.(2005), also available at SSRN

- “Guiding Principles for Picking Parents,” 27 *Harv. Women’s L. J.* 323 (2004); also published in a slightly revised form as chapter in *GENETIC TIES AND THE FAMILY*, Rothstein et al, editors, in 2005, also available at SSRN
- Book Review of Rachel F. Moran’s “Interracial Intimacy: The Regulation of Race and Romance,” 33 *Journal of Interdisciplinary History* 320 (2002)
- Reply: “Whose Children? A Response to Professor Guggenheim,” 113 *Harv. L. Rev.* 1999 (2000), also available at SSRN
- “Taking Adoption Seriously: Radical Revolution or Modest Revisionism?,” 28 *Cap. U.L. Rev.* 77 (1999), also at SSRN

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At last, a heartfelt ‘thank you’ to Professor Elizabeth Bartholet for her pioneering academic work. Her work has served as an inspiration as well as moral support for me.

Lieven Vandendriessche

*August 2014*

## Prologue – The Senator from Illinois

4 November 2008

Düsseldorf: the first Tuesday of November.

I had been working in Düsseldorf since I had followed my Belgian boss to the head office of a large German distribution company. I had been his faithful lieutenant for many years, and he had made me an offer I couldn't refuse.

But today I wasn't thinking about work. It was the day of the US presidential elections, and for over eighteen months I had been following all the reports on this race with a passion bordering on the obsessive. No other country organizes elections like the US. I have got to know the country a little, as I'm married to an American who turned up in Brussels as an expat ten years ago. My interest in American politics has been honed by years of discussion with my husband. His superior knowledge of US politics and policies meant that I always came off worst in our debates for the first few years of our relationship, but nowadays he no longer dares to contradict my ever-expanding stream of facts, statements, data, polls and statistics.

I have to admit that I was an admirer of Hillary Clinton's campaign: from the wooden YouTube announcement that she was entering the race ("I'm in it to win it" – *No kidding Hillary!*), through the first months of the campaign without a competitor in sight (*Barack who?*). From the admiring articles in the New York Times and Newsweek about her successful fundraising, organization and leadership, to the first blunders (*who could be arrogant enough to think that it's not necessary to set up a local election team for the primary elections in Iowa?*), the first thrashing by Barack Obama in the very same Iowa, followed by tears in New

Hampshire (*didn't you sleep well Hill?*), through the exhausting months of the primary elections, in which Clinton and Obama wrestled each other in a Titanic struggle, right up to her gracious speech at the Democratic Convention at the end of August (“I am a proud supporter of Barack Obama!” *Wow. Gulp.*).

That morning I was already trembling with excitement. I intended to follow the news all day long from the casting of the very first votes on the East Coast to when the results came out in California.

I took the afternoon off, drove from Düsseldorf to Brussels, where Jeff and I live, went home and turned on CNN in the bedroom. I arranged everything around me so that I wouldn't need to get out of bed again.

I was phoned by American friends who were going to cast their votes, proud of their country and their possible involvement in choosing its first black president. I felt with them and felt connected to that great country where everything is possible. I phoned Jeff, who was working in London, several times. He had already voted for Obama by post a few weeks ago. Jeff's parents would also be voting. Although their memories of African-Americans in Detroit, where they grew up poor, were not very positive, they were also going to vote for Barack Obama – because he's 'smart'.

The first election results, or rather the prognoses, started to come in late in the evening European time. You could see by the faces of the reporters and studio guests that this was going to be a night they would never forget. The atmosphere was electric!

At 2 am, just after the election booths had closed on the East Coast, the news came in that the large north-eastern state of Pennsylvania had gone to Obama. This is the state where Jeff was

born and raised, a real *blue collar* state. This result sounded the death knell for John McCain's presidential ambitions. He would have needed to win a lot of other states definitively if he was still to become president.

I finally fell into a light and restless sleep with the TV still on. I was woken at 5.00 am by the sound of cheering from my TV.

Barack Obama, the young senator from Illinois who had conducted an unprecedented campaign, had just become the forty-fourth president of the United States! It was an incredibly moving moment. I was so proud of my American family and friends.

I watched the people in Millennium Park in Chicago hugging each other, crying, cheering and dancing. For once, black and white were united and celebrating together. I knew the US well enough to realize that this was a great moment of reconciliation for many people, not least for African-Americans. Their faces were shining as they listened to the first words of their new president, who had just lost his grandmother two days earlier. Standing beside him were his beautiful, intelligent wife and their two young daughters.

I had no idea that on that magical night in Chicago a funny, clever, poor, black woman was pregnant with twin girls. A few months later she was to take the most difficult decision of her life and give us the greatest gift that we would ever receive, all because of her undeniable love of her daughters.