

## **International Adoptions in the Digital Age: The Necessity of Increased Privacy Protections for Children**

*Think about what people are doing on Facebook today. They're keeping up with their friends and family, but they're also building an image and identity for themselves, which in a sense is their brand. They're connecting with the audience that they want to connect to. It's almost a disadvantage if you're not on it now.* – Mark Zuckerberg, Founder, Facebook<sup>1</sup>

### **I. INTRODUCTION**

The fundamental right of parents “to make decisions concerning the care, custody, and control of their children”<sup>2</sup> allows American parents wide latitude in directing their children’s upbringing. Parents have often shared photographs with friends and family, but this custom has evolved. The rise of social media platforms such as Facebook, Twitter, Snapchat, Instagram, YouTube, and others has created a new platform for parents to share information to a much larger audience—the general public. Parents also have free speech protections.<sup>3</sup> They are able to disclose live video feeds, pictures, and personal information about the child without the child’s

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<sup>1</sup>*Mark Zuckerberg Biography*, BUSINESSNEWS DAILY, (Feb. 22, 2019), <https://www.businessnewsdaily.com/4167-business-profile-mark-zuckerberg.html#:~:text=%22Think%20about%20what%20people%20are,they%20want%20to%20connect%20to.%22>

<sup>2</sup>*Troxel v. Granville*, 530 U.S. 57, 66 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390 (1923) and *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)).

<sup>3</sup>U.S. CONST. amend. I.; *see Shak v. Shak*, 144 N.E.3d 274 (Mass. 2020). Courts are reluctant to involve themselves in private use of social media. The Massachusetts Supreme Judicial Court unanimously found mutual injunctive relief (nondisparagement orders) to be “an impermissible restraint on speech,” declaring them unconstitutional. *Id.* at 275. According to the court, this is an impingement on freedom of speech that should only be permissible when harm is imminent, and there is no other way to avoid it except through a nondisparagement order. *Id.* at 280.

consent, otherwise known as “sharenting.”<sup>4</sup> Sometimes, these parents ask for money, or if the parents have enough followers<sup>5</sup>, sponsors pay money to advertise.<sup>6</sup>

Parental rights in the United States, combined with the culture of “sharenting,” allowed an American couple to publicize an international adoption of a disabled child in great detail. Not only did they make the adoption process public through facets of social media, but they also managed to turn a profit by doing so.<sup>7</sup> Myka and James Stauffer are internet personalities, gaining attention through their YouTube vlogs<sup>8</sup> and Instagram posts.<sup>9</sup> For them, life is their

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<sup>4</sup>Tara Haelle, *Do Parents Invade Children's Privacy When They Post Photos Online?*, NPR (Oct. 28, 2016), <https://www.npr.org/sections/health-shots/2016/10/28/499595298/do-parents-invade-childrens-privacy-when-they-post-photos-online>; Stacey B. Steinberg, *Sharenting: Children's Privacy in the Age of Social Media*, 66 EMORY L. J. 839, 842 (2017). Researchers have found parents often share information that exposes a child's “name, location, age and birthday, and religion,” providing strangers with a tremendous digital footprint of the child. *Id.* at 848. This is incredibly troubling, especially since the sharenting typically occurs within the child's first years of life. By two-years-old, “92% [of children] . . . have an online presence” and “[o]f these children, approximately one-third appear on social media.” *Id.* at 849. While “sharenting” may appear harmless because it is parents providing information about *their* children, it is not innocuous behavior. Parents often share content their children could deem embarrassing, strip them of their ability to self-define their identities, and reveal sensitive information like a child's medical records and daily routine. This phenomenon is even more troubling when one considers that once information is shared online, it is “out of the [children's] hands forever.” Shannon Sorensen, *Protecting Children's Right to Privacy in the Digital Age: Parents as Trustees of Children's Rights*, 36 CHILD. LEGAL RTS. J. 156, 159-61 (2016).

<sup>5</sup>Jacob Shamsian, *Nearly 90% of Americans think it's wrong to make money from photos of children on social media*, (Dec. 28, 2018, 1:57 PM), <https://www.insider.com/poll-parents-profit-children-social-media-photos-instagram-youtube-2018-12>. Children as young as 4 are becoming famous through social media accounts controlled by their parents. Often, the parents are controlling and producing content of their children in order to monetize and build a brand for the child, the parent, or the entire family. *Id.*

<sup>6</sup>This is a significant change from what has typically associated with the publication of international adoptees. As Montgomery and Powell point out, we are used to celebrities making much ado about their international adoptions—receiving photoshoots and extensive press interviews about the adoptee. However, we have entered a new age where everyday parents can generate their own media surrounding an international adoption. Mark Montgomery and Irene Powell, *SAVING INTERNATIONAL ADOPTION* 5 (2018).

<sup>7</sup>Jilly Capello, *YouTuber Myka Stauffer Slammed for Continuing to Profit Off Rehomed Adopted Child*, SHOWBIZCHEATSHEET, (June 2, 2020), <https://www.cheatsheet.com/entertainment/who-is-myka-stauffer-youtube-star-gains-notoriety-for-cruel-parenting-choices.html/>. The couple's most popular video was titled “Huxley's EMOTIONAL Adoption Video!! GOTCHA DAY China Adoption,” garnering 5.5 million views. Additionally, throughout 27 videos chronicling the adoption process of their son, Myka Stauffer requested donations from viewers to cover costs of the adoption. *Id.*

<sup>8</sup>Vlog is defined as: “a blog that contains video material.” Merriam Webster, *Vlog*, merriam-webster.com, <https://www.merriam-webster.com/dictionary/vlog> (last visited Nov. 16, 2020).

<sup>9</sup>Caitlin Moscatello, *Un-Adopted YouTubers Myka and James Stauffer shared every step of their parenting journey. Except the last*, THECUT, (Aug. 18, 2020), <https://www.thecut.com/2020/08/youtube-myka-james-stauffer-huxley-adoption.html>.

“influence” content—the public is invited to view their marriage, parenting, and children.<sup>10</sup>

However strange it may be, Americans seem largely attracted to following families who bare all about their inner workings.<sup>11</sup> The Stauffers were considered steady contributors to this lifestyle until they rehomed their adopted son Huxley.<sup>12</sup>

Perhaps there would not have been quite so visceral of a reaction from the public had the couple decided to keep their adoption under wraps. Instead, they painstakingly chronicled the international adoption process, showing the world the travel, selection, and integration of a child from China.<sup>13</sup> The Stauffers chose to adopt an international child who has autism and other developmental issues.<sup>14</sup> This venture garnered not only praise, but also money from a wider viewership comprised of individuals and sponsors who watched the child grow over the two years the Stauffers cared for him.<sup>15</sup> The Stauffers, however, are not a unique case; a quick search of “international adoption story” on YouTube reveals numerous families vlogging their own international adoption stories.<sup>16</sup>

The issue of parents putting their child on social media platforms for the world to see, especially a special needs child, seems to call for a delicate balance between parental rights and a

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<sup>10</sup>*Id.*

<sup>11</sup>Rachel Dunphy, *The Dark Side of YouTube Family Vlogging*, nymag.com, INTELLIGENCE, APR. 17, 2017, <https://nymag.com/intelligencer/2017/04/youtube-family-vloggings-dark-side.html>. “Family blogging has ballooned on YouTube in the last five years. Parents and their children turn the camera on as they play, craft, bake, go on trips, or review toys . . .” *Id.*

<sup>12</sup>*Myka Stauffer: Backlash after YouTubers give up adopted son*, BBC.COM, (May 28, 2020), <https://www.bbc.com/news/world-us-canada-52839792>. “The couple began sharing videos about their family life in 2014 and Mrs Stauffer’s own YouTube channel Myka Stauffer grew to more than 700,000 subscribers this year.” *Id.*

<sup>13</sup>*Id.* “In July 2016 they announced plans to adopt a toddler from China . . . [o]ne video of the family going to China to meet two-year-old Huxley was extremely popular and clocked up more than 5.5 million views on YouTube.” Ultimately, the couple’s content contained hours of documentation, along with clips of his developmental progress.

*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>*Id.* The Stauffers garnered a bevy of sponsors: Playtex Baby, Chili’s, Danimals, Big Lots, Suave, Fabletics, Mattel/Barbie were among the many who had contributed support for their content. Jen Jeneau, *Kate Hudson Confirms YouTube Mom Who Dissolved Adoption Was 'Terminated' by Fabletics*, PEOPLE, (May 29, 2020, 1:30 PM), <https://people.com/parents/myka-stauffer-company-sponsorships-dropped-adoption-controversy/>.

<sup>16</sup> [https://www.youtube.com/results?search\\_query=international+adoption+stor](https://www.youtube.com/results?search_query=international+adoption+stor).

child’s right to privacy and protection.<sup>17</sup> Some laws do exist internationally and within the United States to protect children from sexual abuse and neglect when it comes to photographs and videography.<sup>18</sup> But, for the most part, parents have a wide discretion to post content of their children on the Internet.<sup>19</sup> Thus, social media continues to evolve, creating opportunities to monetize one’s information, yet children are left largely vulnerable to the whims and intentions of their parents, especially on the platform YouTube.<sup>20</sup>

This paper explores the phenomenon of parents putting their children on the Internet and argues for added protection for children undergoing an international adoption. Ninety-seven countries participate in the Hague Convention on Protection of Children and Co-operation in Respect to Intercountry Adoption (“Hague Adoption Convention”). All, except the United States, have also adopted the United Nations Convention on the Rights of the Child (“UNCRC”).<sup>21</sup> This paper provides recommendations for best practices for international adoptions in accordance with interpretations of the UNCRC’s Articles and Hague Convention protocol.

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<sup>17</sup>Sorensen, *supra* note 3, at 157. Admittedly, this is a new frontier in legal argument—children possessing their own privacy interests. The traditional legal attitude towards children is to treat them as a form of property. Thus, asserting a child has individual privacy interests upsets the traditional underpinnings of law, and replaces the notion with a “modern view.” *Id.*

<sup>18</sup>*New Study Reveals Child Pornography Not a Crime In Most Countries*, ICMEC.ORG, <https://www.icmec.org/press/new-study-reveals-child-pornography-not-a-crime-in-most-countries/> (last visited Oct. 30, 2020). Even these protections are scarce outside the United States. “A new study of child pornography laws in 184 Interpol member countries around the world has produced alarming results: more than half of these countries (95) have no laws addressing child pornography and in many other countries, the existing laws are inadequate.” *Id.* The study found that only Australia, Belgium, France, South Africa, and the United State were among the only considered to have impactful legislation against the crimes of creation and distribution of child pornography. *Id.*; see 18 U.S.C.S. § 2256 (2020); see Child Abuse Prevention and Treatment Act, 93 P.L. 247, 88 Stat. 4, 93 P.L. 247, 88 Stat. 4.

<sup>19</sup>See generally Haelle, *supra* note 4.

<sup>20</sup>Amelia Tait, *Is it safe to turn your children into YouTube stars?*, THEGUARDIAN, (Sept. 16, 2015, 3:24 AM), <https://www.theguardian.com/technology/2015/sep/16/youtube-stars-vlogging-child-safety-sacconejolys-katie-and-baby>. Jonathan and Anna Saccone-Joly are an Irish family, vlogging every day of their lives, earning “thousands of pounds a year.” This is possible because, “the children of YouTube are not currently subject to any psychological guidelines or legal protection.” *Id.* User-generated content is not held to any kind of child labor protection, because it is believed parents will “act in the best interests of their children.” *Id.*

<sup>21</sup>32 I.L.M. 1134, May 10, 1993.

Section II of the paper will provide a summary of the history the UNCRC and an explanation of its Article 21. Section III will provide a summary of the history of The Hague, the conventions addressing protections of children, and its intercountry adoption protocol. Section IV will present interpretations of the UNCRC Articles and the Hague Adoption protocol, along with recommendations that would create a special guide to best practices for international adoptions, reinforcing the privacy protections of children both organizations seek to uphold. It is the aim of this paper to create recommendations that will restrict Americans' abilities to exploit international adoptees online.

## II. UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

The United Nations Convention on the Rights of the Child ("UNCRC") was inspired by the Universal Declaration of Human Rights which was unanimously adopted by the U.N.

General Assembly in 1948.<sup>22</sup> The goal of the UNCRC was to create

- (1) "legislation and programs for the protection of children"; (2) "create procedures assuring fairness in removal of children from their homes"; (3) "and assure children the right to express themselves freely in all matters affecting them."<sup>23</sup>

The UNCRC stands as one of the most ratified human rights treaties in history with almost 200 countries ratifying.<sup>24</sup> The UNCRC sets out a comprehensive Bill of Rights for children,<sup>25</sup> which includes the right to be free from discrimination, supports protection from forced labor, child marriage, deprivation of legal identity, and grants children the right to health care, education and freedom of expression. The forward-looking Convention, seeks to "promote social progress and

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<sup>22</sup>*Convention on the Rights of the Child*, Nov. 20, 1989, 1577 U.N.T.S. 3; *Convention on the Rights of the Child*, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

<sup>23</sup>Jean Koh Peters, *How Children Are Heard in Child Protective Proceedings, in the United States and Around the World in 2005: Survey Findings, Initial Observations, and Areas for Further Study*, 6 NEV. L.J. 966, 967 (2006). This includes children's "right to be heard in judicial and administrative proceedings such as child protective proceedings." *Id.*

<sup>24</sup>UNICEF, *Convention on the Rights of the Child*, unicef.org, <https://www.unicef.org/child-rights-convention> (last visited Dec. 6, 2020).

<sup>25</sup>*Convention on the Rights of the Child*, <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

better standards of life in larger freedom.”<sup>26</sup> The Preamble establishes that children require “particular care.”<sup>27</sup> Thus, to ensure children are fully protected within their home countries and abroad, nations must be vigilant of current trends and events shaping society in order to abide by the Preamble’s declaration that children should be raised “in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.”<sup>28</sup> The Committee on the Rights of the Child monitors compliance with the Convention.

The UNCRC’s Article 21 emphasizes the best interests of the child are “paramount” in the adoption process.<sup>29</sup> It seeks to do this by specifying only proper authorities oversee the adoption.<sup>30</sup> It also provides prospective adoptees are provided “safeguards and standards. . . .”<sup>31</sup> A specific standard is that no prospective adoptive parents (“PAPs”) or other figures involved in the adoption will have “improper financial gain” from the adoption.<sup>32</sup> The Article also anticipates further “arrangements or agreements” may be instituted by participating countries to ensure the child’s placement aligns with the UNCRC.<sup>33</sup> The language of Article 21 anticipates further actions may be necessary by countries to continue upholding the principles of the UNCRC. Therefore, participating countries must keep abreast of changes in society and seek

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<sup>26</sup>*Id.*

<sup>27</sup>*Id.*

<sup>28</sup>*See Preamble of Convention on the Rights of the Child,*

<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

<sup>29</sup>*See Article 21 of Convention on the Rights of the Child,*

<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

<sup>30</sup>*See Article 21(a) of Convention on the Rights of the Child,*

<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).; These proper authorities are what I contemplate when I refer to “PAPs and other figures” in the paper.

<sup>31</sup>*See Article 21(c) of Convention on the Rights of the Child,*

<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

<sup>32</sup>*See Article 21(d) of Convention on the Rights of the Child,*

<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

<sup>33</sup>*See Article 21(e) of Convention on the Rights of the Child,*

<https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>, (last visited Nov. 1, 2020).

adjustments that adapt to the modern world's challenges. This would include social media, advancements in recording capabilities, and Internet communication.

### III. HAGUE CONVENTIONS AND ADOPTION PROTOCOL

The Hague Conference on Private International Law developed from a need for some cooperation on recognition and enforcement issues among countries. As the need arose for unification of the rules of private international law,<sup>34</sup> the first Conference occurred in 1893 to create “special rules” participating countries would adopt to resolve differences in legislation.<sup>35</sup> The nations agreed to continue convening, allowing them to address an assortment of global issues, including the treatment of children.<sup>36</sup> Currently, there are 86<sup>37</sup> member states of the Hague Conference. The group convenes when there is enough concern over a matter needing international cooperation. When a new treaty is released, countries who are not distinguished members to the convention (and nonmembers) can “accede” to the treaty, and the other countries can accept their accession.<sup>38</sup>

#### A. HAGUE ABDUCTION CONVENTION

In 1980, the Hague Convention on the Civil Aspects of International Child Abduction (“Hague Abduction Convention”) sought to protect children from parents or others wrongfully

<sup>34</sup>Pence Law Library Guides, *Hague Conference On Private International Law*, wcl.american.libguides (Feb 14, 2020 10:45 AM), <https://wcl.american.libguides.com/c.php?g=563261>.

<sup>35</sup>*Id.* These “special rules” would become known as the private internal laws. *Id.*; These agreements were created in hopes of promoting peace among the nations. For the first Conference, the convening States discussed civil matters, including “marriage, the form of documents, inheritance/wills/gifts and civil procedure.” HCCH, *125 Years HCCH*, hcch.net, [https://www.hcch.net/en/news-archive/details/?varevent=636#:~:text=On%2012%20September%201893%2C%20Tobias,Private%20International%20Law%20\(HCCH\).&text=Its%20entry%20into%20force%20on,another%20of%20Asser's%20great%20visions](https://www.hcch.net/en/news-archive/details/?varevent=636#:~:text=On%2012%20September%201893%2C%20Tobias,Private%20International%20Law%20(HCCH).&text=Its%20entry%20into%20force%20on,another%20of%20Asser's%20great%20visions) (last visited Nov. 27, 2020).

<sup>36</sup>*Hague Convention*, THE FREE DICTIONARY, <https://legal-dictionary.thefreedictionary.com/Hague+Convention> (last visited Oct. 31, 2020). An important series of conferences that has arisen works for “the progressive unification of the rules of private international law.” *Id.* (internal quotations omitted).

<sup>37</sup>HCCH, *HCCH Members*, hcch.net, <https://www.hcch.net/en/states/hcch-members> (last visited Dec. 5, 2020).

<sup>38</sup>Marijke Breuning, *The consequences of accession: the Hague Convention on Intercountry Adoption's Impact on Children's Right*, J. INT'L RELAT. DEV. 1, 1 (2019), <https://link.springer.com/article/10.1057/s41268-019-00183-7#citeas> (last visited Dec. 6, 2020).

removing or retaining a child in a country other than the child’s habitual residence.<sup>39</sup> The Abduction Convention created a “multilayered treaty” that produced a procedure that protects parental access to children and ensures those wrongly removed or retained are returned.<sup>40</sup> The United States ratified the Convention, implementing it through the International Child Abduction Remedies Act in 1988.<sup>41</sup>

The Hague Abduction Convention, while aiming to return a wrongfully removed or retained child, does recognize the importance of a child’s autonomy, as well.<sup>42</sup> Article 12 of the Convention includes the wishes of a mature child to express preference as a defense to return.<sup>43</sup> The judge gives weight to a child’s voice, according to that child’s age and maturity.<sup>44</sup> Therefore, a mature child, with good reason, may have his or her interests preserved above a parent’s wishes for return.<sup>45</sup>

## B. HAGUE ADOPTION CONVENTION

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (“Hague Adoption Convention”) was drafted in 1993.<sup>46</sup> There are 103 Contracting Parties to this Convention, including the United States.<sup>47</sup> The Hague Adoption

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<sup>39</sup>*Child Abduction Section*, HCCH, hcch.net, <https://www.hcch.net/en/instruments/conventions/specialised-sections/child-abduction> (last visited Oct. 31, 2020).

<sup>40</sup>*Id.*

<sup>41</sup>*Id.* (citing 42 U.S.C.A. §§ 11601 et seq.).

<sup>42</sup>Tracy Bateman Farrell, *Construction and Application of Grave Risk of Harm Exception in Hague Convention on the Civil Aspects of International Child Abduction as Implemented in International Child Abduction Remedies Act*, 42 U.S.C.A. § 11603(e)(2)(A), 56 A.L.R. FED. 2d 163, 164.

<sup>43</sup>*Id.* For instance, “[t]he judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.” *Id.*: HCCH, *Convention on the Civil Aspects of International Child Abduction Article 12* (concluded Oct. 25, 1980), <https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>.

<sup>44</sup>*Id.*

<sup>45</sup>*Id.*

<sup>46</sup>32 I.L.M. 1134 (in force May 1, 1995). See HCCH, *Outline Hague Intercountry Adoption Convention*, <https://assets.hcch.net/docs/e5960426-2d1b-4fe3-9384-f8849d51663d.pdf> (last visited Nov. 18, 2020).

<sup>47</sup> The Intercountry Adoption Act of 2000, 42 U.S.C. sec 14901 et seq.; Amendments were also made to the Immigration and Nationality Act, 8 U.S.C. sec 1101 et seq.; The U.S. Department of State is the Central Authority. 22 U.S.C.A. § 9101; The term “Contracting Parties” is understood as Parties who may or may not be in force of effect by the Convention after depositing an “instrument of ratification, accession, acceptance or approval.” HCCH,



Convention recognizes that there are multiple jurisdictions and laws.<sup>48</sup> If a couple from the United States is adopting a child from another country, they must comply with the law of the child’s country of domicile or habitual residence regarding termination of parental rights.<sup>49</sup> That jurisdiction must approve the placement of the child with the prospective adoptive parents and grant the adoption.<sup>50</sup> The child’s home country must approve the child’s exit for emigration.<sup>51</sup> Then the United States must provide an entrance visa for the child’s immigration.<sup>52</sup> Lastly, the state of the PAPs must recognize the foreign adoption or grant an adoption. The Hague Adoption Convention “[sets] out clear procedures” that prohibit “improper financial gain” to provide “greater security, predictability and transparency for all parties to the adoption, including prospective adoptive parents” by “making the rights and interests of the child paramount.”<sup>53</sup>

The Hague Adoption Convention serves the best interests of the child (“BIOC”) through specific rules.<sup>54</sup> Central Authorities within the Contracting States are expected to enforce the

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*Status Table*, hcch.net, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=69> (last visited Dec. 4, 2020).

<sup>48</sup>See generally HCCH, *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* (concluded May 29, 1993), <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>.

<sup>49</sup>U.S. Citizenship and Immigration Services, *Hague Process*, uscis.gov (Jan. 30, 2020), <https://www.uscis.gov/adoption/immigration-through-adoption/hague-process>.

<sup>50</sup>See generally HCCH, *Article 17 of Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, (concluded May 29, 1993), <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>.

<sup>51</sup>See generally HCCH, *Articles 15-17 of Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, (concluded May 29, 1993), <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>.

<sup>52</sup>Immigration Services, *supra* note 48.

<sup>53</sup> See HCCH, *Outline Hague Intercountry Adoption Convention*, <https://assets.hcch.net/docs/e5960426-2d1b-4fe3-9384-f8849d51663d.pdf> (last visited Nov. 18, 2020).

<sup>54</sup>*Id.*; See generally HCCH, *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, (concluded 29 May 1993), <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>. Article 1 establishes the responsibility of the Contracting States to follow the provisions set out in the Convention. *Id.*

measures to ensure the BIOC is met with each adoption.<sup>55</sup> A report must be issued by the Central Authorities of the PAPs that creates a portfolio of their information.<sup>56</sup>

### 1. *Hague Adoption Protocol*

The Hague Adoption Convention’s strict protocol ensures “the best interests of children, birth parents, and adoptive parents” are protected throughout the process.<sup>57</sup> Some of the safeguards include an adoption service provider authorized to conduct a Hague adoption and a Central Authority to oversee the implementation of the Hague procedures.<sup>58</sup> The process then involves a rigorous examination of the parents through a home study.<sup>59</sup> Additionally, American PAPs must also be approved by the U.S. Citizenship and Immigration Services.<sup>60</sup>

#### i. Determining Eligibility of the PAPs Under the Convention

The Hague Adoption requirements assure the quality of suitable PAPs.<sup>61</sup> The U.S. Form 1-800A covers basic information regarding PAPs like citizenship, relationship status, travel history, spousal information, and the makeup of the home life.<sup>62</sup> Nowhere on the form is the applicant asked to explain one’s social media presence, their spouse’s social media presence, or provide an explanation for one’s views regarding how much personal information the applicant

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<sup>55</sup>See HCCH, *Article 6(1) of Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*, (concluded 29 May 1993), <https://assets.hcch.net/docs/77e12f23-d3dc-4851-8f0b-050f71a16947.pdf>.

<sup>56</sup>See *id.* at *Article 15*. Including: identity; eligibility; suitability; background; family; medical history; social environment; reasons for the adoption; ability to undertake an intercountry adoption; “as well as the characteristics of the children for whom they would be qualified to care.” *Id.*

<sup>57</sup> *Intercountry Adoption*, *travel.state.gov*, <https://travel.state.gov/content/travel/en/Intercountry-Adoption.html> (last visited Oct. 30, 2020).

<sup>58</sup>*Id.*

<sup>59</sup>*Id.*

<sup>60</sup>*Id.* A child must also be found suitable for immigration. *Id.*

<sup>61</sup> *Hague Adoption Convention Process*, *uscis.gov*, <https://www.uscis.gov/forms/explore-my-options/hague-adoption-convention-process> (last visited Oct. 30, 2020).; *Form 1-800A, Application for Determination of Suitability to Adopt a Child from a Convention Country*, *uscis.gov*, <https://www.uscis.gov/sites/default/files/document/forms/i-800a.pdf> (last visited Oct. 30, 2020).

<sup>62</sup>Form 1-800A, *Application for Determination of Suitability to Adopt a Child from a Convention Country*, *uscis.gov*, <https://www.uscis.gov/sites/default/files/document/forms/i-800a.pdf> (last visited Oct. 30, 2020).

shares on internet forums and/or social media platforms.<sup>63</sup> But when the Adoption Convention was written, these problems were not an issue, so change must occur. Although the information the form seeks is entirely understandable for an eligibility process, it reveals a gap in the digital age.<sup>64</sup>

The home study creates the bulk of evidence that will showcase whether a couple is eligible for the international adoption.<sup>65</sup> Within this study, the PAPs will be evaluated over an intensive amount of information.<sup>66</sup> This includes “background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, and the characteristics of the child or children for whom they would be qualified to care.”<sup>67</sup> And while the social worker conducting the study must screen for “prior psychiatric care or issues arising from sexual abuse, child abuse or family violence,” there is no specific emphasis on examining the parents’ social media presence, their intent to display the child online, or any potential monetization that may occur if the child resides in the home with them.<sup>68</sup>

## ii. United States Legislation Affecting International Adoptions

The American couple seeking to adopt must also make sure their actions are in compliance with United States legislation affecting international adoptions.<sup>69</sup> Again, a crucial

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<sup>63</sup>*See generally Id.*

<sup>64</sup>*Id.* This is especially concerning, because the minimum age to adopt a child through the Hague Convention is 24 years old when filing your Form I-800A. *Id.* The Pew Research found that by 2019, 90% of adults between the ages 18-29 had at least one social media account. For ages 30-49, 82% of adults had at least one social media account. Pew, *Social Media Fact Sheet*, [pewresearch.org, https://www.pewresearch.org/internet/fact-sheet/social-media/](https://www.pewresearch.org/internet/fact-sheet/social-media/) (last visited Oct. 31, 2020). The research notes the young adult users’ activity on social media is at “high levels,” with an increase in of use in older adults, as well. *Id.*

<sup>65</sup>*Hague Home Study Guidelines*, [uscis.gov, https://www.uscis.gov/adoption/home-study-information/hague-home-study-guidelines](https://www.uscis.gov/adoption/home-study-information/hague-home-study-guidelines) (last visited Nov. 1, 2020).

<sup>66</sup>*Id.*

<sup>67</sup>*Id.*

<sup>68</sup>*Id.*

<sup>69</sup>*See* 42 U.S.C.A. §§ 14901-14954; *see* 22 C.F.R. § 96; *Hague Convention Participation*, [travel.state.gov, https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/China.html#:~:text=To%20bring%20an%20adopted%20child,States%20under%20U.S.%20immigratio](https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/China.html#:~:text=To%20bring%20an%20adopted%20child,States%20under%20U.S.%20immigratio) n%20law (last visited Nov. 1, 2020).

piece of proper consideration for the couple is choosing an adoption service provider from the United States that complies with the Hague Adoption Convention, and service provider must be approved by the country's government where the couple wishes to be placed with a child.<sup>70</sup>

Upon examination of the approved agencies, nothing within their protocol looks to the safety and protection of the international adoptee online and on social media.<sup>71</sup>

The agency is also charged with other responsibilities such as creating the necessary paperwork for the adoption, sending and receiving information about the child to and from the Convention, and conducting the exchanges between the prospective adoptee's Central Authority in his or her home country.<sup>72</sup> And while these agencies are busy determining the best interests of the child according to the Convention and the United States, they are not determining whether the child's interests are being protected from an internet or social media presence.<sup>73</sup>

### iii. Post-Adoption/Post-Placement

A further step in the process is the post-adoption procedures.<sup>74</sup> These protections include follow-up visits and reports.<sup>75</sup> Depending on the time the adoption occurred, PAPs may be sending in reports up to five years after the adoption.<sup>76</sup> This is a potentially crucial area where behaviors of the parents are monitored by the social workers who originally orchestrated the adoption.<sup>77</sup> The parents, however, are eventually allowed to submit the remaining reports.<sup>78</sup>

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<sup>70</sup>*Id.*

<sup>71</sup>22 C.F.R. 96.2. The statute lists six services that must be met by the agency: 1) Identifying a child and arranging for its adoption; 2) securing consent for the termination of the biological parents' parental rights, as well as the consent for adoption; 3) performing the home study of the parents; 4) determining the best interests of the child and the fitness of the prospective parents; 5) monitoring the adoption as it unfolds; 6) provide the ability to assume custody over the child in case alternative placement is needed. *Id.*

<sup>72</sup>22 C.F.R. 96. 14.

<sup>73</sup>*See generally* 22 C.F.R. 96.2; 22 C.F.R. 96. 14 22 C.F.R. 96. 44.

<sup>74</sup>Hague Convention Participation, *supra* note 68.

<sup>75</sup>*Id.*

<sup>76</sup>*Id.*

<sup>77</sup>*Id.*

<sup>78</sup>*Id.*

These reports do not contain an emphasis on the child's internet presence or the digital footprint created about the child by the parents.<sup>79</sup>

#### IV. INTERPRETATIONS AND RECOMMENDATIONS FOR BEST PRACTICES

Failures to modify procedures so they reflect the digital age matter a great deal in the grand scheme of international adoptions. After all, those who have signed onto or ratified the Hague Adoption Convention hold international couples to the protections and protocols established by the UNCRC Articles.<sup>80</sup> The flexible, broad language of the UNCRC and the Hague Adoption Convention protocol may allow for the crucial updates for the digital age, but without those updates, international adoptees remain vulnerable to exploitation from social media and the Internet. Here, it is essential to know the organizations' language that obligate them to adopt protections for children in the digital age. An examination of their frameworks will provide recommendations for best practices that ought to be implemented by the Central Authorities and PAPs.

##### A. INTERPRETATIONS OF THE UNCRC ARTICLES

The Hague Adoption Convention and the UNCR have powerful influence at their disposal to protect children from invasions of privacy. The Articles of the Convention on the Rights of the Child provide the recognition of children's privacy protections that a best practices guide should expand upon to avoid exploitation.

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<sup>79</sup>*Id.* Even beyond the legislation, parents are not encouraged to keep their adopted children of the internet and social media platforms. The resources provided for the post-adoption/post-placement stages do not concern themselves with protecting a child's adjustment in this manner. *See generally* Accessing Adoption Support and Preservation Services, childwelfare.gov, <https://www.childwelfare.gov/pubs/f-postadoption/> (last visited Nov. 2, 2020); *Accessing Adoption Support and Preservation Services*, childwelfare.gov, [https://www.childwelfare.gov/pubPDFs/f\\_postadoption.pdf#page=2&view=Issues%20adoptive%20families%20often%20encounter](https://www.childwelfare.gov/pubPDFs/f_postadoption.pdf#page=2&view=Issues%20adoptive%20families%20often%20encounter) (last visited Nov. 2, 2020).

<sup>80</sup>*Intercountry Adoption*, travel.state.gov, <https://travel.state.gov/content/travel/en/Intercountry-Adoption.html> (last visited Oct. 30, 2020). Upon first viewing this U.S. government page regarding international adoptions, the viewer is greeted with a quote from the Convention's Preamble. *Id.*

### 1. *Article 3 of the UNCRC*

The primary consideration set forth by the UNCRC is that all actions carried out by any court, public institution, or private agency will protect the best interests of the child.<sup>81</sup> All participating Parties must take any “legislative or administrative measures” to ensure these interests are met.<sup>82</sup> This means any “institutions, services and facilities”<sup>83</sup> overseeing the safety and health of children are responsible for standards that will uphold a child’s dignity and rights. Thus, this language creates the ability for agencies and proper authorities to create standards and adjust protocol that will ensure the child’s best interests can be met.

### 2. *Article 16 of the UNCRC*

The UNCRC has provided ample opportunity for evolution in its Articles. Perhaps one of the best examples of this lies in Article 16, which states: “No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation . . . and [t]he child has the right to the protection of the law against such interference or attacks.”<sup>84</sup>

This provision specifically addresses the right of the child to experience privacy without “arbitrary or unlawful interference.”<sup>85</sup> This language creates an opening for amendment. The intrusion of PAPs filming and photographing a child, then uploading this content without a child’s consent, should be considered the type of interference the Article seeks to eradicate. PAPs and other figures should be unable to create a reputation about a child online without the

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<sup>81</sup>United Nations, *Convention on the Rights of the Child* (Nov. 20, 1989), [https://www.ohchr.org/en/professionalinterest/pages/crc.aspx#:~:text=\(a\)%20No%20child%20shall%20be,or%20degrading%20treatment%20or%20punishment.&text=\(c\)%20Every%20child%20deprived%20of,of%20his%20or%20her%20age](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx#:~:text=(a)%20No%20child%20shall%20be,or%20degrading%20treatment%20or%20punishment.&text=(c)%20Every%20child%20deprived%20of,of%20his%20or%20her%20age).

<sup>82</sup>*Id.*

<sup>83</sup>*Id.*

<sup>84</sup>*Convention on the Rights of the Child*, ohchr.org, <https://www.ohchr.org/documents/professionalinterest/crc.pdf> (last visited Nov. 3, 2020).

<sup>85</sup>*Id.*

child’s consent. All filming, photographs, and updates of a child displayed on any internet or social media platform without a child’s full understanding or consent should be considered an interference of the child’s privacy under the Convention.

### 3. *Article 17 of the UNCRC*

Article 17 seeks to “recognize the important function performed by the mass media.”<sup>86</sup> As such, it promotes the encouragement and “development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being . . . .”<sup>87</sup> Here, the Convention was able to anticipate the important role technology and media would play in a child’s life.<sup>88</sup> The UNCRC was aware that media and technology would provide a window into the world for children. However, it was unable to anticipate that the world would be given a window into children’s lives, as well. Section (e) of the Article contains some of the most meaningful language to extend to the digital age by encouraging “the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being . . . .”<sup>89</sup> It acknowledges the need for children to be kept from access to information that is inappropriate for their development; however, it failed to consider that children may need to be protected from others’ accessing their information. The “appropriate guidelines” of information should include limitations on the dissemination of information regarding children online.

### 4. *Article 19 of the UNCRC*

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<sup>86</sup>*Id.*

<sup>87</sup>*Id.*

<sup>88</sup>*Id.* The Article acknowledges that media can play a critical role in “the promotion of [a child’s] social, spiritual and moral well-being and physical and mental health.” *Id.* Certainly, the idea of a “critical role” can be understood in a beneficial or detrimental manner. If media has the ability to shape a child’s understanding the world, it has the same power to shape the public’s perception of a child by allowing the world access to his or her online presence.

<sup>89</sup>*Id.*

Article 19 of the Convention seeks to protect children from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>90</sup> It urges this through “legislative, administrative, social and educational measures” and includes “other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment. . . .”<sup>91</sup>

The most pertinent language of this Article acknowledges the ability of parents, guardians, and other adults to commit wrongdoings against children. The definitions of maltreatment and exploitation have evolved in the digital age. Images, videos, and other content concerning a child create an involuntary digital footprint, which may contain sensitive information regarding his or her personal life. These actions can be a form of abuse or maltreatment through internet exploitation. This maltreatment and exploitation should also include the understanding that it can occur through parents, guardians, and other adults monetizing the content, as well.

#### 5. *Article 32 of the UNCRC*

Perhaps the most forward-looking language to create protections from an involuntary digital footprint is found in Article 32. This provision is dedicated to preventing “economic exploitation”<sup>92</sup> of children. It acknowledges this may occur through improper work and seeks to end any practices or labor that may be hazardous to children’s education, “health or physical, mental, spiritual, moral or social development.”<sup>93</sup> This provision creates the avenue necessary to expand the understanding of improper labor and economic exploitation children can now

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<sup>90</sup>Convention, *supra* note 83.

<sup>91</sup>*Id.*

<sup>92</sup>*Id.*

<sup>93</sup>*Id.*



experience through the digital age. Parents are able to monetize their children by making them the source of content through social media. The habitual photographing and filming of children for parents' internet content should be viewed as a form of labor or improper work imposed on the child. Thus, protocol that would expand on the definitions of child labor, economic exploitation, and detrimental effects of a child's development would uphold the UNCRC.

## B. INTERPRETATIONS OF THE HAGUE ADOPTION ARTICLES

As stated, all participating Parties to the Hague Adoption Convention seek to reinforce Article 21 of the UNCRC. This reinforcement of Article 21 also serves to uphold the dignities and protections recognized by the rest of the Articles instituted by the UNCRC. Since both seek to ensure children's protection, it is essential to examine what language is present in the Hague Adoption Convention that allow for adapted protocol to be implemented in the digital age.

### 1. *Article 1 of the Hague Adoption Convention*

Article I lays out the Convention's efforts to ensure the best interests of the child are met through intercountry adoption.<sup>94</sup> As such, it seeks to "establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children."<sup>95</sup> The Hague Adoption Convention's language allows for an expanded understanding of the sale of a child—the monetization of children through internet content. The adoption process should include safeguards that prevent PAPs and other figures from profiting off the publishing, filming, or other forms of social media exposure of the adoption process. It is within the spirit of preventing similar harms such as abductions, sales, and trafficking of children.

### 2. *Article 8 of the Hague Adoption Convention*

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<sup>94</sup>*Id.*

<sup>95</sup>*Id.*

Although the language of Article 8 does compel action to protect the children of intercountry adoptions, it does not outline specifically enough the behavior that should be forbidden by PAPs and other figures to ensure the protection of adoptees. The Article charges Central Authorities overseeing the adoption procedures “shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention.”<sup>96</sup> This allows for the Hague Adoption Convention procedures to be tightened surrounding a child’s digital footprint. According to this language, public authorities are obligated to expand privacy protections for the adoptees to deter those who wish to profit from the adoption process. The appropriate measures should include strict adoption agreements that prevent PAPs and other figures from financial gain through publication of the adoptee or the adoption process.

### C. RECOMMENDATIONS FOR BEST PRACTICES GUIDE

One way to ensure that a child is protected from digital exploitation would be a “good practice guide.” The Hague Conference could provide recommendations for a best practices guide that ought to be recognized by participating Parties to the Hague Adoption Convention. The guide could align with the spirit of the protections sought by the UNCRC and the Hague Adoption Convention. The best practices are aimed at achieving privacy protections for children of intercountry adoptions. They will seek to protect children from online and economic intrusions into their identities that can occur when PAPs and other figures photograph, film, or otherwise upload content onto the Internet or social media platforms. These best practices would be instituted through an agreement signed by PAPs and other figures, who, by signing it, would agree to follow them, or else forfeit the adoption process. Ultimately, this system would create

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<sup>96</sup>*Id.*

the strictures necessary to prohibit American couples from exploiting their internationally adopted children in the digital age.

1. *Essential Definitions within the Best Practices Guide*

A best practices guide must define terms significant to the digital age. The most important of these being “digital privacy”; “social media”; “monetization”; and “age of consent.” This outline proposes that the definition of “digital privacy” ought to be understood as the ability of the individual to decide for one’s self what information becomes publicly available online.<sup>97</sup> PAPs will need to understand that the international adoption process recognizes the unique presence of a digital footprint. An individual must be the one who decides how that footprint takes shape.

Accordingly, “social media” should be defined as an online forum or platform that allows its users to create and view content publicly, even if its users have the option to create and share content within the confines of a private account. It is the forum or platform’s function of typically servicing the public that requires the focus of the best practices.<sup>98</sup> PAPs may believe that creating and uploading content to a private social media account is acceptable since the adopted child’s content is not intended for the public; however, these actions still create a digital footprint of the child. This definition is broad enough to encompass current, popular forums and platforms such as Twitter, Facebook, Snapchat, Instagram, and YouTube, while also anticipating the creation of platforms still yet to come.

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<sup>97</sup>This definition is in line with Sorensen’s argument that adults are the only ones to have this unique control over their own content. But, until children are afforded the same kind of digital autonomy, they are “deprive[ed] . . . of retaining privacy of expression.” Sorensen, *supra* note 3, at 164.

<sup>98</sup>In other words, if a forum is designed for public interaction and viewing, yet it does provide private alternatives, it would still fall under this definition. PAPs and other figures may attempt to circumvent the best practices by making accounts like Instagram or Facebook private; thus, it is these circumventions that the recommendation seeks to defeat.

To ensure economic exploitation cannot occur, the best practices guide should define monetization as any means by which the PAPs or other figures are able to profit monetarily from the prospective adoptee. This would include any profit that could be gained from photographs, videos, or textual references of the child or the international adoption process online. Thus, requesting donations for an international adoptee, accepting sponsorships on behalf of the adoptee, or any other action online that would garner monetary gain because of the adoptee or adoption process, would be included in the definition.

Since the UNCRC and the Hague Adoption Convention recognize children do have their own preferences and wishes, the age of consent for adopted children to determine whether their parents may contribute to their digital footprint must be defined. The best practices guide can look to social media platforms themselves for guidance. Currently, Facebook, Twitter, and Instagram prohibit users under the age of 13 years.<sup>99</sup> It seems reasonable that a child's age of consent be defined as the age at which he or she is able to participate on these platforms, as well. Thus, if a child can consent to actions regarding his or her own account, the child can also decide whether adoptive parents may contribute to the child's digital footprint through their own accounts. It should be understood that an adoptive parent cannot post information online regarding the child unless the child has provided express, written consent for them to do so.

## 2. *Prohibited Online Behaviors*

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<sup>99</sup>Paul Harper, *CHILD'S PLAY How old do you have to be for Snapchat, Facebook, Instagram accounts? Social media age restrictions explained*, (Jan. 21, 2020, 10:44 AM), <https://www.the-sun.com/lifestyle/tech/289567/how-old-do-you-have-to-be-for-snapchat-facebook-instagram-accounts-social-media-age-restrictions-explained/>.; Furthermore, these age restrictions align with the Children's Online Privacy Protection Act ("COPPA") COPPA, which ensures protections for children online. 15 USCS § 6501-6506. A child under COPPA is defined as "an individual under the age of 13." *Id.* at § 6501. I believe the COPPA definition of a child is persuasive here, because this paper is aimed at restricting Americans' online behavior. COPPA has created the standards in America for information collection of children, which brings the recommendation's age of consent to a familiar point within the U.S. The aim of these recommendations is not to deter American couples from international adoptions; rather, they are here to encourage a healthier process for all involved. Thus, the more the recommendations can align with legislation that already exists in the U.S., the less likely American PAPs may be to turn away from the process.

The best practices guide would provide an overview of prohibited behaviors PAPs and other figures may not engage in before, during, and after the adoption process. All individuals or agencies affiliated or participating in an international adoption process would be unable to photograph, film, or otherwise create and upload digital content relating to the prospective adoptee or the adoption process.<sup>100</sup> This behavior would include PAPs or other figures from posting information regarding the adoptee or the adoption process on any social media platforms, requesting donations, and seeking or accepting sponsorships on behalf of or because of the adoption process or adoptee.

### *3. Permissible Online Behaviors*

The ability for PAPs and related figures to transfer information about a prospective adoptee privately should be allowed in limited manners. In the digital age, it would be unreasonable to expect no information could be shared about an adoptee online. Inevitably, certain stages of the adoption process will require PAPs and related figures to exchange information regarding the child.<sup>101</sup> For instance, when the adoptee arrives home with PAPs, he or she will be integrated into the family. Since adoptive parents would be prohibited from sharing information about the child on public forums, they will be eager to communicate updates to close friends and family in other efficient modes. Thus, adoptive parents should be allowed to send photographs, videos, and textual updates of the child to friends and family through strictly private forums such as an email account or text message exchanges.

### *4. Nondisclosure Agreement*

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<sup>100</sup>However, this would not apply if the child has reached the age of consent and provided express, written consent.

<sup>101</sup>There may be a need to send paperwork to and from agencies and PAPs digitally. The recommendations do not wish to hinder the accessibility of the adoption process.

The best practices guide must require a nondisclosure agreement by the PAPs. This is essential to an international adoption, because it creates a legally binding arrangement of obligations parents and other figures must follow to maintain the adoption. The agreement would require PAPs and other figures to assent to prohibitive measures surrounding their online behavior. It would reinforce the prior best practices outlined above—PAPs and other figures will be unable to film, photograph, and create content of the adopted child that will be shared publicly. Until the adopted child reaches the age of consent, all those involved in the adoption process will be prohibited from such practices. However, PAPs and other figures would still be entitled to share digital information on a private scale. If the child is permanently physically or mentally incapacitated from ever consenting to such conduct, the PAPs and other figures will agree to a permanent arrangement of never publicly sharing information about the adopted child on a social media platform or other Internet forums.

## **V. CONCLUSION**

While the world has acknowledged children have their own rights and dignities to be protected through the UNCRC and the Hague Adoption Convention, the acknowledgements have not gone far enough to protect children in the digital age. According to these organizations, the best interests of the child is paramount in consideration of any actions affecting children. Yet, children remain vulnerable because of information parents can share with the world about them. Thus, children can be used for monetary gain, have their medical information shared with strangers, or experience numerous other intrusions into their privacy without their consent.

Conversely, the United States allows immense freedom when it comes to parents' abilities to create a digital footprint of their child. Few restraints can be set in place to protect children living in America, and these broad freedoms then extend to adopted children of

American parents, as well. This has led to situations of abuse and exploitation of the international adoption process. Although a global prohibition on parents' ability to "sharent" about their children may be too idealistic, change can occur through other avenues. To protect these children, prohibitions on adults' online behaviors must be instituted outside of the United States.

The frameworks the UNCRC and the Hague Adoption Convention have set in place to protect children provide ample grounds for the creation of further privacy protections during the international adoption process. What is needed now is a best practices guide that restricts prospective adoptive parents' and other figures' ability to create a digital footprint for the adoptee. A thorough and effective guide would ensure that a child's privacy is protected through providing them with digital autonomy, restricting adoptive parents' ability to share information on public forums, and requiring the signing of a binding agreement to these protections. These recommendations seek to push forward the creation of a comprehensive best practices guide both organizations can endorse.