R 022046Z FEB 95
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 8357
INFO AMEMBASSY SEOUL
AMCONSUL MADRAS
AMEMBASSY ASUNCION
AMEMBASSY BEIJING
AMEMBASSY MOSCOW
AMEMBASSY MEXICO

UNCLAS SECTION 01 OF 03 GUATEMALA 000903

STATE PASS TO ALCA COLLECTIVE

STATE FOR CA/VO/F/P:GFULLER, CA/FPP: DSTADER, CA/OCS/CI:LLOWE
MEXICO FOR DIS DIR INS
ASUNCION FOR CONS:IHANSEN
TEGUCICALPA FOR INS OIC
MADRAS FOR CONS:LLIVINGSTON

E.O. 12356: N/A
TAGS: CVIS, KFRD, CASC, GT
SUBJECT: ADOPTIONS AND DNA TESTING

UNCLASSIFIED
1. SUMMARY. POST HAS BEEN USING DNA GENETIC TESTING IN ADOPTION CASES FOR MORE THAN 18 MONTHS NOW, AND THOUGHT IT WOULD BE BENEFICIAL TO SHARE BOTH OUR CRITERIA FOR REQUESTING TESTING AS WELL AS THE RESULTS THEMSELVES WITH THE DEPT. AND INTERESTED POSTS. SPECIFICS ON THE CASES WITH NEGATIVE DNA RESULTS WILL BE INCLUDED IN THOROUGH ADOPTION FRAUD CABLE TO BE REPORTED SEPTEMBER. END SUMMARY.

2. MORE THAN FOUR YEARS AGO POST BEGAN TO INTERVIEW ALL NATURAL MOTHERS IN ADOPTION CASES AS OUR PRIMARY MEANS OF DETERMINING MATERNITY AND THE ORPHAN STATUS OF ALL PROSPECTIVE ADOPTEES. THIS FOLLOWED YEARS OF PROBLEMS WITH FRAUDULENT DOCUMENTATION OF CHILDREN IN ADOPTION CASES, USUALLY INVOLVING GUATEMALAN ATTORNEYS OR INTERMEDIARIES PURSUING ADOPTIONS THROUGH THE LARGELY UNREGULATED PRIVATE, NOTARIAL ADOPTION PROCESS IN GUATEMALA. HOWEVER, IN THE WORST OF CASES, OUR SUSPICIONS REMAINED JUST THAT, SUSPICIONS, SINCE THERE WAS NO TRUE MEANS OF BIOLOGICALLY DETERMINING THE RELATIONSHIP BETWEEN THE ALLEGED MOTHER AND CHILD IN OUR TYPICAL RELINQUISHMENT CASE. CASES WITH I-600 PETITIONS WERE REFERRED TO INS, AND THOSE WITHOUT PETITIONS LINGERED IN A KIND OF ADOPTION Purgatory IN WHICH ANXIOUS PARENTS WRESTLED WITH THEIR FEW LEGAL OPTIONS (NOT TO MENTION THEIR EMOTIONS), AND THE CHILDREN DISAPPEARED INTO THE SAME FOGGY BACKGROUND FROM WHICH THEY CAME. IT HAS ANGUISHING TO ALL PARTIES INVOLVED, INCLUDING THOSE AT POST, SINCE THE GREAT UNANSWERED QUESTION HAS WHAT HAPPENED TO THE CHILDREN.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03  GUATEMALA 00903 01 OF 03 022048Z

3. DNA TESTING WAS ACTUALLY FIRST SUGGESTED TO US BY A NOTED LOCAL ATTORNEY WHO ACCEPTED A PROBLEMATIC ADOPTION CASE AS A FAVOR TO A LEGAL COLLEAGUE IN THE U.S. THE ATTORNEYS OF RECORD AND INTERMEDIARY IN THE CASE HAD WALKED AWAY FROM IT UNRESOLVED. FOLLOWING CORRESPONDENCE WITH ONE OF THE APPROVED LABORATORIES LISTED IN REF A, GENETIC DESIGN OF NORTH CAROLINA, PROCEDURES WERE AGREED TO WHEREBY TEST SAMPLES WOULD BE TAKEN FROM THE MOTHER AND CHILD BY ONE OF OUR PANEL PHYSICIANS, WHO WOULD THEN BE CHARGED WITH
RETURNING THE SEALED PACKAGE TO THE LAB IN ORDER TO MAINTAIN A VALID CHAIN OF CUSTODY. AMAZINGLY ENOUGH, THE FIRST TEST RESULTS PROVED THE ALLEGED MOTHER HAS AN IMPOSTER. OF COURSE, NO ONE WAS MORE SURPRISED THAN THE ATTORNEY WHO FIRST PROPOSED THE TEST, ACCEPTING THE CASE AS A FAVOR TO A FRIEND.

4. POST'S POLICY ON THE SELECTION OF APPROPRIATE CASES IN WHICH TO RECOMMEND GENETIC TESTING HAS REMAINED RELATIVELY CONSISTENT. WE DO NOT RECOMMEND TESTING TO ADOPTIVE PARENTS EITHER RANDOMLY OR ROUTINELY, BUT ONLY IN CASES IN WHICH THERE ARE HISTORICALLY ACCURATE INDICATORS OF FRAUD -- LATE REGISTRATIONS OF BIRTH, MOTHERS WHO KNOW LITTLE ABOUT THEIR CHILD OR THE BIRTH ITSELF, AND MOTHERS WHOSE OWN DOCUMENTATION OR IDENTITY IS SKETCHY. CLEARLY, A NEW ADOPTION CASE THAT IS CONNECTED TO AN ATTORNEY OR INTERMEDIARY WHO HAS HAD A PREVIOUS NEGATIVE DNA TEST RESULT WILL BE MORE LIKELY TO RESULT IN A SUBSEQUENT REQUEST. HOWEVER, WE HAVE NOT FOLLOWED A POLICY OF BLANKET DNA REQUESTS ON ALL OF THOSE INDIVIDUAL'S CASES SINCE OUR EXPERIENCE HAS BEEN THAT EVEN UNSCRUPULOUS ATTORNEYS DO/DO UNCLASSIFIED

UNCLASSIFIED

PAGE 04  GUATEM 00903 01 OF 03 022048Z
PROCESS A GOOD NUMBER OF VALID CASES, AND IN CONSIDERATION OF THE BURDENSOME COSTS AND SIGNIFICANT DELAYS ASSOCIATED WITH TESTING FOR ADOPTIVE PARENTS.

5. AT ONE POINT, A U.S. ADOPTION AGENCY ITSELF SUGGESTED THROUGH THE DEPT. THAT ALL OF ITS ADOPTION CASES BE SUBMITTED FOR GENETIC TESTING. THIS WAS PRIMARILY DUE TO THE FACT THAT THAT AGENCY HAD HIRED A SERIES OF CROOKED FACILITATORS AND ATTORNEYS WHO HAD TAKEN LARGE ADVANCES FOR ADOPTIONS THAT WERE NEVER COMPLETED, AND WHO HAD PROCESSED A BUNDLE OF PROBLEMATIC ADOPTION CASES IN WHICH VISA ISSUANCE HAS IMPOSSIBLE, INCLUDING SOME IN WHICH THE "MOTHERS" ADMITTED THEY WERE PAID IMPOSTERS. THE DEPARTMENT'S EVENHANDED RESPONSE (REF B) TO A.M.O.R. ADOPTIONS OF NEW JERSEY AND POST MIRRORED OUR OWN CONSIDERATIONS NOTED ABOVE, AND SUGGESTED THAT THE AGENCY WORK WITH POST TO COORDINATE EFFORTS AND AVOID FRIVOLOUS TESTING.

UNCLASSIFIED
6. IT DIDN'T TAKE LONG FOR A PATTERN TO DEVELOP IN CASES IN

NOTE: NOT PASSED TO ABOVE ADDRESSEE(S)

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

NNNNPTQ4047

UNCLASSIFIED

PTQ4047

PAGE 01

GUATEM 00903 02 OF 03 022049Z

ACTION VO-06

INFO LOG-00 AMAD-01 ARA-01 CA-02 CIAE-00 OASY-00 DS-00
EAP-01 EUR-01 FBIE-00 TEDE-00 INSE-00 ADS-00 NEA-01
NSAE-00 OCS-06 SA-01 DSCE-00 /02OW

---------------------A258D8 022336Z /38

R 022046Z FEB 95
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 8358
INFO AMEMBASSY SEOUL
AMCONSUL MADRAS
AMEMBASSY ASUNCION
AMEMBASSY BEIJING
AMEMBASSY MOSCOW
AMEMBASSY MEXICO

UNCLAS SECTION 02 OF 03 GUATEMALA 000903

UNCLASSIFIED
WHICH WE SUGGESTED DNA TESTING -- IN MOST CASES THE MOTHER AND CHILD WERE BROUGHT IN TO TAKE THE MEDICAL SAMPLES, BUT IN A SIGNIFICANT MINORITY OF CASES THE KIT WAS PURCHASED BUT THE ALLEGED MOTHER "DISAPPEARED". WE ALL KNOW IT IS AT LEAST AS LIKELY THAT THOSE "MOTHERS" WERE IN FACT IMPOSTERS, AND WERE SIMPLY AVOIDING BEING DISCOVERED. WHAT IS EVEN MORE UNBELIEVABLE IS THAT IMPOSTERS WOULD ACTUALLY SUBMIT THEMSELVES TO GENETIC TESTING, RESULTING IN NEGATIVE TEST RESULTS AND EXPOSING THEMSELVES TO CRIMINAL CHARGES LOCALLY.


8. A FEW NOTES ON THE INDIVIDUAL CASES OF FRAUD UNCOVERED BY DNA. EVEN THE BEST LOCAL ATTORNEYS CAN BE SCAMMED BY OTHERS. ONE OF OUR FRAUD CASES HAD BEEN PROCESSED BY TWO REPUTABLE ATTORNEYS WHO ARE ASSOCIATED WITH THE FAMILY LAW
INSTITUTE HERE IN GUATEMALA. WHEN THE NEGATIVE RESULTS BECAME KNOWN, THE ORGANIZATION BEGAN AN INVESTIGATION AND

UNCLASSIFIED

UNCLASSIFIED

PAGE 03  GUATEM 00903 02 OF 03 022049Z

FOUND OUT THAT ANOTHER ONE OF ITS MEMBERS, HAD BEEN THE ONE WHO HAD BROUGHT THE ALLEGED MOTHER AND CHILD TO HER ASSOCIATES FOR PLACEMENT. HAD LONG BEEN INVOLVED IN PROBLEMATIC ADOPTION CASES, AND WE SUSPECTED THE WORST OF HER. THIS TEST RESULT CONFIRMED OUR SUSPICIONS. IS ALSO THE ATTORNEY OF RECORD IN A CURRENT CASE IN WHICH THE ADOPTIVE PARENTS HAVE PURCHASED A TESTING KIT, BUT THE ALLEGED MOTHER IS IN JAIL. WE HAD MADE ARRANGEMENTS TO ACCOMPANY THE PANEL PHYSICIAN TO JAIL TO TAKE THE SAMPLE. HOWEVER, THE WOMAN DECIDED TO PROTEST HARSH TREATMENT IN PRISON BY CLIMBING A TOWER, SETTING FIRES BEHIND HER TO PREVENT QUICK CAPTURE, AND THEN THREATENING TO COMMIT SUICIDE BY JUMPING OUT OF ONE OF THE WINDOWS. FOR THAT SPECTACLE, WHICH APPEARED IN ALL OF THE LOCAL PAPERS, SHE HAS MOVED TO A MORE DISTANT PRISON, MAKING IT IMPOSSIBLE FOR US TO ASSIST IN TAKING MEDICAL SAMPLES.

9. FINALLY, EVEN POSITIVE TEST RESULTS CAN MASK FRAUD, AS PROVEN TO US IN THE CASE. A TESTING KIT HAD BEEN PURCHASED IN JULY 1994, AND SAT IN OUR INVENTORY FOR SEVERAL MONTHS. THE ATTORNEYS IN THE CASE, WERE NOTORIOUS. HAD ALREADY HAD ONE FALSE DNA TEST, AND A NUMBER OF OTHERS IN WHICH THE MOTHERS NEVER CAME IN FOR TESTING. HAD BAILED OUT OF THE ADOPTION BUSINESS WHEN THINGS GOT HOT, RETAINING USD55,000 IN ADVANCE FEES FROM ONE U.S. ADOPTION AGENCY ALONE, AND LEAVING AT LEAST HALF A DOZEN U.S. FAMILIES IN MID-PROCESS, WITH SERIOUS DOUBTS ABOUT THE ORIGINS OF THE CHILDREN AND NO ACCESS OF THEIR OWN TO EITHER THE MOTHER OR CHILD.

10. SUDDENLY, ONE DAY IN OCTOBER A

UNCLASSIFIED

NOTE: NOT PASSED TO ABOVE ADDRESSEE(S)
UNCLASSIFIED

PAGE 02  
GUATEM 00903 03 OF 03 022049Z

THE ONE BEING ADOPTED. THE MOTHER DECIDED TO FILE A CRIMINAL COMPLAINT AGAINST THE ATTORNEYS, AT GREAT PERSONAL RISK TO HERSELF. SUBSEQUENT MATCHES OF PHOTOGRAPHS PROVIDED TO THE ADOPTIVE FAMILY PROVED THE CHILD TESTED WAS NOT THE SAME AS THE ONE BEING ADOPTED. NOT SURPRISINGLY, THE DNA RESULTS WERE POSITIVE.

NOTE: NOT PASSED TO ABOVE ADDRESSEE(S)