



U.S. Department of Justice

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STATEMENT ON
FOCUS ON CHILDREN
CASE

The Focus on Children case has been a unique case that doesn't fit within typical patterns of criminal prosecution or case resolution. Given the sensitive nature of the case and the children and families caught in the middle, the resolution of the case has required a creative, forward-looking approach to ensure that justice is served.

In fashioning a resolution, the United States Attorney's Office and the investigative agencies involved in the case (the U.S. Department of State's Diplomatic Security Service and ICE) have made numerous efforts to consult with birth families in Samoa and adoptive families in the United States to understand their respective interests. Everyone has been focused on finding a resolution that is best for the families and children.

After these consultations, considerable thought, and weighing the fact that Focus on Children is no longer in the international adoption business, the United States Attorney's Office and its federal law enforcement partners worked to create a more far-reaching resolution than the typical criminal justice model provides.

First of all, defendants are accepting responsibility for their actions. To reach this resolution, the United States was concerned with a number of factors. One, as a term of probation, all defendants agree not to participate in international or domestic adoption businesses. Two, Scott and Karen Banks agreed to meet with the U.S. Attorney's Office and representatives from the U.S. State Department to fully disclose their business practices in Samoa and other countries in an effort to see if adjustments need to be made in U.S. laws to ensure children are protected in the future. Lastly, as a part of the unique resolution of this case, the court will establish a trust for the benefit of the adopted children in an effort to empower birth parents and adoptive parents to do what they believe is in the best interest of their children. A trustee will be appointed to manage the trust. Further details of the trust and other reasons for the decisions made in the case will be discussed following sentencing in the case.

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