

**Adopters' Remorse: The Unregulated Use of Social Media to Rehome Children**

**By: Zena Hamilton**

Facebook can be used to buy a used laptop or lamp on the marketplace; surprisingly, it can also be used to [rehome a child](#). Facebook groups dedicated to rehoming unwanted adopted children have parents wishing to connect those with the children to those who may be willing to provide them with what is [hopefully a loving home](#). This process can occur with little federal or state oversight. Currently, [only 17 states forbid an unregulated custody transfer](#). Unfortunately, the result can be [disastrous](#) for children whom their new guardians abuse while no one even knows they are there. To ensure the safety of children, federal regulations must be enacted first to curb the use of social media and second to ensure there are some safety measures for the transfer of children.

[Legal adoption must be handled through a court order](#), but there is little federal oversight when a “power of attorney” document is signed with a notarized statement. With a Power of Attorney signed a custody transfer can occur without the involvement of the courts or child welfare agencies. Rehoming is, at times, an unfortunate necessity, especially when a child staying with their family means that they will experience neglect that will [harm their development](#). Power of Attorney documents can also be used to enable parents experiencing difficulties to allow their children to stay with [someone trusted](#). Statutes similar to the one in [North Carolina](#) allow for this practice to occur with just a signature on a document and notary. As a result, predators can use groups and forums online to exploit vulnerable victims, as seen in [United States v. Eason](#). Many children who are rehomed through social media sites were born

overseas and brought to the United States by their original adoptive parents. This flexibility, while at times beneficial, should be weighed against the possibility of abuse, neglect, and other issues occurring.

While [regulation exists for custody transfers between states facilitated by social service agencies](#), it is unclear if the Interstate Compact on the Placement of Children applies to private parties. Custody transfers between private parties with a notarized statement mean that the federal [government is unaware of how prevalent](#) or common these custody transfers are. States [may choose to enact laws to deter the use of unregulated custody transfers or to improve the availability of services pre and post-adoption](#). State statutes that do address or regulate informal custody transfers often do so after a high-profile case has brought the issue to the public's attention. For instance, in Arkansas, [a state representative rehomed his adopted daughters](#), who ended up being sexually abused. After facing criticism, the Arkansas state legislature enacted a law barring unregulated custody transfers; violation of the law is a felony and will result in [prison time and fines](#). While laws exist in several states that forbid the use of advertising for the placement of adoption, legislation is piecemeal and [done at the state level](#). Additionally, a state's definition of what is considered advertising, like if social media is included, and who is forbidden, like everyone or just agencies can vary. Furthermore, penalties for violations may be [only a misdemeanor](#) if prosecuted at all. Despite [reports](#) issued by the Government Accountability Office in 2015 concerning the unregulated custody transfers of children, [no federal law directly addresses the situation](#).

Courts are divided on the applicability of the Interstate Compact on the Placement of Children when transfers occur between private parties instead of with an agency. The Supreme Court of Wyoming has held that in their view, [“the compact is applicable only to those engaged](#)

in the governmental or private service of placing children for care.” Contrastingly, the Missouri Supreme Court reached a different conclusion, stating that “The obvious purpose of the legislature in enacting § 453.110.1 was to prohibit the indiscriminate transfer of children, the concept that a parent could pass them on like chattel to a new owner.” Depending on the jurisdiction, the application of the Interstate Compact on the Placement of Children can vary widely.

While research on why a rehoming occurs is sparse, some data suggests that parents are not adequately equipped to handle the challenges, both emotional and physical, of the children that they adopt. Reactive attachment disorder, RAD, is often cited as a reason the adoptive parents are no longer able to care for their child, resentment often builds and parents will place blame on the children as their familial relationships are altered. Blog posts and articles are littered with statements like “so many marriages and homes are ravaged by the challenge of adopting difficult children.” While there may be challenges as children adjust to their new families adoptive parents need to be provided with more resources to reduce the instances of rehoming. Both the challenges of adoptive parents and the safety of children must be addressed, federal legislation needs to be enacted that requires more education before adoption and rehoming, required reporting of rehoming children with local child welfare agencies, monitoring prospective guardians or parents and banning the use of websites including social media groups to advertise children available for rehoming by private individuals.