Ethics in Adoption in the 21st Century:
Moving Beyond `Child Placement’ to `Family Success’

National Center on Adoption and Permanency
www.nationalcenteronadoptionandpermanency.net
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National Center on Adoption and Permanency
Our Vision: Successful Families for All Children

The National Center on Adoption and Permanency (NCAP) is a unique “one-stop” organization that provides a broad range of information, resources and multidisciplinary services relating to adoption, foster care and child welfare.

NCAP’s mission is not only to achieve permanency for all children – in families of origin when possible and in new ones when necessary – but also to reshape policy and practice to enable those children and their families to succeed.
Our Strength is in Our People and Services

Led by Adam Pertman, former President of the Donaldson Adoption Institute, and Carol Biddle, former CEO of Kinship Center, NCAP’s work includes:

• Program and project development, consultation and/or evaluation
• Board development, consultation and/or executive transition planning
• Staff development, training to improve clinical and practice competence
• Training to strengthen families with children with histories of trauma
• Writing, editing, media consulting, print and online/social media
• Consultation on development, fundraising and community relations
• Conference/event consulting, including keynoters and other presenters
• Executive coaching, policy development/analysis, practice protocols

To learn more, please write to Adam at apertman@ncap-us.org, call him at 617-332-8944 or go to: www.nationalcenteronadoptionandpermanency.net
A Couple of Books of Interest
(to me, at least)

“Adoption Nation is the Silent Spring of adoption. It is, quite simply, the most important book ever written on the subject.”
—Former Executive Director, National Adoption Foundation

Adoption Nation
REVISED AND UPDATED
How the Adoption Revolution is Transforming Our Families—and America

ADPTION BY LESBIANS AND GAY MEN
A New Dimension in Family Diversity

EDITED BY
DAVID M. BRODZINSKY
ADAM PERTMAN
What We Know . . . about All of Us:

“In all of us there is a hunger, marrow deep, to know our heritage, to know who we are and where we have come from. Without this enriching knowledge, there is a hollow yearning; no matter what our attainments in life, there is the most disquieting loneliness.”

— Alex Haley in Roots
What We Know . . . About Adoption

- How many children are adopted in or into the United States each year?
  a). 85,000  b). 125,000  c). 165,000

- Of the three “categories” of adoption in the U.S., which one occurs most?
  a). International  b) Foster care  c). Domestic infants

- How many people in the United States have adoption in their immediate families?
  a). 45 million  b). 85 million  c). 100 million
Ethical Child Welfare Policy and Practice: A Handful of Questions to Start

- The big one: Is it ethical to form (or reunite) families without education, training, services and supports?

- Who should receive these resources, at what stages and for how long? Hint: Lots of people are affected.

- What issues should be addressed to “get it right?” A start: special needs, race/ethnicity, sexual orientation and …

- Are ethical lines blurring (or existent) in cyberspace?

- Is it ethical to tell anyone they can have a closed adoption?

- Who are the members of your family … and, yes, still to this day: When do we tell our child she’s adopted?
Context for Today’s Discussion: A Brief History of Adoption in America

- For generations, “formal adoption” meant unwed mothers, white babies, white married couples
- Secrecy, stigma and shame characterized the process and all of its participants
- Acceptance of single mothers, legalization of abortion, birth control instigate major changes
- World events fill the gap, most notably Soviet Union dissolves and China imposes a one-child policy
- Paradigm in foster care shifts to “best interests of the child” as defined by permanency
A Shift in Understanding and Practice
1950s . . . and . . . Today

- Secrecy “protects” members of the triad
- Birthparents told to go on with their lives as if nothing happened
- Adoptive parents feel entitlement and are protected from intrusion
- Adoptees assumed not to have adoption-related issues, so nothing to do

- More openness & honesty in adoptions (infant adoptions usually open to some extent)
- First/Birth parents want and are helped by openness
- Adoptive parents feel more entitlement and less fear
- Adopted persons benefit from knowing birth families

Now what does ethical practice entail?
Fitting a Square Peg into a Round Hole
Then . . . and . . . Now

- Denial of difference between adoptive, bio families
- Match for race, physical traits → adoption undetectable
- “Chosen child” – it was a “win-win” for all parties!
- Agencies did not “interfere” after finalization
- Minimize importance of adoption in child’s identity
- Searching viewed as a sign of maladjustment

- Acknowledgement of difference is healthy
- Diversity in families makes adoption conspicuous
- Focus on helping deal with loss and other issues
- Support can be vital
- Adoption is part of identity
- Desire for information and connection seen as normal
- Now what does ethical practice entail?
Where We Are Today

- Fewer than 1% of single women voluntarily place their children for adoption, and most become their parents.
- Stigma, secrets, embarrassment and shame are lifting; we’re not there yet, but move is to greater openness and honesty – and the vast majority of infant adoptions are “open.”
- The paradigm/goal is still child placement, so most education, training, supports and other “post-adoption services” are optional add-ons or aren’t available.
- Laws, policies, practices and attitudes shifting; we’re not there yet, but improving as we learn about adoption’s realities.
- The adults adopting today are straight and gay, come in all colors, are married and cohabitating and single, young and old – and most children being adopted are not white infants.
What Do the Families Look Like?

The children being adopted – and all their parents – have changed over the decades; here’s what they look like today:

- About 15,000 babies, many of color, placed each year with mainly white couples by mostly not-young or single mothers; an unknown, rising number are adopted by gay men/lesbians
- Almost 10,000 girls and boys, mostly children of color who are not babies, are born in other countries and overwhelmingly are adopted from orphanages by white couples
- About 50,000 children and older youth, who had been in foster care – a disproportionate number of color – are adopted alone or with siblings by gay, straight, single, married and cohabitating adults and couples of every age/race/ethnicity.
Non-stepparent U.S. Adoptions by Type

- **Child welfare**: 68%
- **Infants < 6 mo.**: 17%
- **Intercountry**: 15%
So . . . How Profound Is the Internet’s Impact?

“This is a secret family recipe. Speaking of family secrets, you were adopted.”
The Internet and Social Media: More Historic Changes in the Landscape

- Adoption Practice: What’s the impact on ethical professionals when internet providers promise babies quickly and incentives to pregnant women?
- Search and Reunion: What should professionals tell clients? What should parents tell their kids? What guidance, support, resources does everyone need?
- Law and Policy: How do we address possibly unsafe or traumatizing contacts for children? Do legal obstacles to acquiring information make sense?
- More and More: How do we best utilize all the new opportunities, resources, research and supports?
Some Bottom Lines

- There’s greater/growing openness and honesty in all types of adoption. Do we know how to do it?

- Adoption has contributed to historic changes in perceptions/understandings of what families are, how they are formed, what they look like, etc.

- The vast majority of adoptions are now of children who were abused, neglected or institutionalized before adoption (see the pie chart).

- Most laws, policies and practices still in place today were created for a world that no longer exists.
The era of closed adoption will come to an end.
Extended Family of Adoption will continue growing.
The big majority of adoptions will not be of infants.
The big majority of children will have special needs.
Search and reunion will be routine and expected.
The internet will enable great and awful practices.
Ethical Child Welfare Policy and Practice: Questions and Comments on the Handful

- The big one: Is it ethical to form (or reunite) families without education, training, services and supports?

- Who should receive these resources, at what stages and for how long? Hint: Lots of people are affected.

- What issues should be addressed to “get it right?” A start: special needs, race/ethnicity, sexual orientation and ...

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The future for child welfare in the U.S. should include:

- Supports and services to keep families of origin intact
- Minimizing temporary or institutional care (in all countries)
- Options counseling, supports, resources for first/birth parents
- Interwoven supports and services for all children and families
- What else?
How Do We Get There?

- Educate parents to understand that seeking help is a strength.
- Learn and teach about the impact of the internet/social media.
- Fund and conduct further research to inform best practices.

Bottom line: We need to reshape child welfare policy and practice into a new paradigm, one in which the ultimate goal is not child placement but, instead, is enabling all families to succeed.

- We can do this!
“Oh, I'm sorry... You couldn't adopt?”
AB 1790: ADOPTION CLINICAL COMPETENCY

In the state of California, AB 1790 was passed which improves stability of adoptive and guardianship families by increasing the pool of adoption/permanency competent mental health professionals.

ISSUE: Without the support of adoption -competent clinicians, children adopted from foster care are at unnecessary risk for disruption from their adoptive family and return to foster care—one more devastating loss in a litany of preventable losses.
ETHICAL ISSUE:

Despite the increase in the numbers of children in foster care achieving permanence through adoption, placement of a child into a stable and motivated family is not sufficient to compensate for psychosocial problems related to prior trauma and chronic maltreatment. Adoption brings with it unique issues, which if not understood by the clinician, can result in ineffective or even damaging treatment.
POST ADOPTION ISSUES FOR CHILDREN AND FAMILIES

Loss and Grief
Understanding Adoption
Trust and Attachment
School Problems
Post Institutionalization Issues and Behaviors
Identity Formation
Birth Relative Contact
Medical Concerns
Racial/Cultural Issues

Source: Child Welfare Information Gateway
AB 1790—CALIFORNIA LEGISLATION ON ADOPTION CLINICAL COMPETENCY

Adoption Issues:

Not typically included in the education of psychologists and marriage and family therapists, and these issues are given relatively limited attention in the training of graduate level social workers.

There are few adoption/permanency competent clinicians with demonstrated competency to meet the needs of former foster children now in adoptive and guardianship families.
NEED FOR POST ADOPTION SERVICES

Many problems experienced by adoptive families do not manifest until several years after the adoption is finalized (Smith, Howard, & Monroe, 1998)
NEED FOR ADOPTION COMPETENT PRACTITIONERS
Understand that adoption is a lifelong process
Adoption impacts members of the adoptive family in multiple and complex ways
Can assess client needs using an adoption-sensitive lens
Knowledgeable about core issues in adoption including loss, rejection, guilt and shame, grief, identity, intimacy, and control
(Atkinson & Gonet, 2007)
ADOPTUSKIDS SUCCESS FACTORS STUDY

FAMILY PERSPECTIVES

Interviews and surveys with 161 families throughout the U.S. who had adopted children from the foster care system
MOST HELPFUL SERVICES

- 144 families identified the most helpful post adoption services:
  - 90% or more of families who received day care (in-home or out of home), counseling for transracial adoption, or legal services, found the services very or extremely helpful.
  - 87% to 93% of families who received financial supports such as adoption subsidy found the service to be very or extremely helpful.
MOST HELPFUL SERVICES (CON’T)

- 144 families identified the most helpful post adoption services:
  - 70 to 75% of families who were counseled on issues such as abuse, separation, and parenting skills found the counseling to be extremely or very helpful.
  
  - 73% of families found spending time with other adoptive families very or extremely helpful, while only 51% of families whose children spent time with other adopted children found this activity helpful.
“Probably the mentor program where we were paired with that other family. That probably was the single best thing that we did.”

“...they also have respite which we’ve just started in the last couple of months, that I have a weekend where my son goes to someone else’s house for the weekend. And it’s good for him— he loves to go. And it’s really wonderful. The last two times he’s gone I’ve just slept the whole weekend away.”
“...one biggest thing that she [agency staff] cautioned was that we always take time for each other [spouses]. And, you know, to have a good support network in place that, if we’re having problems to be able to, like, respite programs to get the kids involved in other things, that we could let them participate in ... and we could get some time to ourselves. And they even went so far as to arrange respite for us for a week so we could get out of town when they saw how frazzled we were getting.”
UNMET SERVICE NEEDS (N=144)

- Respite care (overnight)
  93 (65%) families needed it, 48 (52%) did not get it.

- Adoption issues counseling
  94 (65%) families needed it, 39 (41%) did not get it.

- Support group for adopted child
  76 (53%) families needed it, 50 (66%) did not get it.
UNMET SERVICE NEEDS (N=144) (CON’T)

- Daycare: In home
  74 (51%) families needed it, 44 (59%) did not get it.

- Tutoring services for child
  67 (47%) families needed it, 40 (60%) did not get it.
PROBLEMS WITH SERVICES

**N=144**

- Finding service providers that understood their unique issues (n=60, 42%)
- Lack of confidence in service providers (n=59, 41%)
- Insurance doesn’t cover services (n=51, 35%)
- Unable to find the right services (n=46, 32%)
- Family doesn’t know where services are located (n=35, 24%)
PROBLEMS WITH SERVICES

“When you find a counselor or a therapist that is coming to deal with behavioral problems, but they don't understand the grass roots of adoption—the children that have come from the system that have so many losses in their lives. That's really hard.”
“You know, the one social worker which was their social worker when they came has sent me a few things over the email, but that's all we've ever heard... No, it just, it was like all of a sudden there was nobody; we were on our own. Like, ‘whoa’. We'd had twenty-seven new people in our lives and all of a sudden there was nobody... Like ‘wow, they just dumped us’.”
MOST COMMON ADVICE TO AGENCIES

Provide:

- adequate resources and services for BOTH family and child (e.g., subsidy, respite, support groups, counseling)
- information about adoption process and child’s background/referrals for services
- timely and honest communication with families
- realistic information about child’s potential outcomes
ADVICE TO AGENCIES

"Um, be honest about the child's past, be totally honest, because the more information the adoptive parents have the better it is. Give post-adoption support. I think that is so lacking, and I think it's so important even though as an adoptive parent you may not think you need it, you're going to and it needs to be there."
STRATEGIES FOR PROMOTING PERMANENCE
Post adoption services needed throughout child’s life cycle
Improve communication with agencies
Increase financial subsidies
Parental education on special needs children
Children need better preparation-may improve outcomes (Hanna, 2006)
PERMANENCY AND FAMILY CONNECTIONS

We must hold the same high hopes for youth in foster care as we do for our own children in terms of connections, living situation, and hopes for their future (Louisell, 2002).

We can find and support families that work!
IS IT ETHICAL:

For families to be recruited to adopt children in care, but not be provided ongoing support and adoption competent counseling related to the needs of the child throughout childhood and adolescence?
IS IT ETHICAL:

For families to receive support while going through the adoption process, but during post adoption, to experience significant financial demands in trying to meet the ongoing physical and mental health needs of their adopted children?
WHAT CAN WE DO TO ADDRESS THESE AND OTHER ADOPTION ETHICS ISSUES?
Ethics in Post-Adoption

Fundamental Policy & Advocacy Building the Moral Argument for Investments in Post-Adoption Support Services

Nicole Dobbins
Executive Director, Voice for Adoption
Voice for Adoption

- VFA develops and advocates for improved adoption policies to make a difference for the 102,000 children in public foster care and families who adopt from the public system. Recognized as a national leader in special needs adoption, VFA works closely with federal legislators and child welfare organizations to highlight policy barriers.

- VFA tracks and analysis federal child welfare/adoption policy and disseminates this information to our members and partners through policy calls, webinars and email updates.

www.voice-for-adoption.org
Child Welfare Federal Laws Governing Safety, Permanency, & Well-being

- 1974 CAPTA
- 1978 Indian Child Welfare Act (ICWA)
- 1980 Adoption Assistance/Child Welfare Act
- 1993 Family Preservation Act
- 1994 MEPA
- 1996 Interethnic Adoption Provisions/MEPA
- 1997 Adoption Safe Families Act (ASFA)
- 1999 Chafee/Foster Care Independence Act
- 2008 Fostering Connections Act
- 2011 Child/Family Services Improvement & Innovation Act
- 2013 Preventing Sex Trafficking/Strengthening Families Act
Current Picture of Children in Foster Care Related to Adoption

There are 102,000 Children & Youth in United States Public Foster Care Waiting to be Adopted

Source: United States Department of Health & Human Services, Adoption and Foster Care Analysis and Reporting System (AFCARS), Preliminary fiscal year 2013 data, Estimates as of July 2014

*Waiting children are identified as children who have a goal of adoption and/or whose parents’ parental rights have been terminated
Significant progress increasing adoptions from foster care:

- In 1996 there were only 28,000 adoptions (pre ASFA Act)
- Grew to 51,000 in 2002
- Peaked to 57,000 in 2007
- Has remained above 50,000 annually for over a decade
Current Picture of Children in Foster Care Related to Adoption

- 102,000 children in U.S. foster care who cannot return home to their birth families and are waiting for a permanent family.

- These children have needs and backgrounds that require special considerations:
  - They tend to be older; they have spent significant time in foster care – on average they have been in foster care for 34 months (18% for 3-4 years and 13% for 5 years or more). They are disproportionately children of color, experiencing even longer stays in care and fewer adoptions than their white peers.
  - 93% of the children adopted from foster care in 2013 were classified as having special needs – adopted with adoption subsidy.
  - These issues put the children and youth at risk of emotional and mental health challenges that don’t go away just because a child finds permanency through adoption.
Congress Acknowledges the Need for Post-Adoption Services

“The rapid increases in the annual number of adoptions since the enactment of the Adoption and Safe Families Act of 1997 have created a growing need for post-adoption services and for service providers with the particular knowledge and skills required to address the unique issues adoptive families and children may face.”

_Congressional Findings and Purpose, Promoting Safe and Stable Families Amendments of 2001_

_(Public Law 107-133),_

_Section 430(a)(4) of the Social Security Act_
Q: How well do we communicate what post-adoption services are?

- Post-adoption subsidy & Medicaid – considered as post-adoption support

- However, post-adoption services include an array of community services and support provided to adoptive families designed to achieve and sustain child and family well-being.

- Examples of services may include support groups, crisis intervention, adoption competent family counseling, and respite care.

- Take away: conveying the message & communication with policy makers about the types of services children and families need is important.
Current Ethics Related to Post-Adoption

- Confidentiality
- Right to privacy
- Adoptee right to know
- Disclosure of child’s history
- Open/ongoing birth family contact
- Missing? Post-adoption support

Can We Make the Case for An Ethical Argument? What Will It Take?

NEED a collective voice pushing post-adoption services as a moral obligation to children and families
Making the Case to Federal Lawmakers

- Collaborative Congressional briefings w/joint recommendations
  - Unified voice to policymakers on a set of recommendations by, Donaldson Adoption Institute, Congressional Coalition on Adoption Institute, Voice for Adoption, Child Welfare League of America, North American Council on Adoptable Children, the Dave Thomas Foundation for Adoption, and the Center for Adoption Support and Education

- Increased & dedicated funding for post-adoption services; reinvestments of federal incentives to states into post-adoption (adoption assistance de-link, adoption incentive bonuses); improve quality of PAS (embed adoption competency & trauma informed training); support development of EBP to test most effective post-adoption service interventions; prevent custody relinquishment for mental health service needs.
Making Progress…More Needed

- **SAMSHA** – Held a two day summit on “Domestic & International Adoption: Strategies to Improve Behavioral Health Outcomes for Youth and Their families. (Focus: research, policy, practice)

- **S. 369 Supporting Adoptive Families Act**
  Senators Klobuchar (D-MN) & Blunt (R-MO)

- **H.R.2068 Protecting Adoptive Children Act**
  Rep. Langevin (D-RI), Wittman (R-VA), Johnson (D-TX), Cardenas (D-CA), Moore (D-WI), Cicilline (D-RI), Bass (D-CA), DeFazio (D-OR)
Making Progress…More Needed

- **Recent legislation: Preventing Sex Trafficking & Strengthening Families Act**
  - designates States must spend 20% of Title IV-E Adoption Assistance “De-link” savings (resulting from 2008 Fostering Connections Act) into post-permanency services. HHS must provide public reporting of state accountability.
  - Requires States track dissolved, disrupted, adoptions and guardianships & factors associated with re-entry to foster care.

- **HHS: Federal Adoption Opportunities Discretionary Grants** *(Advocacy realigned funding priorities under the program in 2014)*
  - National Quality Improvement Center for Adoption/Guardianship Support and Preservation
  - National Adoption Competency Mental Health Training Initiative
Making Progress…More Needed

- President’s Fiscal Year 2016 budget proposal (prevention/post-permanency funding)
- Senator Wyden, Ranking Member Finance, Child Welfare Legislation

**Draft Proposal **Seeking Public Support/Comments: Due June 12**

- Calls to increase in PSSF funds to $1 billion & makes all mandatory funds
- Opens Title IV-E to a set of services: parenting skills training, family counseling, tutoring and mentoring programs, and concrete goods and services to stabilize a family in times of crisis
- $4 million in funding for research & T/A to identify EVP in prevention & post-permanency interventions

http://www.finance.senate.gov/newsroom/ranking/release/?id=3280140e-abd6-43cd-be09-9f3f633a7374
Example of Making Progress…

- Adoption Tax Credit Advocacy: Reinstating the refundable provision

- Example of collaborative advocacy leading to improved Congressional interest/attention
  - 140+ coalition members/Governed by executive committee (9 orgs)
  - Monthly advocacy strategy calls
  - Clear goals & collective efforts to educate members of Congress
  - 27,000 Facebook followers

- Wins: Made permanent in recent reauthorization (American Taxpayer Relief Act of 2013); BIPARTISAN Refundable ATC bills introduced in BOTH chambers & by R&D members on W&M committee of jurisdiction in House (S.950/H.R.2434)

- More information: [www.adooptaxcredit.org](http://www.adooptaxcredit.org)
Looking Ahead…

Congressional discussions on federal child welfare funding:

- Congressional interest to move toward decreasing federal dollars for long-term congregate and group care placements and increase family-based care and permanency outcomes
- Interest to fund prevention of foster care and post-permanency services
- Interest to learn about adoption dissolution & services lacking
- “Adoption-Rehoming” media & legislators’ attention – education opportunity to focus on needs of children and families
- What’s missing?
Comments/Questions?

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