

HISTORICAL PERSPECTIVE: THE ROOTS OF ADOPTION

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Everyone has a history. Just as children, adults, and families have histories, so do institutions and therefore, so does adoption. Before the clinical practices that are the focus of this training program are discussed in more depth, we should first remember the history of adoption. For just as children's histories direct their outcomes, so does adoption's history direct many of the outcomes we have today.

Here's an example from Sharon Roszia. Ever since I started cooking, whenever I cook a roast, I cut off both ends. I do this because my mother did. Everyone in the family does. One day I asked my mother, "Why do we cut off both the ends? She said she did it because she learned it from her mother. Fortunately, my grandmother was still alive. We asked her, "Why do you cut off both ends of a roast? She responded, "I don't know why your mother and you and everyone else in our family does. I do it because my roasting pan isn't big enough."

What is the parallel to adoption? Many of our practices today are based on the needs, values, assumptions, and resources of a bygone era. We do our interventions or practice because "that's the way it's always been done." There may be little empirical evidence on which these practices are based. As we discuss adoption's roots, for some of you who are newer to the field, this may be new information; for others, it may be a review. What is important is to consider how historical assumptions still drive some current practice. Are these assumptions still in the best interests of children and other members of today's adoption constellation?

Historically, adoption was created as a legal way to determine a family's heirs in an agrarian society. Adoption was a service for adults. (We still struggle about whether this is still an institution that exists to serve children or adults!) Adoptions are referenced in the Old Testament and they were open. There was privacy, not secrecy. Many adoptions were informal arrangements known about only by those who participated. Adoptions historically involved white families; children of color were cared for by extended family. Relatives caring for their other family members, known today as kinship care, is the world's oldest form of family preservation, foster care, and adoption.

In America, there were no formal laws of adoption as our legal system was based on English Common Law. Because bloodlines were so important in England, adoptions were not practiced through a formal legal procedure. As our economy moved from rural communities to large urban centers, immigration, and poverty in North Eastern cities led to large numbers of poor children living on the streets. In the late 1800's, a minister and his "agents", the social workers of the day, and newly formed charitable organizations, rounded up these street children and arranged for them to be transported by trains to farm families who needed help. In turn, the children had the experience of family living. These became the "Orphan Trains" where children were put up on platforms at train stations and theatres. Local farmers and others in the community inspected the children and decided which children they would take home. There was no respect for sibling ties. Some children were eventually adopted into these families, while others were emancipated at adulthood, then age 16. This may parallel today's emancipation from foster care. The term, "up for adoption" originated from the practice of



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the orphan trains. The experience of many of today's foster/adopt children may be similar to those on the orphan trains who were examined and chosen because of good health. Today, families who choose children may meet them at matching picnics or by checking them out on the internet, often basing their choice on the children's looks or good physical and mental health. Children may lose contact with their siblings, as well.

The first U.S. adoption laws to form the basis of adoption as we know it today were enacted in 1851 in the state of Massachusetts. Records did not become sealed until later in the 20th century. As the child welfare field became more organized and "professional," it took over the representation of children in adoption. In a desire to direct the growth of adoption, adoptions became closed to the prying eyes of the public and, by the 1950's, laws governing privacy for the adoptive parties were almost universal. Most adoptions were infant placements to meet the needs of infertile, typically white families.

During that time, the adoption of special needs children was unheard of and birth fathers' rights were not addressed. There were even orphanages that kept babies for the first few months of life to ensure that they were healthy before placement. Some agencies advertised the placement of "blue ribbon" babies from "good" families. If the children had less than perfect pedigrees, their histories were hidden, so that the children could present as a "Tabla Rosa," having a clean slate from which to begin their lives. There was, as yet, no research on nature (genetics) vs. nurture. Environment was the driving force, and so care was taken to match the child to the family by looks, for instance. Birth parents were told that they could start their lives over and would forget the child they placed for adoption. Most never saw their children, even at birth.

Two important "S" words entered the adoption scene: (1) Shame; and (2) Secrecy. The social norms of the day that shamed women who were pregnant out of wedlock, infertile couples, and children born out of wedlock, dictated the rationale for closed records. Maternity homes sheltered pregnant women who were removed from their communities during their pregnancy; infertile women would sometimes fake a pregnancy with pillows; some states stamped "bastard" or "illegitimate" on the original birth certificate. The ironic point is that the laws were to protect the parties from the prying eyes of the public, not to keep the information concealed from the parties to the adoption themselves. Ultimately, everyone lost access to the information!

Social service agencies, and doctors and lawyers in private practice became the adoption "brokers". The child's original birth certificate would be sealed by court order. A new birth certificate would be issued. The date and place of birth, and the attending physician would remain the same. The names of the birth parents would be replaced by the names of the adoptive parents. Thus, the government began rewriting history. Adoptive parents became the birth parents as a matter of legal record, even though they may have been thousands of miles away at the time of the child's birth.

In the 1950's, sociologist Dr. David Kirk, pioneered research on adoption and underscored, for the first time, the acceptance of difference as a key variable in the success of the adoptive family. He also emphasized how adoption lives within the cultural context of society.



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In the 1960's, several changes in society impacted the institution of adoption. The Civil Rights movement led to Women's Rights, including access to legal abortion, and advances in contraceptives made fewer white infants available to adopt. Landmark cases in birth father rights and the adoption of Korean orphans, and the opening up of international adoptions, all changed the work of social service agencies. Black social workers formed a national organization, Black Association of Social Workers (B.A.S.W.), to combat transracial placements, seeing these adoptions as a form of "genocide."

In the 1970's, The Freedom of Information Act advanced the whole consumer rights perspective, which led to the growth of the Adoption Reform Movement. Birth parents made it clear that they did not forget the children placed for adoption and adopted persons demanded to know the truth of their heritage. Florence Fisher's book, *The Search for Florence Fisher*, was published; Jean Payton's *Orphan Voyage* became available. The Adoptee Liberty Movement Association (A.L.M.A.) was formed in New York to help individuals search for their lost connections, and the American Adoption Congress gathered for its first national gathering. Legislative proposals were launched to open closed records. Birthparents also convened under the banner of Concerned United Birthparents (C.U.B.) and adoptive parents highlighted their concerns through the North American Council on Adoptable Children and Conference on Adoption. A body of literature was published, such as the *Adoption Triangle*, a well-researched book on the life-long impact of adoption on its various parties by social workers Reuben Pannor and Annette Baran, and psychiatrist Arthur Sorosky. Search and reunion organizations blossomed, such as Independent Search Consultants, International Soundex Reunion Registry, and the Tri Adoption Library. Most of the above mentioned organizations still exist today.

As the number of children in the child welfare system increased, subsidies to help fund adoptions for children identified with "special needs" became available through the passage of P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980. While this did facilitate adoption opportunities for many children and adoptive families, it also raised concerns that giving subsidies was an unfair practice. The argument against adoption subsidies was that parents who gave birth to children and raised them did not get subsidies "when the going got tough."

In the 1980's, more researchers at major universities took an interest in the impact of adoption on its constellation. Several longitudinal studies began at the University of California at Berkeley, the University of Texas at Austin, and University of Minnesota in St. Paul, as well as research being completed in Australia, Scotland, Canada, and England. Social workers no longer had to rely solely on anecdotal information in their policy and practice decisions, although it is occasionally still difficult to break the old patterns of practice based on the new information.

The Open Adoption Movement led by Lutheran Social Services in Texas and Catholic Social Services in Michigan and Wisconsin began to rally many supporters. Through the pioneer work of the Holts in Oregon, international adoptions expanded from Korean-born children to the legal orphans (as defined by the US government) from Vietnam, Eastern Europe, and China, and also some from Central and South America. Special needs adoptions took center stage



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as the world of adoption expanded to include the ever growing numbers of children in the foster care system because of parental substance abuse, neglect, as well as physical abuse, and sexual abuse. The importance of careful preparation of adoptive families to meet the needs of these children and post-adoption services to support them over time became a funding focus.

In the 1990's, the growing numbers of relative caregivers, especially grandparents parenting their grandchildren, became a growing concern which created the need for new legislative actions to help support these families and new organizations to support them in their communities. The term "kinship care" was coined by Eileen Mayers Pasztor, D.S.W. when she was a program director at CWLA.

Almost all laws concerning adoption are decided state by state. National legislation such as the Multi-Ethnic Placement Act (MEPA) and the Indian Child Welfare Act (ICWA) called into question our nation's basic belief system concerning transracial placements. Basically one act requires that we may not use race to withhold the placement of children (MEPA), and the other mandates that we must (ICWA) when placing Native American children.

The ongoing struggles in adoption practice often point out the conflicts between our research information; our funding sources which dictate who the client is and what services we may offer; our belief systems regarding, for example, open vs. confidential adoptions; our religious perspectives which may impact adoptive family selection; the training, or lack thereof, of the casework staff and therapists working in adoption; and the needs of children available for adoption. The costs involved are a consideration depending on whether adoption is public, private, or facilitated by a private social worker, attorney, or physician, or international.

Movement into the future includes such Casey Family initiatives as Family to Family, as well as other practices of Concurrent Planning; Child Specific Recruitment, especially on behalf of the teenage population who might age out of the foster care system; Mediated adoptions, and Family Group Conferencing, a program inspired in the 1980's by the Maori people of New Zealand and imported to the U.S. in the 1990's.

Major child welfare legislation, as outlined on the following page, reflects the policies and laws that drive our practice. Some of this legislation has been based on empirical evidence (like the Adoption Assistance and Child Welfare Act of 1980), and other legislation has been passed based on ideology (like MEPA). Nonetheless, probably the legislation that will have the most impact on adoption services today is the 1997 Adoption and Safe Families Act, known as ASFA.

On the following pages, you can see that ASFA has a compelling component: Outcomes. States are being required to achieve these outcomes. You can see that several of them have considerable implications for adoption services. You should consider what your own public and private agencies are doing to achieve compliance with these outcomes, and how these mandates affect your practice. It should be noted that, at the time this curriculum was developed, no state had passed the ASFA federal audit. The strengths-based side of this is that perhaps these failures will inspire public discussion about the resources needed to achieve these outcomes for at-risk children and families.



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