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ADOPTION ADVOCATE

In Defense of Adoption: Reforms that Ensure Adoption Meets Its Full Potential

BY CHUCK JOHNSON

The November 2016 issue of the *Adoption Advocate*, “A Call for a More Ethical and Professional Adoption Practice,”¹ was born out of a presentation I delivered at National Council For Adoption’s (NCFA) conference earlier in the year. In it, I expressed frustration that the national discourse on adoption is often negative in tone. Sometimes it seems the widespread and successful outcomes are ignored, and that adoption is increasingly not seen as a viable option for children living outside family care. Many millions of orphaned, abandoned, and relinquished children are denied the permanent, loving families they are entitled. For many of them, adoption might have helped to provide these families.

Instead of celebrating the innumerable virtues of adoption, those of us who advocate for adoption increasingly find ourselves defending the institution despite millions of successful outcomes. We spend much of our time answering questions and explaining to domestic and international policymakers the reasons for some of the rare negative outcomes in adoption. Despite our best efforts to place these tragic outcomes in context and, at the same time, advance solutions to enhance the protection of children, biological parents, and adoptive families, some in the global



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1 <http://www.adoptioncouncil.org/files/large/62cde34b763d81b>

child welfare and humanitarian aid community have reached the faulty conclusion that adoption is simply too complicated and risky to advance as a viable option for children in need of families.

Despite the many positive outcomes of adoption, we cannot afford to ignore real-life problems, situations in which adoption does not advance the best interests of some children, biological parents, and/or prospective parents. In both my 2016 conference presentation and the ensuing published article, I suggested that the adoption community should instead take collective responsibility for each and every negative outcome. I urged my fellow adoption professionals to consider five areas of practice that would address some of the problems in adoption and help to ensure adoption meets its full promise and potential in advancing the long-term best interests of children.

These five solution-oriented, pro-adoption positions respect and honor expectant parents considering adoption, and equip and support families adopting children with a call to:

1. Integrity beyond reproach
2. Serve every individual touched by adoption
3. Lifelong education and support of those we serve
4. A uniform standard of practice
5. Greater collaboration

In this article, I propose several specific reforms that the full adoption community—agencies, attorneys, birth and adoptive parents, policymakers, and others involved in the practice and policymaking of adoption—can work toward and share in to protect the positive option of adoption for those for whom it is a viable option.

Resistance to Adoption

There will always be those who oppose adoption or adoption reform. Some of the most vocal and effective critics are those failed by adoption professionals or adoptive parents. Some of these are adult adoptees who believe that adoption did not advance their best interests. Some are birth parents who were coerced into placing a child for adoption, or were never given the opportunity to fully own the decision. Some are birth parents whose agency, attorney, or adoptive parents failed to live up to promises. Others are adoptive parents themselves who believe that they were not adequately prepared for some of the realities of parenting children coming from hard places, or were not supported sufficiently by the public or private placing agency or attorney that was legally responsible for the

placement. Many of these claims have merit, and it should sadden all of us who champion adoption when we fail to live up to its promises.

Others oppose adoption because they support family preservation. Parental rights and biological ties are immensely important, and should never be treated casually. But when the biological family has demonstrated an inability to protect and care for a child, or when the biological parent has voluntarily decided that relinquishing the child for adoption is in both the child's and their own best interests, it can still be a good decision in the interest of security and permanency for children. Research shows that achieving timely permanency for children is in their best interests. The unfortunate reality is that there will always be some parents who will never be able to properly and safely parent their children. For most of these children, adoption is a viable and attainable outcome.

Some oppose adoption for nationalistic reasons, particularly in regards to intercountry adoption. Those who strongly hold to this position advocate for in-country-only solutions, even if it means the child never achieves their right to a family. Nationalism and culturalism as rationales against adoption can sometimes be voiced in both domestic and international adoption. Although I am not unsympathetic or immune to these arguments, allowing these sentiments to dictate broad and far-reaching policy sets a dangerous precedent for children. As important as homeland and culture are, the most important need of every child is a loving, nurturing family, and if there is no waiting, willing and qualified family to offer permanency to the child in their country of birth or a family within their culture, then intercountry adoption can absolutely promote the best interest of the child. According to The Hague Convention on Intercountry Adoption, adoption is preferable to the often-destructive non-solution of institutionalization or long-term foster care.

Resistance From Within

Some adoption professionals have taken exception to my highlighting some of the very real ethical lapses and instances of law-breaking that have occurred in the name of adoption. I will always say that it's not a real adoption if the law was broken, as adoption, by nature and rule, is a legal process, but I continue to believe that the cause of adoption will be better served when adoption professionals accept and own the problems and exercise hyper-diligence in how our actions may be perceived by others.

Adoption agencies and attorneys must provide specific and comprehensive services to the full spectrum of their clients—often referred to as the adoption triad—before, during, and after placement of a child. I continue

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to believe that the field of adoption is in desperate need of a national set of best practices, particularly regarding homestudy procedures for prospective adoptive families, expectant and birth parent counseling, services offered to adult adoptees, and the education and support of adoptive families pre- and post-adoption.

Given the international scale and scope of adoption, this will only be accomplished when the full community of professionals in adoption decides to work collectively and collaboratively to improve how adoption services are rendered.

Keeping Perspective

I remain confident that the vast majority of adoptions are conducted ethically and legally by dedicated professionals, and that deviations from this are the exception. Yet, despite this and all of the personal success stories in adoption, the simple fact remains that we as a field of professionals can do better. There are hundreds of thousands of children in the U.S. and millions around the world for whom adoption represents their best, perhaps only, chance at a family and a successful life, but adoption will not be considered an option for many without strategic reforms in adoption practice.

Adoption has a long, proud, and venerable history. To acknowledge that there have been some atrocities committed under the guise of adoption, that adoption is not always the best option for every child without a family or for every struggling expectant parent, that not every “good” person who wants to adopt a child is qualified, and that services can be strengthened in no way detracts from the good of adoption.

I am by no means the only person or the first to suggest that some adoption practices are in need of reform. I was particularly affected by an article written a few years ago by Jackie Semar that focused exclusively on reforms for intercountry adoption.² While it is an entirely accurate statement to say that the adoption process is working well for most of the people touched by adoption, it is also fair to say that it is not working well for *all*—and it is this latter goal that I aim to advance. I don’t think we need to engage in a major overhaul of how adoptions are practiced and completed in the U.S. and around the world, but I do believe, just as in all good institutions, that adoption professionals ought to be constantly seeking to improve and repair the services we provide. As a result, some of the things that I suggest could well have major implications for change.

2 <http://www.adoptioncouncil.org/files/large/ab0bf4c8458a809>

For Adoption Professionals³

Adoption professionals must commit themselves daily and in every situation to the highest in ethical standards. It is also important to consider their own capacity to offer a service to the level that is now expected. Gone are the days when the only goal was placing the child for adoption, when your obligation ended on adoption day. Adoption now rightly requires a high level of competence and professionalism that begins on the first day of working with a new client and does not end until they no longer are in need of your services. This long view of adoption must be embraced by every adoption professional who wants to engage in the practice of adoption. Although most of our clients will transition well post-adoption, there are some who may need a great deal of additional help, counsel, and support for longer periods of time—and professionals must be prepared to be there for them.

As you consider your capacity for the long-term, you must also consider your capacity to meet all of your legal, ethical, and moral obligations to serve the needs of your clients. Just because your license allows for it or the opportunity presents itself, there will likely be some situations where you lack the expertise or resources to best complete an adoption. I remember my early days as an agency director when our strategic goal was to grow, grow, and grow—and I had a hard time saying no to every opportunity that came our way. Ensuring adequate staffing, financial resources, and quality control were daily concerns as we attempted to serve the full spectrum of clients coming to us. Overall, I am very proud as I look back at the many good things we were able to do, but trying to raise the financial resources that we needed to serve our clients well, supervising activities and services being provided outside our state or country, meant contracting with other providers—and it worried me each time that we were relinquishing a little bit more control to others while remaining responsible for the quality of work of those we contracted with.

Capacity is not about the size of the agency. I can think of many small agencies narrowly focused on their mission and meeting, even exceeding, their many obligations. I can also think of several large agencies, many of them no longer around, that took on more than they could do well and paid the price, as did their underserved clients. Considering your true capacity to serve will not only protect you and secure your agency's future, it will also result in successful and ethical placements that serve all of your clients' interests.

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³ <http://www.adoptioncouncil.org/files/large/531ca748ebf154e>

For Expectant and Biological Parents⁴

To all expectant parents considering an adoption plan, as well as those who have already placed a child for adoption, I express my admiration for you and the courage and sacrifice that is or was surely part of your decision-making. NCFA stands by your right to make your own decision about adoption, although there is always a balance between what you “want” to do and what your circumstances may require of you. Research tells us that when you are allowed to make your own informed, non-coerced decision about adoption and are provided good support and counsel, you are very likely to be highly satisfied with your adoption decision. You have the right to be objectively counseled and informed of all of your rights. Just as the adoption professional has obligations to provide you with information and professional counseling, the family adopting your child should honor their promises to you across time.

You also have obligations to both your agency and to the family that adopts your child. You need to be truthful in the information you share with them about your pregnancy, your health, and other information that might not seem important today, but may one day be very important to your child. You should be as honest as you can about the reasons and circumstances that resulted in your decision to make an adoption plan.

For Adoptive Parents

I have noted numerous times that it sometimes seems that prospective adoptive parents spend more time selecting a plumber to fix their leaky drain than they do in selecting who will handle their adoption.⁵ Prospective adoptive parents should be able to trust licensed, accredited, or barred agencies and attorneys to work ethically and legally to help them adopt, but many high-profile examples show that not every agency approaches adoption professionally and ethically. Prospective adoptive parents need to do their due diligence in selecting an agency or attorney that is right for them. You need to gain as much information as you can and take as much responsibility as you can to ensure your adoption is handled legally and ethically. That means educating yourself on the relevant laws and the adoption process, asking questions when you don’t understand what’s going on, and, most certainly, voicing concerns if you feel something is off-track.

The goal of the prospective adoptive parent—and I am saying this as an adoptive parent—should not be to simply adopt a child. The goal should

4 <http://www.adoptioncouncil.org/files/large/2c2290852d8f027>

5 https://www.adoptioncouncil.org/images/stories/NCFA_ADOPTION_ADVOCATE_NO74.pdf

be to ensure that you are the right parents for the child you are planning to adopt. You are entitled to as much information as is available regarding the birth parents, including their health information and legal status.

If you are participating in an open adoption, be sure to keep every promise you make to the expectant parents. Don't promise to do something in the first place unless you are completely comfortable with what you are agreeing to do and plan to fulfill your obligations. And as much as you may want to adopt, know that every opportunity is not necessarily meant for you as a family. Pay attention to things that sound too good to be true, and never turn a blind eye to something potentially illegal or inherently unfair to the expectant/birth parents.

Even taking every precaution, no one can guarantee the future or potential of any child. Children coming from traumatic backgrounds and experiences sometimes struggle to adjust to life within the family. Seemingly "healthy" children today sometimes have undiagnosed illnesses, or conditions that might only be identified later. Speaking from my experience as a father to biological and adoptive children, I can say these issues are not unique to adoption. When you adopt a child, you are assuming all the rights and responsibilities as if the child were born to you. Most of the time, these are welcome and wonderful possibilities, but for some families there is a road of struggle and unmet expectations. The fact that you adopted the child does not relieve you of any of your responsibilities as a parent, and that is a reality that you must unconditionally accept even before you take your first step to adopt.

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Toward a National Set of Best Practices

Ethnographic studies demonstrate that adoption, in some form or another, has been practiced by almost every human society across time. Like other professions, adoption has evolved over time, responding to adverse circumstances and ever-changing times to serve the needs of vulnerable children. Adoption is seen both as a legal and professional service today, and it's still surprising to me that a field that has been around for so long has so few identified and consistently practiced "best practices."

Domestic adoption practices often vary from state-to-state and, even then, variance among agencies and adoption professionals is commonplace. Although The Hague Convention on Intercountry Adoption resulted in much more uniformity within the practice of intercountry adoption, there remain vast differences in motives, goals, and outcomes amongst even accredited adoption service providers. Adoption professionals

and advocates must come together and do the hard work that other professions have done to promote consistent practices.

We should recognize the need for a flexible, uniform, and robust homestudy process. My first foray into intercountry adoption advocacy happened many years ago when, as an agency director, a foreign government adoption authority asked me to meet with their leadership to discuss homestudies. More specifically, the officials wanted to discuss the great variation between adoption agencies and how they reported information in a homestudy. They had stacks of samples—some were only five pages of basic summary information, while others were long, comprehensive assessments that included psychological profiles, personality testing, and footnotes to supporting documents regarding finances and health. Having selected the template that our agency used as a preferred format, they wanted to know why there existed such a wide range of homestudy reports among U.S. adoption agencies. I explained that state laws set some of the standards, but most of the variance was due to individual agency preference.

Even with The Hague implementing regulations setting some standardized components for international homestudies, there remain more differences in presentation, purpose, focus, and quality than common themes in international homestudies. The differences between how states prepare and assess prospective foster and adoptive families and prepare homestudy reports is night and day, to the point that states often refuse to place children waiting to be adopted from foster care with willing and qualified families in other states even if it means the child isn't adopted. This should not be the case! Adoption is a professional practice that should always be focused on the best interest of the child being adopted. Anything that doesn't prioritize a child's best interest must be reformed—and that's why we need to re-examine the homestudy process.

Even allowing for differing legal requirements within states and various countries, as a field of professionals armed with experience and an abundance of research-proven concepts, we essentially know which basic elements should go into preparing, evaluating, and approving prospective adoptive families. I am convinced that, if we don't come together as a field of public professionals and address this issue, then others with far less experience and potentially very different motives will do it for us.

As we work together to create a more uniform process of preparing, evaluating, and documenting a prospective adoptive family's eligibility for adoption, it also gives us a chance to re-imagine and agree on the intent of the homestudy. Is it merely to determine whether or not a prospective family meets (or does not meet) state, federal, and/or international

established criteria to adopt? I think not. I propose a flexible, robust homestudy evaluation that also considers other more subjective criteria, for I am convinced that not every family that wants to adopt and who satisfy the basic criteria to adopt should necessarily be approved or considered qualified to adopt any available child. This may sound like a contradiction to my stated goal of greater uniformity in process, as it does interject a subjective element into assessing prospective adoptive families, but this is where the expertise and qualifications of the homestudy preparer become a crucial component in the evaluation. A prospective adoptive family's motivation, expectations, past experiences, and present circumstances are vital considerations in determining not only their eligibility, but also which child they will be approved to adopt.

The Structured Analysis Family Evaluation (SAFE) homestudy is just one example of a research-based, uniform, adaptable, and robust evaluation of prospective parents that helps promotes better matching of families to children.⁶ Already, many public state agencies are using it to assess prospective foster and adoptive parents, along with at least two very large licensed and accredited private adoption service providers. It's worth a serious examination, in my opinion, toward the larger goal of promoting uniform best practices in how agencies complete homestudy assessments.

Rigid Adherence to Common Sense Ethical Practices

Adoption is governed by a set of laws and ethical standards that professionals must follow in both spirit and letter. Legal and ethical lapses, even though they are clearly the exception in adoption, are now defining the entire field via the media—and it's limiting our ability to offer the positive option of adoption to millions of children as a result. There can be no exceptions or deviation from this guiding principle. Lawbreakers should be punished to the fullest extent of the law. There are many laws regarding child trafficking and financial corruption, and states and countries should enforce these laws rigorously.

Those organizations that play loose with the rules in some of the more "grey areas" of adoption won't find much sympathy from NCFA if you have placed your licensure and/or accreditation in jeopardy. As I have said before, individuals and organizations are often defined by how well they do in the small matters. I regularly hear rumors of agencies instructing families to continue with completing international adoptions that they

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⁶ <http://www.safehomestudy.org/Home.aspx>

know are already in the process of disrupting, even before they arrive in the United States, with assurances from the agency that they will replace the child with another family upon their return to the U.S. I hope such rumors are unfounded, and can only assume the justification for this terrible practice, if true, is that the child will be “better off” in a second adoptive family than in the orphanage. But not only does this require the family to commit immigration fraud, it is also a clear break in trust between the agency, the U.S. government, and the Central Adoption Authority in the child’s country of origin.

When I was a social worker, it was a regular practice for the courts to assign me a case to clean up after the adoptive family transported a child across state lines for the purpose of adoption without benefit of the Interstate Compact on the Placement of Children (ICPC) process. Even at NCFA, I have often been a vocal critic of ICPC; while its intent is good, its execution at the state level is often poor, unnecessarily delaying adoptions. But it cannot be breached, even if it gets a child “home” a little sooner.

I must also touch on finances. Adopting a child can be expensive, but as long as the expense is justified, documented, transparent, and clearly communicated to families, the cost of adopting is not so controversial. It’s when fees are not communicated in advance, when they are hidden or not transparent, that legitimate concerns arise. Be transparent, not only in how you communicate fees in advance to prospective adoptive families, but also in how they are recorded, reported, and safeguarded. Recent news reports⁷ following the closing of a very large agency have inspired some states to regulate how private adoption agencies hold restricted funds for future services, so this accounting issue should be something that you take under consideration as well.

It’s not just the unethical practices of planned disruptions, breaches of the ICPC process, or lack of financial transparency that undermine the fabric of adoption, but any and every break in the established process both undermines our good work and underscores the lawlessness of adoption agencies and attorneys in the minds of our critics. Countries might shut down, affecting the entire field of adoption and thousands of children, to counter the handful of bad practices committed by a small number of bad actors.

Follow all the processes in adoption, even the ones that don’t make sense to you or might prevent a placement from happening. Don’t put the interests of your current client(s) ahead of every future, potential adoption.

7 <http://www.ktvq.com/story/34624002/adoption-agencys-demise-sheds-light-on-troubled-industry>

Conclusion

Adoption is a viable but drastically underutilized option for children in the U.S. and around the world. There are over two million annual births to unmarried parents and/or abortions in the U.S., yet only 18,329 adoptions of children under the age of two. The orphan population around the world totals millions upon millions, yet the rate of intercountry adoption continues to decrease. The total number of children in U.S. foster care awaiting adoption has increased after several years of declining numbers. There are hundreds of thousands of American families willing to open their hearts and homes to children, and, as previously stated, there is a strong culture of adoption in the U.S. that views adoption as an acceptable outcome for children and a good way to build one's family. Why is it that expectant parents are unwilling to consider adoption for their children? Why are countries with large orphan populations unwilling to allow citizens of other countries to adopt? Why are children in U.S. foster care waiting for a family to adopt them?

The reasons that adoption is not always seen as a viable option for children are many, complicated, and subject to much debate. I think those who oppose and restrict adoption are doing children a disservice and have based their conclusions on limited, biased, or misinformation. Adoption will not be fully utilized as an option until those of us who know its hope and potential take action to fix what's broken in adoption services.

Summarily, here are additional suggestions for reforms that should be taken up immediately in the best interests of children who need a permanent, nurturing family:

1. We are in desperate need of a national set of best practices for all types of adoption and for virtually every service that is provided within the adoption process.
2. The U.S. must do a better job ensuring that women who are experiencing unintended pregnancy have accurate, timely, and non-directive information about the positive option of adoption.
3. We must accept that foster care in the U.S. is not serving the best interests of most of the children in care and undertake necessary reforms.
4. We must also reform how the U.S. Department of State carries out its duties as the U.S. Central Adoption Authority under The Hague

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Convention on Intercountry Adoption. NCFA believes that this can only be achieved with legislative reform that more clearly defines the U.S. Central Authority's responsibilities for both regulating and advocating intercountry adoption.

5. Child welfare and adoption professionals and advocates should work collectively and collaboratively on behalf of vulnerable families, and prioritize the right of *every* orphaned, abandoned, or relinquished child to find not just a family, but the most qualified family to meet all of their individual needs.

ABOUT THE AUTHOR

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