

# Letter

## Child Study Center



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### Editor's Comment

The world of adoption is evolving, keeping pace with expanding ideas about the meaning of a family and the many ways to build a family. Adoption no longer takes place in a climate of secrecy. Current notions of who is suitable for adoption have resulted in the inclusion of children formerly considered 'unadoptable.' Children of different ages, ethnic backgrounds, and physical and emotional conditions are becoming part of families, and people of diverse backgrounds and marital status are adopting children. Changes in the philosophy of adoption are based on the principle that all children are entitled to grow up in a family environment and adults are entitled to the personal fulfillment of raising children.

Two *NYU Child Study Center Letters* will be devoted to discussing issues related to adoption. Although both *Letters* center on the family, the current *Letter* (September/October) focuses primarily on concerns, both practical and psychological, related to the formation of the adoptive family. The next *Letter* (November/December) will focus on the special issues involved in raising an adopted child.

HSK

### Introduction

These are the voices of people considering adoption:

*My husband and I have had fertility treatments for five years and nothing has worked. Now I'm 46 years old and all the agencies tell me I'm too old. What can we do?*

*I know I'll be a wonderful mother and I'd like to adopt a baby, but the*

## The Expanding World of Adoption

*agencies won't consider a single parent, even if money is not a problem. Should I try the internet or advertising in the paper?*

*Our cousins who adopted a baby had a terrible scare when the biological mother changed her mind after six months and wanted the baby back. Can that happen if we adopt a baby from Colombia?*

*I'm thinking about adopting a baby but my husband feels people will think we have a sex problem.*

*When my in-laws heard we're thinking about adoption they were very upset and said it's not natural.*

The world of adoption is changing and every adoptive family has a different story. Prospective adoptive parents in 2000 have vastly different rights and choices than prospective adoptive parents had in 1800. A brief look at the history of adoption illustrates the ways in which the legal, societal and family perspectives have evolved. Prior to the twentieth century, adoption of a child was a relatively rare phenomenon. Children without parents or abandoned children were placed in orphanages or cared for by members of the family out of a sense of obligation or, frequently, because children were a source of cheap labor. Statutes to clarify the legal status of the biological parents' relationship to the child or issues of consent and confidentiality were non-existent. When legal adoptions became more commonplace, the prospective adoptive parent would merely submit a petition along with supporting documentation to a government clerk, similar to transferring the title of a property.

Gradually the laws as well as the philosophy of adoption began to change.

### Some landmark events:

In 1851 Massachusetts passed the first statute to expressly address the "best interests of the child," not merely the best interests of the parent. In the early 1900s a move toward mandating legal adoption via the state courts occurred, but nothing was done to insure the appropriateness of the adoptive home, or even that the biological parents had given permission for the child to be adopted. The growing recognition that infertile couples have the right to adopt a child and that children have a right to a healthy environment led to further dramatic changes in the adoption process. Agency involvement in adoptions started in Minnesota in 1917, and other states followed suit. The 1917 law was the first to seal records. According to societal values at that time it was believed a childless couple needed to be shielded from the shame of infertility or, even worse, from public awareness that they were raising a potentially illegitimate child.

Unfortunately, it was also believed that all parties could and should put the adoption process behind them and move on with their lives. The possibility that adoptive parents or biological parents might have to deal with the psychological aspects of adoption was not considered. It was also believed that if adopted children had questions about their biological parents or the reason for their adoption, issues which we now see as normal, then the parents had failed. In the "unusual" circumstance that a child did inquire, parents were advised to dissuade them from pursuing a fruitless search for answers that could only be disappointing.

As understanding of child development and the psychological needs of children



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developed, the state child welfare systems became involved in the adoption process, focusing on educating parents rather than merely judging them. Ideally, involvement of the child welfare system should lead to procedures which would integrate the needs of the child with those of the adoptive family. However, this is often not the case and all too often people perceive the potential adoption process as an experience in which the rules seem to change constantly and the experts all have different opinions.

Changing cultural values led to further changes in the adoption process. The influence of the civil rights movement, which focused on the principle of respect for the rights of others, encouraged biological and adoptive parents to feel free to disagree with accepted beliefs, such as the value of sealed records, and to ask for information and support. In addition, the sexual revolution paved the way for the increased availability of birth control and abortion. Women felt free to decide whether or not they were going to keep their children or place them into adoptive homes. The changing attitudes contributed to a decrease in the number of children available for adoption. At the same time the number of couples in the United States contending with infertility increased.

Despite the decrease in the number of children available for adoption in the United States, a phenomenal increase in the number of completed international adoptions has recently occurred. In the past decade the percentage of completed international adoptions has risen dramatically compared to domestic adoptions. However, the system for gathering data in the United States has not been consistently reliable. Although attempts to be more systematic have been made, we have, at best, rough estimates. An estimated 40,000 adoptions were completed in the United States in 1940; approximately 120,000 were completed in 1991. Statistics on international adoptions are somewhat easier to gather, as the Immigration and Naturalization Service is involved.

### Decisions, decisions, decisions

Prior to adopting, prospective parents must make a number of decisions as to the path they will take. Do they pursue a domestic or international adoption? Is it better to work with an agency or arrange a private adoption? What about special

needs children? How does a single parent stand the best chance of success? Too often people follow advice based on rumor rather than on fact. Prospective adoptive parents must be careful to avoid pitfalls. Although most people involved in facilitating the adoption process are above-board, too many are involved only for potential profit. Almost as harmful are the people who mean well but are misinformed.

### Domestic or foreign?

Parents who pursue the international route cite numerous reasons for their choice. As noted, the pool of "adoptable" children, especially infants, is declining in the United States, and the number of people seeking children to adopt is rising. In addition, the use of contraception has increased, and changing societal attitudes have enabled single mothers to make choices about raising their children. Some adoptive parents fear that a biological parent in the United States might change his/her mind. Finally, the increased media exposure of the neglectful conditions often faced by orphans in Eastern European countries has raised the social consciousness of many people and has motivated them to help these children.

The international route, however, comes with its own potential hurdles. In addition to dealing with the laws of a foreign country, adoptive parents must apply for U.S. citizenship for the child which is not always guaranteed. Travel is often extended, and at times multiple trips must be made. In addition, a parent must deal with the limited, and sometimes unreliable, knowledge of a child's medical and/or developmental condition. Depending on the country of origin, the parents and child may need to contend with the social difficulties sometimes encountered in an interracial adoption. Finally, added expenses in an already costly process may be encountered. Despite these barriers, the guidance and support of a reputable adoption agency or established private source should help adoptive parents navigate the process.

The domestic route also comes with pros and cons. Although each state has its own variations of federal adoption guidelines, travel is clearly easier, cheaper and generally does not require extended periods of time. An experienced lawyer or

adoption agency is essential in order to provide proper guidance and to assure that legal informed consent of the biological mother and father has been obtained. In situations in which the biological father is not involved, an attempt at notification must meet the standards of "due diligence" in order to assure that the adoption is legal. The period each state specifies for revocation of termination of parental rights by the biological parents varies, which can cause significant anxiety for the adoptive family.

### Agency or independent adoption?

Prospective parents must also decide whether to apply to an agency or to pursue an independent adoption. Again, each route has its own particular strengths and weaknesses. In the agency adoption, one must choose a private or a public agency. The advantages of an agency include the support and guidance of a reputable organization. Most agencies have built-in mechanisms for assuring that appropriate counseling and consent for both the adoptive and the biological parents take place. The downside of working through an agency is the relatively long waiting list at private agencies, who have many more parents wishing to adopt than children available. The public agencies have a higher percentage of older and special needs children waiting for adoption and are therefore often more able to accommodate those wishing to adopt an older or special needs child.

Private or independent adoptions, on the other hand, provide parents with more control and a chance for them to be more comfortable with the final results. The risks include the fact that the parent must be more knowledgeable about all the relevant laws, insure that proper counseling has been provided and consent obtained, in order to avoid the possibility of a revocation of the adoption. Research is essential; for example, a few states do not allow independent adoptions and others have longer periods of possible revocation. Finally, the cost of independent adoptions can be greater than agency adoptions, with no guarantee of successful outcome.

### Open or closed adoption?

Confidentiality and secrecy, considered so vital in the early years of adoption, are being replaced by more open attitudes. In

an open adoption, the adoptive parents have access to some or all of the history of the child. They may have met the birth parents or have information about them. In some arrangements, the birth parents have post-adoption access or visitation rights with the child. Although post-adoption access occurs in a variety of circumstances, it has become more common due to the increasing number of intra-family adoptions. In some circumstances it appears to be easier for a birth mother to accept the 'termination of parental rights' when the cutoff is not final, when the possibility of later contact exists, or when she knows she will receive some assurance that the child is doing well. While there are proponents and detractors of the concept of post-adoption access, no agreement has been reached by those involved in the field as to the 'best' way to proceed for both parents and child.

In a closed adoption, neither contact with or information about the birth parents is available. Some adoptive parents feel more secure in these circumstances because they fear that a biological parent might later change his/her mind and challenge the rights of the adoptive parent. Specific details of the state and international adoption laws may be obtained on the web at:

<http://www.law.cornell.edu/topics/adoption.html>

<http://www.travel.state.gov/int'ladoption.html>

### Who adopts and who's adopted

The strict notions of who can be a parent and which child is "adoptable" have given way to some new ideas. In addition to infants, older children, sibling groups, and children with special needs and disabilities are also being adopted. In addition to young married couples in their 20s and 30s, couples in their 50s, single people, people with disabilities, foster parents, and gay men and women are also adopting children. Although in the past single parents and gay couples were not permitted to legally adopt, many states currently allow such arrangements. Single parent adoptions have been more widely accepted than gay couple adoptions. Contrary to initial fears of these non-traditional family situations, research has shown that the typical single parent who adopts tends to be mature, independent,

with good social supports, and typically outcomes have been quite successful. Research on the issue of gay adoptions is limited, but the existent studies suggest that the development of children raised by homosexual parents is on a par with children raised in heterosexual families. The often-used position that allowing homosexual couples to adopt will increase the risk of the children being gay seems not to be the case. Longitudinal studies are clearly necessary.

In the majority of situations, a gay parent, often on the advice of an attorney or caseworker, is advised to apply as a single parent. A partner can then, in many situations, apply as a second parent in the future. Issues of state law play a role in these cases; for example, Florida and New Hampshire still consider adoptions by homosexual couples to be illegal. However, a small number of homosexual couples have openly adopted in the District of Columbia, Ohio, New Mexico and California.

### Getting ready - psychological preparation

Parents should make sure that they are in agreement about the decision to adopt, and any hesitation should be discussed ahead of time. Couples who have struggled with infertility should deal with any unresolved issues about that process. Their attitudes about the following questions should be considered before adoption.

- How will our lifestyle change if we adopt a child?
- How would we feel if we found out our adopted child had a problem?
- How would we feel about parenting a child born to another mother?
- Can we afford the costs of adoption and of supporting a family?
- Do we feel our lives are incomplete without a child?
- Could we deal with the challenge of parenting a child of a different ethnic background?
- How would our families react to the idea of adoption?

The decision to have a child is not simple for anyone; the decisions associated with adoption add even more complex

issues for potential parents to consider. As with a biological child, parents who do not discuss their beliefs and expectations about child-rearing have a much more difficult time after the child is born. In most cases adoptive parents are thrust into instant parenthood, with little preparation for their new roles. They often do not have the advantages of the nine-month pregnancy period in which to prepare emotionally for the expected child and to engage in the customary rituals, such as baby showers, buying clothes, etc., often associated with an expected birth.

Extended family and friends can be wonderful as resources and as support. However, they may, out of concern, also subject parents considering adoption to a myriad of opinions and ideas which are at odds with their own.

Potential parents should discuss their options and decide which decisions best suit their needs. People often have very strong opinions about the route they wish to pursue as well as what risks they can and cannot tolerate. If parents are unsure about their feelings on these issues, short-term counseling should be considered to help resolve the issues before the adoption is pursued.

### Getting ready - practical preparation

- Obtain as much history as possible
  - Ask about history of pregnancy, medical and developmental history
  - The medical history of family members will be important for the child to know as he gets older
- Ask about the child's interactions with peers and staff in the institution (if applicable)
- Gather any information as to why the child is available for adoption
- If possible, arrange for professional evaluations to assess medical condition, developmental and behavioral issues before the adoption
- If you are going to another state or country for an extended period of time, bring entertainment (books, games, etc.) to help with waiting times

### • If you are adopting an older child:

- Bring toys or games to play together; photographs of your family home and neighborhood
- Ask about the child's interests, personal likes and dislikes, knowledge of adoption
- If you are adopting a foreign child, learn a few phrases in his/her native language in order to ease communication. Children learn English very quickly, but a few phrases help break the ice!

### Research Checklist

As with raising a biological child, guarantees are not available with an adopted child. The more information parents have, the more they are able to maximize the chances of making an informed decision and intervening early with any difficulties. Having sifted through the wealth of information and opinions available, what are the steps one should take to pursue an adoption?

- Review the adoption laws in the state in which you plan to adopt, as well as in your own state. If you are planning an international adoption, review the Immigration and Naturalization Service laws, procedures and paperwork
- Obtain a clear and complete estimate of all expenses
- Research the background of the agency or private attorney with whom you are working. Check with the state Bar Association as to the lawyer's credentials and notification of any complaints filed; similar records are available pertaining to any adoption agency
- Use the resources of support groups and adoption associations in order to learn the potential issues you will be dealing with and determine what their experiences have been with specific attorneys or agencies
- Talk to other parents who have used the lawyer/agency to find out what their experience has been
- **Ask about:**
  - The number of adoptions made in the past year
  - The ratio of applications submitted to completed adoptions
  - How assignment of a child is made
  - The refund policy for failed, uncompleted adoptions

### When travel is involved:

- **For travel in or out of the U. S. find out:**
  - How long will you need to travel?
  - How long will you need to stay in your destination?
  - What type of accommodations will be available?
  - What supplies will be needed?
- **For travel outside the country:**
  - Read any bulletins on the U. S. State Dept. website
  - Learn about the country you will visit, including some "survival phrases"
  - Read some guide books
  - See the sights and take photos of the country and the people in your child's life to share and talk about later with your child. Parents who are familiar with the child's original culture will help the child feel pride in his/her heritage
  - Investigate any supplies you will need, including passports, visas, medications, food, etc.
  - Determine what type of supplies you will need for the child

### Summary

For adoptive parents adoption is first and foremost about personal fulfillment. Pursuing the adoption goal requires a tremendous investment of emotional, practical and financial resources. The options available for adoptive parents have increased, as have the number of choices to be made. The plethora of possibilities can be overwhelming and decisions are best made by consideration of the adoptive parents' own needs, lifestyle and finances. Especially important is a good attorney or consultant; one need not navigate these waters alone.

This issue of the *NYU Child Study Center Letter* has discussed questions to be considered before and during the adoption process, but one crucial element has not been addressed. What about the child? In the next *Letter* we'll discuss the special situations involved in raising an adopted child, such as explaining adoption, dealing with older children and children with special needs, as well as long-term outcome of adoptions.

## About the Author

Keith S. Ditkowsky, M.D., Assistant Professor, NYU School of Medicine, is Director of Clinical Services at the NYU Child Study Center. He has a special interest in the adoption process and has served as psychiatric consultant to orphanages in Russia. His research interests are in the identification of the precursors to schizophrenia in adolescents, anxiety, attention-deficit/hyperactivity disorder and psychopharmacology.

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## Online Resources

[www.calib.com/naic/factsheets/foreign.html](http://www.calib.com/naic/factsheets/foreign.html).

[www.calib.com/adptsear/adoption/research/stats/intercounty.htm](http://www.calib.com/adptsear/adoption/research/stats/intercounty.htm).

[www.calib.com/naic/laws/lawsumm.htm](http://www.calib.com/naic/laws/lawsumm.htm).

<http://travel.state.gov/int=ladoption.html>

<http://childrensservices.dhhs.state>

[www.calib.com/naic/adptsear/adoption/research/stats/overview.htm](http://www.calib.com/naic/adptsear/adoption/research/stats/overview.htm)

<http://www.law.cornell.edu/topics/adoption.html>



# Letter

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