

How we got here: Understanding the historical roots of adoption in the United States

JaeRan Kim

Center for Advanced Studies in Child Welfare

University of Minnesota

November 7, 2013

I'm very honored to have been asked by Sandy to present on adoption history as a way for us to understand how a baby Veronica case could happen and what lessons we can learn about adoption as a result of this and other similar cases that have happened in the past few years, including a case here in Minnesota that went to the Minnesota Supreme Court.

I've been working in the area of adoptions for some time now, but I approach my work as someone who knows both sides of the adoption paradox – the joys and the sorrows that come from this social phenomenon.

I was adopted from South Korea as an almost 3-year old in 1971 to a Minnesota family. In many ways I was one of the lucky ones. My adoptive parents did many things "right" and being adopted allowed me to experience a family. But as I said, adoption is a paradox. The only reason I was able to be adopted was because of the disruption of my first family, my biological family if you will, my Korean family. My adoption into my American family was the third KNOWN placement I had; by age three I had already had stints in two orphanages and there is no record of where I was for the first year of my life or how many transitions I might have experienced before I went into that first orphanage.

When I was adopted I gained a family who loved me. I also lost everything else – my language, my culture, my food, my fellow Korean community, and a sense of racial,

ethnic and national identity – because the social worker at the well-known Minnesota adoption agency that worked with my parents told them to assimilate me. And even today there are many who dismiss how important this loss was for me because adoption is a zero sum game – these are people who tell me that any adoption situation – even poor or mediocre ones – are “better than languishing in an orphanage” or “lingering in foster care.”

These are NOT the only two options that are available. These are two options on a spectrum of options for child caring. In addition, adoption doesn’t have to be either/or – where in order to have the stability of a family, one has to be entirely cut off of one’s birth family, culture, language, traditions and community.

If adoption as an end goal means the losses a child experiences are considered irrelevant or collateral damage then we’re doing adoption wrong.



Let me start by telling you a story, a story that many of you have probably heard and the one that I have come to believe has formed the basis of the way we think about adoption.

Once upon a time, a man was walking along a beach when he sees a child picking up one of many starfish that had washed ashore. The man watches as the child throws the starfish into the ocean. The man says to the child, “don’t you know that you can’t possibly save all the starfish? There are hundreds of miles of shore and starfish along every mile. You can’t possibly make a difference.” The child picks up another starfish, throws it in the ocean, and says to the man, “It made a difference to that one.”

Chimamanda Adiche, Nigerian author of several celebrated books, gave a TED talk in 2009 that she called “The Danger of a Single Story.” In her talk, Adiche told the audience about how growing up in Nigeria, reading books by American and European authors, she grew up believing in a single story about white people and their lives. Later on when she attended college in the United States, she learned that her college peers and professors had a single story about Africa and Africans – one in which people like her did not exist. The danger of a single story, according to Adiche, is not that they create stereotypes - and the problem with stereotypes is not that they are untrue, but that they are incomplete. They make one story become the only story.

Adiche also says that how stories are told – who tells them, when they’re told – are

dependent on who has power. Show a people as one thing – as only one thing – over and over again and that is what they become.

We have told the single story of adoption as the starfish for so long that many of us have not looked at other stories. In 2012, my organization, the Center for Advanced Studies in Child Welfare, was awarded the Congressional Coalition on Adoption Institute's Angels in Adoption Award for our permanency and adoption competency certificate program. At the award gala, the keynote speaker, actor Katherine Heigl – who has adopted two children – stepped to the podium. I turned to my co-worker and whispered, "she's going to tell the starfish story." Sure enough, she did. My co-worker asked me, "how did you know?" I knew because this is the single story of adoption that is told by adoptive parents and adoption professionals.

It is not that I think the starfish story is wrong. The starfish story is a compelling story of hope, motivation and individual advocacy. However, it is incomplete. It does nothing to address why there are so many starfish washed ashore in the first place. What is happening in the ocean? The power of one is important, but does not mean we are excused to ignore the systemic issues.

Paradox

Children for families, families for children



One of the paradoxes in adoption that we adoption professionals have to deal with is the reality that while we like to say adoption is about finding families for children, it is also about finding children for families. This is a tension that has always been a part of modern adoption practice. It is also one of the largest factors in the Veronica case.

The mission of the Washington Children's Home Society at the end of the 1800s and early 1900's was "a home for every child and a child for every home." We are seeing similar tensions today as we did in the 1800s and 1900s by those who work in organizations that provide public assistance to children and those in the private agency side who work with adoptive parents – back then it was children being left in children's asylums and orphanages and today it's children in foster care. But the tension was the same – who is the client, the child or the prospective parent, and how do workers balance the needs of both?

During the Veronica Brown case, I often heard the saying, "adoption is for children who need a family, not for children that have a family." So what happened? Why was this not true for Veronica Brown?

Back to the Future

- Adoption silos
- Social construction
- How do we care for orphaned and abandoned children?
- What is a “good” home?
- The marketplace
- Institutional and cultural discrimination
- “Best interests of the child”
- “Choices” around parenting are for mothers only



In order to understand how the Baby Veronica case could happen, we need to be like Marty McFly and go backwards in time and understand the history of adoption and the cultural contexts in which child welfare and adoption laws are passed.

Current adoptions don't happen in a vacuum. To understand how a baby Veronica can happen in 2013 we need to see how our past laws and cultural values set the precedent for today's laws and cultural values including:

- Why is adoption so confusing? Why are there different standards and regulations for different types of adoption?
- How do we define family? How do we think of children and childhood? How do we define the role of parents? And how have these changed over time?
- How should we care for orphaned and abandoned children? What about those who have parents but whose parents can't care for them?
- What is a “good” home? Who is defining?
- How is adoption a business more than a humanitarian service? Why are there such differences in adoption costs depending on the type of adoption? Was it always that way?
- Why are some children and families more oppressed by adoption than others? How do cultural values and institutions reinforce discrimination for some people more than others?

- What is “the best interest of the child” and why does the child have no say in their own best interests?
- Why are men left out of the conversations around the choice to place a child for adoption? Why are men so frequently excluded from the choice to parent?

Particularly, why is it that our adoption laws and policies favor the starfish response rather than the dragon at the river response.

Confusing systems



As an adoption professional, adoption researcher and as an adopted person one of the things that makes my work more difficult is the lack of any consistency in adoption data, laws and practices.

The four main types of adoption are private (what we think of when an adoption agency or adoption attorney facilitates the placement of an infant from a birth parent or parents with adoptive parents- think the movie Juno).

Foster care adoptions – children who were removed from their biological parents due to abuse or neglect and placed into adoptive homes. These children tend to be older and many have siblings. Infants are rare unless they are removed at birth because of a history of abuse and neglect on the part of the parents or because the child was born positive for drugs.

Intercountry adoption is the adoption of a child that was born in a different country than the adoptive parents. The United States is both a receiving country and a sending country. According to the state department almost 100 children from the U.S. were adopted to Europe and Canada although these numbers are actually low because some adoption agencies are not reporting.

Most of us know the area of adoption that we work in and pretty much only that area. And some areas of adoption are highly regulated, like public foster care

adoption – while independent adoption is unregulated and relies on the good faith of those participating in it, like the American Academy of Adoption Attorneys. The home study requirements are different depending on the type of adoption, as are the pre-adoption training hours required. Each state has different laws and in county-run states like Minnesota, each county and tribe has a different process. This makes interjurisdictional adoption cases more vulnerable to both poor practices and unethical practices.

Standards for Adoption Practice

- 1938
- 1958
- 1978
- 2000



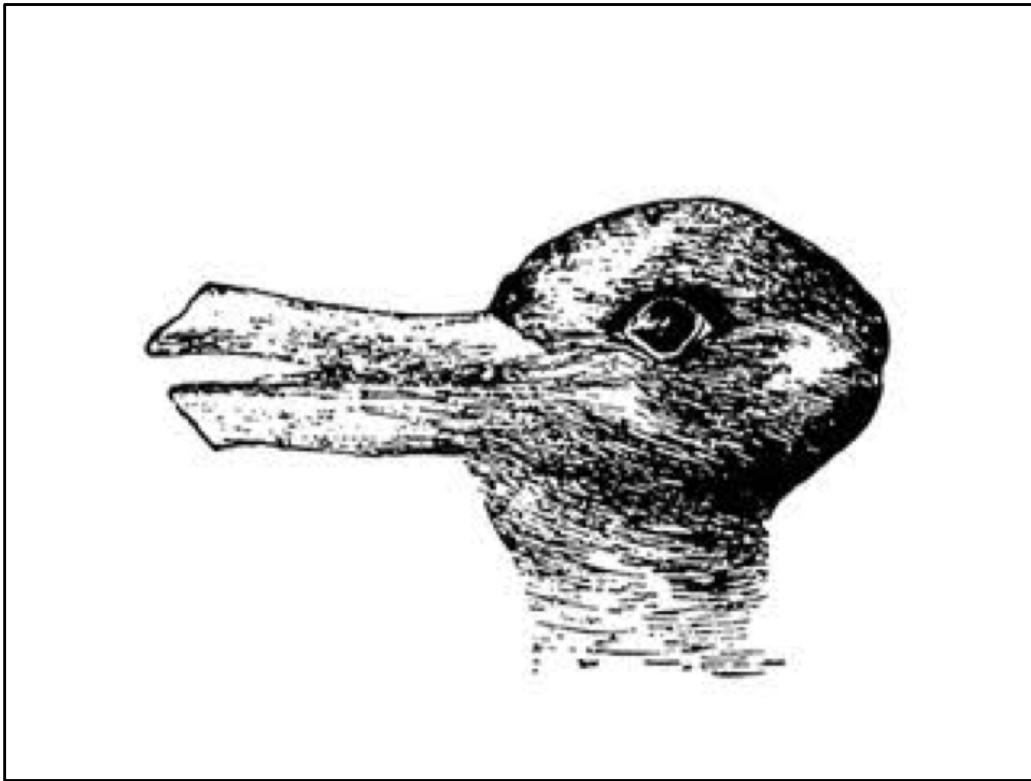
Since 1938 the Child Welfare League of America has been publishing its “Standards for Adoption Practice” guidelines, originally created because of the widespread variance in how adoptions were being practiced from state to state and depending on type. At the time of the first CWLA Standards for Adoption Practices, the CWLA was particularly concerned about the lack of oversight with independent adoptions, particularly that adoption was becoming a business of buying and selling babies and that doctors and lawyers and people outside of social work were facilitating adoptions without any regulation or oversight, including conducting homestudies on prospective adoptive parents.

We are currently seeing a lot of poor practices from adoption agencies – particularly when women considering placing a child for adoption are encouraged to work with certain states (like Utah) or certain agencies or adoption attorneys who counsel them to use the lack of regulation and oversight from one state to another, for example, to keep fathers out of the decision making process.

Unethical adoptions that are facilitated by agencies and adoption attorneys that use deception should concern everyone, even those who do not practice in independent adoptions. It should also concern adoptive parents because they are often victimized by these unethical adoptions as well. Last week at the University of Minnesota’s Deconstructing Baby Veronica forum, Mary Boo from the North American Council on Adoptable Children said that the adoptive parents were as much victims of bad

adoption practices as Dusten Brown and Veronica herself and I agree. Like many adoptive parents, I'm guessing the Capobiancos did not decide to adopt so that they could rip a child away from her parents. The United States has created an adoption system that is unable to effectively and realistically regulate adoptions to make sure that this doesn't happen again.

Even when we have standards and policies, what happens if they're not followed? I'm thinking here of the case in Minnesota this past year that went to the Supreme Court where a foster family was able to adopt two little girls over their grandmother in part because of failed follow through on the grandmother's state with the ICPC, or interstate Compact on the Placement of children.



So confusing and multiple adoption systems are one factor in the current culture of adoption. How we define and construct concepts related to adoption is another.

As human beings, we create constructs about our world. These constructs are basically agreements that people make about how we define things and ideas in our lives. So for example,

I might look at this picture and say that this is a picture looks like the thing that I saw swimming at the lake last weekend that made a “quack” noise. If Sandy agrees with me and we decide we are going to call this thing a “duck” then we have socially constructed this image as “duck.”

But you may see a different animal. You may see something that looks like the animal you saw hopping around in your backyard garden trying to eat your carrots. You and the person sitting next to you might say, “this is a rabbit.” You and your neighbor have socially constructed this image as something completely different than Sandy and me. Who’s right in this case? Me and Sandy or you? Just because we are all seeing the same image here does not mean that we all think it is the same thing – we see it differently and we assign a name and a set of characteristics based on how we see this image.

But even the names “duck” and “rabbit” to begin with are socially constructed names. So if we go more abstract than this optical illusion, how we define “family,”

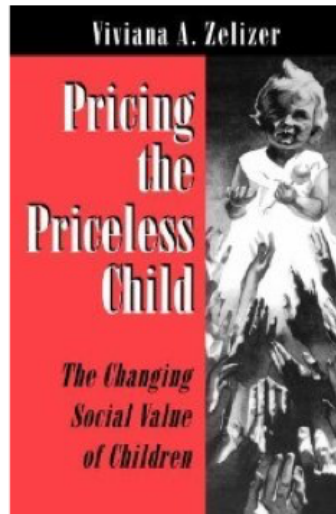
“relatives,” “parent,” and “child” is socially constructed. We have been taught what these concepts mean by our parents and by society and they are reinforced by the laws and institutions that govern our behaviors.

Children used to be considered little adults and the idea of childhood as a separate time of life has been a recent construction. It was the same with our understanding of adolescence as a unique and separate time of life.

In the Brown case, the media erroneously called the Capobiancos the “adoptive parents” and even the Supreme Court considered them the adoptive parents – despite that the adoption had not been finalized at the time Dusten Brown was given custody of Veronica. This made Brown’s custody of Veronica seem like she was removed from her legally finalized adoptive parents when in fact she had not. The media, Supreme Court and many others also repeatedly focused on how much percentage Cherokee Veronica was – without fact checking that membership in the Cherokee nation is not based on blood quantum. The idea of membership and how “real” of an Indian one is is also a social construction. And for a long time, Brown was portrayed as a dead beat dad, who didn’t want to have anything to do with his child. The construction of “deadbeat dad” is one that carries a lot of meaning even if turned out not to be true. Americans, by and large, agreed with these constructs related to this case.

The construction of these two families and which one was the victim is like saying this illustration is a duck or a rabbit – completely based on how we see this case. I can understand why the Capobiancos felt they were victimized and propelled them to fight for Veronica even after Dusten Brown had been awarded custody. The way we construct birth parents as negligent or inadequate and adoptive parents as rescuers - and “best interests of the child” from an individual and adult perspective - and whiteness as the norm, and communities of color as weak and negligent - and middle class and educated as better than working class – these constructions all validated the Capobianco’s sense of entitlement to pursue the case to the end.

Social construction pendulum swings



- Placing out for labor > adoption
- Children valued for economic contribution to family > children valued for their emotional contribution to family
- Open > Closed > Semi-open
- Private charities > state and public agencies > private + public > independent market

Some of the pendulum swings we have seen over time include:

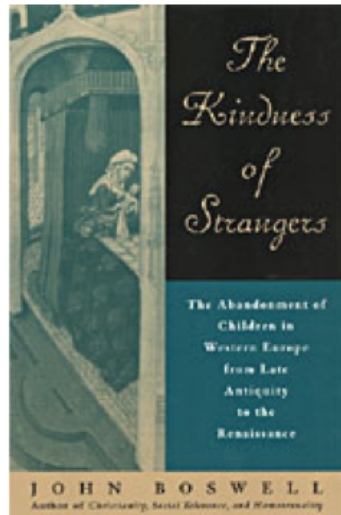
Placing out where the child earns their keep by working, versus being adopted for their emotional value to the adoptive family. Children worked and their labor helped sustain their families either by bringing in added income if they worked outside of the home for others or if they worked in family businesses or taking care of younger children so that the parents could work. Children were seen as little adults once they passed toddlerhood and were expected to help contribute to the family's income. The first attempts to address child labor in the U.S. came from the New England states in 1932 when The New England Association of Farmers, Mechanics and Other Workingmen resolve that "Children should not be allowed to labor in the factories from morning till night, without any time for healthy recreation and mental culture," for it "endangers their . . . well-being and health." It took over 100 years for regulations on child labor to be passed federally. The federal U.S. laws regulating minimum ages and hours for children in the workforce did not pass until 1938.

Placements prior to sentimental adoptions were open. In the post-WW2 years, adoptions became increasingly closed. We are now in a phase of semi-openness in name and with some types of adoptions, although it is the choice of adoptive parents to actually follow through. And in the case of intercountry adoptions not always possible and often not prioritized by agencies and programs.

Another pendulum swing has been the role of who facilitates or provides oversight

for adoption. When I was doing archival historical work at the Social Welfare History Archives at the U of MN, I came across several articles from the 1930s that expressed concerns with independent adoption facilitators in states like California that has a long history of an independent market for adoptions. The concerns that doctors, attorneys and private citizens were facilitating adoptions without any standards for best practice and without approving a home study on the prospective parents led to the Child Welfare League of America's publication in 1938 of the Standards for Adoption Practice.

How do we care for orphaned and abandoned children?



- Political succession
- Placed out for labor
- Indoor vs. outdoor
 - Asylums, orphanages, poor houses, baby farms
 - Indenture, foster parents, adoptive parents

Adoption as we know it today is a legal and cultural construct. But although there have always been children who for one reason or another were cared for by people other than their biological father or mother, the laws and formalized rules around how that happens and what that means is a relatively newer phenomenon and largely based in European and American cultures.

Legal adoption in ancient times was not for the benefit of children as much as it was for the need of the adoptive parent. The in Roman times, for example, was based on the need of high powered Roman men to pass on their wealth and status to a male heir, so Roman senators, for example, might adopt an adult man as their “son” in order to pass on his title and political position.

In other cultures, for example in early Christianity, true orphans – children whose parents had died – were generally taken in by relatives and any wealth or inheritance that would have been left to the child would have been transferred to the relatives that took in the child. Legal adoption – formalized – was rare.

Children were routinely placed out by poor parents who could not afford to provide for them. The placement was generally not about a substitute family for affection and nurturance however, but for labor. The parent or adult who took in a child that was not their son or daughter fed and clothed them in exchange for the child’s labor. It was also common for poor parents to place their children to work in the church

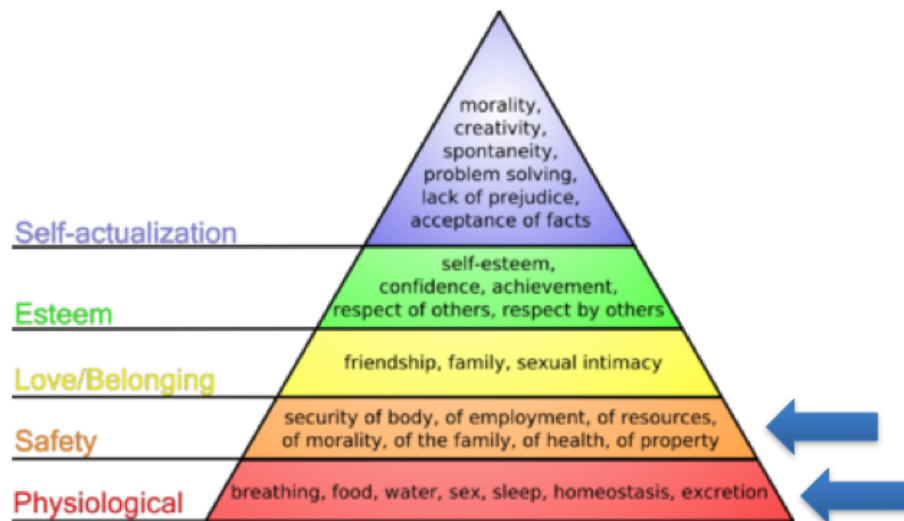
where they would again be fed, clothed and sheltered in exchange for their labor and grooming to work in the church as adults.

When we look at the options for children without parents, they fall into two categories: indoor and outdoor solutions.

Indoor relief mean congregate care settings such as what used to be called asylums, poorhouses, orphanages and later on in the U.S., baby farms.

Outdoor relief is where the provision of care or needs occurs in a home-like setting, rather than an institution.

Maslow's hierarchy of needs



In the 1800s and 1900s, orphanages and placing out helped provide the bottom two levels of Maslow's hierarchy of needs – what I call the “shelter” and “safety” aspects. Asylums and orphanages were safer options than being left on one's own.

Finding families for children



The majority of the children historically, as now, that end up in the child welfare system both in the U.S. and across the world, as well as many of the children in private domestic adoption situations, are there because of issues of poverty – and issues of abuse and neglect are often related to poverty.

Historian Carol Singley writes that “poverty, while not explicitly equated with sin, often connotes moral degradation. The child’s adoption is represented either as a rescue from the deplorable circumstances or as a reward for exemplary Christian behavior and adherence to Anglo-European, middle class values.” (p. 55).

Adoption then has been seen as an economic step up for children.

So what were some of the ways organizations and individuals found families for children?

Indian Boarding Schools



Most of you probably know the legacy of the Indian Boarding schools where children were forcibly removed from their homes and placed in institutions in order to assimilate them. This effort was to weaken Indian communities by taking their children and ensuring they would not be able to continue their language, traditions, customs, spiritual practices and governance. While orphanages were being dismantled and discouraged for other children in favor of fostering, indenture and adoption, the boarding schools continued to grow and spread around the country for Indian children.

As we know, the Indian Child Welfare Act was a response to the widespread removal of Indian children from their communities – removed for being Indian, not because they lacked families.

Placing out



While children's asylums and orphanages and institutions were ways of handling the large numbers of children in poverty the name orphanage has always been a misleading way to describe institutional care for children since the majority of children in orphanages were not true orphans; they were children who had one or more living parents who were unable to care for them, usually because of issues of poverty. Asylums and orphanages were always intended to be temporary placements – where children could get their basic needs met until the family could establish the means to provide for them. In the mid-1800s, particularly in the urban cities like New York, the influx of immigrants led to an overflow of children living in the streets or placed in orphanages. Concerned humanitarians began to look for ways to reduce the number of poor children left to fend for themselves.

The orphan train movement was one such project. The goal was to take the children living homeless in the streets and in orphanages and children's asylums and place them into family settings. Children were placed on trains and traveled from New York to farming communities where they would line up on the train platform and local adults would come and choose children to live with them.

The majority of the children were not legally adopted; the project was more than a commitment to providing children with nurturance and parents. Most of the children were indentured and were chosen to work for the families that picked them out. That is why few babies and infants were placed on these orphan trains. Families were

looking for older children who would be able to help the family economically as we were still in the time period of our country that saw children as for their economic, not sentimental value.

It is also worth noting that the orphan trains, like the Indian boarding schools and Indian adoption project, targeted children from populations that were seen as dangerous. Charles Loring Brace, the Presbyterian minister who started the orphan train movement, documented his project in his book, *The Dangerous Classes of New York*.

He wrote "The 'dangerous classes' of New York are mainly American-born, but the children of Irish and German immigrants." (Brace, p.27). And

"Thousands are the children of poor foreigners, who have permitted them to grow up without school, education, or religion. All the neglect and bad education and evil example of a poor class tend to form others, who as they mature, swell the ranks of ruffians and criminals...who become the 'dangerous class' of our city." p. 28.

A popular slogan at the time was : It is better to save a child than re-train a criminal (Hart, 2004), p. 44)

Brace thought that the best of all asylums for the outcast child, is the farmer's home." (Brace, p. 225)

Social workers were largely responsible for ending the orphan train movement. Concerns about the treatment of children in these placements, the lack of home studies and oversight and follow up on how the children were faring. Social workers were also focused on prevention – helping provide assistance to children and families through supports like the Mother's pensions for widows so that mothers could support their children instead of placing them in institutions.

How does this relate to the Veronica Brown case? Race and class absolutely played a part in the Brown case. As we have precedence with the Indian Boarding Schools and the orphan trains the best way to make sure a poor, person of color doesn't become a future societal problem is to assimilate them. I wonder, if the social workers who challenged Charles Loring Brace and the orphan train movement would have tried to keep Veronica with her family instead of placing her out.

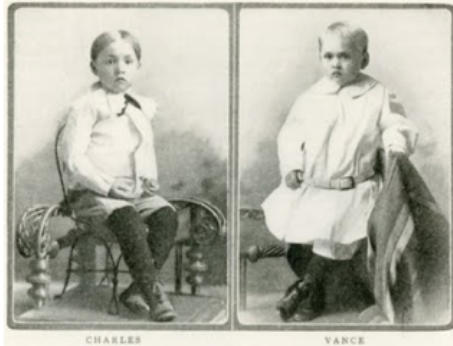
Child Rescue Campaign



In the early part of the twentieth century, the shift toward adoption of children in institutions over placing out was heavily influenced by another project, the Child Rescue Campaign created by the popular women's magazine, *The Delineator*. From 1907 to 1911, the magazine wrote monthly articles about adoption and featured profiles of children.

What was unique about the Child Rescue Campaign is that it posed adoption as not merely a solution to a social problem but as a way to fulfill women's emotional needs to be mothers. In October, 1907 the magazine published a story titled "The Child Without a Home" and the story appealed on emotion and rescue – "deprived of a mother's love, they were a potential threat to society." In one adoption article the author wrote that "women had the future of society in their hands" through raising good citizens (Berebitsky, p. 128). 300 women wrote to the editor requesting to adopt the children profiled in the story (Berebitsky, p. 126)

Profile of brothers in The Delineator



The two little faces who look into yours are those of Charles and Vance, who were considered by the Michigan Children's Home Society, St. Joseph, Michigan, May 2, 1908.

Their mother was a woman of good mental ability, and was married when very young, to a respectable young man in poor circumstances. She died at the age of twenty-five, the mother of seven children, the oldest being but a little more than seven years. Overcome by sickness, poverty and distress, she laid down the burden of life, March 15, 1908, with the words, "Be good to my children."

The father, unable financially to hire a good housekeeper, and finding it impossible to secure the necessary help from friends and relatives, thought the best way to fulfill the wife's request to be good to the children was to secure help from outside and appealed to the Michigan Children's Home Society, which gave the needed assistance. Then came the parting. Friends and loved ones joined in the good-byes, and tears and kisses mingled.

Little Vance was so young that he was quickly attracted by new sights and scenes but not so with Charlie. He did not so easily forget the old associations, and, leaning his head upon the window in the car, he sobbed: "I want to go back to grandma's house."

Oh, the love and sympathy needed to comfort these little hearts that are breaking because those whom they have known and loved are taken away from them!

Will someone come to the rescue of these two bright, healthy boys, and give them a home together, that they need not be separated?

The Delineator campaign concerned social work professionals because they promoted the belief that there were thousands of children waiting for adoption. Those who worked in institutions to find homes for children knew that the majority of the children were again, not legally free for adoption and were there temporarily until their parents re-established themselves. When readers criticized the magazine for the long wait times and learning from the orphanages that there weren't any children available for adoption, the magazine blamed it on the orphanages saying that the institutions would not release the children because it made money off of public funds for caring for the children (Berebitsky, p. 134)

Three major legacies of the Child Rescue campaign 1) was its promotion of adoption as rescuing poor children 2) creating a demand for adoption and 3) using child profiles.

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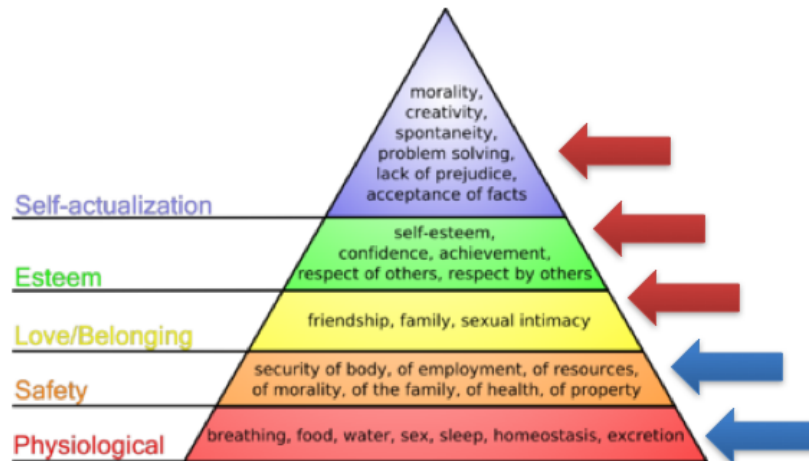
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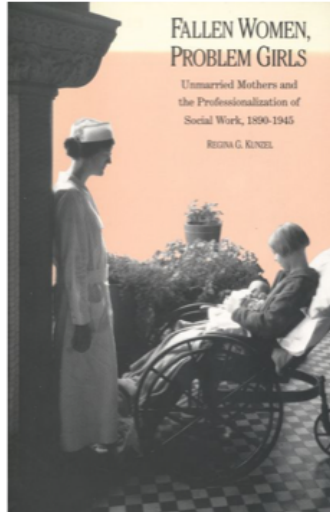
Will someone come to the rescue of these two bright, healthy boys, and give them a home together, that they need not be separated?

Maslow's hierarchy of needs



In the early decades of the turn of the century, including the time frame of the Delineator's Child Rescue Campaign, developments in social work, child development, pediatrics, psychology and education led to a greater emphasis on not just the provision of basic needs for healthy children, but also the quality of social environments. That is when a shift began in terms of seeing adoptive placements for children as meeting more than just physiological and safety needs of children.

Adoptive parents are heroes, birth parents are pathological



How birth parents have been defined and constructed over the years has also correlated to how we think about adoption.

Adoptive parents have been seen as rescuing children either from abusive and neglectful parents or from being parentless if they are living in an orphanage or foster care. Children adopted through private independent adoption however are usually considered less as rescuers and more as building their family. Either way, though, adoptive parents are seen as doing a good thing – a child in all of these adoption scenarios is considered to have likely had a poor trajectory in life without being adopted and so adoptive parents continue to be seen as simultaneously rescuing a child and fulfilling their emotional desires to parent.

There are also two constructions of birth parents. There have been largely two sources of children for adoption – the deserving birth parent and the undeserving birth parent. And there have been shifting definitions of these two categories over time.

In the late nineteenth century and early twentieth century, the children that were in orphanages, asylums and placed out were considered to be victims of their parent's poverty – so while there was judgment related to poverty as I've pointed out, as well as judgment related to their ethnic and racial origins, the biological family was not itself considered to be abusive. At the same time, children were also being adopted through the private adoption programs largely facilitated by maternity homes, where unwed women stayed throughout their pregnancy and then placed their child for

adoption. What is interesting about the maternity homes and you can read Regina Kunzel's fascinating book about it if you want more information, is how the maternity home era changed and shifted over time largely due to the take over by social workers. The early maternity homes were run by charity organizations, religious in base, and the women who stayed there were considered victims of men. The maternity homes believed women were rehabilitated through motherhood and tried to help the women support themselves as single parents. When social workers began taking over the maternity homes they believed that women were immoral and "feeble minded" for allowing themselves to get pregnant outside of marriage – and considered the baby the client. It was during this time, in the 1930s onward, that social workers began to facilitate adoptions for the private independent adoption market.

In the mid-century as orphanages and forms of congregate care were dismantled in favor of home-based foster care for children, and as the field of child welfare developed and grew, the children in adopted from foster care were largely those whose parents were found to be abusive or neglectful.

So looking historically we can see that parents were seen as victims of circumstance in the early part of the twentieth century, but by WW2 – the same time as the heavy demand for adoptions by adoptive parents began, birth parents were now seen largely as pathological.

Defining a “good” home



Informed by earlier developments in child development, psychology, social work and the shift of adopting for sentimental reasons, Brian Gill argues that “excess demand for young children gave adoption agencies new opportunity to be selective in the choice of adoptive parents” and that “adoption policies after WW2 were not about children but about adoptive parents and that “agencies sought to provide their customers, adoptive parents – a flawless product.” (p. 168).

By WW2, adoptive parents began to request younger children and infants. The larger post-war emphasis on building families influenced by the return of the GI’s and a push for nation building. For those couples who were unable to have children biologically, adoption was a way to have a family.

Fears about bonding and child development led to an increase in parents wanting children from birth instead of older children since the reason for adoption was to mimic the biological family, and adoption workers now promoted the chance of social environment and imprinting and attachment was easier the younger the child.

Adoption workers worked to find children for adoptive parents that looked as if they were theirs by birth. They did this by attempting to “match” children with prospective parents and the main matching criteria was race and physiology, religion and intelligence. One well known adoption worker stated that there were “first, second and third class children and first, second and third class families (Gill, p. 165).

Children of racial and ethnic minorities and those with disabilities were considered non-adoptable.

This time period of matching children into families also led to the closing of adoption records. Now that children were supposed to look like their adoptive parents as if they'd been born to them, ensuring that the biological family had no access to the child was considered imperative for the adoptive family to have the chance to be "normal."

Finding children for families – the adoption marketplace

AVERAGE DOMESTIC ADOPTION COST			
	Newborn (Agency)	Newborn (Attorney)	U.S. Foster
Homestudy fee	\$1,912	\$1,640	\$231
Agency application & program fees	\$14,161	\$6,413	\$0
Attorney fees	\$3,548	\$10,261	\$1,573
Document preparation & authentication	\$1,114	\$640	\$0
Advertising/networking	\$2,017	\$3,259	\$0
Birthmother expenses/counseling	\$4,161	\$5,729	\$0
Travel expenses	\$2,198	\$1,895	\$342
All other expenses	\$4,682	\$1,628	\$598
TOTAL*	\$33,793	\$31,465	\$2,744

AVERAGE INTERNATIONAL ADOPTION COST				
	China	Ethiopia	Russia	South Korea
Homestudy fee	\$2,171	\$2,019	\$1,831	\$2,413
Agency application & program fees	\$6,062	\$11,380	\$18,441	\$14,639
Document preparation & paperwork fees	\$1,584	\$1,679	\$2,432	\$1,352
All travel expenses	\$8,699	\$7,377	\$13,481	\$4,848
In-country adoption expenses	\$6,334	\$2,327	\$7,653	\$9,534
Post-adoption expenses	\$933	\$1,326	\$1,143	\$1,111
All other expenses	\$2,840	\$2,146	\$4,768	\$3,689
TOTAL*	\$28,623	\$28,254	\$49,749	\$37,586

*Total costs before claiming the adoption tax credit or applying any adoption reimbursement benefits.
SOURCE: Adoptive Families' 2009-2010 Cost & Timing of Adoption Survey.

Adoption has become a business with children in foster care – many of whom are racial minorities, older children, part of sibling groups and with what we euphemistically call “special needs” – are the cheapest to adopt. With adoption subsidies and reimbursements it may cost an adoptive parent nothing to legalize the adoption of a child from foster care.

Stepparents have to pay for associated legal fees to finalize the adoption but unless there are legal issues regarding obtaining a termination of parental rights or consent to adopt by the non-custodial parent, the fees are relatively minimal.

Once you choose to go the domestic adoption or international adoption route, however, you will pay anywhere from \$10,000 to upwards of \$50,000 or more per child. And it is not a secret that the associated fees for adopting children through domestic adoption are less if you adopt a child that is black or biracial or has a disability and that there are also lower fees for adopting an older child or one with “special needs” internationally.

The Capobiancos adopted a child through independent adoption. They had the means to afford to go the route that was the most expensive, and also that provided the least amount of oversight. They were able to pay expenses to Veronica’s birth mother, Christy, during the pregnancy and were present when Veronica was born. When a person pays so much money for the adoption of a child, it’s no wonder the

Capobiancos were going to make sure they got the child.

Viviana Zelizer, the author of *Pricing the Priceless Child*, notes that the demand for children for sentimental reasons grows faster than the supply of desired children that are available, a new market in children is created. Joseph Reid, former director of the Child Welfare League of America was concerned about the “independent grey market” of adoption in the late 1950s. Georgia Tann, the Director of the Tennessee Children’s Home Society from the 1920s until 1950 was discovered upon her death to have completed hundreds of illegal adoptions, even including snatching children from their front yards and coercing poor women to give up their children for adoption – and using interjurisdictional placements to shield the child’s adoptive placement.

Zelizer calls the market for adoption a “profound contradiction...between a cultural system that declared children priceless emotional assets and a social (I’d add legal) arrangement that treats a child as cash commodities” (p. 201). As social workers we recoil against the idea that the work we do is a market. We don’t sell children, we set up fees for service. But when are we going to take a look at two things:

- 1) Why is the fee so radically different based on the type of child and the type of adoption?
- 2) When there is no agency involved, what are the “fees” for? Legal fees? In a private transaction, with an infant placement, one might think the legal fee would be minimal since there are fewer other services provided to the child or the family such as care in an orphanage or foster home, etc.

“Best interests of the child”

- No standard definition
- Often excludes the child’s wishes
- Determining “best interests” is subjective

One of the aspects of permanency and adoption that I have always found confusing and hypocritical is the concept of the “best interests of the child.” When I was working in foster care adoptions it was a phrase that was repeated often. I have no doubt that we all believe this phrase to be the ideal – but in reality and in practice, we fall far short of prioritizing the best interests of the child.

The Best Interests of the Child phrase and ideal has been around since the turn of the century and in early child welfare work, but it became popularized in the 1970s as part of divorce proceedings to determine custody, particularly when there was a contested custody battle.

I wish we practiced the best interests of the child in a more full way. To start with, it is adults who are determining what is in the child’s best interest and rarely are the children and youth actually given a say – and those times they are they are often dismissed as not being capable of knowing what is in their own best interest.

Our laws now allow teenagers to be capable of knowing their actions when they commit crimes, particularly the most egregious crimes- and receiving lifetime sentences.

Yet when it comes to permanency and adoption, children and youth have almost no say at all.

According to the Children’s Bureau, a dozen states and the District of Columbia

require courts to consider the child's wishes when making a determination of best interests. In making this determination, the court will consider whether the child is of an age and level of maturity to express a reasonable preference.

Delaware, Florida, Illinois, Maine (12+), Massachusetts (12+), Michigan, North Dakota, Ohio, Rhode Island, Virginia, Wisconsin. In Minnesota the child's preferences if the court determines the child is of age, is one of the ten best interest criteria for determining placement [Minn. Stat., section 260C.212, subd. 2(a) and (b)]

Second, there is no consistency and no standard definition for best interests of the child. This leads to the third problem I identify with this concept – that the best interest of the child is fully subjective and even though all states have criteria to assess in making a determination of best interests, these criteria themselves are subjective to the assessor's worldview.

Although things have been changing, we still define a good home generally as one with two parents over one; with proven financial resources that assure us that the parents can provide for a child, and parents that are not too old and not too young. When a foster or non-relative prospective adoptive couple make statements about how they can provide dance lessons and material goods that a relative can't provide then we are judging the quality of a family based on their income. Does access to extracurricular activities actually weigh more on the scale than a child's connection to their family of origin?

Choosing to parent is a woman's choice



What constitutes fatherhood in Minnesota? Not biology alone. A man who fathers a child in Minnesota is not the legal father even if he is the biological father if he is not married to the mother of the child. Even if the mother names him on the child's birth certificate.

To be recognized, he has to complete the Recognition of Parentage process to legally establish his status as the child's father.

He also does not have legal custody of his child – the mother has sole custody until a court determines otherwise.

In addition a man has 30 days after the birth of a child to register on the Minnesota Father's Adoption Registry. The registry notifies men if an adoption petition is filed in Minnesota for a child they fathered. If the man has filed on the MFAR he then has another 30 days to begin to establish paternity.

A putative father may receive notice of an adoption petition if:

- 1) His name appears on the child's birth record, as a parent;
- (2) He has substantially supported the child;
- (3) He was either married to the mother on the birth record as the natural mother within the 325 days before the child's birth or married to the mother within the ten days after the child's birth;
- (4) He is openly living with the child or the person designated on the birth record as the natural mother of the child, or both;
- (5) He has been adjudicated the child's parent;
- (6) He has filed a paternity action within 30 days after the child's birth and the action is still pending;
- (7) He and the mother of the child have signed a declaration of parentage before August 1, 1995, which has not been revoked, or a recognition of parentage, which has not been revoked or vacated.

So could a Dusten Brown happen in Minnesota? The answer is yes. Not only is the law against fathers, society also frames the choice to parent as a woman's privilege. Because there is no doubt about a mother's parentage to a child given she is the one to give birth, when it comes to the choices of all areas of reproduction, women are the ones who make the choice to carry a baby to term or not, and then to parent the child or not.

Historically women have shouldered the brunt of the responsibilities of parenting and had few resources if the father abandoned the family or refused to support them. So the laws and practices have been shaped around ensuring that women have choices – unfortunately sometimes at the expense of men. While we often rail on men who abandon their children and fail to support them, at the same time we don't allow for a smooth process for men who DO want to parent.

In summary

- Confusing adoption systems and interjurisdictional variances
- Constructing prospective adoptive parents as more “real” than a biological father
- Who is the real client?
- “Good home” equals \$\$
- Adoption is a business
- Best interests of the child is subjective
- Fathers are excluded from the choice to parent

In summary the Veronica Brown case happened because:

- 1) Confusing adoption systems and interjurisdictional variances contributed including differences between South Carolina and Oklahoma – also an issue in the Minnesota case between Minnesota and Missouri.
- 2) The way we defined family – legally and culturally. Because Dusten Brown’s biological relationship was not enough to establish him as the legal custodial parent and the tribe as members of Brown’s extended family were not considered family under the legal and popular media definition of “family”
- 3) Although we still say that our work is about finding a family for children, not finding children for family, in reality with the onset of sentimental adoptions, we have to be realistic that we are doing both at the same time. The case of Veronica shows that adoption here was not about finding a home for Veronica; it was about finding a child for the Capobiancos.
- 4) When determining what is a “good home” we often apply our biases about middle class and economic opportunities as equaling other qualities that are more relational in nature. The way the Capobiancos and the Browns were characterized based on tropes about adoptive parents and birth parents played into how the public sympathized with each of these parties.
- 5) The varying fee structures and types of adoption has created a market for some children economically valued more than other children. This stratification is based on a child’s race, ethnicity, age, and presence of a disability. The Capobiancos were able to participate in the market economy because of their high social and economic capital.

- 6) The best interests of the child in this case was not considered. The courts did not even allow a best interest hearing before demanding that the Brown's release Veronica to the Capobiancos.
- 7) Finally, Dusten Brown was deprived of his right to assert his status as Veronica's legal parent. While this is a tricky area, because historically men have held much greater power in our culture, when it comes to choosing to parent or not, only Veronica's birth mother was given that right to choose.



I started this presentation with the starfish story as the single story of adoption. However I want to add a twist to the story. If this story was symbolic of how we practice adoption today, the little boy would save the starfish by putting it into a pail of water and taking it home with him. But instead he throws the starfish back into the ocean.

The starfish story is meant to show us that each of us can make a difference in the lives of those whom we serve through our work. It is a reminder that we don't have to give up because we can't solve all the world's problems. But in looking at only the "micro" level, we see the single starfish and we only consider its needs. We look at individual starfish rather than the needs of all the starfish.

We took Veronica Brown and considered her as an individual starfish, and there we deviated from the original story – because we put her in a pail and transplanted her into a different ocean.

If we had stayed true to the intent of the starfish story, we would have made a difference to Veronica by throwing her back into the ocean – into her biological family and tribal community.