

Let's Adopt Reform Report: Adoption in America Today



THE DONALDSON
ADOPTION INSTITUTE

Let's Adopt Reform Report: Adoption in America Today

Since 1996, The Donaldson Adoption Institute (DAI) has worked to improve the lives of children and families through research, education and advocacy. DAI has investigated the issues of greatest concern to first/birth parents, adopted people, adoptive families, the people who love them and the professionals who serve them. DAI's pioneering work has ranged from how to eliminate barriers to adoptions from foster care, to the impact of the Internet on adoption, to perceptions and policies surrounding expectant and first/birth parents.

Over the last year, we asked ourselves a tough question: why—after 20 years, over 40 publications and 180 recommendations (and that is just from DAI alone)—have policies and practices not advanced far enough, fast enough?

We know that family preservation is optimal, openness is better for everyone, foster care needs more care and resources, pre- and post-adoption services and unbiased options counseling are critical, LGBTQ parents are parents no matter what state they live in, the definition of family is constantly evolving, differences in race, class and culture impact adoption, the Internet is changing everything, and that a more uniform system which treats adoption as a lifelong transformation, and not a transaction, will lead to better futures and stronger families. So, why do members of the adoption community still face countless challenges?

With all of this in mind, DAI launched *Let's Adopt Reform*, an initiative to strengthen all families by igniting a national conversation about adoption and foster care adoption in the 21st century. We commissioned two milestone research projects to dig deeper into the state of adoption in America today. We conducted qualitative research with a wide range of professionals and undertook the most comprehensive public opinion research ever fielded. Next, we set out on a nationwide Town Hall Tour where we tackled the issues, explored opportunities, shared life experiences and asked the tough questions. It became abundantly clear; a path to reform is possible if we recognize and learn from both the good and the bad. This report encompasses years of DAI's research as well as our most recent look at the experiences of professionals and perceptions of the general public.





#1:

Adoption Is Not a One-Time Transaction

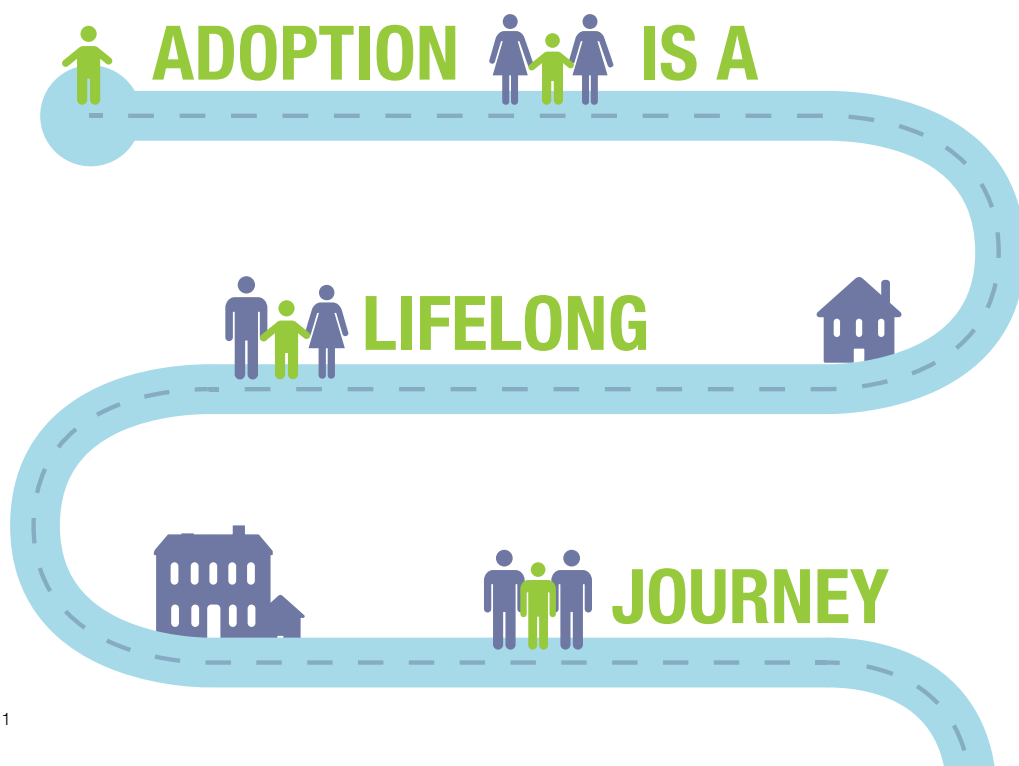


Adoption Is Not a One-Time Transaction

It's a lifelong journey for the entire family. In order to encourage healthy identity development and relationships, it is important to understand adoption as a transformational experience.

Adoption is not a notarized signature on a certificate or a raised government seal from the State. It's not a third installment to an adoption agency or a signature of relinquishment from a first/birth parent. Although the day a parent finalizes the adoption of their child is a powerful one, adoption will always be more than one moment in time. Adoption is a transformational experience that comes with additional layers and different needs for the child and the entire family throughout their lifespan. DAI views support services in adoption holistically and believes in increasing the availability of and access to quality pre- and post-adoption education and training to ensure the well-being of individuals and families.

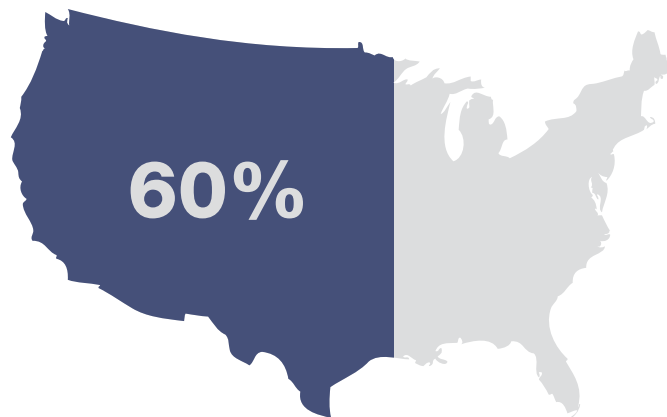
Too often in adoption, the focus is on the process and procedures, with many believing the end goal is the final decree of adoption issued by a court. Today, we know from research and the real experiences from members of the adoption community that there is so much that comes before this—and even more to this experience that will come after—that requires our ongoing focus and attention. In order to best support the extended family of adoption, we must educate families and ensure the proper supports are in place throughout their lives. When we understand adoption as the transformational experience it truly is, we will best be able to serve the needs of children and families and ensure their healthy identity and development over time. Essential to this journey are pre- and post-adoption services and parent preparation.



Key Findings from Leading Research

Public opinion research commissioned by DAI shows widespread support for increased pre- and post-adoption services. Professionals interviewed for DAI's qualitative research also agreed a shift was needed to refocus on adoption as a lifelong journey.

More than half of the general public support increased funding for pre- and post-adoption services; **more than 60%** of members of the adoption community support these services. Yet, another study conducted by DAI demonstrates that very few states require post-adoption services by law.



Adoption professionals who participated in a qualitative study commissioned by DAI expressed great concern around the need for increased post-adoption services and indicated the dearth of services is “symptomatic of a system that focuses on adoption as a point in time, rather than a lifelong process.”

“Our system focuses on adoption as a point in time, rather than a lifelong process.”

Eighty-eight percent of the adoption community (adoptive parents, adopted people and first/birth parents) who participated in DAI's public opinion survey expressed that they wished the process of adoption was more focused on the outcome of building a stronger family.



Policy Challenges and Opportunities

Adoption policies differ by state and type of adoption (private domestic, intercountry or foster care adoption). The lack of consistency and uniformity in adoption policies is a larger issue that often creates difficulty that can impact families forever.

With regards to pre-and post-adoption services, DAI's 2014 analysis of publicly funded post-adoption services demonstrate that only three state laws require the provision of post-adoption services.

Although 17 states were rated in this report as having substantial programs, at least 13 states have almost no adoption support and preservation programs. Pre-adoption services also vary by state and type of adoption; for adoptions from foster care, about half of all states require 27 hours of pre-adoptive training for prospective parents. Intercountry adoptions require 10 hours of pre-adoption education for both Hague and non-Hague countries; however specific countries of origin or different agencies may have additional requirements. Pre-adoption education requirements vary by state for private domestic adoptions.

Some promising domestic policies are on the horizon to better streamline services to families before and after an adoption takes place. Representative Jim Langevin (D-RI) introduced an act in 2015 “to ensure the safety and well-being of adopted children,” which in part, extends adoption support services including adoptions from other countries. It also specifies related pre- and post-adoption support services. In 2015, Senator Amy Klobuchar (D-MN) introduced the [Supporting Adoptive Families Act](#) as a companion to Representative Langevin’s bill, and it contains similar provisions to ensure available and effective pre-and post-adoption services to families. The National Adoption and Foster Care Home Study Act was also recently introduced by Representative Jared Huffman (D-CA-2). This bill which would provide an “evidence-based, uniform, national home study program” to evaluate prospective parents.

Specific to intercountry adoptions, the Intercountry Adoption Act’s requirements surrounding post-adoption services are minimal. Additionally, according to the Government Accountability Office, there are no federal requirements for post-adoption monitoring of intercountry adoptions. Currently, regulations surrounding pre-adoption education and training for intercountry adoptions are being reviewed and proposals have been offered that would strengthen this practice.

“Although 17 states were rated as having substantial programs, at least 13 states have almost no adoption support and preservation programs.”

Promising Practices

As indicated, there are some policies on the horizon both domestically and with regards to intercountry adoption that seek to better streamline pre- and post-adoption services to families.

In addition, at the practice level, many states are showing significant initiative in ensuring that families have the appropriate training and support before, during and after an adoption takes place. DAI has recently partnered with the [Adoptive and Foster Family Coalition of New York](#) on an initiative called “[Building Strong Families](#),” which aims to provide education and advocacy surrounding the need for post-adoption support. There are several key components to “Building Strong Families” that serve to strengthen children and families, including a website with information pertaining

to relevant news and research in the area of post-adoption services, as well as resources that can help families gain access to existing services. In addition to this practical tool, “Building Strong Families” seeks to advocate for quality and accessible post-adoption services that are streamlined and appropriately funded. We are beginning in New York and hope to expand to other states as well. This advocacy effort will exist in partnership with organizations and individuals with both personal and professional connections to adoption and foster care adoption.

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BUILDING STRONG FAMILIES:
ADVANCING POST-ADOPTION SERVICES

The Donaldson Adoption Institute (DAI) in partnership with the Adoptive and Foster Family Coalition of New York (AFFCNY) have launched “Building Strong Families: Advancing Post-Adoption Services.” This bold initiative will address the need for resources, education and funding for quality and accessible post-adoption services (PAS). The availability of appropriate PAS are critical to ensuring the well-being of children, preserving adoptions from foster care, preventing adoption dissolutions/disruptions, and supporting and strengthening families.

DAI's Recommendations for a Path to Reform

The finalization of an adoption is not the end of the journey; it's the beginning. Under the best of circumstances, maintaining healthy family connections requires preparedness, thoughtfulness and patience. In the adoption and foster care communities, navigating this journey can be even more challenging. In order to ensure strong families, DAI offers the following recommendations:

Preparing families for the lifelong journey of adoption begins well before an adoption takes place.

These services must be available to all members of the adoption constellation. For expectant parents considering adoption, it is essential that they have access to unbiased and non-coercive qualified counseling in order to receive comprehensive information on the full range of their options and available resources. Post-placement support must also be provided. Prospective adoptive parents must also receive comprehensive educational training surrounding essential elements of the adoption experience including the gains and losses in building a family through adoption. Best practice educational standards—such as a national home study process—must be created and streamlined to ensure consistency in this information.



After an adoption takes place, families should be able to easily identify and access the necessary resources to ensure their well-being. This includes educating parents to understand the benefits of post-adoption services and removing the shame attached to help seeking. A continuum of services should be developed including therapeutic interventions, mutual aid support and respite care.

The availability of pre- and post-adoption services requires the funding necessary to provide them. It is essential that we enhance funding for adoption support and preservation services by creating a federal funding stream dedicated to post-adoption services and developing partnerships among organizations across the federal, state and local levels. The federal government must also provide clear written guidance to states that these services are integral to the adoption process and should work to support their development.

Professionals in adoption must have the appropriate credentials and education surrounding the adoption experience in order to provide services. This begins at the academic level with a need for educational programs in Social Work and Counseling Psychology. Allied professionals must also receive the appropriate education about the adoption experience and become well trained to provide these services to families. Regardless of whether their career will focus on adoption, it is highly likely they will come across individuals who have a connection to the adoption experience.

According to public opinion research conducted by DAI, adoption regulation and reform is a highly supported issue among the general public and those connected to adoption. At the same time, this research showed the public did not place high importance or urgency on this issue. It is essential that we ignite a national movement to ensure adoption remains high on the agenda of influencers and policymakers. This includes ensuring communications about adoption are realistic, serve to educate, and fuel the passions needed to make adoption a priority on the agenda of lawmakers.





#2:

A Human Rights Framework Is Needed



A Human Rights Framework Is Needed

Adoption is in urgent need of a cultural shift; this shift requires us first and foremost to make decisions in adoption through the lens of human rights and to practice adoption in a way that primarily and fundamentally respects and upholds the humanity of all who are connected to this rich and complex experience.

A human rights framework in adoption is necessary in order to guarantee the rights and well-being of all members of the extended family of adoption. Too often, adoption is handled as a business transaction, decisions are guided by market forces, and policy and practices do not ensure transparency and equality. When this happens, humanity is lost and the extended family of adoption becomes objectified.

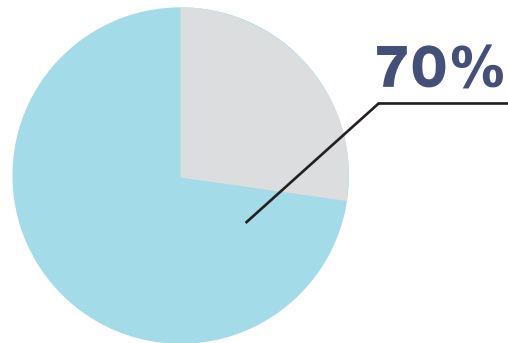
There are many ways to reframe adoption through the lens of human rights. Working to ensure transparency in adoption speaks to the healthy identity development of all who are connected to this experience. Transparency in adoption means parents—expectant and pre-adoptive—are well informed and prepared at the outset of the experience and understand that this will be a lifelong, transformative journey. Transparency in adoption is one way to support healthy identity development for the extended family of adoption; this includes allowing adopted people to access all the information that makes them who they are such as their original birth certificate and knowledge of their biological origins. Similarly, openness in adoption is a healthier and more humane way to experience adoption and should be incorporated into every adoption experience. Building relationships between first/birth family members and adoptive family members through openness in adoption may not always be easy, but it creates a richer and more authentic adoption experience. Finally, equality in adoption means that prospective adoptive parents should be evaluated on their qualifications—not their sexual orientation or any other aspect of their humanity that has no bearing on their ability to provide love and nurturance to a child.

“A human rights framework in adoption is necessary in order to guarantee the rights and well-being of all members of the extended family of adoption.”

Key Research Findings

DAI's public opinion research demonstrated widespread support for many human rights-based changes to adoption practice and policy including areas related to transparency and equality.

About 70% of the general public support an adopted person's right to access his/her original birth certificate.



More than half of the general public support openness in adoption, with **3 in 5 people agreeing** that it's good for adopted people to maintain communication with their first/birth parent.



Almost $\frac{3}{4}$ of the general public agree that prospective adoptive **parents should not be evaluated based on their sexual orientation, race, ethnicity, religion or marital status.**



Policy Challenges and Opportunities

When policies in adoption do not reflect best practices, such as transparency, openness and equality, it sends a negative message to families and the wider community about the adoption and foster care adoption experiences.

When a child is adopted, his/her original birth certificate becomes sealed and an amended birth certificate is issued, which lists the adoptive parents as birth parents. This practice originated within a historical framework of adoption that promoted secrecy, stigma and shame in adoption as well as the total separation of the extended family of adoption. Although research has since debunked the notion of secrecy in adoption and best practices support openness and transparency, an adopted person's original birth certificate continues to be sealed and the majority of states continue to withhold this information from adopted people even when they become adults. This leaves adopted people without access to vital information surrounding their biological origins and information that non-adopted people are able to obtain as a matter of right.

Openness is a practice in adoption that developed when research and the lived experiences of people connected to adoption demonstrated that secrecy and separation cause harm in adoption. According to [research from DAI](#), over 95% of agencies today offer some form of open adoption. Many states incorporate legally enforceable post-adoption contact agreements into their adoption statutes, which essentially provide some legal framework for first/birth and adoptive family members to try and seek recourse in court if openness agreements aren't being upheld. According to the [Child Welfare Information Gateway](#), approximately 28 states and Washington, D.C. incorporate enforceable openness agreements into adoption laws. Although this is a promising stride in the policy arena, it's important that expectant, first/birth and adoptive parents understand the limits of enforceability; no state statute, for example, overturns an adoption if an openness agreement isn't being met. For this reason, it is particularly important that expectant parents facing an unintended pregnancy are not misled about openness as that negates the spirit and intent of both the practice and policies.

Even in light of the Supreme Court's Obergefell, et al. v. Hodges decision, which supported marriage equality, members of the LGBTQ community continue to face discrimination in seeking to become foster and adoptive parents. Some states are seeking or have passed laws that allow agencies providing foster care and adoption services to discriminate against qualified prospective parents based on the agency's religious beliefs or moral convictions. Some of these bills would extend even to agencies who receive public funding. These laws have been termed "[conscience bills](#)," and in effect, they legalize discrimination under the guise of "religious freedom." To allow personal convictions to trump an abundant research base that supports lesbian and gay parenting as well as the dire circumstance of the hundreds of thousands of children in the foster care system in need of homes is, in fact, unconscionable. Current statistics indicate that more than 20,000 youth exited foster care in 2015 without a permanent home environment. States should be opening pathways to all potentially qualified parents—not closing them. Laws such as these stigmatize existing families, limit opportunities for kids, and ultimately harm children and families.

Promising Practices

Many groups and organizations seek a human rights framework in their work and advocacy with people connected to adoption and foster care. It is paramount that we use this spirit to inspire momentum in ensuring human rights for all members of the adoption constellation.

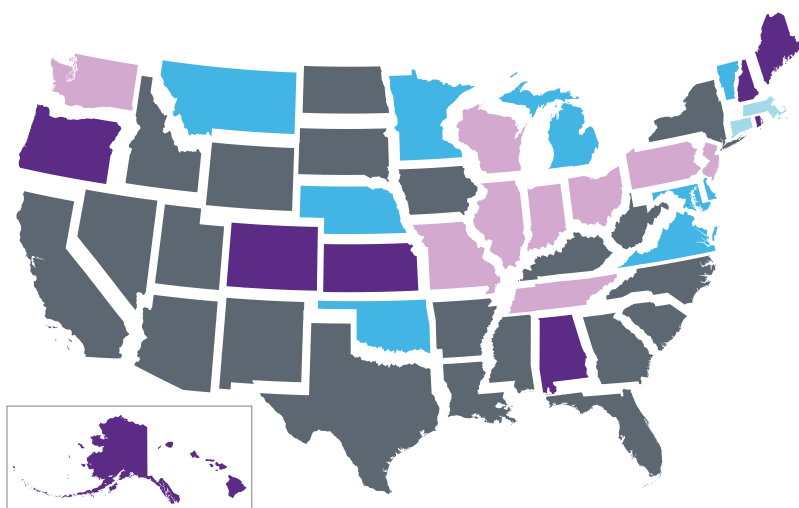
Many groups exist at the state and national level, largely led by adopted people, that advocate for a variety of human rights-based issues impacting adopted people. The [Adoptee Rights Coalition](#) works to support state-level advocacy that seeks to restore to adopted people the right to access their original birth certificate. The [Adoptee Rights Campaign](#) is a group that advocates on behalf of intercountry adoptees to ensure their full citizenship in the United States—a fact that has not been a guarantee for a variety of reasons we have [written about elsewhere](#). DAI works hard also to support these efforts through research, letters of support, and offering testimony that speaks to the need to ensure the human rights of all adopted people.

DAI also works to ensure families have the appropriate support and education surrounding openness in adoption. This past year we have worked with the NYC Administration for Children's Services to provide training and information to child welfare professionals and legal professionals about open adoption. We additionally have launched an online educational

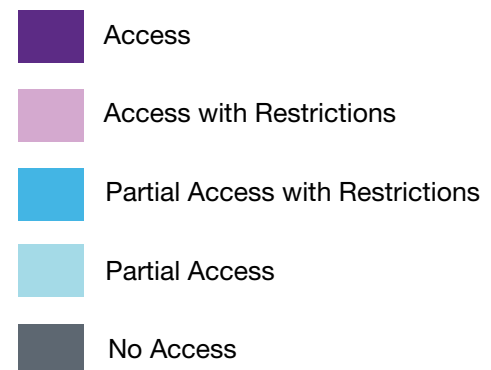
curriculum, [“Openness in Adoption: What a Concept!”](#)

Like other complex family dynamics, the reality is that relationships between first/birth and adoptive families both have strengths and challenges. It is unfair to families when we do not provide them with the support needed before and after an adoption occurs to help them nurture these relationships and experience openness in a healthy manner.

In addition to their impressive advocacy pertaining to a variety of issues that impact the LGBTQ community, the Human Rights Campaign (HRC) engages in a variety of advocacy and education efforts specific to child welfare-related issues, foster care and adoption. Their [All Children, All Families](#) project works to specifically educate child welfare professionals and promote their LGBTQ cultural competency. They also provide prospective parents with information pertaining to agencies and professionals that have completed HRC's training and provided a welcoming and inclusive environment for LGBTQ families.



Original Birth Certificate Access in the U.S. as of November, 2016



[For additional and updated details, visit our blog.](#)

Path to Reform: DAI's Recommendations

DAI works to change prohibitive laws because we believe access to vital documents and personal history is a right—not a privilege. We further advocate openness, transparency and equality in all aspects of adoption. We urgently need to reframe many practices and policies in adoption within a human rights framework. Based on this need, DAI offers the following recommendations:

All states must immediately restore to adopted people unrestricted access to a copy of their original birth certificate. Further, states should ensure resources and supports are in place to assist adopted people and first/birth families, if they wish, as they gain access to vital information, learn more about their own identity, and explore the possibility of new relationships in their lives.

It is imperative that we immediately pass the Adoptee Citizenship Act of 2015/2016, which provides retroactive citizenship to all people who were born internationally and adopted by U.S. citizens as children. From there, we must ensure that families are guided in all aspects of the adoption process necessary to ensure the lifelong well-being of their child. Post-placement supervision in all adoption situations must provide both support and oversight to families so that children's needs are being met at every level including the procedures necessary to secure their permanency.

Agencies that facilitate adoptions should do so in the spirit of openness and transparency in all aspects of their work. This includes expressing to expectant and pre-adoptive parents the limits of openness agreements, providing supports and education to facilitate authentic relationship building between families, and educating people on the needs of adopted people to be able to have all information about their background in order to ensure healthy identity development.

Prospective foster and adoptive parents must be evaluated on their qualifications—not their sexual orientation or any other aspect of their personhood that has no bearing on their ability to nurture a child. States that have passed “religious freedom” laws that discriminate against LGBTQ parents and families should immediately repeal them.





#3:

Market Forces Create a Variety of Concerns



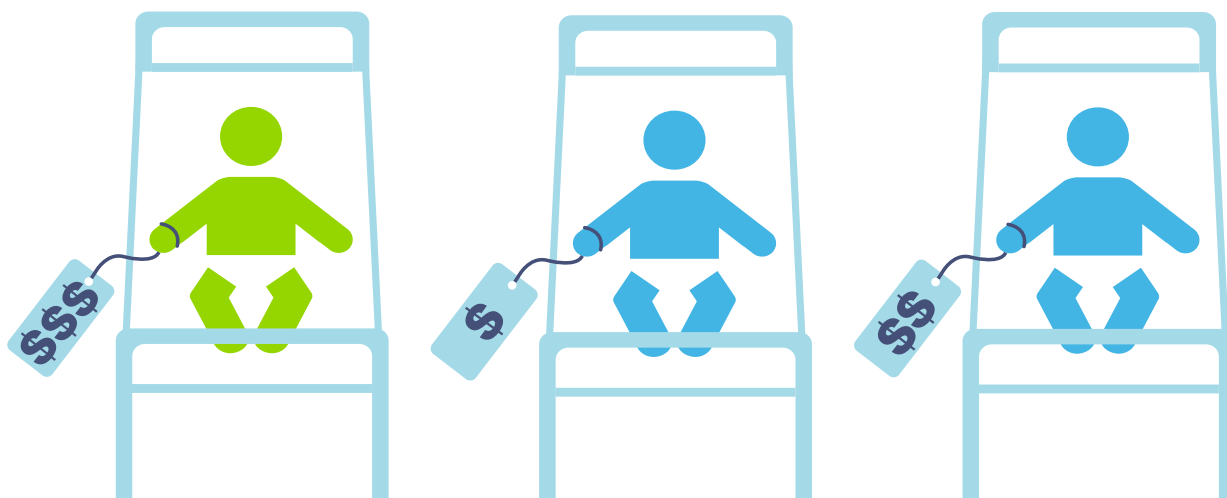
Market Forces Create a Variety of Concerns

It is critical to develop uniform standards and regulations in order to remove the influence of money as it relates to the practice of adoption. Children are not commodities.

Money is a necessary, complicated and difficult element to discuss in our modern lives. This is even truer when we think about money in respect to adoption. Over the last several decades, some have argued that the institute of adoption has become more of a business than a social service to place children in need of permanent families with qualified parents. Although many adoptions do occur ethically, the reality is that money has distorted adoption and created practices that are conducted like commercial transactions. This reality can leave parents (expectant, first/birth and adoptive) open to the possibility of coercion and emotional despair and make adopted people feel like commodities.

Since the rules and regulations vary by state in many aspects of the adoption process, including the regulation of fees, it is difficult to offer exact details surrounding fee structures in adoption. However, there are some general patterns based on the different types of adoption—foster care adoption, private domestic adoption and intercountry adoption. [A 2011 Fact Sheet from the U.S. Department of Health and Human Services' Child Welfare Information Gateway](#) estimates a range of costs based on the type of adoptions. On average, this includes \$0-\$2,500 for a foster care adoption, \$5,000-\$40,000 for an adoption through a licensed private agency, \$8,000-\$40,000 for an independent adoption such as through an attorney, and \$15,000-\$30,000 for an intercountry adoption. Remember that each state will have different regulations surrounding what fees can be charged.

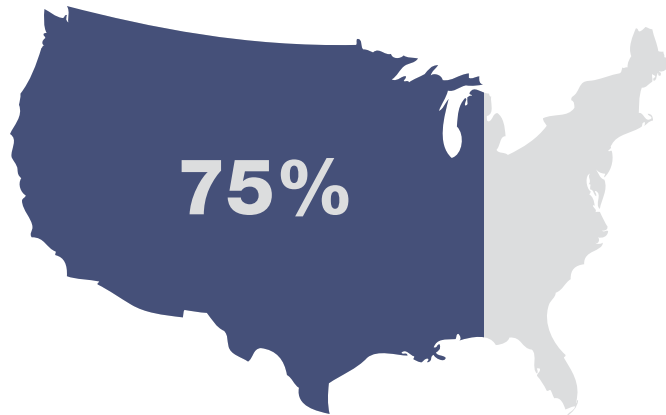
Although adoption has historically carried with it the idea of a “charitable act,”—a notion that is laden with a variety of stereotypes—it is also an assumption that stands in sharp contrast to the fact that adopting can command some very high fees. This marketplace that undeniably exists in adoption privileges some over others and distorts the essence of what family building should be about.



Key Research Findings

Although in part fueled by a “celebrity culture” of adopting children, the majority of the public we surveyed perceive adoption as expensive.

According to public opinion research commissioned by DAI, more than **75% of the adoption community believes that money and privilege distort adoption.**



Adoption professionals who participated in a qualitative study by DAI viewed money as playing a large role in impacting the adoption landscape; economic inequality combined with high agency fees was seen as segregating adoption “into the disparate realms of public versus private.”

“Economic inequality combined with high agency fees segregates adoption.”

Sixty-five percent of the general public who participated in DAI’s public opinion research agreed that it seems like only wealthy people can afford to adopt a child these days.



Policy Challenges and Opportunities

Variations in state and intercountry regulations surrounding adoption fees and expenses can make understanding the market forces in adoption difficult and may leave families vulnerable in many ways.

According to the Child Welfare Information Gateway's 2013 publication surrounding regulation of private domestic adoption fees, laws in 31 states prohibit payment of money or anything of value in exchange for an expectant parent relinquishing their parental rights to adoption. Forty-seven states and Washington, D.C. have some regulations surrounding fees a prospective adoptive family can pay towards an adoption. However, these regulations are often vague when they do exist. In 34 states, statutes “simply authorize agencies to collect fees that are reasonable or cover the actual cost of the adoption services provided.” Eleven states and Washington, D.C. delineate a dollar amount for agency fees and specific services they provide. Most state laws reference that fees should be “reasonable and customary.” Forty states require an affidavit of expenses to be provided to the court prior to an adoption being finalized. At the other end of the spectrum, only four states require licensed child placing agencies to be used for adoptions with non-relatives (Child Welfare Information Gateway, 2013).

Beginning in July of 2014 under the Universal Accreditation Act of 2012, prospective adoptive parents seeking to adopt from abroad typically must use an approved adoption service provider, regardless of whether the country of origin is a party to the Hague Convention or not. Under the [Inter-country Adoption Act of 2000](#), “Standards for Convention Accreditation and Approval” require that agencies compensate providers for services rendered (not with contingent fees). Compensation can also not be “unreasonably high in relation to the services actually rendered, taking into account the country in which the adoption services are provided and norms for compensation within the intercountry adoption community in that country” (22 CFR § 96.34(d)). Again, this language can often be interpreted widely, leading to the potential for abuses.

As previously indicated, adoptions from foster care often come with little to no expense and many policies have been developed that seek to stimulate this type of adoption. In fact, the Adoption Assistance and Child Welfare Act (AACWA) of 1980 provided federal funds for subsidies to support the adoption of children with special needs by removing financial barriers that may have prevented families from adopting. The Adoption and Safe Families Act of 1997 (ASFA) further enhanced these priorities in a number of ways, including establishing shorter timelines for reunification and requiring permanency plans for children within 12 months of entering care. Adoptions have increased from an estimated 211,000 in the 10 years leading up to ASFA's enactment (1988-1997) to 524,496 from FY 2003-2012 (Maza, 1999; USDHHS, 2013).

Promising Practices

There are many ways to improve practices in order to remove the influence of money in adoption, protect families from possible abuses, and ensure family preservation remains optimal when safe for children.

More research and analysis of the role of money and market forces in adoption is needed. We must better understand these elements and their influence in order to move positive changes in policy and practices forward.

Recent research conducted by DAI surrounding the options counseling experiences of first/birth parents demonstrates that one of the biggest reasons an expectant parent moves forward with relinquishing their parental rights to adoption is financial concerns they believe would impede their ability to parent their child. Similarly, many families who come into contact with authorities from state child protection agencies are struggling with issues related to poverty. Given these factors, we must question the number of fees, including government subsidies that at times prioritize adoption over other options such as family preservation.

There will always be instances in which children cannot be safely or appropriately raised within their family of origin; nor should any entity prohibit an expectant parent from voluntarily relinquishing their parental rights if they have truly been informed of all available options and able to ethically give informed consent. However, we must not neglect to consider greater supports and funding for family preservation options as money should never be a factor in a child being removed from their family of origin. A promising step in this direction is the [Family First Prevention Services Act of 2016](#), which was passed in the U.S. House of Representatives this session and is pending action in the Senate. This comprehensive bill, in part, seeks to provide services to families to prevent unnecessary foster and group home placements and preserve and strengthen families.



Path to Reform: DAI's Recommendations

Market forces in adoption have created a system that privileges some over others and distorts what adoption, and family building, should be about. The laws that regulate this system vary by state and can at times be interpreted vaguely. In order to ensure adoption is practiced in a safe and ethical manner, DAI recommends the following:

More research on this complicated topic is needed. In order to identify effective solutions and draft sound proposals for ethical adoption policy and practices, it is critical to better understand the influence and origins of market forces, money and privilege in adoption. In particular, we must explore how these factors may distort the goals of adoption, impact stakeholders' rights and needs, contribute to unethical practices and negative results, and are enabled by ineffective or non-existent laws and policies.

It is imperative that statutes are created which uniformly and strictly regulate the money that can be paid towards an adoption. While progress has been made in this area with the majority of states offering some manner of regulation in this area, there is often widespread interpretation and limited enforcement. It is imperative that fee schedules specify the exact nature of the services and that the term, "reasonable and customary," is carefully defined.

No agency or entity should be allowed to base fee structures on the race, ethnic background or needs of the child. When money is equated specifically to child characteristics, it is difficult to argue that the fee is not for the services but rather for the child. The commodification of children is illegal in every state. This practice is also inherently racist in nature, with children of color often commanding lower fees in areas where this practice still continues.

Providing incentives for adoption from foster care is an important endeavor, particularly with so many children awaiting adoption in the foster care system. Money should never be an impediment in a family seeking to become parents to a child waiting in the child welfare system for a permanent home. However, we must also create policies that incentivize the creation and provision of evidence-based services to preserve families when appropriate and safe for children. Similarly, expectant parents considering their options surrounding an unintended pregnancy must always be provided with all information surrounding parenting, including financial supports that exist.





#4:

Adoption in America Lacks Uniformity

Adoption in America Lacks Uniformity

Adoption policies and practices vary widely by state and type of adoption. The consequence of these inconsistencies can lead to fraud, coercion, and undue stress on families and ultimately leaves children vulnerable.

Domestic adoption is guided by state law and intercountry adoption is guided by varying laws depending on the child's country of origin as well as whether or not the country is a party to the Hague Convention. Within domestic adoption policies, regulation and practices can also differ by whether or not a person is adopting a child privately or from the child welfare system. Key elements of the adoption process are impacted by these variations such as home study requirements, services to expectant parents experiencing an unintended pregnancy, and post-placement supervision and support.

This lack of uniformity is disturbing given that this system is charged with ensuring the well-being of children and ensuring that adoption—if it is going to occur—is in the child's best interest. In the absence of consistency, children have been left vulnerable—the worst of which is seen in cases of unregulated child custody transfers (a practice commonly termed as “rehoming”). Although this is not a common occurrence, even one child “rehomed” is one child too many. This practice of families transferring custody of a child to another family outside appropriate, legal channels has led to tragic consequences for children. “Rehoming” exemplifies the worse of what can happen when there aren't appropriate checks and balances in place including a robust system of post-adoption supervision and services for families.

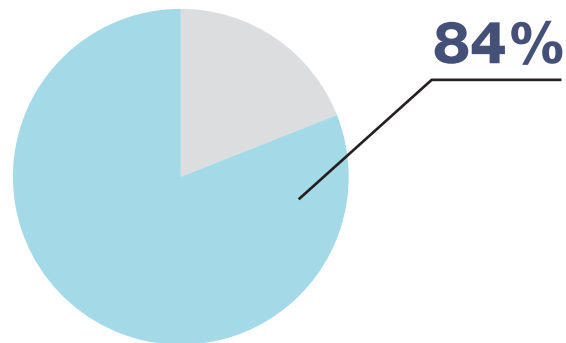
National standards are needed to uniformly regulate critical elements of the adoption process. This includes the home study assessment and training of prospective adoptive parents, counseling and services to expectant parents facing an unintended pregnancy, post-adoption supports and other significant aspects of this process. Ultimately, these standards would ensure the safety and well-being of children and strengthen families.

“‘Rehoming’ exemplifies the worst of what can happen when there aren't appropriate checks and balances in place including a robust system of post-adoption supervision and services for families.”

Key Research Findings

According to DAI's public opinion research, respondents overwhelmingly supported greater regulation of the adoption and foster care adoption system.

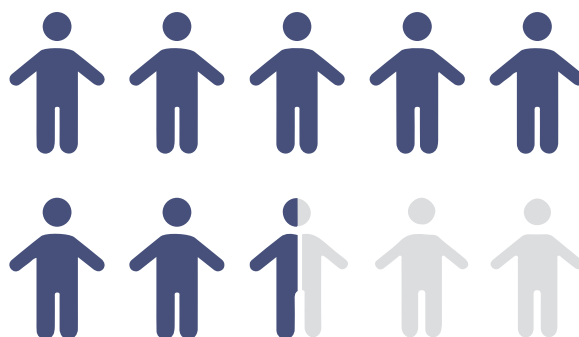
Eighty-four percent of the general public believed prospective adoptive parents should be evaluated on the same set of rigorous criteria.



Among professionals interviewed for the qualitative portion of DAI's perceptions study, most believed that aspects of the adoption process would benefit from national standards; notably the home study process, options counseling, post-adoption support and professional training.

“Professionals believe that aspects of the adoption process would benefit from national standards.”

Seventy-five percent of the general public support greater regulation of the adoption and foster care systems.



Policy Challenges and Opportunities

The lack of homogeneity in adoption policy can lead to significant concerns for expectant parents, adoptive parents and children. Below are a few examples of practice areas that would benefit from stronger and more consistent regulations.

Options counseling is a service provided to expectant parents who wish to explore the variety of options available to them when facing an unintended pregnancy. Ideally, this includes providing a safe and confidential environment for an individual to explore the many options available—only one of which is adoption—and ensuring expectant parents fully understand the impact of their decisions. Ethically, this counseling should be provided in a non-coercive, unbiased and comprehensive manner.

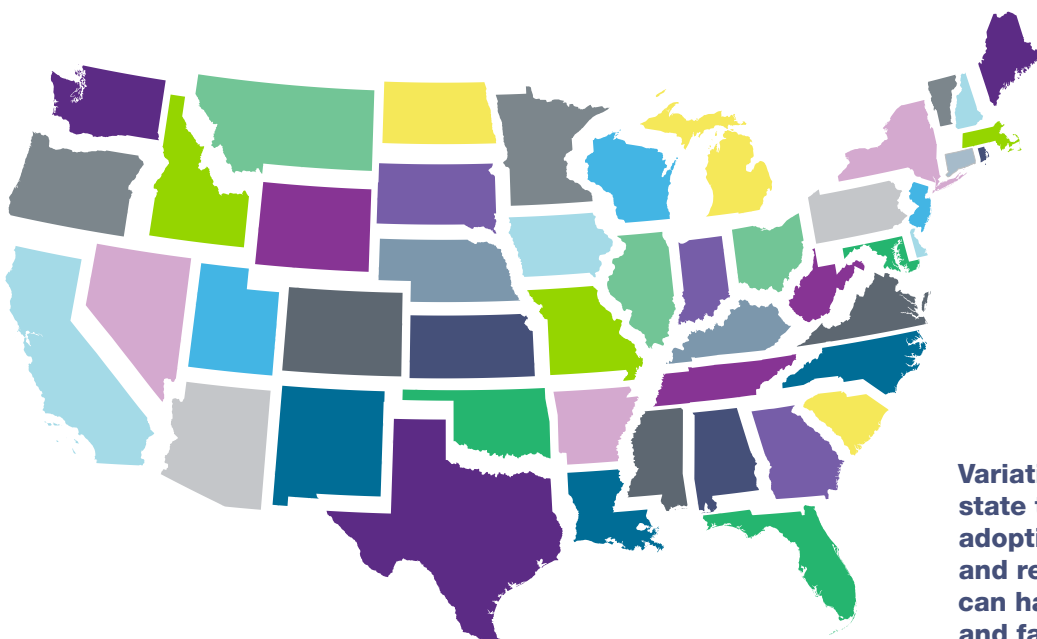
What should be a mandatory and central component of adoption agency services when working with an expectant parent is in actuality a loosely regulated process that is not even required in every state. Only half of states' adoption laws mention counseling; some mandate it and others state that expectant parents considering adoption should merely be advised of its availability. Options counseling standards also vary surrounding the nature and duration of sessions as well as the qualifications of those who provide the counseling.

A home study is an integral part of the pre-adoptive process. It serves to evaluate the prospective adoptive parent(s) for parenting fitness and preparedness, understanding of adoption, and to evaluate the home environment to ensure it is safe and appropriate for a child. Ideally, the home study should be used also to have an open conversation with prospective adoptive parents about the path that led them to adoption and their thoughts and feelings about expanding their family this way. It is also an opportunity to further educate families about adoption both generally and specific to the type of adoption the individual or couple is pursuing.

While all states require prospective adoptive parents to have a home study evaluation, the requirements vary drastically by state and adoption type. According to a [2015 publication from the Child Welfare Information Gateway](#), states have different rules surrounding who is eligible to adopt, what must be included in the assessment, who has the authority to complete a home study evaluation, and other core elements of the home study evaluation.

Pre-adoption education and post-adoption supervision and support are core elements of the adoption and foster care adoption process, yet are also drastically different by state and adoption type. Every state mandates training when adopting from foster care; however, [according to AdoptUSKids](#), these requirements can vary by state or even county. Typically, the training sessions to adopt from foster care last anywhere from four to 10 weeks. For intercountry adoption, both Hague and Non-Hague countries require 10 hours of pre-adoption training that cover a variety of topics pertinent to intercountry adoption as well as information specific to the child's country of origin. Agencies and states may have additional requirements. For private domestic adoptions, regulations surrounding pre-adoption training are vague and often not clearly defined in statute. Although most states require some pre-adoption training, the nature of the training as well as amount of education hours vary widely and may be unaddressed.

Post-adoption supervision and services also differ. Almost [all states have some requirement for post-placement supervision](#) until an adoption is finalized. Post-placement supervision typically involves visits with the child and parent in the home. For private domestic adoptions, these can vary in number, location and amount of months required before finalization. For intercountry adoptions, these are determined by Hague Convention requirements if the country participates or by the requirements of the sending country and receiving state. After an adoption is finalized, a family is typically no longer under the supervision of an agency but may still need support. The availability of post-adoption supports is an area of needed attention in adoption with access and availability of resources remaining a significant concern for families.



Variation from state to state in adoption policies and regulations can harm children and families.

Promising Practices

Based on a variety of concerns, including an [alarming report by Reuters](#) that exposed the issue of unregulated child custody transfers (“rehoming”), strides have been made to develop policies to better regulate critical aspects of the adoption process.

[The National Adoption and Foster Care Home Study Act](#) was introduced in the House this past July by Representative Jared Huffman (D-CA-2). The bill would essentially establish a demonstration program where states would implement specific, evidence-based home study evaluation procedures.

In practice, there are many organizations that provide both education and support to families before, during and after adoption. Educationally, the [Center for Adoption Support and Education](#) (C.A.S.E) is one example of a resource with a variety of educational opportunities for parents and professionals via their online resources, webinars and in-person training opportunities. C.A.S.E additionally provides mental health services for families connected to adoption and foster care.

Within states, many organizations are doing significant work that can serve as models towards the creation of more expansive services to families connected to adoption. In Ohio, [Adoption Network Cleveland](#) provides a broad array of services to families, including education and support, as well as legislative advocacy surrounding a variety of adoption-related issues. In New York, the [Adoptive and Foster Family Coalition of New York](#) provides a variety of resources. This includes educational opportunities through their Education and Training Academy, a variety of supports to people exploring foster care and adoption or those who have been connected for many years, as well as legislative advocacy surrounding a variety of policy-based issues that impact adoptive and foster families.



Path to Reform: DAI's Recommendations

The absence of uniformity in adoption paves the way for a lack of preparedness, fraud, coercion and other alarming possibilities that ultimately harm children and families. In order to ensure strong families, DAI offers the following recommendations:

Services to expectant parents—in particular options counseling procedures—must be implemented uniformly and required in every state. In developing uniform parameters surrounding options counseling procedures, it is critical that procedures ensure appropriate credentialing of the service provider as well as service provision that is unbiased, non-coercive and robust in discussing the full range of options available to an individual or couple experiencing an unintended pregnancy.

A uniform home study evaluation should be adopted by states in order to ensure all families are being evaluated on the same set of rigorous criteria. This evaluation should include a full assessment of the safety of the home environment, preparedness to parent, resolution of the path that led the individual or couple to build or expand their family through adoption, and an understanding of the unique needs and experience of adoption. Additionally, prospective adoptive parents should be subject to local, state and national criminal background checks as well as child welfare clearances. Home study evaluations should be updated yearly.

There should be consistent and standardized requirements for post-placement supervision after a child is placed in an adoptive home and before the adoption is finalized. This process should include visits in the home with the prospective adoptive parent(s) and child(ren), collateral contacts from at least one external source such as the child's pediatrician, and the provision of supportive resources including where families can turn to for assistance after an adoption is finalized.

Supportive services to families pre- and post-adoption must be well funded, appropriate and easily accessible. Too many families needlessly struggle in the absence of needed services to support the lifelong journey of adoption. At times, adoptions can disrupt or dissolve—the worst of which occurs without appropriate oversight in the form of unregulated child custody transfers. Before an adoption occurs, it is critical that educational curriculums covering essential elements of the adoption process are developed and uniformly required as part of the home study process in every state. Post-adoption services that cover a spectrum of needs, including mutual aid support, education, respite and mental health services, must be more robustly funded, developed and accessible in every state.





#5:

No Reform Without Education

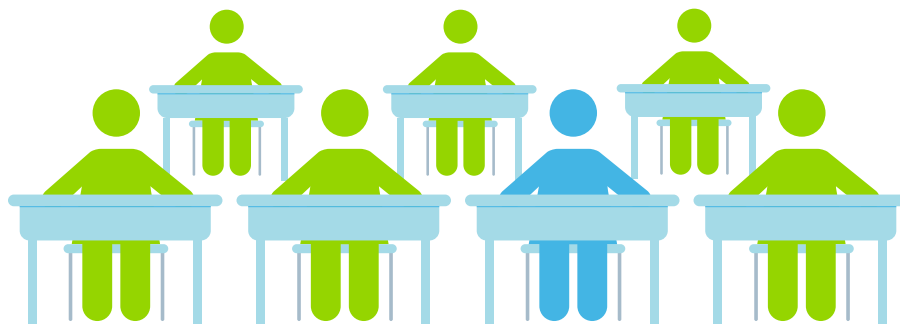
No Reform Without Education

One of the greatest impediments to meaningful reforms in adoption and foster care are the societal misperceptions and general lack of knowledge surrounding this experience. We must foster understanding in society as well as the systems that serve families if needed changes are to be made.

A lack of understanding surrounding adoption has plagued families and individuals for many decades. In some cases, this holds families back from healthy and fulfilling experiences, and in others, it impedes their well-being and contributes to serious challenges. There are a variety of reasons these misperceptions exist. Statistically, those with a direct, personal connection to adoption (as an adopted person, adoptive parent or first/birth parent) represent a small fraction of the overall population. According to DAI's public opinion research, just 4% of adults in the U.S. have a direct connection to adoption. Yet this experience isn't as niche as it may first seem—our research also reveals that 60% of the American public has some connection to adoption by either knowing someone who is adopted or who has adopted a child. This number increases when we add in first/birth parents, who have been historically marginalized as part of the extended family of adoption.

People connected to adoption represent just one of many changing family dynamics today. Non-traditional is the new traditional in today's modern world with the definition and experience of family continuing to expand. What remains problematic is when our policies and practices do not keep up with the realities of family today—a fact that continues to negatively impact those connected to the adoption and foster care experiences. All children and families come into contact with many different systems such as schools and health care settings. When these providers fail to create an inclusive environment for diverse family forms, including those expanded through adoption, needs remain unmet and children and families are left feeling isolated and unsupported.

What also fuels a lack of knowledge are the stereotypes perpetuated in the media and popular culture, which often highlight the dramatic fairytale or cautionary nightmare when depicting adoption. The reality of this experience is many more shades of gray with most of us dwelling in the in-between spaces versus the extremes. Yet these headlines and made-for-TV movie plots increase stigma and misunderstanding. This makes it all the more difficult to enact needed changes in policy and practice, which ultimately hurts children and families.



Key Research Findings

Although DAI's public opinion research revealed that adoption reform is a highly supported issue, most Americans admitted to knowing very little (if anything) about the realities of the adoption and foster care experiences.

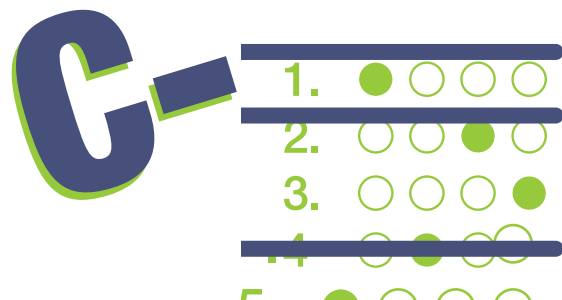
Sixty-one percent of Americans admit that they don't know much about adoption or how it works.



Although most Americans express positive regard for members of the adoption community, clear **stereotypes emerge when individuals are probed**—most notably impacting first/birth parents who were often described as poor, addicts, abusive and troubled.

“Stereotypes unfairly characterize first/birth parents as poor, addicts, abusive and troubled.”

When given a basic quiz about adoption and foster care, the general public scored an average grade of C-.



Policy Challenges and Opportunities

Stigma, stereotypes and a general lack of knowledge about the realities of adoption and foster care adoption can negatively affect those closest to it. Societal misperceptions and lack of awareness inhibits positive change, particularly in the policy arena.

Members of the adoption community (adopted people, adoptive parents and first/birth parents) who participated in DAI's public opinion research expressed concern that they did not feel understood or well represented by elected officials. Eighty percent of the adoption community stated that they felt like elected officials don't understand the issues the adoption community faces and 66% felt elected officials should do more for the adoption community.

Although adoption reform and regulation is a highly supported issue by the general public, people did not express an urgency surrounding the need to enact adoption reform. The lack of importance placed on adoption reform is symptomatic of an overall lack of understanding about the adoption experience that impacts policymakers in many ways. When the issues are fundamentally misunderstood, it is difficult for lawmakers to know where and how changes must be made. What further challenges this area is when members of the adoption community are misaligned with one another. Once our community comes together as one unified body, it will be easier to influence perceptions and create the momentum to ensure needed policy changes.

Many current policies that do exist in adoption fuel the very stereotypes and lack of knowledge that must be overcome for meaningful reforms to take place. Much of the stigma that has impacted adoption is rooted in a history that separated members of the adoption constellation largely based on the deep shame that was historically attached to a woman who was pregnant and unwed. At the same time, those who sought to adopt were encouraged to behave “as if” their families were formed biologically; a message that inherently devalues families that are formed through adoption. Although modern-day adoption practices incorporate openness and transparency, laws continue to seal the original birth certificates of adopted people and just under half of all states allow adopted people to access their actual birth certificate upon adulthood. When modern policies reflect the negative historical underpinnings of adoption that valued stigma and secrecy, it sends a mixed message to society and adds to misperceptions.

“When modern policies reflect the negative historical underpinnings of adoption that valued stigma and secrecy, it sends a mixed message to society and adds to misperceptions.”

Promising Practices

We must ensure realistic and appropriate depictions of adoption and foster care adoption. This, combined with research, will allow us to influence needed changes in policy, practice and perceptions that keep children and families strong.

In order to increase knowledge about the adoption and foster care experiences, it is necessary to first ensure realistic perceptions of this experience. To that end, we must make sure the conversation about adoption is being led by those most personally connected to this experience, and that all members of the adoption community are equally represented. Historically, the adoption conversation was often led by professionals (who, at times, added to the stigma by pathologizing normal aspects of the experience such as search and reunion) or by adoptive parents. It has only been within the past few decades that the voices of first/birth parents and adopted people are becoming louder and more confident in leading the path to reform.

As part of our *Let's Adopt Reform* initiative, DAI sought to create a platform that welcomed the voices of the adoption constellation in honestly sharing their experiences in adoption. Our [Adoption Experience Gallery](#) represents the kaleidoscope of diversity within the adoption and foster care adoption communities. This platform is an excellent tool to move people away from extreme representations of adoption that often headline in the news or on television and provide balanced and accurate perspectives. The Adoption Experience Gallery adds to many other efforts that currently exist in the adoption community to raise awareness through blogging, writing, short videos and other mediums that serve to educate by offering realistic, diverse and balanced perspectives on the adoption and foster care experiences.



Path to Reform: DAI's Recommendations

It is essential that we educate the public as well as the systems and professionals like schools and doctors that regularly engage with children and families to ensure that the experiences of the adoption and foster care communities are being included and celebrated and that everyone is given the opportunity to thrive.

It is essential that we create ample spaces for members of the adoption community to share the reality of their experiences as a means of overcoming stigmas perpetuated by unrealistic depictions of adoption and foster care. Conversations about needed changes in the adoption and foster care systems must be led by those most closely connected to this experience. At the same time, we must continually create avenues for members of the community to share the reality of their experiences and ensure these depictions reach influencers and lawmakers.

We must address stigmatizing depictions of adoption and foster care in the media, television and movies. Staying silent when yet another television ad or made-for-TV movie mocks the adoption experience or uses it as clickbait is saying something—that it's okay to misrepresent adoption and add to the stereotypes that hurt families and make it difficult to effect necessary changes in policy and practice. We must create opportunities to educate and get involved as a community by writing letters to networks, posting blogs and engaging in other advocacy campaigns when brands inappropriately represent adoption and foster care.

We must build a stronger community in adoption in order to create the momentum to educate and reform. According to DAI's public perceptions study, there is a desire among the adoption community to feel a stronger sense of unity. We must seize this desire for unity and become a stronger community as a means of leveraging support for necessary changes.

Professionals must be better educated about the unique needs of the adoption and foster care communities in order to best serve this population. When systems that come into contact with families are able to respond in ways that celebrate differences and make space for myriad modern-family dynamics, children are better served and families are stronger. Among other ways to educate professionals is through the creation of dynamic professional trainings that address the needs of today's family and could be integrated into professional development programs for those that serve children and families such as educators and medical professionals.



What Is the State of Adoption in America Today?

Honestly, it depends. It depends on where you live because our laws vary widely from state to state. It depends on who you love because even with marriage equality, the rights of the LGBTQ community aren't always recognized. It depends on how much money you have because the private and public adoption systems are worlds apart. It depends on where your adoption journey begins: foster care, private agency adoption or private adoption with an attorney. It depends on how adoption has impacted you as a parent (first/birth or adoptive), an adopted person or as a member of the extended family of adoption. It depends on whether or not you view adoption as a one-time transaction or the lifelong transformational journey that it truly is.

When we honor the good, acknowledge the bad, and then use what we know and commit to an innovative and effective path toward reform, we can ensure the highest ethical standards, openness, mindful parent preparation and healthy identity development for everyone in the extended family of adoption. It's time we move from a fractured and transactional adoption process to a more uniform and transformational process where everyone—expectant parents, first/birth parents, adopted people and adoptive families—are better prepared and supported. While we have reached many milestones, more work needs to be done.

Bringing a child into a family—whether by birth, adoption or the blending of families—is life-changing for everyone. When we recognize the lifelong impact and put children at the center, adoption can truly represent an evolved definition of family. Strong families build strong communities and strong communities make a better world for all of us.

