

# Pathways to Adoption and Guardianship Today

## 1. Introduction and Objectives

### 1.1 Introduction

Welcome back to the National Adoption Competency Mental Health Training for Mental Health Professionals. This lesson is: Pathways to Adoption and Guardianship Today—Distinctive Issues that Impact Adjustment and Mental Health.

### 1.2 Section 1: Lesson Objectives

When you complete this lesson, you will be able to:

- Describe the pathways to adoption and guardianship and how practice has changed over time
- Identify common myths about adoption and describe the accurate information associated with each myth

## 2. The Changing Landscape of Permanency

### 2.1 The Changing Landscape of Permanency

You may not have been aware that dramatic changes have occurred in the field of adoption in the last half of the 20th century. Let's take a look at how this landscape has changed.

### 2.2 Adoptions Charted

When people think of adoption, they typically think of domestic infant adoptions, which have declined at least nine-fold over the past 50 years and currently make up a small minority of all adoptions.

Around 1970 was the highpoint in total annual adoptions of all types by U.S. families, with about 175,000 adoptions.

Inter-country adoptions into the U.S. rose and plummeted over the past 25 years; while child welfare adoptions dramatically increased and stabilized. This graph depicts changes in the number of child welfare and inter-country adoptions over a quarter century.

### ***2.3 Placement Types***

More than 50,000 children are adopted from foster care each year. Approximately 55 percent of adoptions are by foster parents, about 35 percent are by relatives, and 15 percent by other non-relatives.

### ***2.4 American Indian and Alaska Native Tribal Adoptions***

In addition to county and state child welfare systems, federally recognized tribes may provide child welfare services, including foster care, adoption, and guardianship. Tribal adoptions and guardianships governed by tribal courts are recognized as equal in status legally.

Placements of Native American or Alaska Native children outside their tribe are subject to the Indian Child Welfare Act of 1978 that governs the process. Whether placed by their tribes or others, Native American or Alaska Native children may face significant mental health challenges, including Adverse Childhood Experiences (ACEs), leading to high rates of depression and other mental illness and suicide.

### ***2.5 Various Types of Adoption***

Let's look at the various types of adoption and guardianship occurring today, as these vary on many dimensions, and provide context for understanding adjustment in adoptive families. Click on each topic to learn more.

Child welfare and intercountry adoptions: Of approximately 120,000 adoptions by U.S. families in a single year, 50-55% are child welfare adoptions and about 2-3% are intercountry adoptions, while the rest are various forms of private domestic adoptions.

Private domestic adoptions: Most private domestic adoptions are by stepparents or other relatives, with infants comprising a minority of these adoptions. In this lesson, we will review each type of permanency to look at some of the important issues that have implications for your practice with these families.

### ***2.6 Assumptions***

There have been, and still are, assumptions about children from foster care being adopted by relatives, foster parents, single parents, adults with disabilities, people with low income, or people with any other differences.

There have also traditionally been strong beliefs that children and youth who were not white, were older, or who had significant emotional or behavioral problems were not adoptable.

### ***2.7 Adoption Aspects***

Now let's talk about various aspects of adoption. Click on each image to learn more.

**Demographics:** According to the Congressional Coalition on Adoption Institute, of the families who adopted children from foster care in a recent year, 68% were married couples, 25% single females, 3% single males, and 4% unmarried couples. Of the children adopted, 29% were aged nine years or older and the average age of adoption was six years old. Children of color comprised about half of all adoptions from child welfare.

**Costs:** The cost of adoption for families can range widely from no cost for child welfare adoptions to \$20,000 to \$45,000 or more for private and intercountry adoptions. Additionally, over 90% of child welfare adoptions provide subsidies to the families, as do guardianships of children and youth from foster care in many states.

**Adversity:** Virtually all children and youth adopted from foster care in the U.S. have experienced trauma and loss as well as other adversities, such as prenatal substance exposure, poverty, and interrupted attachments. Children and youth adopted from other countries have also often experienced significant adversities, although, in many cases, the extent of that history is unknown.

## ***2.8 Placement Options***

The placement options for children and youth in the child welfare system have expanded to include guardianship and customary adoption. Click on each topic to learn more.

**Guardianship:** Approximately 12% of youth in foster care achieve permanency through guardianship each year. Most adults who become guardians are relatives or kin, although some are former foster parents. Many of these families experienced significant substance abuse. Guardianship is less disruptive of existing family relationships because it doesn't require termination or relinquishment of parental rights. This is especially important when youth don't want to break legal ties. Guardianship also respects the community norms of groups with traditions of informal extended family involvement in child rearing. However, many guardianship families still need support to negotiate challenging intergenerational relationships. It is important to note that guardianship legally ends at the age of majority.

**Customary Adoption:** Customary Adoption for Native American or Alaska Native children and youth in foster care offers them the opportunity to be adopted through the customs, laws, and traditions of their tribes without terminating parental rights through state court systems. Historically, family and tribal members informally adopted children when birth parents were unable to parent them. The traditional tribal view was that termination of parental rights is an unnatural process as children have a connection to their biological parents, regardless of their ability to safely care for them. There were no laws addressing the need to terminate parental rights, rather there were social and spiritual customs related to the obligation of family and tribal members to care for the child in need.

## **3. Kinship and Relative Adoption**

### ***3.1 Kinship and Relative Adoption***

Until recently, relatives were generally unexplored resources for foster and adoptive placement, possibly due to a lack of trust of relative caregivers based on the belief that problems in the parent are likely to exist in the larger family system as well.

### ***3.2 Policy***

Law and policy give preference to relatives when they are available and qualified. Still, there is considerable variation among states in their use of relatives for foster placements, ranging from around 10 to 50 percent of placements across states.

### ***3.3 Kinship Care***

Kinship placements are not without challenges. Click on each photo to learn more.

**Financial and Health Limits:** Kinship caregivers tend to be older, single, and often have very limited incomes, so that financial need is a major concern. Also, kin caregivers, who are often grandparents, are more likely to have or develop health problems that pose difficulties in parenting and, at times, cause the child or youth to worry about another loss.

**Depression:** One study found that kin foster caregivers were more likely to become depressed after placement than non-relative foster parents. Youth with kin caregivers were more likely to show positive change on emotional and behavioral outcomes than those in non-relative homes; but these positive outcomes were primarily observed in families where caregivers demonstrated reduced depression over time or no depression.

**Support:** Studies on kin foster and adoptive families indicate that they receive fewer supports and services than non-kin foster or adoptive families. Relatives often receive less preparation for adoption or guardianship than other types of families and less information about supports and services available to them.

**Divided Loyalties:** Another concern may be conflicts and divided loyalties that develop for children or between family members who are caregivers and those who lost the child. If present, these issues may necessitate involving extended family members in treatment and assisting them in understanding the changing roles that have occurred and how to explain this to the child.

### ***3.4 Benefits of Kinship Care***

The good news is that these placements are protective in many ways. Research documents that they are more stable and parents report higher satisfaction and fewer behavioral problems. Additional benefits include:

- Increased permanency
- Reduced mental health challenges
- The ability to keep family ties and stay connected to traditions
- The ability to learn about and know your community and heritage, and
- The ability to not lose your identity

## **4. Intercountry Adoption**

### ***4.1 Intercountry Adoption***

In this section, we will take a look at intercountry adoption.

### ***4.2 Intercountry Placement***

Intercountry adoption is another distinctive type of permanency. Adoption agencies became significantly involved in intercountry placements at the end of the Korean War in the late 1950s.

By 2004, intercountry adoptions into the U.S. peaked at just under 23,000 due to changes in policies in China and several Eastern European countries, allowing the adoption of children from orphanages.

This number has steadily decreased since then to under 2,000 a year. This decline is due to the development of domestic adoption programs in many sending countries, the passage of The Hague Convention on Adoption, which provides stricter requirements and regulations, and a crackdown on fraudulent practices.

For more detailed statistics on intercountry adoption, including what countries children and youth are adopted from and their ages at adoption, check out the link in the Resources tab.

### ***4.3 Children Adopted Intercountry***

Children and youth adopted internationally today are more likely to be older and have special needs than in the past when children adopted internationally were primarily infants. Their challenges more closely resemble the challenges of children adopted from child welfare. One significant difference is the lack of access to birth records, resulting in many youth and young adults turning to social media to find out information about their stories.

The types of risk factors that they have experienced vary by country, as well as by the quality of care prior to placement.

Generally, those who were cared for in foster homes have fewer challenges than those raised in institutions.

We know that the most consistent predictor of ongoing challenges is the length of time spent in institutional care, especially during the first two years of life. We will learn more about the impact of institutionalization, and factors facilitating the child's or youth's ability to overcome developmental lags, later in this course.

## **5. Private Adoption**

### ***5.1 Private Adoption***

Another pathway to adoption is through private domestic adoption. Most of these adoptions are by relatives and stepparents, and a minority are infant adoptions arranged through private agencies or attorneys. Each state determines how private adoptions are regulated.

### ***5.2 Licensed Adoption Agencies***

Approximately half of infant adoptions are through licensed adoption agencies and the remainder through independent attorneys or adoption facilitators.

Licensed adoption agencies support parents who choose to relinquish their parental rights and engage prospective parents who want to adopt.

These agencies employ professionals who complete adoption home studies with prospective parents, counsel the parents, and provide training for them on parenting adopted children.

Families vary in quality of preparation and support that they receive both before and after adoption.

### ***5.3 1950s***

As adoptions boomed in the 1950s, secrecy was a key component of adoption practice. Mandating secrecy was an effort to protect birth parents and children from the stigma of illegitimacy. Furthermore, secrecy protected adoptive families from possible interference from birth families.

## **5.4 Policy and Practice**

Over the years, policy and practice has shifted to greater openness. Agencies began to offer mediated adoptions, where birth and adoptive parents exchange information and pictures through the agency, and open adoptions involving direct contact between the parties.

The benefits of openness will be discussed further in later modules.

## **5.5 Mental Health Challenges**

You may assume that children adopted at birth have fewer risk factors than children adopted at older ages. However, in addition to normative adoption-related concerns, there are potential risk factors for many children experiencing all types of adoption and guardianship.

Tobacco and drug use, fetal alcohol exposure, poor nutrition, and inadequate prenatal care have a range of consequences, from an increased risk of premature birth and lower birth weight to altered fetal development.

## **5.6 Risk Factors**

Another risk factor for many children is heavy maternal stress during pregnancy. Click on each icon to learn about the effects of high psychological and social stress on mothers during pregnancy.

1. Impact on brain development
2. Emotional and behavioral problems
3. Attention Deficit Hyperactivity Disorder
4. Learning problems
5. Impacted stress response in children

# **6. Adoption Myths**

## **6.1 Adoption Myths**

No matter the pathway to permanence, this work is complicated by myths and preconceptions.

## **6.2 Myths and the Opposing Realities**

Let's explore the myths and preconceptions by clarifying the realities surrounding adoption and guardianship, and its relevance to your practice.

Some myths you might encounter are:

- Secrecy is best for all parties of adoption.
- Birth parents are pathological and extremely troubled people who do not want or love their children.
- Adopted children are “bad seeds.”
- Adopted children will be upset and confused by knowing the real circumstances that led to their adoptions or having contact with birth parents.
- Adoptive parents feel more secure in their role if the birth parents are far removed and unknown.
- Adoptees who want to search for birth family members are being disloyal to adoptive parents.

Click each myth to learn what is accurate about it.

**Secrecy is best for all parties of adoption:** In studies of birth parents, more than 95% wanted to know about the children they gave birth to. Studies make clear that secrecy is harmful. All parties to adoption benefit from open, honest sharing of information.

**Birth parents are pathological and extremely troubled people who do not want or love their children:** Birth parents come from all walks of life, including married parents, and they face stresses that lead them to make an adoption plan or lose their child through termination of parental rights.

**Adopted children are “bad seeds”:** Most adopted children fall in the normal range on standardized measures of mental health. Adopted children may have psychological or physical challenges. Some challenges may be associated with genetic conditions, but most are related to deficits in prenatal and early life environments, particularly experiences of loss, trauma, and separation, or struggles coming to terms with adoption issues.

**Adopted children will be upset and confused by knowing the real circumstances that led to their adoptions or having contact with birth parents:** Studies show that adoptees need to know their histories. It is core to understanding who they are. Teen adoptees who have contact with birth families are more satisfied with their level of openness than those who do not.

**Adoptive parents feel more secure in their role if the birth parents are far removed and unknown:** For adoptive parents, openness is linked to greater feelings of entitlement and reduced fears of birth parents. Adoptive parents in open adoptions report greater empathy and more positive attitudes toward their child’s birth parents.

**Adoptees who want to search for birth family members are being disloyal to adoptive parents:** Virtually all adoptees go through an intrapsychic search for answers as to why they were adopted and other questions. According to research, those who choose to search make it clear that they are not rejecting their adoptive parents or looking for new ones; rather, they desire to complete their understanding of their personal histories and heritage.

## **7. Conclusion**

### ***7.1 Wrapping Up***

As you can see, adoption takes on many forms and is often driven by policy, economics, societal issues, and the needs of those in the adoption network. Your understanding of these fluid dynamics impacts the effectiveness of treatment with these families.

### ***7.2 Learning Journal***

Please click on the journal page to write down your reflections on this lesson.

### ***7.3 Journal Reflection***

Reflecting on this lesson, what are your key takeaways and how might you apply these in your practice?

### ***7.4 Journal Response***

Click the "Print Results" button to print and save your answers.

### ***7.5 Conclusion***

Congratulations! You have completed this lesson, Pathways to Adoption and Guardianship Today.

In the next and final lesson of this module, we will discuss psychological issues that are common in adopted individuals coming to terms with their adoption and their families.