

# Government's Approach to Adoption

*Research Synthesis Research:* [Promoting Adoption Reform: Congress Can Give Children Another Chance](#)

## 1. What the Federal Government Should Do

A child's needs are best served, and his potential fostered most effectively, by the love and sense of belonging provided by a stable family environment. As in other areas of social concern, however, the government's ability to increase love and dedication is limited. This competence resides primarily with the family, the church, and the school. However, through their power to enact wiser laws and provide leadership, lawmakers at the federal level can affect the rate of adoption. They can expound upon its benefits for the child, for the mother who gave birth, and for the parents who adopt.

Adoption is one of those rare good solutions to many thorny problems. Political leaders should help the country realize that it is one of the most effective ways to alleviate the problems arising from illegitimacy, child abuse, and neglect.

Lawmakers also must challenge the leaders of other major institutions, especially church leaders, to talk about the goodness of adoption. Educational leaders, particularly in social studies areas, ought to be challenged to develop good materials on adoption. Health insurance leaders ought to be challenged as well, for adoption is a less costly solution to infertility than is most fertility treatment. Media leaders ought to harness their expertise in communications to promote adoption to the nation at large, instead of attacking it.<sup>1)</sup>

The more this is done, the more attractive adoption will be to growing numbers of families. America also needs to celebrate parents who adopt and parents who care for foster children - especially those who both foster and adopt. They show a double generosity.

Adoption is a national resource that should be encouraged and expanded by government where possible. The federal government should undertake a public relations campaign, targeted to girls under the age of 18 who have conceived out of wedlock, on the benefits of adoption.

## 2. What States Should Do

Because regulating adoption is a state function, most of the practical reforms must be enacted by state legislatures. And because of the particular need to address the transracial adoption issue in a just and caring fashion, the states must take special care to eliminate discrimination against black adoptive parents and black children.

To increase the pool of available parents to fill the needs of all children, states should encourage the privatization of adoption. Specialized agencies can work constructively with those sections of the community that are willing to serve the many different needs of children: black children, older children, children with special medical problems, and children with other emotional or developmental difficulties. As different groups already have demonstrated, it is possible to line up a pool of screened and qualified parents more than willing to adopt children with even the most difficult needs.

One effort, started by Fr. George Clements in Chicago in the mid-1980s, had each church set about achieving the adoption of one child within the congregation.<sup>2)</sup> Though initially the program received wide publicity and had some impact, it has not become a sustained and organized national effort. However, in Florida, One Church, One Child of Florida has developed a successful partnership between church and state. Between March 1988 and September 1990, this organization placed 805 black children in adoption.<sup>3)</sup>

Phoebe Dawson, a social worker who heads New Beginnings, a licensed nonprofit adoption agency in Columbus, Georgia, has been very successful in this work. For instance, an agency in Cleveland, Ohio, was not able to find minority parents for a young minority child, leaving the child at serious risk of a protracted wait for adoption. One worker at the agency contacted New Beginnings, which was able to resolve the problem quickly because of its close ties to black Baptist churches across the country.

To encourage adoption, states should:

### **1) Privatize adoption services.**

Private adoption services are more efficient and more effective than state agencies where adoption is concerned, as illustrated by the track record of Detroit's Homes for Black Children. They are accountable to a board of directors, while state agencies are not. Private organizations may be sued, which increases their accountability to the children and parents they serve. By contrast, state agencies often cannot be sued. Furthermore, people are more inclined to donate money, time, services, and goods to a private adoption agency than to pay taxes for government agencies.

### **2) Change the way public welfare agencies are financed.**

Public welfare agencies dealing with children receive more money to keep children in foster care than they do to clear them for adoption. States should make the allocation of Title IVE monies to these agencies contingent on their record in making final determinations on the future status of children within 12 months of entering foster care. Those not returning to their families must be adopted within three months or handed over to a private agency for adoption.

### **3) Establish separate units at the county level to assist the courts in making speedy and appropriate judgments.**

These units should make the initial decision whether to terminate the rights of the parent and bring the process to court or return the child to his family. All babies under 12 months of age coming into the protective custody of a public welfare agency should be processed through the termination unit as a matter of course. A great many such children should be placed for adoption quickly. This in turn would prevent the buildup of a large number of children in foster care – children who grow more and more difficult to place with each passing year, as the significant drop in the percentage of older children who get adopted clearly indicates.

### **4) Maintain special Medicaid coverage for all special-needs adopted children.**

This makes it possible for many middle and low-income families to adopt a sick child they would not be able to care for without Medicaid support. It makes sense for government to provide this support, for the special-needs child in foster care will cost the government even more.

### **5) Remove obstacles to transracial adoptions.**

While working to increase the pool of minority parents and to enhance the flow of prequalified and

ready-to-adopt minority parents, states should continue the practice of transracial adoption when no same-race parents are available. When the child becomes ready for adoption, his need is immediate and acute. Minority community groups can monitor the pool of prescreened, qualified minority parents for all the relevant categories of children: older children, older male children, sibling groups of children, medically needy children.

In addition to the issues involved in ending discrimination against black children waiting to be adopted and against black couples waiting to adopt, there is much else to be done by the states.

#### **6) Use leadership opportunities to encourage adoption.**

Governors and state legislatures should consider mounting campaigns to increase interest in adoption. With the prompting and advocacy of the Institute for Children in Cambridge Massachusetts, the State of Massachusetts, under Governor William Weld's direction, embarked upon Assignment Adoption, a series of government reforms to reduce the number of children in foster care and to increase the practice of adoption.

#### **7) Establish separate units for termination of the parental rights of convicted abusing parents.**

When the difficult duty of assessing the appropriateness of terminating parental rights is commingled with the mandate to preserve the family at all costs, the good of the abused child suffers. The long-term good of the child is helped by establishing separate units of social workers who help the court reach clear and speedy decisions regarding the parents' right to continue as parents. These workers can help the courts without the conflict of interest that is present when they also try therapeutically to help the family come together or stay together. It is best that such work be carried on by a different set of professionals. The best interests of the child remain paramount while the effort to help the parent is vigorously pursued.

#### **8) Enact a strict 12-month timeline for adjudication of the long-term parental status of every child in foster care.**

A University of Chicago study finds that children who enter foster care as infants remain in the system 22 percent longer than other young children.<sup>4)</sup> Within a 12-month period, the court and the termination unit should decide whether a child should be returned to his parents or placed for adoption. Continuance in foster care beyond that time must be regarded by all as a failure to provide properly for the needs of the child.

#### **9) Centralize the collection of state data on all formal adoptions and foster care actions.**

In order to facilitate the practice of adoption and the reduction of foster care lengths of stay to the minimum time needed, the collection of accurate data is critical. At present it is poor and varies greatly in quality between states. National leaders, national and state campaigns to encourage adoptions, and the stimulation of executive action to initiate and maintain reforms all require an accurate picture of what is happening to children in adoption and foster care. The state Office of Vital Statistics or its equivalent ought to be the repository of all adoption information, and the state Office of Human Services or its equivalent ought to be the repository of all foster care data.

#### **10) Enact legislation requiring of public social service agencies the same licensing standards and requirements as those now imposed on private adoption agencies.**

Just as Congress has passed a law to subject itself to the same regulations it imposes on the rest of the country, all state agencies involved in adoptions ought to be subject to the same reporting and

regulatory oversight as adoption agencies are. This reform will likely have the speedy effect of reducing these regulations to the bare minimum needed for the good of the child.

### **11) Mandate drug testing of pregnant mothers suspected of drug abuse, particularly cocaine abuse.**

Because of the high incidence of serious child abuse among drug-addicted mothers and because of the pain and damage done to cocaine-addicted babies, states should push for a federal law permitting the drug testing of mothers suspected of cocaine addiction so that hospitals may participate in such programs without being threatened with a cutoff of federal funds.

Children born to drug-addicted mothers are at risk for a host of difficulties and abuses: lower birth weight, physical abuse, and not getting the affectionate nurturing critical for early attachment formation and its concomitant long-range benefits, among them the formation of a solid conscience and the ability to relate well with others. Given these risks to the child, the requirement of drug testing when cocaine or crack cocaine ingestion is suspected is an appropriate protection.

### **12) Prohibit the removal of a child who is eligible for adoption from foster parents who are willing to adopt the child, except when the child is being returned to the legal parents. Enact legislation to permit foster parents to initiate adoption proceedings.**

If the parents are deemed by the agency as suitable for fostering the child, they should qualify automatically as suitable for adopting the child. Today, many foster parents are willing to adopt the children they have fostered once they become available for adoption. However, mainly because of the effective prohibition of transracial adoptions, these parents frequently are denied the chance to adopt the children who have become attached to them. These couples should have the right to adopt the child once the courts have decided he may be adopted. If child welfare agencies have not made this possible within six months of the court decision, foster parents ought to be granted the standing in law to sue the adoption agency and initiate adoption proceedings.

### **13) Enact laws requiring child welfare agencies to initiate adoption proceedings for any child who has been abandoned by his parents for six months.**

This rule should apply for any child in out-of-home care for six months whose parent has not engaged in meaningful interaction with the child during that period. Due process in the courts will protect the rights of parents barred from contact with their children due to very unusual circumstances. However, a child left alone for six months is a child without a dedicated parent.

1)

Marvin Olasky, "The War on Adoption," *National Review*, June 7, 1993, pp. 38-44.

2)

Christine Adamec and William L. Pierce, *The Encyclopedia of Adoption* (New York: Facts on File, 1991), p. 68.

3)

Christine Adamec and William L. Pierce, *The Encyclopedia of Adoption* (New York: Facts on File, 1991), pp. 68-69.

4)

Conna Craig, "What I Need Is a Mom" *Policy Review* 73 (1995):40.

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