Chain of Life

ISSUES IN ADOPTION AND CHILD WELFARE

▲ SINCE 1989 ▲

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Records Opening in Tennessee

But Law Provides Penalties If You Find Someone Who Has Asked Not to be Contacted

In the Summer *Decree*, the newsletter of the American Adoption Congress, Denny Glad of the Tennessee Coalition for Adoption Reform reported the passage of sweeping adoption reform legislation in Tennessee. The new legislation was the outcome of years of work by state activists and received nearly unanimous approval in both houses in May.

Of particular interest to AAC members and *Chain of Life* readers are Tennessee's new open records provisions. People adopted in Tennessee before March 1951 – and their birth and adoptive families – **can access all adoption records "on request and as a matter of right" as of July 1, 1995.** Part of the rationale for opening these early records is that Tennessee's first law to seal records took effect in 1951 and was not retroactive. Now, adoptees placed in homes by the unethical Georgia Tann, who died in 1950, can obtain any records that may exist. During the 1930s and '40s, Tann often took children from their impoverished parents in Tennessee and placed them in homes outside the state, including in California and New York, charging high fees to adopting parents. Her devious work at the Tennessee Children's Home Society has recently been documented by historians and was broadcast as a television drama. *(The book* Babies For Sale *is reviewed here on page 6.)*

For adoptions that took place after March 1951, adoptees and birth parents will have one year to block access to their names if they so choose by placing a "contact-veto" with the Department of Human Services. If there is no contact-veto on file by July 1, 1996, most records **will be available to adoptees over the age of twenty-one.** According to Glad, the new provisions require that "BEFORE receiving the records, [the adoptee] must sign an affidavit to the effect that IF there is a contact-veto in the records — or IF, on being located by DHS, the person being sought then places a contact-veto in the records – the adoptee will not contact the person who filed the contact-veto or make use of any other person or entity to make such a contact." Violation of this provision will subject the adoptee to criminal and civil penalties if the person whose right to privacy is violated chooses to bring charges.

Fees yet to be determined will be charged for all of these provisions. The final law includes amendments that added criminal penalties for contacting reluctant individuals and require the state to keep track of how well the contact-veto provision is working.

For details, ask the AAC for its Summer newsletter; membership starts at $35. Write: ***AAC Membership, 1000 Connecticut Avenue, N.W., Suite 9, Washington, DC 20046.***

Records Sealed in 1951 — After Georgia Tann's Death

In the last issue of *Chain of Life*, I mentioned my research on the origins of sealed records laws. I surmised that unscrupulous adoption agencies were behind the sealing of records. Georgia Tann's illegal adoption practices at the Tennessee Children's Home are the best known example of agencies that transcended acceptable practices. But in fact, records were not sealed in Tennessee until 1951, a year after Tann's death.

CHAIN OF LIFE

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Chain of Life

The title "Chain of Life" refers to the physical, genetic connection that *all people* have with other people, but that only adoptees in closed records adoptions are asked to ignore. Like everyone, adoptees are the product of our genes, our life experiences, and our own thoughts and actions. We have a right to know as much about ourselves as we need and want to know.

In addition to advocating open adoption records, Chain of Life works toward developing an understanding of when adoption is appropriate for some children, and when other forms of support are preferable, both in our current society and in a more humane society of the future. ▲

ADOPTION NEWS

Kidnapping, Baby-selling and Identity Search

▲ **The Center for Reproductive Health,** a fertility clinic that operated at the University of California Irvine Medical Center, was closed in June for unethical practices after five years of operation. These practices included giving away embryos to strangers without the consent of the patients who were the future children's biological parents. There may have been ten such incidences. Three former employees claimed they were punished for reporting abuses at the clinic. When the clinic closed, about 1,900 embryos from the UC Irvine center were transferred to California Cryobank in Los Angeles.

The university has sued three doctors who practiced at the clinic. Dr. Ricardo H. Asch, former director of the center, and the other doctors have denied doing anything wrong.

– *information from the* San Francisco Chronicle, *June 17, 1995.*

"If the charges are true, Dr. Asch broke every rule in the book, from the guidelines of informed consent to the laws against burglary. If so, he violated the trust of his patients, violated their bodies and family bonds."

Ellen Goodman, June 13,

San Francisco Chronicle

▲ **During El Salvador's civil war,** a form of terrorism commited by the military in the early 1980s was to steal children. Infants and young children were taken from their peasant mothers and whisked away by helicopter. The Association In Search of Disappeared Children of El Salvador is now trying to discover the fate of 96 missing children. Helping them match parents and children, the Boston-based Physicians for Human Rights have sponsored DNA tests to determine whether certain children are in fact tho ones their parents think they are. So far, fourteen of these children have been able to connect with their original families. Some of the children had been adopted; two teenage brothers are living with an adoptive family in France. At least one child is in an orphanage in El Salvador, and now visits his birth mother.

"Ralph Sprenkels, a Dutch social worker who is helping the association, said reunions achieved thus far have been very positive for the children and their original families,"wrote Daniel Alder of the *Chronicle*.

" ' We want to enrich the children's lives by giving them an opportunity to know their roots,' " Sprenkels said. 'The families want to make sure that they are all right and they want the child to know that they exist and that they haven't abandoned them.' "

– *Excerpted from an article by Daniel Alder, July 10,* San Francisco Chronicle.

▲ As reported by Helena Smith of the *London Observer* , widespread

...Around the World

baby-selling in Greece from 1935 to 1975 has recently been disclosed. Institutions in Greece "illegally sold thousands of infants to childless couples after declaring them dead," Smith wrote. Former employees at various institutions have implicated priests, doctors, midwives and orphanage directors in the scandal. An elderly nurse recalled that the birth records were all forged and agencies claimed the children's parents were unknown.

In the aftermath of the scandal's disclosure, adopted adults have been seeking their original identities. "'Everybody has the right to know his or her roots' said the deputy health minister, Manolis Skoulakis, in response to the revelations. 'We must make sure this sort of thing never happens again.' " Andreas Papandreou's Socialist government has begun a national investigation.

"In the frenzy that followed the revelations," wrote Smith, "adopted children, most of them now middle-aged, are trying to discover who their biological parents are. Many have hired private detectives."

– Excerpted from an article by Helena Smith reprinted in the San Francisco Examiner, *May 28, 1995. Thanks to Colleen Houlihan for sending in the article.*

▲ In the July issue of *Sojourner*, Marsha Saxton wrote about the **intersection of reproductive rights and disability rights.** One of many such relevant topics is adoption. Saxton pointed out, "A large number of children adopted or waiting for adoption are disabled. Many disabled adults were adopted or placed in foster homes. [Yet] it is still largely the case that adoption agencies do not consider disabled people as prospective parents for either disabled or non-disabled children." In a few agencies, disabled adults are being encouraged to adopt children with disabilities.

▲ **Win some and lose some.** On July 25, "Dear Abby" told one writer that his grandson deserved to know the true identity of his father, writing, "Someday, the father and son may want to meet." On the same day, "Abby" responded punitively to questions by a birthmother in an open adoption in which the birth grandmother was making the adoptive family uncomfortable by buying expensive gifts for the child and was rude to the birthmother in front of them. Instead of appreciating the birthmother's concern or having sympathy for her, "Abby" took a judgmental and legalistic stance, reminding the birth mother that "Legally, these children are not [your mother's] — and please bear in mind, neither are they yours."

The Adoption Reader: Birth Mothers, Adoptive Mothers and Adopted Daughters Tell Their Stories, edited by Susan Wadia-Ells, a feminist writer, educator, and activist, will be available in October. Features the work of over 30 writers, including Louise Erdrich, Nancy Mairs, Minnie Bruce Pratt, and Florence Fisher. Topics include open aned closed adoption, cross-cultural adoption, "the birth record debate," adoption by lesbian couples, and the search for identity. "...a helpful, hopeful and vital book about growth and self-understanding."

$15.95 paperback., Seal Press.

CHAIN LETTERS

Dear Janine,

Oh, excellent! I'm very happy to find you. The 3 [back] issues truly found the mark in me with the matters of my heart. I am a 41 year old Southern lesbian, working/waiting for adoption. ...[I am concerned] for the *process* of adoption. I do not wish my joy to come at the expense of someone else's exploitation or even sorrow — if there's something I can do about that sorrow. Nor do I wish to participate in a process which either directly or obliquely sets the stage for further exploitation of people, especially women and children, especially poor women and children.

But that makes my road a trickier and more arduous one, I think, and finding people with whom to discuss and creatively "jam" on these matters is difficult. As a long time feminist + radical progressive/leftist, I do have friends who profoundly share my politics and concerns, but they are not world-wise in the ways of adoption. And most adoption-oriented folks here don't share my commitments to the *process*. I hear too much about 2 elements of the process (from adopters) — cost and expediency of placement. Almost never primary in the discourse is "best interests of the child and birth mother" — and community of origin, I'd add.

So *Chain of Life* finds me at a perfect time as I continue to work and study and try to wend my way through the process with as much consciousness as I can. I am writing about the issue/process/concerns toward what I hope becomes a performance piece, and already *Chain of Life* is providing information, insight, and inspiration.

So thank you! ...I support what you are doing, and will be spreading word of your existence. Many thanks, and — carry it on!

Sincerely,

Cindy

Cindy would be happy to correspond with others who are dealing with these issues. Chain of Life will forward your letters to her.

Angela Guidice and Nia-Sue Mitchum of Roxbury, Massachusetts became the first lesbian couple in that state to jointly adopt a child who is not the biological child of either woman. The adoption of their son, Mario, was finalized April 26. According to *Sojourner's* June 1995 issue, "Mario's birthmother had indicated to her social worker that since her brother's death from AIDS-related complications, she had wished to place the child with a lesbian or gay couple."

Book Review:

An Adoptee's Dreams: Poems and Stories

by Penny Callan Partridge, 1995

A long-time adoption activist — she was elected president of the American Adoption Congress in 1981 — Penny Partridge wrote this heartfelt and personal book about being an adoptee to help others. As she states in the preface, "I have written what I would like to have stumbled across as the lost and alone twenty-year-old I was in 1965." Brief prose stories and poems are interspersed under three headings: "Families," stories of being an adopted child and adult; "The Political Part," focusing on the struggle to open records; and "Fellow Adoptees," individuals who are the subjects of poems. Three of the poems in this collection have been published previously in *Chain of Life* ("Going to Jail with Sandy," "Adoptee/Feminist" and "Across and Down").

I found this book to be a validation of some of my own experiences as an adoptee. The family dynamics she described often had a familiar ring: Penny's adoptive mother felt competitive with her invisible birth mother; her adoptive father felt threatened by his daughter's search and responded defensively until Penny pointed out to him that she needed his, her father's, support in the process of reunion. Penny felt that she had not been born because she did not know the woman who bore her. The visceral knowledge that she was, after all, mortal — that, "I have a body here that will live and age and then die"— came only after reunion.

A poem about fellow adoptee Gaetan Dugas, the attractive flight attendant called "Patient Zero" in the AIDS epidemic because he infected so many people in the epidemic's early years, conjectures ways that his experiences as an adoptee could have played a part in his self-concept and resulting anti-social behavior. This poem drew on information from Randy Shilts's book *And the Band Played On: Politics, People and the AIDS Epidemic* but the poet's interpretation came from her intuitive understanding of being adopted.

> "I have written what I would like to have stumbled across as the lost and alone twenty-year-old I was"

As I read *An Adoptee's Dreams*, I felt both validated and enriched by Penny's observations. The poetry and prose are both extremely accessible and clear. Insider references are explained in a glossary at the back. *An Adoptee's Dreams* describes both the ways real dreams can symbolize an adoptee's psyche and the dream of open records and public understanding of our needs and perspectives. When Penny explains adoption search to a stranger, he asks rhetorically (and commonly), "Well, but what about someone knocking on the door as your long lost kid?" The author answers, "Adoptees seldom knock on the door, because the last thing they want is to frighten people away from them."

An Adoptee's Dreams can be purchased directly from the author. Send $10.+$2 postage and handling ($6. each + $2. total postage if you order 6 or more books) to: **Penny Partridge, 38 Cosby Avenue, Amherst, MA 01002.** One dollar from the sale of each book will be contributed to the New Jersey Coalition for Openness in Adoption.

– Reviewed by Janine Baer

Pact: An Adoption Alliance in San Francisco offers workshops for adoptive and pre-adoptive parents. Although this description for the July workshop "Having Two Families" arrived too late to be listed, I like what it says:

"Children who have been adopted grow up belonging to both their birth and adoptive families whether they have ongoing contact with their birth family or not. This workshop will focus on issues most adoptees have to cope with at least ten dozen times during their lives but rarely get a chance to talk about. Divided loyalties, sibling connection, and taking care of parents' emotions will be discussed. Anything you can't learn about these issues will challenge your adopted child's isolation and cut into his or her feeling that no one can understand." ▲

Pact can be reached at 415 / 221-6957.

Book Review

BABIES FOR SALE:

THE TENNESSEE CHILDREN'S HOME ADOPTION SCANDAL

by Linda Tollett Austin • 1993 • 171 pages

Recent changes in Tennessee adoption law including the complete opening of records for people adopted before 1951 were influenced by that state's history, particularly The Tennessee Children's Home adoption scandal that was carefully documented in this book. Georgia Tann was the director of the Tennessee Children's Home from the mid-1920s until her death in 1950. While she may have been concerned about children's welfare in the beginning, the passage of time and perhaps the hardships of the Depression may have influenced her increasingly unethical and self-serving practices. Tann demanded payments of adopting parents from California and New York in exchange for children who were often taken from birth parents against their wishes.

Ironically, the Tennessee Children's Home was highly respected at the time. Tollett Austin found, "In the 1940s, the agency had become a substitute for The Cradle in Evanston, Illinois, as the agency of choice for celebrity couples. Apparently, the [Los Angeles] celebrities who received children did not believe that there were any irregularities inside the agency since they openly organized an adoptive parents club and held several annual picnics."

The author is both an attorney in Tennessee and a Ph.D. historian specializing in history of the American South. Her book is based on archival and library research as well as personal interviews with Judge Robert Taylor, who helped break the case against Georgia Tann. Taylor represented the state of Tennessee in litigation against Tann's estate after her death andwas a major figure in revealing the scandal.

The book begins with a brief historical overview of adoption law. Then the first chapter opens with the September 1950 revelation of the baby-selling operation, in which "about 1,500 babies had been illegally adopted throughout the country." In the next two chapters, the author explains the political context in which illegal practices flourished — Memphis was controlled by the Crump "machine"— and describes the probable collaboration of Judge Camille Kelly, who presided over Memphis's Juvenile Court for thirty years, obtaining children for Tann's operation by legally terminating birth parents' custodial rights.

baby-selling was not confined to Tennessee

Chapter 6 reminds readers that so-called black market baby-selling was not confined to Tennessee — in fact, it was common from the 1920s through the 1940s. It was not until 1955 that Senator Estes Kefauver held Congressional hearings to try to address the problem. He found that thirty states did not have laws against baby-selling. An interstate ring operated out of Chicago and an international operation was based in Montreal, selling babies to New Yorkers. Using pseudonyms such as "Miss Watson," unwed mothers testified at these hearings about how they were treated by baby brokers: some were told falsely that their babies had died; most were not counseled or educated about contraception. Although Kefauver's bill to criminalize "commercialized interstate placement of children" never became law, Tollett Austin's research suggests that adoption agencies were aware of the hearings and "tightened up" their practices in response.

The search by adopted people for their birth parents is discussed in Chapter 7, which notes that adoptees searching for their roots helped uncover details about the Tennessee Children's Home Society's practices.

If this book is revised, an Afterword might mention the legislation passed this year in Tennessee. And Tollett Austin's research, which won an award when it was published in 1991 in *Tennessee Historical Quarterly*, undoubtedly can be credited with helping raise awareness in Tennessee regarding the need for opening records.

Historical research is time-consuming so I will not say that the $43. price on his fascinating little book is excessive — but it *is* too much for most people to afford. Maybe your library can buy a copy, or perhaps it will be on sale at some point. The publisher, to whom I am grateful for my review copy, is: ***Greenwood Publishing Group, Inc., 88 Post Road West, P.O. Box 5007, Westport, CT 06881-9990.***

— REVIEW BY JANINE BAER

LEGISLATION

Three adoption bills in California

These bills were due to be heard by the Senate Judiciary Committee in July.

• ASSEMBLY BILL **1743** will **bring California into compliance with the federal Multi-Ethnic Placement Act** that passed last year, prohibiting the state Department of Social Services from delaying placement of a child due to race, ethnicity, or culture. The California bill also mandates placement of children in crisis in the homes of relatives first.

• ASSEMBLY BILL **898** would **shorten the time that an adoption placement can be challenged** by an agency, a birth family, or the Department of Social Services from five years to one year after finalization. (Usually, a birth mother in California has up to ninety days after the adoption is finalized to change her mind.)

• ASSEMBLY BILL **1283** would **do away with the requirement to find the father** of a child who is going to be placed for adoption, with the exception that a "presumed" father, one who either is married to the mother or who "holds the child out as his own," would be notified. A father could hold the child out as his own by filing a paternity petition to establish his status. If he did not know about the child, he would have no way to know to file such a petition under this bill. AB 1283 also allows for pre-birth termination of a father's parental rights. This bill seems to be an attempt to prevent situations like those in other states such as the recent "Baby Richard" decision, in which fathers who did not know about a child at the time the child was placed for adoption have gained custody of children who are two to four years old, after lengthy court battles.

This information is from the newsletter of SEARCH-FINDERS OF CALIFORNIA, P.O. BOX 24595, SAN JOSE, CA 95154. Search-Finders assists searches and/or reunions of families separated by adoption and sealed records. Membership is $50. for the first year and $25 a year thereafter. For more information, call 408-356-6711.

U.S. ADOPTION IN THREE CULTURES

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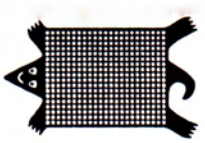
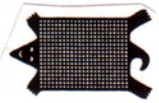
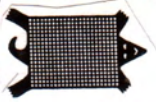


United States Adoption History in Three Cultures



by Janine Baer



The formal, legal adoption of children by non-kin began to take its modern form in the United States primarily among the European American majority in the mid-nineteenth century with new or revised state adoption laws. Massachusetts is considered to be the first state that legislated a modern adoption law, in 1851. Free foster homes began to replace indenture of European American children at about the same time. In the free foster home, children were theoretically free to leave at any time while indentured servitude involved a contract that specified an amount of time a child would have to work. According to Andrew Billingsley and Jeanne Giovannoni's 1972 book *Children of the Storm*, emancipation of African Americans from slavery was one factor that set in motion the eventual end to indenture of all children, in part because European Americans became uncomfortable that white children could still be indentured while African American children could no longer be bought and sold.

Formal adoption overlapped historically with informal arrangements. Informal or kinship adoption has been used by African Americans since the time of slavery, as well as by some Native and European Americans, to care for dependent children. In *Child Welfare: An Africentric Perspective*, Carol C. Williams, DSW, explained the role of informal adoption in the black family, stating, "Family within African American communities has thus meant the extended family rather than the nuclear family and has included persons related by blood as well as persons without blood or marital ties." Formal termination of parental rights has not been a common practice among African Americans until relatively recently, although in the early twentieth century some unmarried, middle-class black women relinquished their children with the help of black lawyers who often placed their infants out of state, a practice used also by white women that came to be known as independent adoption.

Formal legal adoption provides for the transfer of parental rights and obligations from one set of parents to another. California's first adoption law in 1870 provides an example of the type of adoption statute that was new in the late nineteenth century and has provided a foundation for most twentieth century adoptions. Children "born out of wedlock" were specified in California's early law as candidates for adoption. The adoptee would have full rights of inheritance from adoptive parents, which was not always true for adoptees in other states. The law stated:

> ...such child shall become the child of the person or persons signing the same, and shall bear the name of such person, and shall be considered in law as the heir of such person or persons, and shall inherit the estate of such person or persons in like manner as if born of the body of such person.

In 1870 there were no provisions for the inspection of adoptive homes or background checks of prospective parents and no specific requirements for secrecy of adoption records or to change the name of a child on the birth certificate.

Middle-class or upper-class individuals or couples, almost all of whom were of European ancestry in the nineteenth century, would have been most likely to adopt children legally in the early years of California's adoption law. Individuals in these classes could afford to pay a lawyer, to support a child rather than use his or her labor, and to have property a child might inherit. This form of adoption — as opposed to informal or kinship adoption done without legal protection — coincided with changes in childhood and family life in the middle classes that resulted from industrialization and urbanization in the late nineteenth century.

Until about 1920, unmarried pregnant white women were encouraged by maternity home workers to keep and raise their children, although many did relinquish them either through legal adoption or to unregulated "baby farmers" in the first decade of the twentieth century. By the 1920s baby farms were closed by child protective agencies and formal adoption, primarily of white children, grew. In *Pricing the Priceless Child* (1985), Viviana Zelizer describes baby-selling in the 1930s, when people paid large sums for babies who were not expected to provide economic returns as did children in nineteenth century "orphan train" adoptions who worked on farms for their new families. During the Great Depression, the temptation was indulged by some adoption agencies and individualsto place babies with middle- or upper-class people for a substantial fee, legally, or to sell babies illegally.

Formal adoption was uncommon for African Americans and Native Americans in the 1930s through 1950s, however. There was no comparable "market" for children of color given the limited finances of most people in these groups in the early twentieth century. Social work standards required that adopting

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couples have a certain income and that mothers not work outside the home, qualifications that eliminated more African Americans than European Americans. In turn, if a pregnant woman believed her child would not be likely to be placed in an adoptive home because of its race, she would be less likely to relinquish the child.

In addition, most maternity homes had been racially segregated before the 1950s with few available for black women; even orphanages tended to be segregated by race. Some African Americans may have disliked the idea of paying for a child in the form of fees to an adoption agency because it was reminiscent of the selling of human beings under slavery. And trans–racial adoption of children of color was unacceptable during those decades. All of these policies and attitudes mitigated against the likelihood that African American women would relinquish their children. As a result, African American children who were raised away from their birth parents lived either with extended family, in informal adoptive placements, or in foster homes.

Adoption and "illegitimacy" were two sides of the same coin as adoption standards developed in the United States. In *Fallen Women, Problem Girls,* her 1993 book on unmarried mothers and the professional–ization of social work, Regina Kunzel wrote that African American illegitimacy was not considered a problem by social workers and social scientists until the 1940s, when blacks migrated to cities in all parts of the country and black women began to relinquish children. According to Kunzel:

> For decades, social commentators had invested black unmarried mothers with instinctive maternal warmth and praised their tendency to keep their children. But by the 1940s, many observers were noting with great anxiety the desire on the part of some black unmarried mothers in urban areas to give up their children. [E. Franklin] Frazier found that, "on the whole, the unmarried mothers in the city exhibit less of the elemental maternal sympathy toward their children which one finds in rural communities in the South." (quoting Frazier, *Negro Family in the United States*, 1948, p. 265).

A quarter century ago, Billingsley and Giovannoni were concerned that African American unmarried mothers did not always have the option to relinquish their children. In a study they did of adoption agencies in 1968, these authors found that most agencies "were not going out of their way to recruit the natural parents of Black children, since such children are at present in oversupply." Black children who were relinquished to adoption agencies in the early twentieth century usually had to be placed with white social service agencies; African Americans who wanted to adopt these children would then have to prove their worthiness to the same agencies. A black adopted child could be returned to an adoptive home in the black community only "on conditions laid down by the white establishment." To remedy this problem of access to adoption services for black women and children, some of whom left their healthy newborn "boarder babies" in hospitals in the late 1950s, new adoption programs were implemented. In her 1992 book *Wake Up Little Susie: Single Pregnancy and Race before* Roe v. Wade, *historian Rickie Solin*ger noted the new emphasis in the early 1960s on offering adoption to unmarried black mothers. While adoption responded to requests of some African American unmarried mothers, Solinger believed the emphasis on adoption also "deflected attention and resources from addressing the needs of the substantial majority of blacks who kept their babies and did so because they wanted to."

The role of formal adoption in Native American families was also extremely limited until the late 1950s. Native attitudes toward unmarried parenthood differing fundamentally from those of European colonizers can be traced back several centuries to the colonial era. When European Catholic priests tried to convert natives to Christian morality, they encountered native men who were not particularly concerned if their wives had other lovers. D'Emilio and Freedman (1988) relate the response of a native Montagnais man in New France to a priest who was concerned that non-monogamy might prevent the native from knowing whether a child was "his." The man answered, "You French people love only your own children but we love all the children of our tribe."

From the nineteenth century continuing into the 1930s, the Bureau of Indian Affairs had a policy of removing native children from their homes to force them to assimilate. In his report to the Indian Investigation Committee of the U.S. Senate in 1930, Dane Coolidge described the cruelty of "kid catching" on the Navajo reservation. Government stockmen, farmers, and BIA employees would go into the back country to bring children in to school. Children who hid and refused to cooperate were "caught, roped like cattle, and taken away from their parents, many times never to return" (as described by Chris Harris, 1994).

In the twentieth century, adoption of native children in the United States has taken place primarily when parental rights have been terminated as a result of social workers' judgement that native homes, often impoverished, were unfit. As related by David Fanshel's book *Far From the Reservation* (1972), Arnold L. Lyslo, Director of the Indian Adoption Project of the Child Welfare League of America, wrote about an innovative program that placed a total of 395 native children in white adoptive homes between

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1958 and 1967. About half of these children were under one year of age. Over half of the entire group were originally from the states of Arizona or South Dakota while the states with the largest number of placements were New York, Illinois, Missouri, Indiana, Pennsylvania, and Massachusetts. Hence these native children were adopted "far from the reservation" geographically and culturally. Fanshel, who studied the outcome of the mostly transethnic adoptions of the Indian Adoption Project, found the adoptions were successful, primarily from the perspective of the adoptive parents, although he was concerned that native families might not be happy with this new trend to place their children in non-Indian homes. Charlotte Goodluck's 1986 mental health study of Native Americans adopted transracially suggested that such children would have multiple problems including separation from biological parent and tribal culture and searching for tribal identity as a young adult.

Throughout the 1970s, programs put forth by Native Americans to strengthen their communities were authorized by the Federal government. The Indian Education Act of 1972 was followed in 1976 by a report of the American Indian Policy Review Commission. This Commission found that over 25% of native children were being raised in non-Indian homes, resulting in a loss of tribal culture and values. "The findings of the commission provided needed documentation for Indian rights groups and helped to pave the way for the Indian Child Welfare Act (ICWA)," according to Chris Harris, social work student at San Francisco State University. Established in November 1978, the ICWA reaffirmed tribal jurisdiction in child welfare issues, stipulating that agencies arranging adoption or foster care of Indian children must give custody preference to the child's extended family and tribe, followed by Indian families of other tribes, before placing a child with non-native families.

The definition of family as the extended family network rather than the two-parent nuclear family is shared by many African and Native Americans. Today, many social workers try to prevent out-of-home placements for children of all ethnic backgrounds whenever possible by emphasizing "family preservation" — the delivery of services to families of children who are at risk of abuse or neglect. If family preservation services fail and adoption by the extended family is not possible, adoption by foster parents who have developed a relationship with a child is a common occurrence for African American children. However, only 8% of children who leave foster care are adopted and additional options are needed for the 21% who are not reunited with family. Carol Williams recommended guardianship as one possibility for children who need new permanent parents but whose parents may not want to completely sever all ties to them. Guardianship differs from adoption because some rights and responsibilities rather than all are transferred from the original parents to the guardian.

solutions for dependent children in all groups may be headed in the same direction.

The distinction between adoption and guardianship was made in another context by Navajo tribal courts in the highly publicized 1988 case of the girl known as "Baby K." Baby K's mother, Patricia Keetso, had chosen a San Jose couple to raise her baby because she thought her daughter would have a better life away from the poverty of the reservation. Tribal officials, using their rights under the Indian Child Welfare Act, removed Baby K from her pre-adoptive home and held their own custody determination hearing in Arizona. Ultimately, they allowed Baby K to return to her pre-adoptive parents Mr. and Mrs. Pitts. But they also required that the Pittses' relationship to the baby be a "permanent guardianship" rather than an adoption. As part of this agreement, they would have to take Baby K to visit her extended birth family on the reservation a certain number of times per year. Since the Pittses had already been making these visits, they were not adverse to the decision, which in effect enforced an open adoption. Most open adoptions are not legally enforceable; legal rights are completely transferred to the adopting parents, who can choose to ignore an agreement to share pictures and letters or to have visits between adoptive and birth parents.

Childraising options such as legal guardianship and formalized adoption by kin address the problems of children without parents. These options better reflect the cultures and historical family structures of some ethnic groups in the United States than does the single alternative of stranger adoption, whose secrecy developed to protect unmarried parents from community disapproval. With a lessening of the social stigma of illegitimacy that underlies the secrecy in formal adoption law, alternatives such as open adoption and permanent guardianship provide options for people of all races who cannot raise a birth child but who wish to maintain some kind of connection to him or her, and for adopting parents who believe some form of contact with birth parents is desirable for their children. Although the history of each individual ethnic group is unique, expanded options for dependent children in all groups currently may be headed in the same direction. ▲

(See page 7 for References)

RESOURCES

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by Janine Baer

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▲ CHILDREN'S ADVOCATE. While I was busily finishing my degree, as I just learned, a local publication, *Children's Advocate,* was working on its May/June 1995 issue all about issues of interest to *Chain of Life* readers. Articles include: "Telling Donor Offspring the Truth About Their Conception," new regulations for sperm and ova banks, "The Tale of Two Adoption Laws" about the Hague Convention on international adoption and the Uniform Adoption Act on domestic adoption, and "The Many Shades of Transracial and Transnational Adoption" with a panel of trans-racial adoptees. I recommend this issue, which you can order for only $3. Send a check to: ***Children's Advocate, The Hunt House, 1201 Martin Luther King, Jr. Way, Oakland, CA 94612-1217****; phone number is (510) 444-7136.*

▲ PACER. Bay area triad members can now subscribe to the newsletter of the Post Adoption Center for Education and Research for $20. You will get three issues a year, but more importantly, you will be linked to the listing of support groups that are held throughout the Bay Area and you will know about workshops and events sponsored by PACER. For a $40 annual membership, you get the newsletter *and* unlimited attendance at support groups.

As the newsletter states, "PACER is one of the very few organizations in the Bay Area that offers support groups for the adoption triad. Most of us have felt indebted when we finally have seen ourselves gaining some new perspective on our forever changed lives." My first connection to an adoptee support group was in PACER in 1983; I later became its newsletter editor. I am glad to see a new group of triad member volunteers have infused PACER with energy and ideas. Write to: ***PACER, P.O. Box 309, Orinda, CA 94563*** or call 510-935-6622 (an answering machine message). The group's July newsletter includes an article by PACER member Carol Schaefer, author of *The Other Mother*, about the television adaptation of her book; a listing of new Board members; a book review of "Giving Away Simone" and a film review of "Losing Isaiah."

▲ THE JOURNAL OF GAY AND LESBIAN SOCIAL SERVICES aims to promote the well-being of homosexuals and bisexuals in contemporary society through disseminating information on innovative approaches to the design, evaluation, and delivery of social services to lesbians and gays. The journal will provide positive influence in the development of public and social policy, programs and services, and practice with individuals, couples, families, and communities. The recent issue, Vol. 2 No. 2, includes a description of *Chain of Life*.

Its editors are James J. Kelly, Ph.D., professor of social work at California State University, Long Beach and Raymond M. Berger, Ph.D., retired professor of social work at the same university. Now in its second year, the *Journal of Gay and Lesbian Social Services* is published quarterly; individual subscriptions are $36. a year from: ***The Haworth Press, Inc., 10 Alice Street, Binghamton, NY 13904-1580. Phone: (607) 722-5857.***

▲ **GATHERING THE PIECES TOGETHER. September 15, 16, and 17.** *Adoption Synergy Associates* presents an open space conference as a benefit for PACER, the Bay Area's support organization for adoption triad members. Location will be the Tiburon Lodge and Conference Center by the Bay in Marin County, California.

"This is an opportunity for a triad members from around the Bay Area to come together and to speak what is on their minds and in their hearts." Professionals are welcome to share their skills and learn from others. Before August 14, cost is $60 for PACER members, $75 for non-members (after 8/14, $75 and $90) to **ASA, 21 Mendocino Lane, Novato, CA 94947**. Hotel accommodations are additional. *For more information, call Jane Calbreath, Event Coordinator, 415- 898-8938 or Doug Ross, on-site manager, 415-868-2751.*

▲ **CERA CONFERENCE. September 27 - October 1.** "Shedding Light On the Adoption Experience IV," about the lifelong effects of adoption and for family preservation, will be held at the Doral Hotel in New York City. Speakers include Annette Baran, Reuben Pannor, Joyce Pavao, Nancy Verrier, Carol Schaefer and Rickie Solinger. For more information, write: ***CERA Conference, 401 East 74th St., #17D, New York, NY 10021-3925 or call 212-988-0110.***

▲ **CUB. Concerned United Birthparents Conference/Retreat. November 1-5, 1995.** "Shaking Up the World of Adoption." "...give and receive support from fellow CUB folks who understand as no one else really can." Located at Highland Springs Resort, Conference and Guest Ranch, Beaumont, California, in the foothills of the San Bernardino Mountains. Discount rates before September 1. For details, call ***Mimi Janes, CUB Conference Arrangements Chairperson, 714-521-4204; Barbara Shaw, CUB Program Chairperson, 818-980-7398, or Janet Fenton, CUB president, 308-384-3571.***

▲ **AMERICAN ADOPTION CONGRESS** Northwestern and Southwestern combined Regional conference, **November 3-5, Los Gatos, California.** "Solving the Mystery of Adoption." For more information, contact ***Search-Finders of Califonria, P.O. Box 24095, San Jose, CA 95154, 408-356-6711.***

▲ **The 18th annual international AAC conference** will be held in Baltimore, Maryland, April 25-27, 1996. They are currently requesting workshop proposals.

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