

Chain of Life

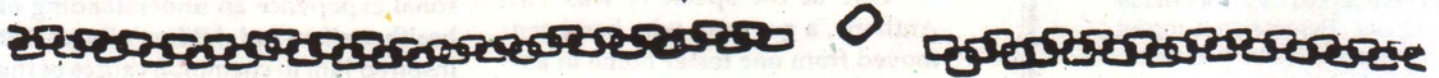
A Progressive Adoption Newsletter

▲ Since 1989 ▲

P.O. Box 8081 • Berkeley, California 94707

JANINE BAER, M.A., EDITOR

Issue #39 ▼ Summer 1996



Adoption Fantasy

by Katha Pollitt



This article was first published in the July 8, 1996 issue of The Nation, 72 Fifth Avenue, New York, NY 10011, and is reprinted here with permission of the author.

Bill Clinton loves it. Bob Dole, too. Newt Gingrich thinks it's so terrific he wanted to mass-produce it through the Personal Responsibility Act. Hillary Clinton told *Time* she dreamed of trying it herself. As the "family values" / teen-sex / abortion debate winds on with no end in sight, adoption is being touted as a rare area of consensus: the way to discourage "illegitimacy" while providing poor children with stable homes, the peace pipe in the abortion wars. Whatever may be the difficulties and conflicts of actual people involved in the adoption triangle, at the political level, it's all win-win: adoption and apple pie.

Whenever I question the facile promotion of adoption as a solution to the problem du jour I get angry letters from adoptive parents. So I want to be clear: *Of course* adoption can be a wonderful thing; *of course* the ties between adoptive parents and children are as profound as those between biological ones. But can't one both rejoice in the happiness adoption can bring to individuals and ask hard questions about the social functions it is being asked to fill? I can't be the only person who has noticed that the same Administration that supports the family cap — the denial of a modest benefit increase to women who conceive an additional child while on welfare — is about to bestow on all but the richest families a \$5,000 tax credit to defray the costs of adoption. Thus, the New Jersey baby who is deemed unworthy of \$64 a month, or \$768 a year, in government support if he stays in his family of origin

immediately becomes six times more valuable once he joins a supposedly better-ordered household. Maybe unwed mothers should trade kids.

Last year, mass adoption was supposed to rescue innocent babies from the effects of defunding their guilty teenage mothers — a bizarre brainstorm of Charles Murray that has fortunately faded for now. This year, adoption is back in a more accustomed role, as an "alternative" to abortion — a notion long supported by abortion-rights opponents from Ralph Reed to Christopher Hitchens, and recently picked up by some pro-choicers too. The wrong women insisting on their right to have children, the right women refusing to — it's hard to avoid the conclusion that as public policy, adoption is being pushed as a way of avoiding hard questions about class and sex. After all, if poverty is the problem, we could enable mothers and children to live decently, as is done throughout Western Europe. If teenage pregnancy is the problem, we could insist on contraception, sex education and health care — the approach that has also worked very well in Western Europe, where teens are about as sexually active as they are in this country, but where rates of teen pregnancy range from half of ours (England and Wales) to one-tenth (the Netherlands).

How much sense does adoption make as a large-scale alternative to abortion? Journalists constantly cite the National Council for Adoption's claim that 1-2 million Americans wish to adopt — which would make between twenty and forty potential adopters for every one of the 50,000 or so non-kin adoptions formalized in a typical year. But what is the estimate based

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Chain of Life

is a forum for exploring adoption and related topics with special emphasis on the views of adopted adults. Viewpoints of authors are not necessarily held by the publisher and discussion on any topic is welcome. Please indicate whether any item you send to Chain of Life may be published.

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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. ▲

T.J. Anthony

The very first issue of *Chain of Life*, published in May 1989, consisted almost entirely of a description of a panel discussion about adoption issues in the gay and lesbian community. The triad member speakers were reformers who advocated the rights of adoptees and donor insemination kids to know their origins.

One of the speakers was T.J. Anthony, a gay man who had been moved from one foster home to another for most of his childhood. I learned T.J.'s full first name only in his obituary in the *San Francisco Chronicle*, August 6. Thesloniki "T.J." Anthony, political activist, had died August 2 in San Francisco, at the age of 37, after "a long struggle with Hodgkin's disease." Anthony had been a legislative aide to San Francisco supervisor Barbara Kaufman and was a leader in the city's gay political community. Among many accom-

plishments, Anthony had revised the City Charter and was respected as a public policy analyst. Kaufman described him this way: "His particular passion was for civil rights. He just didn't like inequities in anything. He was not only concerned about gay issues. He didn't like injustice of any kind."

Clarence Johnson of the *Chronicle* wrote, "Mr. Anthony was born in Michigan and raised in more than a dozen foster homes, gleaning from personal experience an understanding of health, welfare and children's issues that inspired him to champion causes of the less fortunate." In the area of children's issues, T.J. Anthony helped gain approval for San Francisco's policy of reuniting foster children with their birth families. He also founded 'Men Who Care About Women's Lives' and organized the nation's first men's march for reproductive choice.

In honor of T.J. Anthony, I am reprinting the Chain of Life segment in which he talked about his experience as a foster child on that panel in 1989.

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March 18, 1989, Oakland, California:

The third speaker was T.J. Anthony, who spoke as a former foster child. "It's easier being openly gay in Orange County than talking about yourself as a foster kid," he said.

When T.J. was three years old, he and his five sisters were taken from their mother's custody following their father's abandonment of the family. His mother had written bad checks to pay the bills and was arrested. The girls were adopted and T.J. was put first in an orphanage, then in a series of nineteen foster homes. It was foster care policy to try to prevent emotional attachment between foster family and children so they moved children frequently. T.J. felt ashamed of being a

foster child.

Anthony's concept of his own ethnicity changed with every foster family. When asked his ethnicity, he would give the ethnic group of his current foster family as his own. This was not very credible when T.J., who is white, would tell people he was black. It was not until his eventual reunion with a sister and then with his birth parents that Anthony learned his true ethnicity, which is Greek.

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At the age of eleven, the social workers wanted T.J. to be adopted and even used him as a "poster boy" to encourage adoptions in Michigan. The publicity only embarrassed him. T.J. had always wanted to be reunited with his family. He recited his sisters' names every night before he went to bed, fearing he would not be able to meet them again if he were adopted and had to change his name. He even stayed in an abusive foster home for several years as a pre-teen and teenager rather than complain as a strategy to avoid being adopted.

When T.J. Anthony was sixteen, his wish came true: his oldest sister found him and reunited the family. Ironically, T.J. is now his mother's only legal child since his sisters, one of whom is a lesbian, were legally adopted by other families.

Anthony concluded that closed adoption is a cruel and violent act. So-called pro-family forces today that favor adoption are actually favoring the separation of families.

Foster and adoptive kids are told to be grateful, he said. But Anthony is not grateful for the lies, deceit, dishonesty, physical abuse, sixty-two social workers, and a judge who stole kids from their mother. He also is not grateful for Massachusetts Governor Dukakis's policy that prevents gay people in that state from being adoptive or foster parents.

He is grateful for his birth mother, for PACER (Post Adoption Center for Education and Research), and for new forms of parenting that respect a child's humanity. He believes parents should give their children two things: truth and love.

Anthony said he also is grateful for his experiences, which made him a radical feminist committed to social justice. Organizations in which he is involved include "Men Who Care About Women's Lives," which favors abortion rights, and the "Feminist Men's Alliance." ▲

T.J. Anthony helped gain approval for San Francisco's policy of reuniting foster children with their birth families.

Congratulations !

to Jane Calbreath, who was elected President of PACER for the 1996-97 year. David Duffy is the new Vice President and newsletter editor. Write to PACER at P.O. Box 309, Orinda, CA 94562, or call its recording at 510-935-6622 for further information about PACER's "warm line", support groups, workshops, and newsletter.



ISRR for Reunions

The International Soundex Reunion Registry is a non-profit service that reunites adoptees and others who have been separated from family members with their missing relatives when those relatives also register with ISRR. Founded in 1975, ISRR does this work at no charge, thanks to voluntary donations. For more information or to send a tax deductible donation, call (702) 882-7755 or write: ISRR, P.O. Box 2312, Carson City, Nevada 89702.

Move to Ban Gay Adoptions in California

The National Center for Lesbian Rights (NCLR), based in San Francisco, has alerted its supporters that California's Department of Social Services (CDSS) will be holding hearings September 3, 4, and 5 regarding its proposal to formally stop lesbians and gay men from adopting children in the state. These hearings will be in San Jose (9/3), West Sacramento (9/4) and Santa Ana (9/5).

An informal policy against unmarried couples adopting children has existed for years but is routinely ignored by judges who wish to look instead at the needs of the children involved. The proposed regulations will apply not only to "stranger" adoptions but also to second parent adoptions, in which the partner of a lesbian or gay man who is raising a biological child will not be able to become a second legal parent. Such adoptions are very much like step-parent adoptions, providing extra benefits for a child who is being raised by two unmarried parents.

Of special note to those of us who are familiar with the custom of changing adoptees' birth certificates to include only the names of adopting parents is that the proposers of the new regulations cite traditional adoption practices to bolster their argument that a child can have only one mother or one father. CDSS points out, "Family Code Section 8614 specifies that the county clerk may issue a certificate of adoption that indicates the names of the adoptive parents and the name the child has taken. It also specifies that unless the child has been adopted by a stepparent, the certificate shall not state the name of the birth parents of the child."

Just to make sure they have covered all the bases with same gender adoptions, the regulators spell out their intentions this way:

"Adoption Section 35124 to read:

(a) "No agency shall recommend approval of an adoption petition when the adoption would result in the child's having more than one legal parent, unless the parents are legally married to each other.

(1) "The agency shall specify in its report to the court that a proposed adoption which would result in a child's having parents who are not legally married to each other is not in the best interest of the child.

(b) "No agency shall recommend approval of an adoption petition when the adoption would result in the child's having more than two legal parents."

There is also a discussion of why living with married parents is best for children and for society.

If you wish to send your opinion to the state of California, there is not much time left. NCLR suggests that you send clear, concise, respectful letters by September 5 to:

Frank R. Vitulli, CDSS
Office of Regulations Development
744 "P" Street, MS 7-192
Sacramento, CA 95814

or by fax to: (916) 654-3286.



Mention that you are writing in response to the proposed CDSS regulations regarding adoptions by unmarried couples. The National Center for Lesbian Rights would like to receive copies of these letters. Their address is: 870 Market St., Suite 570, San Francisco, CA 94102. Phone is 415-392-6257.

CHAIN LETTERS



A child's voice in court.®

California Court Appointed Special Advocate Association

116 New Montgomery Street, Suite 508

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Executive Director

June 6, 1996

Janine Baer
Chain of Life
P.O. Box 8081
Berkeley, CA 94707

Dear Ms. Baer:

Thank you for your inquiry regarding whether local Court Appointed Special Advocate (CASA) Programs have policies to exclude potential CASA volunteers based upon their status as birth parents or preference for family preservation. Your question was based upon contact you had had with a potential volunteer from Illinois.

Obviously, I am not familiar with program policy outside of California. In this state, policies regarding the criteria for selection as a CASA volunteer are set by each individual CASA program in the state. According to state Rule of Court 1424, these selection criteria must be in writing and are subject to the approval of the local juvenile court judge. Although these selection criteria vary, it would not normally be the position of a California CASA program to exclude a potential volunteer solely based upon status. However, CASA programs will exclude volunteers if the program believes that they have personal issues or concerns that might interfere with their ability to be objective, independent advocates for the child. This might include a situation where the potential volunteer had had an extremely negative experience with a child welfare system that they could not put aside. In addition, a potential volunteer would be excluded if they had a conviction for or history of child abuse. It is also important to understand that programs do not make final decisions as to whether to accept a potential volunteer into the program until after training is completed and all screenings, including a fingerprint and background check, are done.

I would also like to stress that CASA programs in California recognize the great value of family preservation services in appropriate cases, and often advocate strongly that reunification services be provided. The training program for potential volunteers includes extensive information on family preservation and reunification services.

Thank you for your interest in this important issue.

Very truly yours;

SUSAN CARTER, J.D.
Executive Director

**A MEMBER OF THE NATIONAL CASA ASSOCIATION
AN AMERICORPS® PROGRAM**

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New Program for Known Sperm Donors

Rainbow Flag Health Services (RFHS) is a sperm bank serving the Gay and Lesbian Community of the San Francisco Bay Area. Started by a gay man who is a nurse, this is a home grown service with strong ethical principals. Donors are gay, bisexual, or heterosexual. Its founder, Leland Traiman, insists that donors and mothers know each others' identities, for the sake of the children, who will thereby not have to fantasize about their paternal genealogy. The clinic's practice is to tell the mother the name of the donor when the child is three months old. If the mother has not contacted the donor by the child's first birthday, the donor may contact her. Women who use this service must sign a contract that this is their wish. The known donors will not have custody rights or parental obligations.

RFHS limits the number of children who will be conceived by a single donor to four. Other sperm banks may use the same donor to have up to ten children. (And there have been unethical doctors in the past who have fathered many more.) The limit of four is especially important as the children are likely to grow up in the same community, the gay and lesbian community in Northern California. The possibility of brother/sister incest is limited by the practice of telling children the identity of their donor and by the small number of children who will be conceived by each donor.

In another "first," Rainbow Flag Health Services is the only sperm bank that insists that children conceived through its services not be circumcised. RFHS considers male circumcision to be a form of abuse and mutilation. The RFHS web page refers on-line readers to the Internet home page of the National Organization to Halt the Abuse and Routine Mutilation of Males (NOHARM) for more information.

And finally, Rainbow Flag Health Services does not pay donors much. The organization wants donors to choose to procreate for reasons that are not financial. They are reimbursed primarily for their travel expenses.

In May of this year, Mr. Traiman was concerned that the State of California was considering regulations to bar gay men from being sperm donors. Traiman wrote, "Since sperm is frozen for 6 months and the donor is then retested for HIV (unlike blood which

cannot be frozen), scientists at the CDC [Centers for Disease Control] say there is no reason to exclude Gay men as donors. I think we will win this one but the struggle is hard."

The clinic's practice is to tell the mother the name of the donor when the child is three months old.



Traiman can be reached by phoning 510-763-7737, or by e-mail: Leland Traiman@out.org. A donor information line offering a recorded messages is at 510-272-0300.

A reminder to adoptees: RFHS donors must have no genetic family diseases, ruling out adoptees who do not

know their family medical histories. Among other requirements, donors must be in general good health, practice safe sex, be HIV negative, and be under 55 years of age.

Search Workshop October 19

PACER will hold a search workshop for adoptees and birthparents on October 19, 1996 in Greenbrae (Marin County), at 25 Corte Morada, from 10 am to 1 pm. The \$25. fee must be paid to PACER in advance. This workshop will be led by Independent Search Consultants Martin Brandfon and Kate Burke; all proceeds go to PACER, the Post Adoption Center for Education and Research. Send your check to PACER, P.O. Box 309, Orinda, CA 94563. If you have questions, you can leave a message for PACER at 510-935-6622. Individual search assistance will be provided; please bring all documents relevant to your search to the workshop. The workshop will be cancelled if there are fewer than ten people enrolled.

Subscriber Demographics

In August 1996, Chain of Life's 80 subscribers live in the following places:

36 of you are in California, by far the most in any state. New York, the next largest state, has 7 subscribers. Iowa and Massachusetts each have 4; Iowa ties for third place thanks mostly to an enthusiastic supporter in that state who has told her friends about *Chain of Life*. The same is true for Georgia, where there are 3 subscribers. Illinois also has 3. Hawaii, Wisconsin, and Oregon each has 2. The State Historical Society in Madison is one of those subs in Wisconsin. (I don't think public resources will mind if I mention them by name.)

States with 1 subscriber each are New Jersey, Colorado, Indiana, Washington, Texas, Arkansas, Michigan, Utah, Minnesota, Ohio, Vermont, and Maine.

Internationally there is 1 subscriber in New Zealand and 4 in Canada. The Canadians are spread out over 4 provinces, one in each.

I do not have subscribers' triad membership at my fingertips but I know there are subscribers on all sides of the triad, plus some feminists, professionals, and organizations who are interested in *Chain of Life's* subject matter although they may not have a personal involvement with adoption.

THANKS to all of you for your continuing support and interest. ▲

PACER: Post Adoption Center for Education and Research

The Bay Area's Post Adoption Center for Education and Research continues to provide services to triad members. Monthly support groups exist all over the Bay Area and in Sacramento. Some support groups are open to all members of the triad, others are for birthparents (or birthmothers?) only, or for adoptees only. To obtain a listing of these groups, become a subscriber to PACER's newsletter for \$20 a year. Support group guidelines as well as meeting dates and locations are listed in each issue. Full membership in PACER, which includes both a support group membership and newsletter subscription, is \$40 a year. A bargain! (Write: P.O. Box 309, Orinda, CA 94563.)

Want to Buy A Fax Machine for Chain of Life?

Do you have extra money that is weighing you down? *Chain of Life* could use a fax machine to obtain news and articles more quickly than U.S. postal service delivery, which takes about 3 days for first class mail going from East Coast to West Coast, and another 3 days in the opposite direction for a response. The plain paper fax machine I have my eye on costs \$500.

I will list the amounts of any donations in the next issue. Please indicate with your donation if you would like to be acknowledged in *Chain of Life* or if you prefer to donate anonymously.

(By the way, donations to *Chain of Life* are not tax deductible because, although *Chain of Life* does not make a profit or pay its editor as yet, it does not have non-profit status.) Thank you.

Articles and Letters Anyone?

Another way to contribute to *Chain of Life* is by sending in articles, news items, or letters to the editor. At one time there was a lively exchange of ideas in the Letters section. When you do, be sure to let me know if your letter (or name) is for publication. ▼

NEWS AND RESOURCES

▲ A \$5,000 tax credit for "costs associated with adopting children" (reported in the last issue of *Chain of Life* and mentioned in Katha Pollitt's cover article) is included in the minimum wage bill signed in August by President Clinton. "Hard-to-place" children's new families will get a \$6,000 credit. Except for the provision on hard-to-place children, the tax credit will expire after five years. The provisions apply to all but step-parent adoptions. William Pierce, president of the National Council for Adoption, took a leading role in pushing for the provisions. (*Washington Post via San Francisco Chronicle, August 10, 1996*)

▲ Newt's sister Candace Gingrich, 30, has written a memoir, *The Accidental Activist*, in which she reveals that Robert Gingrich, her biological father and Newt's adoptive father by marriage to his mother, is an adoptee.

▲ Rainbow Coalition leader Jesse Jackson was the subject of a "Frontline" television show in April. Jesse was never claimed by his natural father, Noah Robinson, who was among the most prosperous black men in Greenville, South Carolina. At one point, Jackson biographer Marshall Frady reports, Robinson found the 9-year-old Jesse standing outside his house, staring into the window. (*From review by John Carman, San Francisco Chronicle, April 30, 1996*)

▲ Toronto: On June 14, the Canadian government introduced legislation to ban pay-for-pregnancy procedures, including paid surrogate motherhood and sale of eggs, sperm and embryos. It would also

outlaw sex selection of babies. "We are acting today to set boundaries on the use of new reproductive technologies," Health Minister David Dingwall said in a statement accompanying the bill. Banned will be "practices that commercialize reproduction and are contrary to the principles of human dignity, respect for life and protection of the vulnerable," the Health Department said. Passage of the bill was a near certainty. The law would make Canada one of a handful of countries with such tough rules. In the United States, most states have allowed reproductive technologies to advance with few hindrances. (*Associated Press, San Francisco Chronicle, June 15, 1996*)

▲ In April 1996, Redwood Cultural Work/Redwood Records was forced to close after twenty-three years of providing feminist and international music. In the July/August 1992 issue of *Chain of Life*, adoptee Elizabeth Seja Min talked about her experience as an adoptee of color. Elizabeth was then the newly hired artistic director for the non-profit organization, which was founded by singer/songwriter Holly Near in 1972. Elizabeth and her co-workers had reduced Redwood's debt from three-quarters of a million dollars to less than one-quarter of a million. "However, changes in the economy, rising costs amidst serious downturns in the record industry, and a dramatic loss of funding for the arts have made it financially impossible for Redwood to remain in business." Ironically, Redwood received a Grammy nomination for *Ritmo y Candela: Rhythm at the Crossroads*, a

collaboration of Afro-Cuban percussionists, early in 1996. While the supply lasts, Redwood's records can be purchased from Ladyslipper Distribution (800-634-6044) or Goldenrod Distribution (517-484-1712).

▲ *Shadow Train: A Journey Between Relinquishment and Reunion* is a book by Patricia E. Taylor, a birth mother who had not wanted to relinquish her child. "The book outlines the emotional experience of rebuilding a relationship after a nineteen year forced separation and the depth of pain which must be overcome by the author and her daughter in building their relationship." Send \$18.95 plus \$2.50 for mailing to: Patricia E. Taylor, P.O. Box 21323, Boulder, CO 80308.

▲ Sandy Musser, who was jailed for her reunion work, will be revising her book *To Prison With Love* in mid-1997, when her probation ends. Until then, or until the supply lasts, she is selling the original version at half price. Send \$7.50 + \$2 postage to: Awareness Press, P.O. Box 41, Cape Coral, FL 33910.

▲ *Adoption Wisdom, A Guide to the Issues and Feelings of Adoption*, is a new book by adoptee and psychologist Marlou Russell. It includes the words of many triad members who responded to her request for input about their feelings and experiences. This 200-page book can be purchased by mail order for \$14.95 plus \$2. postage and handling. California residents add 8.25% tax. Send a check to: Broken Branch Productions, 1452 - 26th Street, Suite 103, Santa Monica, CA 90404.

Chain of Life

NEWS AND RESOURCES

▲ It's amazing what a secure child can cope with. The Summer newsletter of *Gay and Lesbian Parents Coalition International* includes an interview with "Joe," a 12-year-old boy whose biological parents were heterosexual when he was born. Over time, his father became a woman and his mother became a lesbian. And though his parents are no longer involved with each other romantically, they live together, along with Joe and several other people, in a house in the San Francisco Bay Area.

Joe's first reaction to learning that his father was becoming a woman was, "I know a few reptilian species do that." (Beth, the interviewer: "They do what?" Joe: "Have sex changes throughout the course of their lives.")

To obtain the rest of this interview, write: *GLPCI Publications Office*, P.O. Box 43206, Montclair, NJ 07043. Ask for back issue prices.

▲ From the Summer 1996 issue of *Reform Judaism*: "During Shabbat services following their successful co-parent adoption, Sophia and Deborah's rabbi began her sermon, 'Moses had two mommies...'

"One of the other kids called out, 'Hey Rachel, just like you!'"

▲ Another feminist review of *The Adoption Reader*, edited by Susan Wadia-Ells, has been published, this time in *Sojourner: The Women's Forum*, from the Boston area, and this time by a birth mother, Judith E. Beckett. She writes, "The *Adoption Reader* is inherently political because it takes as its subject the effect of a racist, sexist, and classist patriarchal institution on women and children." The entire review can be found in the August 1996 issue of *Sojourner*. Send \$3. for this back issue to: *Sojourner*, 42 Seaverns

Ave., Jamaica Plain, MA 02130. *Sojourner* also has an e-mail address (sojourn@tiac.net) and a web page (<http://www.tiac.net/users/sojourn/>).

▲ The March/April 1996 issue of *Ms.* magazine has an article titled, "The Price of Eggs: Undercover in the Infertility Industry" by Sharon Lerner, a New York writer. Lerner posed as a prospective egg donor to obtain information for the story. "Why it's called donating, when women are paid to do it, is just one of the questions I hope to answer." Lerner points out that women over 40 who want to have a child increase their chances of in vitro fertilization's success by three or four times when using another woman's egg. Lerner's observations about the way "donors" are treated and how they are recruited make this article worth a trip to the library for the back issue of *Ms.*

▲ Laurie S. Wallmark has just published *Adopting, The Tapestry Guide*. This 31-page booklet clearly provides the "How-To's" of adopting a child today. A single copy can be purchased for \$8.95; 2 copies are \$7.25 each, with prices decreasing as quantities increase.

Wallmark advises that people think carefully about what they are doing when they set out to adopt a child. A sample of her advice: "Do not choose any open adoption simply because you think that you will get a baby faster. Do abide by any agreements that you make with the birthparents as to the amount of future contact. You want your adoption to be based on honesty. Remember, you are making this decision not just for yourself, but also for your future child." To purchase this or other adoption books, call 800-765-2367 or write Tapestry Books, P.O. Box 359, Ringoes, NJ 08551. Or contact Tapestry

electronically —
e-mail:

bookinfo@tapestrybooks.com

World Wide Web:

<http://www.tapestrybooks.com/>

▲ Richard Rouillard, former editor of the gay and lesbian magazine *The Advocate*, died of AIDS in May 1996. Issue 20 of *Chain of Life* (July/August 1992) noted that Rouillard, born in 1950, was an adoptee who learned of his adoption at the age of 12. He attempted suicide as a teenager as a result of his parents' pressure to be more masculine. Rouillard later took the last name of his birth mother, a French flight attendant, as his own.

Paul Wilner, Editor of *San Francisco Examiner Magazine*, wrote a short remembrance of Rouillard's life and death in the June 16, 1996 *Sunday Examiner*. According to Wilner, Rouillard had resigned as the *Advocate's* editor because he "won the envy of his employer" and also because he was ill.



'It takes a family (to raise a child). It takes teachers. It takes clergy. It takes business people. It takes community leaders. It takes those who protect our health and safety. It takes all of us. Yes, it takes a village. And, it takes a president.'

— HILLARY RODHAM CLINTON



Subsidized Guardianship: Opening Another Permanency Option for Foster Children

by Diane Riggs

This article is reprinted from the Winter 1996 issue of Adoptalk, a publication of the North American Council on Adoptable Children, 970 Raymond Ave., Suite 106, St. Paul, MN 55114-1149; 612-644-3036.

Children — especially those who have been physically and/or emotionally bruised in early life — need continuity and security to mature into healthy, productive adults. Too often, however, the foster care system traps children in a cycle of ever-changing caretakers, goals, and expectations. Effective adoption planning and process can rescue some of these children from impermanence, but before an adoption can take place, birth parents' rights must be terminated. For certain children, a Termination of Parental Rights (TPR) action is not possible; for some prospective caretakers, particularly kin, an involuntary TPR action against a relative is unthinkable. Children in these situations need another planning alternative — an option like subsidized guardianship.

Standard guardianship arrangements allow a court-appointed guardian to assume legal custody of another individual. Guardians of children have complete control over their wards' care and custody, and can make decisions regarding the children's education or health care without social service agency involvement. Because TPR is not required, birth parents under this arrangement also retain certain rights and responsibilities. They may maintain contact with the child, pass on items from the birth family estate, and consent to the child's adoption; but they are also responsible for the child's financial needs. Due to this last obligation, traditional guardianship makes no outside provision for a ward's financial or medical support.

Because parents often fail to pro-

vide support when children enter foster care, guardians who assume custody of a foster child stand to gain the financial responsibility for the child's care as well. Without foster care payments, or any other type of supplemental aid, many would-be guardians cannot realistically commit themselves to a child's long-term care. For that reason, a number of states and provinces have instituted, or considered instituting, some type of subsidized guardianship program.

Like "designated guardianship" in Britain and Canada, subsidized guardianship in the U.S. treads a middle ground between foster care and adoption. Its goals, however, are most closely aligned with those of adoption. Whereas foster care is by definition a transitory and temporary arrangement, guardianship agreements seek to provide permanent homes for foster children who cannot return to their birth families and, for whatever reason, cannot move on to adoption. Because guardians have full legal authority to care for their wards without social service interference, continuity can be greater and the bond between child and caretaker can grow stronger. The subsidy in subsidized guardianship, as in subsidized adoption, allows a guardian to afford the care of a child who receives no other support.

In places that currently run subsidized guardianship programs, the guardianship alternative is most often made available to children who have been in foster care for a certain length of time (often, at least twelve months) and for whom TPR is not possible or deemed to not be in the children's best interests. (For a variety of reasons, a TPR action may be judged inappropriate even if family reunification is not a viable option for the foreseeable future.) Frequently, targeted children are older and may

resist the idea of adoption because they do not wish to completely sever birth family ties.

A likely choice for guardian is a non-relative or relative foster parent who knows the child's birth family, has already been caring for the child, and is willing to accept responsibility for the child on a more permanent basis. This option may be especially attractive in kinship care situations where kin foster parents — understandably reluctant to terminate their relative's parental rights — are nonetheless willing to care for a relative's child if provided with minimal financial support. New York City recently investigated a model in which subsidized guardianship was considered specifically for children in kinship foster placements who have been in care for more than two years.

Drawbacks to Subsidized Guardianship

In a climate of political uncertainty and fiscal belt-tightening, financing is one key challenge for subsidized guardianship programs. While foster care maintenance and adoption assistance payments are funded through federal entitlement programs, subsidies for guardians have no guarantee of federal backing. Depending on what programs survive congressional budget-cutting and welfare reform agendas, states could attempt to fund guardianship subsidies through AFDC grants or through slightly reduced foster care payments. [Note: Welfare reforms later in 1996 have changed some of these options - JB] However, under current law, children who leave the foster care system for a guardianship arrangement will lose their automatic Medicaid eligibility. Some children may still be eligible for at least some Medicaid assistance outside the system, but the potential loss of that important benefit could prevent medically needy children from taking advantage of this permanency option.

Another common complaint is that guardianship is too fluid. A guardian's relationship with his or her ward can be terminated through court action at the guardian's or any other interested party's request. In addition, because

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Tennessee Adoptees Can Access Their Birth Certificates!

Last year, Tennessee passed a law giving adoptees born before 1951 access to their original birth certificates "on request and as a matter of right" (see *Chain of Life*, Issue 35). People adopted in Tennessee after 1951 were to have gained access to their original birth certificates July 1, 1996, which gave birth parents one year to ask the state to block access to their names. Implementation of this law was stopped, however, when a class action suit was filed by two birth mothers, adoptive parents, and Small World Ministries, Inc., an adoption agency in Tennessee, on June 25, 1996. Judge John T. Nixon of the U.S. District

Court in Nashville granted the restraining order and set a July 25 hearing date.

On Friday, August 23, Judge Nixon completely lifted the temporary restraining order, allowing Tennessee to implement the adoptee access to origins law. He did this on the basis that:

1. Tennessee never promised total confidentiality to birth parents
2. Evidence submitted by the plaintiffs was unsubstantiated by fact
3. State law has the authority over this matter rather than the Federal court.

The Judge found that the plaintiff had not proved that people would be harmed by the new law.

This is good news for those of us who think adoptees should be able to learn their birth parents' names. This outcome is likely to set a precedent for future moves to give access to their original birth certificates to adoptees in other states. The American Adoption Congress had established a fund for the legal defense of the Tennessee law. ▲

Thanks to Penny Partridge for this late-breaking news!

birth parents retain important rights under guardianship, they can always seek to regain custody of their children. Ultimately, the guardian's authority expires when a ward reaches majority, and neither party then has any legal obligation to continue the relationship.

Advantages of Subsidized Guardianship

On the positive side, foster children who move to guardianships leave the child welfare system and no longer require intensive social service oversight. Due to this reduction in agency intervention, states with guardianship programs may realize some benefits. Certain administrative expenses — such as those incurred by social workers and the judicial process — may decline, and states should realize net reductions in their long-term foster care population.

Second, while guardianship is somewhat less permanent than adoption, it is nonetheless more permanent and secure than foster care. Guardianship represents a higher level of caretaker commitment and authority than foster care, and makes relative stability possible without the delays and emotional distress that a TPR action could incur. In that respect, guardianship is also a much more palatable permanency plan within cultures that oppose termi-

nations of parental rights and families that wish to preserve some positive connection with birth parents. Overall, subsidized guardianship makes the most sense as a permanency plan for older children whose only other option may be long-term care in one or more groups facilities or foster homes.

Concepts of guardianship may also be used to stem the flow of children into the child welfare system. In the Vera Institute of Justice report on guardianship (see sources below), author Meryl Schwartz envisions a situation where court-appointed co-guardians work as family mentors and partners during times of family crisis. Such a person, who may already be a family friend or relative, has the legal authority as a co-guardian to act on the children's behalf if the parent cannot or does not do so. In essence, says Schwartz, "the co-guardian functions like the caseworker in a family preservation project, but with access to the family that no outsider could hope to achieve within the time limits imposed on those efforts."

Conclusion

Schwartz's study names ten states that, as of 1993, operated a subsidized guardianship program at some level.

Feedback from the states indicated varying degrees of success and challenge. Three years into the Massachusetts guardianship demonstration project, researchers reported that the majority of children were thriving with their guardians. In Illinois, program administrators' efforts to transfer about 2,000 children from kinship care to guardianship were slowed by a lack of alternate funding to cover the loss of federal medical insurance. Like other child welfare plans, subsidized guardianship must be carefully implemented and monitored. It is not the panacea for every situation, but it is another option that could help kids achieve increased permanence and security. In the prevailing atmosphere of governmental flux, children need as many positive options as possible. ▲

Sources:

New York City Comptroller Office of Policy Management. *A Model for Subsidized Guardianship*. By Matthew Grosser, Diane Paulsell, and Regina Poreda. New York, May 1995.

Schwartz, Meryl. *Reinventing Guardianship: Subsidized Guardianship, Co-Guardians and Child Welfare*. New York: Vera Institute of Justice, Inc., June 1993.

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on? According to the N.C.A., it's a rough extrapolation from figures on infertility, and includes anyone who makes any gesture in the direction of adoption — even a phone call — which means they are counting most of my women friends, some of the men and, who knows, maybe Hillary Clinton too. The number of serious, viable candidates is bound to be much smaller: For all the publicity surrounding their tragic circumstances, last year Americans adopted only 2,193 Chinese baby girls. Even if there were no other objections, the adoption and abortion numbers are too incommensurate for the former to be a real "alternative" to the latter.

But of course, there are objections. There are good reasons why only 3 percent of white girls and 1 percent of black girls — and an even tinier percentage of adult women — choose adoption. Maybe more would do so if adoption were more fluid and open — a kind of open-ended "guardianship" arrangement — but that would surely discourage potential adoptive parents. The glory days of white-baby relinquishment in the 1950s and 1960s depended on coercion — the illegality of abortion, the sexual double standard and the stigma of unwed motherhood, enforced by family, neighbors, school, social work, medicine, church, law. Those girls gave up their babies because they had no choice — that's why we are now hearing from so many sad

and furious 50-year-old birth mothers. Do we really want to create a new generation of them by applying the guilt and pressure tactics that a behavior change of such magnitude would require?

Right now, pregnant girls and women are free to make an adoption plan, and for some it may indeed be the right choice. But why persuade more to — unless one espouses the anti-choice philosophy that even the fertilized egg has a right to be born, and that terminating a pregnancy is "selfish"? I'm not belittling the longings of would-be adoptive parents, but theirs is not a problem a teenager should be asked to solve. Pregnancy and childbirth are immense events, physically, emotionally, socially, with lifelong effects; it isn't selfish to say no to them.

Promoting adoption instead of abortion sounds life-affirming, but it's actually physically dangerous, cruel and punitive. That's why the political and media figures now supporting it wouldn't dream of urging it on their own daughters. Can you imagine the Clintons putting Chelsea through such an ordeal? Hillary Clinton is entitled to her adoption fantasy, but maybe she ought to think a little more about the girls who are already here. They have a right to put themselves first. ▲

Katha Pollitt's new book *Reasonable Creatures: Essays on Women and Feminism* (Vintage in paperback) includes two long pieces on "surrogate motherhood."



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