

Adoption in the LGBT Community

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Written for CommUnity, Albany NY)

Part 1: Types of Adoption

Adoption is increasingly becoming a popular path to parenthood for LGBT people. For gay men, it is probably the most common path to parenting, and for lesbians it is increasing in prevalence. It is still difficult to adopt for transgendered and transsexual people, but it is not impossible. The adoption system continues to re-evaluate its bias, and in NYS, we have laws now protecting same-sex parents, and allowing conjoint adoption for same-sex couples.

The adoption system is complex and difficult to negotiate, and requires patience, perseverance, and lots of self-education. However, for LGBT people -- single or coupled -- it presents a positive and wonderful way to build a family. When considering adoption, numerous issues present immediately including: domestic versus international adoption, cost factors, infant or older child adoption and how "out" to be with the agency or social worker. Many gay and lesbian couples are concerned that they will not be allowed to adopt because they are gay, but in NYS sexual orientation should not be an obstacle.

Adoption is the process of taking a child into one's family through legal means and raising this child as one's own. Adoption is a sacred family tradition that has been practiced throughout history. Often children are available for adoption because their birth parents are deceased or are unable to care for them. Adoptive parents are often unable to have children biologically, or choose to adopt because they realize that there are children who need homes. There are a lot of myths and misinformation about adoption, leaving some people concerned that adoptive families are not as "real" as birth families. Although all children have birth (or biological) parents, adoptive families are legal families, "real" families and forever families. Adoption options include domestic or international adoption.

Domestic adoption means that the children needing homes are born and living in the United States and are available for adoption through a public agency or foster program, or a private agency or attorney within the U.S. Children are available for adoption from birth through adolescence. Domestically adopting a child from a public agency -- especially through a foster-adopt program or adopting a child with special needs -- is financially feasible for almost every family. In addition, the state will often pay a stipend to help support the child. It is also possible to adopt a healthy newborn from a public agency, although the wait may be longer.

The cost of private agency adoptions can range from \$5,000 to approximately \$30,000, depending on the age or race or health of the child, and the financial needs of the birth mother, as well as the fees of the particular agency or attorney involved. The finalization of an adoption process can take months or even years to complete. Changes in agency policy or even national policy, the rehabilitation of the birth mother, the reunification of the birth family, or custody disputes can potentially disrupt a domestic adoption. This time of waiting for finalization is often frightening to adoptive parents whose status as parents to the child they are raising is still legally unstable.

International adoption means that the child is born in another country and

becomes available for adoption by families in the United States. International adoption can be quicker than domestic adoption (once the paperwork is in order), and depending on the country with which one is working, children are often healthy and adoption can be completed within the first year of the child's life. International adoptions can be expensive, and often involve traveling to another country -- sometimes for an extended time --to pick up the child. The cost is rarely less than \$10,000 and can be as high as \$50,000. Different countries remain "open" or "closed" (meaning that a particular country is currently willing to place children for adoption in the United States) at different times, so placement options can fluctuate. Countries can also "close" in the middle of an adoption procedure, creating emotional pain and frustration for the potentially adoptive families, as well as the children involved. (Note: This use of the terms "open" and "closed" should not be confused with the whether or not the adoptions records are open or closed to the adoptive child.)

Currently, there are no countries that will knowingly place a child with an LGB or T person. This has at least two consequences for gay men and lesbians choosing to adopt in this manner. One is that they must be closeted in the procedures. The other is that international adoption means only one parent will be able to adopt the child initially. Most lesbian and gay families choose one partner to be the legally adoptive parent while the other parent plays a supportive role until the child is securely home in the United States. A second parent adoption can be initiated later. It is important to note that the effort of being closeted throughout the process can be extremely stressful for many families.

Part 2: Open and Closed Adoptions

Open adoption means that the adoptive parents know who the birth parents (or birthmother) are and that contact can be maintained between the two families. When adopting an infant through a private agency, the adoptive family can often meet with the birth mother before the child is born. The amount of contact between birth parents and adoptive parents can vary depending on the wishes of the adoptive families, as well as the birth mother. Open adoption does not ever mean that the biological parents have legal rights to the child/ren. Adoption, by definition, means that the biological parent's legal rights are terminated, always and completely, and except in very, very bizarre situations (usually caused by legal loopholes, errors in paperwork, etc.) adoptions are permanent and forever. The chances of an adoption being reversed are probably less common than children being removed from their birth parents homes.

Open adoption does not necessarily mean that birth parents have contact with your family, or see the children. It means that the ability to make contact exists. It means that records are NOT closed, legally shut down forever. Open adoption means that YOU, the legal parents of the child/ren, can make decisions about the kind of contacts you want with the birth family (obviously they have a say in this too, if, for instance, you want frequent contact and they do not). Legally, the decision for contact rests with the adoptive parents in an open adoption, although emotionally this can be more complicated, of course.

Contact, with the child's biological family (not just parents) can consist of letters, phone contact, or spending time together in person. Sometimes the birthparents are "aunts and uncles" to the children, in other words, a part of their lives, more commonly, they are names and faces that are talked about, and perhaps occasionally talked to on the phone.

Often the contact is only through a third party, like the original agency, so the birth parents do not where the family lives. One benefit of open adoption is that you can have access to medical information. This can sometimes be life-saving if the child has developed certain medical problems.

In closed adoptions, the paperwork regarding the birth parents is sealed and is legally inaccessible. International adoptions are virtually always "closed adoptions" in terms of the ability of the child to meet or remain in contact with their birth parents. Adopting through the social service system are often closed adoptions also. Adoptive parents are commonly not involved in the child's situation until the birth parents rights have been fully terminated, closed adoptions can also protect the adoptive family from any interference from the birth family.

Issues regarding open versus closed adoptions is controversial in the adoption community, where the desire of for anonymity on the part of the birth mothers can conflict with the adoptees desire to have more information about their genetic heritage. Closed adoption processes protect the adoptive parents from any legal repercussions from the birth parents, and some adoptive parents avoid domestic adoptions because of the greater chance of birth parent involvement. For adoptive parents who are sure they do not want birth parents involved in their families, it is possible to work only with adoptive situations where the biological parental rights have already been terminated.

Whatever decisions birth parents, adoptive parents, and state record departments make about the availability of information and the accessibility of contact, the child may very well have their own opinions about this. As society moves towards open records, many adoptees are seeking out biological family, and longing for more information and contact with the countries of origin. There are situations, commonly international adoption, where the information is nearly impossible to track down, and this can evoke disappointment and loss for some adoptees. The child can feel guilty for wanting more information, and some parents may feel very threatened by a child's search for this information.

The most important thing to remember, whether you are adopting domestically or internationally, in an open or closed adoption, is that adoptive children always have a history that we do not, cannot, share with them. The essentially have two family trees. For some children, this will be irrelevant to their lives; they simply couldn't care less that they were adopted. For other children, it will a central organizing principle of their identity; this has nothing to do with whether your kids love you or honor you *as* their parents. It is just how it is for them, and should be respected as any other experience or journey that our children find salient. Adoption is not an historical fact; but an on-going facet of identity, and must be respected as just that.

Part 3: Transracial Adoption

Since many LGBT families are choosing trans-racial adoption, the faces of our community are increasingly filled with multi-racial families. This is yet one more way that gay and lesbian families represent a progressive and inclusive model for social change.

Transracial adoption means that children available for adoption are adopted by parents of another race commonly the adoptive parents are white, and the children are generally of color, although some adoptions are technically trans-cultural versus trans-racial (i.e., adoptions from Eastern Europe). Trans-racial adoption in the United States include

primarily two groups of children a) the domestic adoption of African American and Latino, and b) the international adoption of Asian (Vietnamese, Chinese, Korean, and Indian), South American (Guatemalan, Peruvian, and Columbian) and Eastern European (Russian and Romanian) children.

This is a controversial issue that has been the subject of numerous public policy debates. Remember we live in a country where it was *illegal* for people to marry across racial lines until the 1967 Loving versus the State of Virginia decision. Families are thought of, by “nature,” as comprising people of the same race. Racist policies have been challenged in this country ensuring that our buses are integrated, and our schools are integrated, but family constellation is only minimally regulated by social policy. Bi-racial people—people born from parents of different races—are still seen as exotic and “different.”

In 1972, the National Association of Black Social Workers issued a position paper opposing trans-racial adoption, based in a belief that children raised in white homes would be robbed of their culture and communities. In-race adoption became the preferred approach to adoption. Unfortunately, this often meant that many children were simply not adopted, and lived out their childhoods in foster care and group homes. The concerns voiced by black social workers about the integration of the children’s cultural identity have been validated in the research. Trans-racially adoptive children often feel uncomfortable with their physical features, and feel awkward among people of their own racial backgrounds. However, the research has also shown that children raised trans-racially are often well-adjusted, and have healthy self-esteem. The social policy dilemma regarding trans-racial adoption has been: how well-adjusted can children be who are awkward among people of their own racial background, and conversely, how well-adjusted can any child be living without a family?

In the early 1990s, policy changes were instituted that prohibit states and agencies from using discriminatory practices in adoption and foster care placements. Since the passage of the Multiethnic Placement Act (MEPA) in 1994, agencies now cannot even consider race, culture, or ethnicity as a factor in decisions to delay or deny a foster or adoptive placement (or they risk losing federal funding). The policy is believed by its proponents to be critical in ensuring that the thousands of African American children in foster care waiting for adoptive families will be adopted. Due to the complexities of racism, children of color are often available for placement at reduced financial costs, since they are officially considered “harder to place,” and some agencies have specialized programs focusing on the placement of children of color. We must look at what has caused this “overload” of children of color in foster care, including the racist social policies that have contributed to it. We must look carefully at issues of poverty that make children of color “available” for adoption, domestically and internationally. There is an under-utilization of families of color as potential adoptive parents, and this must become an outreach focus for adoption professionals and is an excellent opportunity for LGBT people of color to expand their families, as well as offer homes for children in need.

Many white families assume that it is enough to love their adoptive child, and raise them without prejudice, not realizing that this it is an emotional handicap for a child of color living within a racist society to lack a positive sense of their racial identity, as well as skills to recognize and combat institutional racism. Sometimes when asked about racial issues, white pre-adoptive parents are “insulted,” or defensive that these issues are being

raised by agencies and social workers, assuming racism on the part of the interviewer. In reality, social workers and adoption specialists are attempting to discuss the complex issues of trans-racial adoption with families that may not really understand the implications involved in raising children of color.

People of color who are critical of trans-racial adoption often say, “What can white people offer these children? Can they offer to sing to them in their own language, can they teach them about their heritage, the strength of their people? How can a white person teach a child of color how to survive?” These are important points, not merely ideologically but contemplatively. White people adopting trans-racially need to be able to respond to these questions, not to win political arguments, but because their children themselves may ask them the same questions some day.

It is sadly true that many white families are often poorly prepared for the challenges of trans-racial parenting. Some white families are surprised by the level of racism levied at people of color until they become an adoptive parent of a child of color. They believe they are doing their children a favor by raising them to be “colorblind”; however, in a color-sighted society, blindness is not a blessing but a liability. White parents can, however, become educated about the racial and cultural needs of their adopted children and can commit to raising them with a sense of pride in their heritage. When a child is adopted into the family, he or she arrives with the legacy of their birth cultures. Holiday celebrations, cultural rituals, food from their ethnic heritage all assist the child in learning to incorporate their identities into their families. It is necessary to maintain an identity with his or her racial and ethnic communities to assist in building healthy, positive self-esteem. This can be accomplished through books, travel, and studying historical figures and knowledge about the culture of origin.

Most importantly, children need flesh and blood role models, and relationships with people who physically look like them, or are from the same cultural background. If the family does not currently have people of color in their lives, in addition to examining “why and how” this has come to be. If you feel resistance to this, it is worth carefully looking into your prejudices before you invite a child into your home.

Despite these very real challenges, the reality of contemporary American society is that thousands of children of color are living in foster care and group homes, and are in desperate need of permanent homes and loving families. White parents may not do it perfectly, probably will not do it perfectly, but they can be taught about cultural diversity and can learn about the child’s heritage. They can learn to speak the child’s birth language and incorporate the child’s culture into their own. They cannot however do this alone. Although some people of color do warmly embrace trans-racially adoptive families, people of color are sometimes angry when white parents turn to them as role models and for support. The reality is that there is a generation of children—Black, Hispanic, and Asian—who are being raised within loving white homes, with parents that lack some of the skills necessary to raise their children to be comfortable within their cultures of origin. White parents need the skills, experience, and support of families of color to help raise these children to survive in an often hostile society.

Children of color being raised in white families, may well feel differently about white people than other people of color do; after all, it is white faces that they see when they are tucked in at night, white hands that rock their owies away. Parents raising children of color may also feel differently about people of color, and communities of color. When

your child is the target of racist violence, your allies become other people of color; what better alliance can there be against racism than one where white people and people of color are working together for the safety and future of their children? Once a child is adopted trans-racially, it is not only the child who is living within a different culture, but the parents themselves whom have adopted the child's culture.

Trans-racial adoption, like all adoption, is born of loss and wounding. A child does not have a family and needs one. In trans-racial adoption, there is not simply the inability of the birth parent to raise the child, but the legacies of racism and poverty that have left these children homeless and unwanted. Trans-racial adoption is ultimately about healing, it can be a bridge transcending the xenophobic history that has separated families and cultures.

Part 4: Homestudies

Adoptions hinge on one indispensable item: *the homestudy*. Homestudies are clinical assessments, generally completed with a social worker, either in public or private agency, or with an independent social worker who is unaffiliated with an agency. The most important thing is to make sure that the adoption experts you chose to work with are comfortable with LGBT families and will advocate for your family.

When you use the services of a public agency, the homestudy does not cost the family any money, but the homestudy can only be used in that program. When working with an adoption agency means you will receive a complete package of services including the homestudy, pre and post placement counseling, as well as the actual placement of the child. Agency homestudies can be expensive, so choose who you will work with carefully, and do not be afraid to ask questions about their placement history, costs, and the time it will take to place a child with you. Always carefully examine an agency's history of successful placements as well as pending legal problems. Find out their policy about "failed placements," so you do not end up paying for an interrupted adoption. Working with an independent social worker gives you more leverage in terms of choosing someone with whom you are comfortable. It also means that you will be able to use the homestudy for a variety of adoption situations, and can work with more than one agency. Independent social worker's cannot place or facilitate adoptions in New York State, so you will eventually have to chose an agency, meaning additional paperwork will be required and therefore additional costs involved. Homestudies range from a low of \$500 to more than \$3000 in some urban centers.

The purpose of a homestudy is to evaluate if your family and home will be a safe and healthy environment in which to place a child. Homestudies often feel invasive, and are designed to actually be invasive. You are, after all, being examined for your capabilities as a prospective parent, a procedure that is, of course, not required of families who birth children. Homestudies involve anywhere from one to three long visits with a social worker with at least one of these taking place in your home. The actual approach and regulations for the homestudy vary from state to state and agency to agency. Since adoptions can also take place out of state, the "rules" can shift dramatically from one adoption situation to another, so working with an informed professional is essential. Homestudies involve extensive documentation, more extensive for international adoptions than domestic. You will need copies of your birth certificate, marriage and divorce paperwork, proof of income, savings, investments, and mortgages. You will need a criminal background check, including fingerprinting, and documentation showing that

you have not been found guilty of child abuse, neglect, or criminal charges. Additionally, you will need a medical clearance showing that you are in good health and references from 3-5 people. Finally, you will need an extraordinary memory and the ability to reiterate your entire childhood history, including your grandparent's discipline strategies, your educational background, the name and address of every home you've ever lived in, and the name and street of your nursery school (nah, that was a joke).

Although the paperwork may be tedious and the fear that your home, finances, relationship or lifestyle might not be acceptable, most social workers are not looking to disqualify potential adoptive parents. They are generally supportive advocates for families. It is therefore best if you can be out and honest with the social worker about your lives, so that she or he can determine how to best present your family in the written paperwork.

Finally, remember that a successful adoption depends on persistence and effort. You must be a proactive advocate for your own family. Surf the web, read adoption books, join adoption groups and electronic email lists, contact attorneys, promote your family, and let everyone know that you are ready to expand your family through adoption. Be aware that social workers often need to be pursued; agencies need to be contacted again and again. Adoption can be a frustrating bureaucratic process involving lost paperwork, disappointing leads, newly painted but empty nurseries and not to mention endless communication with agencies, social workers and attorneys with a "hurry up and wait" attitude. Nonetheless, be assured that adoption is a wonderful way to build a family, and there is no shortage of children patiently awaiting your persistence.