



Openness in Adoption

Open, or fully disclosed, adoptions allow adoptive parents, and often the adopted child, to interact directly with birth parents. Open adoption falls at one end of an openness communication continuum that allows family members to interact in ways that feel most comfortable to them. In semi-open or mediated adoptions, information is relayed through a mediator (e.g., an agency caseworker or attorney) rather than through direct contact between the birth and adoptive families. In confidential adoptions, no identifying information is exchanged.



Confidential Adoption

Semi-Open/
Mediated Adoption

Fully Disclosed/
Open Adoption

What's Inside:

- Laws regarding open adoption
- Research findings
- Implications for agency policy
- Open adoption for children in foster care
- When openness is not in the child's best interest
- Unresolved issues
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In open adoptions, communication may include letters, e-mails, telephone calls, or visits. The frequency of contact ranges from every few years to several times a month or more, depending on the needs and wishes of all involved. The goals of open adoption are:

- To minimize the child's loss of relationships.
- To maintain and celebrate the adopted child's connections with all the important people in his or her life.
- To allow children to resolve losses with truth, rather than with fantasy.

The recent movement toward open adoption has taken place in the context of larger social change. Birth parents are now empowered to make choices: there is less stigma in raising children alone and greater access to abortion and birth control. Also, the societal movement toward less secrecy and the prizing of diversity, including a variety of family structures, has allowed for a greater acceptance of open adoption.

Laws Regarding Open Adoption

Adoptions have taken place since the beginning of human history. However, until the early 1900s they were generally informal, community-based arrangements. Confidentiality gradually became an integral part of adoption to protect birth parents and adopted children from the stigma surrounding illegitimate births.

In 1851 the Commonwealth of Massachusetts set the legal precedent for severing the relationship between an adopted child and his or her biological parents. In 1917 Minnesota

passed the first State law barring public inspection of adoption records. By 1950, most States had passed legislation sealing adoption records, even from adoptees themselves.

In response to a groundswell of adult adopted persons and birth parents returning to agencies for more information and advocating legislative changes, some States have recently changed their adoption laws. These changes initially involved the creation of mutual consent registries. A mutual consent registry is a central repository where individuals directly involved in adoptions can indicate their willingness to disclose identifying information. Approximately 23 States have some form of mutual consent registry.

Some States also have changed their laws to acknowledge "cooperative adoption," or post-adoption agreements between birth and adoptive parents. These often include some degree of openness. While no State prohibits entering into these types of agreements, they are not legally enforceable in most States. Often they are informal "good faith" agreements between birth and adoptive parents that may or may not be in writing. Even in States where postadoption contracts are enforceable, no law allows for an adoption to be overturned if either birth or adoptive parents fail to follow through on their agreement. Many of the States have also enacted laws allowing an adopted adult to petition the court for access to his or her original birth certificate. These petitions are generally granted with "good cause." A few States have also enacted laws allowing an adopted adult (18 or older) unrestricted access to his or her original birth certificate or agency records. A few other States allow the birth parents to file a consent allowing the release of the birth certificate or a non-consent blocking its release.

For more information on laws relating to cooperative adoptions, access to adoption records, and mutual consent registries, see the legal section of the Child Welfare Information Gateway website (www.childwelfare.gov/systemwide/laws_policies/index.cfm).

Research Findings

Open adoption is a continuing source of controversy. Much of the debate, however, is based on philosophical differences rather than empirical research. In the past, research was difficult because most adoptions were confidential and, thus, “invisible.” Studying open adoptions continues to be a challenge, because no two adoptions are alike and relationships are constantly evolving. However, existing research does indicate the following:¹

Many fears regarding open adoption are based on myths.

- Parties in open (fully disclosed) adoptions are NOT confused about their parenting rights and responsibilities.
- Birth mothers do NOT attempt to “reclaim” their children.
- Children in open (fully disclosed) adoptions are NOT confused about who their parents are. They do understand the different roles of adoptive and birth parents in their lives.
- Differences in adolescent adoptive identity or degree of preoccupation with adoption

¹ Research findings are taken from the Minnesota Texas Adoption Research Project, the only longitudinal study to compare open adoption to other types of adoption. A list of publications and research findings from this longitudinal study can be found on the project’s website (<http://fsos.che.umn.edu/mtarp/default.html>).

are NOT related to the level of openness in the adoption.

- Adoptive openness does NOT appear to influence an adoptee’s self-esteem in any negative way.
- Adoptive parents in open adoptions do NOT feel less in control and, indeed, have a greater sense of permanence in their relationship with their child.
- Open adoption does NOT interfere with adoptive parents’ sense of entitlement or sense that they have the right to parent their adopted child.
- Birth mothers in open and ongoing mediated adoptions do NOT have more problems with grief resolution; indeed, they show better grief resolution than those in closed adoptions. *Researchers did find that birth mothers in time-limited mediated adoptions (where contact stopped) had more difficulty resolving grief at the first interview of the study (when the children were between 4 and 12 years old).*

The level of openness should be decided on a case-by-case basis. There is no one level of adoption openness that best fits all families. Each type of adoption has its own benefits and challenges that should be considered for each particular situation.

Adoption should be viewed as an ongoing process rather than a discrete event. Open adoption is based on relationships and, like all relationships, grows and changes over time. As birth and adoptive families grow and change, the need for communication changes as well. For example, older adopted children may have more questions about their birth family than they had as toddlers. Adoptive and birth parents need to be open to the needs of children as

they get older and gain a sense of ownership over the relationship they have with their birth families.

Factors associated with increased openness:

- The birth and adoptive parents' mutual concern for the child's well being.
- An emergence of friendship or a personally satisfying relationship between the birth and adoptive parents.
- Regular flow of communication between the birth and adoptive families.

Factors associated with decreased openness:

- Parties living far away from each other.
- Major differences in life situations, interests, or values.
- Relatives or friends who discourage contact.
- Change in a birth mother's situation such as marriage or the birth of another child.
- Inability to negotiate a mutually agreed upon comfort zone of contact.
- Adoptive parents feeling that contact is becoming stressful for the child.
- Inability of agency intermediaries to keep up contact to everyone's satisfaction.

Agency staff continue to play a critical role in fully disclosed adoptions. Since the early 1990s, the work of adoption agencies has changed dramatically. More birth mothers are requesting openness. Some adoption agencies have seen an increase in placements since they began offering openness options. In the case of open adoptions, birth mothers, rather than adoptive parents, are often viewed as the agency's primary client; the initial decision making

regarding openness rests in their hands. Agency staff play a critical role in counseling birth and adoptive parents who are contemplating and negotiating these open relationships.

Adoption caseworkers participating in the Minnesota/Texas Adoption Research Project (MTARP), whose agencies moved toward greater openness, reported positive experiences with this change. In order to be effective, professionals working in adoption need to be attuned not only to their own philosophy of adoption, but also to how to work effectively with clients whose personalities and relationship histories vary greatly.

Implications for Agency Policy

Research clearly indicates that no one level of adoption openness is best for everyone. A variety of options should be made available to families. Researchers recommend that agencies present the advantages and disadvantages of openness and help birth parents and adoptive families identify the degree of openness best for them.

The shift toward openness, especially mediated openness where the agency relays information between the birth and adoptive parents, increases the workload on agency staff in an era of shrinking resources and increased demand on social service providers. From a staffing perspective, fully disclosed adoptions may be less costly in the long run than mediated adoptions because there is no need to transfer the information between parties. There will continue to be a

need, however, for postadoption counseling in these adoptions.

Open Adoption for Children in Foster Care

Children in foster care whose goal is adoption are likely to achieve better outcomes by maintaining their existing connections with extended birth family members, siblings, and other adults with whom they have significant attachments.

Systematic research, however, has not been conducted on open adoption of children from foster care. According to *the Adoption and Foster Care Analysis and Reporting System (AFCARS) Report #7* (www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report7.htm), published in August 2002, 82 percent of the children adopted from foster care in fiscal year 2000 were adopted by either their former foster parents (61 percent) or a relative (21 percent). These adoptions are often open either because of a relationship developed between the birth and adoptive parents when the children were in care, or because the children know their birth families, know their addresses and phone numbers, and may contact them whether or not the adoption was intended to be open. Greater use of concurrent planning² and dual licensure³ has contributed to increased numbers of adoptions by foster parents throughout the country and may increase this type of open adoption as well.

² Simultaneously identifying another permanency goal for a child (besides reunification) and documenting efforts so permanency can be achieved quickly for a child should reunification efforts not succeed.

³ Licensure resource families as both foster and adoptive parents. (Some State laws allow for dual licensure or certification. Check your State law to see if dual licensure or certification is practiced in your State).

When Openness Is Not in the Child's Best Interest

In some cases, including the child in a relationship with the birth parents may not be in his or her best interest. This may be true if:

- A birth parent is unable to maintain appropriate relationship boundaries with a child due to mental or emotional illness.
- There has been so much violence directed at a child that any contact with that parent would only result in more trauma for the child.

Even when it is not safe for the child to maintain an open relationship with a birth parent, an extended family member may be able to provide a link to the child's past without causing additional trauma. Confer with an adoption-competent mental health provider, talk to the adoptive family, and use the accompanying pro and con tables for additional assistance in making difficult choices regarding the amount of openness to include in a child's adoption.

Unresolved Issues

The professional adoption community has not yet resolved certain aspects of openness in adoption. State laws and agencies have dealt with these issues in a variety of ways depending on their philosophies and experience. Systematic research has not been conducted or is inconclusive regarding the following issues:

- What is the ongoing impact of open adoption on older children who remember their birth families?
- Is it ethical to use promises of ongoing future contact with their children as an incentive for birth parents to relinquish parental rights?
- Are cooperative adoption agreements legally enforceable?
- What is the definition of “the best interests of the child” in cooperative adoption agreements?
- How should cooperative adoption agreements be modified if parties request a change?
- How are open adoption arrangements working in independent adoptions, where they are negotiated without the involvement of agency personnel?
- How do adopted persons develop identity in open adoptions in a variety of social contexts? (MTARP examined a fairly homogeneous sample of middle class adopters of children from the United States. How might results differ with different ethnic groups or children adopted internationally?)
- **Child Welfare League of America** (www.cwla.org/programs/adoption/cwla_standards.htm)
CWLA's *Standards of Excellence for Adoption Services* provides best practice regarding openness in adoption.
- **Evan B. Donaldson Institute** (www.adoptioninstitute.org/policy/polopen1.html)
Provides outcomes of studies on openness in adoption from 1986 to 1999, research on attitudes toward and trends in postadoption contact, and literature reviews and criticism.
- **Insight: Open Adoption Resources and Support** (www.openadoptioninsight.org/)
Offers resources for professionals, adoptive parents, and birth parents considering open adoption.
- **Minnesota/Texas Adoption Research Project** (<http://fsos.che.umn.edu/mtarp/default.html>).
Provides information on a longitudinal study of openness in adoption since 1985. The most recent wave included a total of 720 individuals: both parents in 190 adoptive families, at least one adopted child in 171 of the families, and 169 birth mothers.
- **Postadoption Contact Agreements Between Birth and Adoptive Families** (www.childwelfare.gov/systemwide/laws_policies/statutes/cooperative.cfm)
Provides adoption statutes for each State, compiled by Child Welfare Information Gateway.

For More Information

Useful Web Sites

- **American Association of Open Adoption Agencies** (www.openadoption.org/)
Helps families find agencies practicing open adoption. Adoptees on their mailing list respond to the question, “What do you wish your adoptive parents had known?”

Useful Books and Articles for Families

Abstracts of these books are available on the Child Welfare Information Gateway database: <http://basis.caliber.com/cwig/ws/chdocs/docs/gateway/SearchForm>

- ***Children of Open Adoption*** by Patricia Martinez Dorner and Kathleen Silber (1997, Independent Adoption Press). The topics in this book include adoption understanding, developing relationships, families with open and closed adoptions, bonding, communication, and sibling issues.
- **“The Effects of Open Adoption on Biological and Adoptive Parents and Children: The Arguments and the Evidence”** by M. Berry in *Child Welfare*, 70 (5), 637-651, 1991.
- ***How to Open an Adoption*** by Patricia Martinez Dorner (1998, R-Squared Press). A book for adoptive parents, birth parents, and adoption professionals on how to open the lines of communication and navigate more inclusive relationships.
- ***Lifegivers: Framing the Birth Parent Experience in Open Adoption*** by James L. Gritter (2000, CWLA Press). This book examines the ways birth parents are marginalized. The author makes the point that adopted children are best served when birth parents and adoptive parents work together to ensure that birth parents remain in children’s lives.
- ***The Open Adoption Experience*** by Lois Ruskai Melina and Sharon Kaplan Roszia (1993, HarperPerennial). This complete guide for adoptive and birth families touches on almost every aspect of an open adoption.
- ***The Spirit of Open Adoption*** by Jim Gritter (1997, CWLA Press). This book takes a realistic look at the joys and pains of open adoption for birth parents, adoptees, and adoptive parents.

- ***What is Open Adoption?*** by Brenda Romanchik (1999, R-Squared Press). Written from the perspective of a birth mother in an open adoption, this pocket guide provides concise information and resources.

Useful Books and Articles for Professionals

- **“Adopted Adolescents’ Preoccupation With Adoption: The Impact on Adoptive Family Relationships”** by Julie K. Kohler, Harold D. Grotevant, and Ruth G. McRoy in *Journal of Marriage and Family*, 64 (February 2002) pp. 93- 104.
- ***Adoptive Families: Longitudinal Outcomes for Adolescents: Final Report to the William T. Grant Foundation*** by Harold D. Grotevant (for grant # 95171495, April 30, 2001). (Available on the MTARP website: <http://fsos.che.umn.edu/mtarp/default.html>.)
- **“Changing Agency Practices Toward Openness in Adoption”** by Susan M. Henney, Steven Onken, Ruth McRoy, and Harold D. Grotevant in *Adoption Quarterly*, Vol. 1 #3, 1998.
- **“The Effects of Open Adoption on Biological and Adoptive Parents and Children: The Arguments and the Evidence”** by M. Berry in *Child Welfare*, 70 (5), 637-651, 1991.
- **“Enforceable Post-Adoption Contact Statutes, Part I: Adoption With Contact”** by Annette Appell (2000, Haworth Press), *Adoption Quarterly*, Vol. 4 #1, 2000.
- **“Foster Care and Adoption: A Look at Open Adoption”** by Amy L. Doherty (1997) in *Journal of Contemporary Legal Issues*, (University of San Diego Law School, 2000).

- **“Openness: A Critical Component of Special Needs Adoption”** by Deborah N. Silverstein and Sharon Kaplan Roszia in *Child Welfare*, Vol. 78, #5, September/October, 1999.
- **“Openness in Adoption and the Level of Child Participation”** by G. Wrobel, S. Ayers-Lopez, H. D. Grotevant, R.G McRoy, and M. Friedrick, in *Child Development*, 67, pp. 2358-2374, 1996.
- ***Openness in Adoption: Exploring Family Connections*** by Harold D. Grotevant and Ruth McRoy (Sage Publications, 1998). Provides a summary of the Time 1 findings from the Minnesota/Texas Adoption Research Project when the adoptees were 4 to 12 years old. (Can be ordered through the MTARP website: <http://fsos.che.umn.edu/mtarp/default.html>.)
- **“What Works in Open Adoption”** by Harold D. Grotevant in *What Works in Child Welfare*, Edited by Miriam P. Kluger, G. Alexander and P. Curtis (CWLA Press, Washington, DC, 2000). Succinct summary of research on open adoption and a table outlining various studies on openness. (Can be ordered through the CWLA: www.cwla.org/pubs/.)

PROS of Each Type of Adoption for the Involved Parties

	CONFIDENTIAL ADOPTIONS	MEDIATED (SEMI-OPEN)	OPEN ADOPTIONS
Birth Parents	<p>No contact between birth and adoptive families. No identifying information is provided.</p> <p>Only nonidentifying information (e.g., height, hair color, medical history, etc.) is provided through a third party (e.g., agency or attorney).</p> <ul style="list-style-type: none"> Provides real choice for birth parents when compared to open adoption. Privacy. Some feel this provides a sense of closure and ability to move on with life. 	<p>Nonidentifying contact is made (via cards, letters, pictures) through a third party (e.g., agency or attorney).</p> <ul style="list-style-type: none"> Allows for some information transfer between birth and adoptive parents (and perhaps the child). Some privacy. 	<p>Direct interaction between birth and adoptive families. Identities are known.</p> <ul style="list-style-type: none"> Increased ability to deal with grief and loss. Comfort in knowing child's well-being. Sense of control over decision-making in placement. Potential for more fully defined role in child's life. Potential to develop a healthy relationship with the child as he or she grows. Less pain and guilt about the decision. May make the decision to place for adoption easier (compared to a contested termination of parental rights trial).
Adoptive Parents	<ul style="list-style-type: none"> No need to physically share the child with birth parents. No danger of birth parent interference or co-parenting. 	<ul style="list-style-type: none"> Greater sense of control over process. Roles may be more clearly defined than in either confidential or open options. Increased sense of entitlement compared to confidential adoptions. 	<ul style="list-style-type: none"> Increased sense of having the "right" to parent and increased ability for confident parenting. Potential for authentic relationship with the birth family. More understanding of children's history. Increased empathy for birth parents. Less fear of birth parents reclaiming child because they know the parent and their wishes. Delight of being "chosen" as a parent.
Adopted Persons	<ul style="list-style-type: none"> Protection from unstable or emotionally disturbed birth parents. 	<p style="text-align: center;">Only true when relationship is "shared" with the adopted child</p> <ul style="list-style-type: none"> Genetic and birth history known. Birthparents are "real" not "fantasy." Positive adjustment is promoted in adoptee. 	<ul style="list-style-type: none"> Direct access to birth parents and history. Need to search is eliminated. Identity questions are answered (Who do I look like? Why was I placed?). Eases feelings of abandonment. Lessening of fantasies: birth parents are "real." Increased circle of supportive adults. Increased attachment to adoptive family (especially if the birth parents support the placement). Preservation of connections (e.g., with siblings, relatives). Lessens loyalty conflicts (according to recent research). Exposure to racial and ethnic heritage. Ability for evolving, dynamic, and developmentally appropriate account of the adoption.

CONS of Each Type of Adoption for the Involved Parties

	CONFIDENTIAL ADOPTIONS	MEDIATED (SEMI-OPEN)	OPEN ADOPTIONS
Birth Parents	<p>No contact between birth and adoptive families. No identifying information is provided.</p> <p>Only nonidentifying information (e.g., height, hair color, medical history, etc.) is provided through a third party (e.g., agency or attorney).</p> <ul style="list-style-type: none"> • Less grief resolution due to lack of information about the child's well-being. • May encourage denial of fact that child was born and placed with another family. 	<p>Nonidentifying contact is made (via cards, letters, pictures) through a third party (e.g., agency or attorney).</p> <ul style="list-style-type: none"> • Loss of potential for direct relationship with adoptive family (and/or child). • Increased grief in the initial years, less later. • Loss of contact if intermediary changes or leaves (i.e., staff turnover, policy changes, or agency closings). • Birth mother may feel obligated to place child due to the emotional or financial support given by the prospective adoptive parents. 	<p>Direct interaction between birth and adoptive families. Identities are known.</p> <ul style="list-style-type: none"> • Full responsibility for setting relationship limits and boundaries. • Potential abuse of trust (fewer safeguards). • Potential disappointment if adoptive family cannot meet all expectations or needs. • Birth mother may feel obligated to place child due to the emotional or financial support given by the prospective adoptive parents.
Adoptive Parents	<ul style="list-style-type: none"> • Allows for denial of "adopted family" or fertility status. • Increased fear, less empathy for birth parents. • No access to additional medical information about birth family. • Less control: agency controls information. 	<ul style="list-style-type: none"> • Loss of the full relationship with the birth parents. • Lack of ability to have questions answered immediately. • Potentially troubling cards, letters, or pictures. 	<ul style="list-style-type: none"> • Full responsibility for setting relationship limits and boundaries. • Potential pressure: accept openness or no child. • Potential difficulty with emotionally disturbed birth parents. • Potential for supporting both child and birth parents (emotionally).
Adopted Persons	<ul style="list-style-type: none"> • Possible adolescent identity confusion (unable to compare physical and emotional traits to their birth families). • Limited access to information that others take for granted. • Potential preoccupation with adoption issues. 	<ul style="list-style-type: none"> • Similar to confidential adoptions, if information not shared with the adoptee. • Potential perception that it is unsafe to interact with birth family directly. 	<ul style="list-style-type: none"> • No clean break for assimilation into family, which some feel is necessary. • Potential feelings of rejection if contact stops. • Difficulty explaining the relationship to peers. • Potential for playing families against each other.