FAMILY MATTERS

SECRECY AND DISCLOSURE IN THE HISTORY OF ADOPTION

E. WAYNE CARP

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HARVARD UNIVERSITY PRESS
Cambridge, Massachusetts, and London, England

Printed in the United States of America
Second printing, 2000

First Harvard University Press paperback edition, 2000

Library of Congress Cataloging-in-Publication Data

Carp., E. Wayne, 1946–
Family matters: secrecy and disclosure in the
history of adoption / E. Wayne Carp.
p. cm.
Includes bibliographical references and index.
ISBN 0-674-79668-3 (cloth)
ISBN 0-674-00186-9 (pbk.)
1. Adoption—United States—History.
2. Open adoption—United States—History.
3. Adoptees—United States—Identification.
4. Birthparents—United States—Identification.
5. Family social work—United States.
6. Confidential communications—United States.
I. Title.
HV875.55.C38 1998
362.73'4'0973—dc21 97-40023

Designed by Gwen Frankfeldt

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Preface

I had originally planned to write a more general book on the history of adoption in America, not a history of secrecy and disclosure in adoption. I was initially drawn to the subject of adoption by stories my father told me of his temporary placement as a small boy at the Jewish Children's Society in Bridgeport, Connecticut. While some of the children there were adopted, he was not, and after two years he returned home. Being a professional historian, I was curious about the historical circumstances that led to some "orphans" being adopted and others returning to their parents. I went to the library and was surprised to discover that there were no histories of adoption. It was the combination of curiosity about my father's experience and the challenge presented by the absence of an adequate historical study of adoption that impelled me to undertake this study.

One can speculate about the reasons why there existed no comprehensive history of adoption. First, most child welfare professionals are underpaid and overworked, too busy dealing with everyday crises to research and write history. The dictates of their profession place a priority on research that is useful to their everyday work. Thus, most history written by child welfare experts covers only the recent past. Second, I suspect that professional social workers are wary about revisiting a past that is replete with failed policies, a trip that could prove both unhelpful and embarrassing. But most important, a reliable, long-term history of adoption has not been written because the primary sources necessary for writing such a history—adoption case

records—have been sealed from researchers by tradition and state law. For historians this has been an almost insurmountable barrier: no sources, no history. The few articles and dissertations written about adoption have gotten around this problem by writing legal histories of adoption based primarily on state statutes and case law. Although valuable, they are methodologically narrow and chronologically limited and have little to say about how adoption practices actually worked or how they affected members of the adoption triad—birth parents, adopted persons, and adoptive parents.

Although there were no general histories of adoption, I quickly learned that there were literally thousands of books and articles on the subject by anthropologists, lawyers, pediatricians, psychiatrists, psychoanalysts, and especially social workers and adoption professionals. As I read these works, I realized that it was important to have practical, experiential knowledge of adoption as well as information derived from historical research. Since I was neither an adopted person nor an adoptive parent, I did the next best thing. In the fall of 1987, with the aid of a John M. Olin Foundation Faculty Fellowship, I took a one-year leave of absence from Pacific Lutheran University, where I teach American history, and volunteered to work part-time at the Children's Home Society of Washington (CHSW).

The CHSW is a private, statewide, voluntary nonprofit organization founded in 1895 by a Methodist minister, the Reverend Harrison D. Brown, and his wife, Libbie Beach Brown, the former superintendent of a Nebraska orphanage, the Home for the Friendless. Its mission was to seek out homeless, neglected, and destitute children in order to place them in families for adoption. Throughout the twentieth century, as the demand for child welfare services increased, the Society slowly added staff members, expanded geographically, and began to develop all the services related to adoption. By 1970, just before it ended the practice of placing children in adoptive homes, the Society operated six branches throughout the state and administered programs that included homes for unmarried mothers, foster care for children prior to adoption, and institutional or group care for older children as well as adoption. In the 1960s, the CHSW averaged 421 adoptions a year, approximately 25 percent of Washington's adoptions. During the first ninety-four years of its existence the Society oversaw some 19,500 adoptions.[1]

I was assigned to the CHSW's Adoption Resource Center, where I organized an adoption library and wrote reviews of new books for the institution's clientele. Within a month of my arrival, the Center's director, Randy Perin, asked me if I would be interested in looking at the CHSW's 21,500-odd adoption case records. Perin is sympathetic to the adoption rights movement and also is one of those rare adoption professionals who believe in the importance of historical research, whether it reflects well or ill on the profession in general or the CHSW in particular. Needless to say, I immediately recognized the value of his offer and gratefully accepted. For the next eight months, I read the CHSW adoption records, which ran continually from 1896 to 1973, when, due to the shortage of Caucasian infants, the CHSW all but ceased placing children for adoption.

My initial impulse was to read them *all*. I was the first professional historian to have access to confidential adoption case records, and I felt a responsibility to bring to light as much information about adoption agency policy and practice as I could. Of course, time constraints made that ambitious goal impossible. As a roughly random sample, I read one out of every ten of the Society's 21,500 adoption case records. (The CHSW continues to add information to the case records on postadoption contact, so I was able to examine data through 1988.) The 2,500 cases I read provided me with both a representative sample and a larger body of cases than an ordinarily constituted random sample would have to use for descriptive purposes. I supplemented the adoption case records with the disorganized and incomplete minutes of CHSW supervisors' meetings, personnel files, and annual reports, which I found buried and forgotten in the CHSW's garage.

But if my sample of the CHSW's adoption case files was representative of that institution's policies and practices, how could I be sure that it was typical of the nation's other child-placing institutions? To test the CHSW's representativeness, I attempted to gain access to other agencies' records. I was granted permission to view the case records of the Children's Home Society of Minnesota, but officials there restricted my use to quantifying the data I extracted from the files. My efforts to gain access to East Coast adoption agencies, which I sought for geographical diversity, were repeatedly rebuffed. Nevertheless, I am fairly confident that my findings are representative be-

cause of corroborative evidence I found from a host of other sources. In particular I have used the vast manuscript sources of the U.S. Children's Bureau and the Child Welfare League of America—a privately supported national organization of four hundred affiliate adoption agencies—and the annual reports and correspondence of geographically diverse child-placing agencies, such as the Illinois Children's Home and Aid Society, New York's Spence Alumnae Society, the Cleveland Protestant Orphan Asylum, Washington, D.C.'s Hillcrest Children's Center, and the Children's Home of Florida. I also studied professional social work journals, such as *Child Welfare, Social Service Review, The Family, Social Work,* and *The Child.* What I found supports the contention that the CHSW's policies were not unique, but were representative of mainstream adoption agencies' attitudes and practices. In evaluating the CHSW's representativeness, it must be kept in mind that most adoption agencies' records are sealed by law, and most agency officials refuse to give researchers access to them. I invite scholars to test the representativeness of my findings by attempting to conduct research at other adoption agencies. Until adoption agency officials permit researchers access to the case records, however, the data presented here may be the best available.

A Note on Language

A few words about the language used in this book are in order here. Language describing issues involved in adoption, like all language, is historically constructed and emotionally charged. For example, children of unmarried women have been variously said to be "bastard," "illegitimate," or "born out of wedlock." Reformers viewed each succeeding descriptor as reducing the social stigma surrounding the circumstances of the unmarried birth, even though all three sound stigmatizing to us. To complicate matters even further, a group of adoptees on the Internet have created a Web page that they defiantly call Bastard Nation, thus reappropriating the original term of opprobrium and turning it into a term of pride and commitment in their quest to secure access to their adoption records. After much thought, I have decided to use the terms that were commonly used in the periods I describe rather than sanitizing the history of secrecy and disclosure in adoption by using language less harsh to modern sensibilities. Although using such language may offend some people, I am not making a value judgment. Rather, I believe that the historian's highest duty is to attempt to reconstruct the past as closely as possible to the way it was, given the inherent limitations of evidence and the historian's own bias. Using terms like "bastard," "illegitimate child," and "natural parents" conveys the authentic flavor of how, before the 1970s, everyday language stigmatized those involved in adoption; it also underscores my contention that throughout American history, biological kinship has occupied a privileged position in American culture.

Family Matters

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CHAPTER ONE . . . . . .

The Rise of Adoption

Because of the decision by the federal government in 1975 to stop collecting statistics on adoption, Americans today can only guess at how many children are adopted each year. The ostensible reason was economy, but the decision also reflects America's pervasive cultural bias against adoption. When it comes to family matters, most Americans view blood ties as naturally superior to artificially constructed ones.

Yet despite the stigma surrounding it, an enormous number of people have a direct, intimate connection to adoption. Some experts put the number as high as one out of every five Americans. Others estimate the number of adoptees at 2 to 4 percent of the population, or some 5 to 10 million individuals. According to incomplete and partial estimates by the National Committee for Adoption, in 1986 there were a total of 104,088 domestic adoptions, of which half were biologically related to family members and half were nonrelated, or "stranger," adoptions. A more comprehensive study completed in 1990 calculated the number of domestic adoptions at 118,779.[1] In short, adoption is a ubiquitous institution in American society, creating invisible relationships with biological and adoptive kin that touch far more people than we imagine.

Any social organization that touches so many lives in such a profound way is bound to be complicated. Modern adoption is no exception. While raising any family is inherently stressful, adoption is filled with additional tensions that are unique to the adoptive parent-

child relationship. From the moment they decide they wish to adopt a child, couples begin to confront a series of challenges. First comes the problem of state regulation. A host of state laws govern every aspect of legal adoptions: who may adopt, who may be adopted, the persons who must consent to the adoption, the form the adoption petition must take, the notice of investigation and formal hearing of the adoption petition, the effect of the adoption decree, the procedure for appeal, the confidential nature of the hearings and records in adoption proceedings, the issuance of new birth certificates, and the payment of adoption subsidies. Accustomed to thinking of themselves as autonomous in the sphere of family and social life, prospective adoptive parents find themselves intricately involved with administrative practices and dependent on social workers, lawyers, doctors, and in some cases surrogate mothers in order to "qualify" to receive a child. And after successfully negotiating the legal and bureaucratic maze, the new parents must come to grips with a society that views adoption as inferior to blood kinship.[2]

Further complicating the entire edifice of modern adoption is the issue of secrecy and disclosure. Records of adoption proceedings are confidential. They are closed both to the public and to all the parties involved in the adoption: birth parents, adoptees, and adoptive parents. They may be opened only upon a judicial finding of "good cause" or, increasingly, upon the mutual consent of all parties. In addition to legal proceedings and adoption case records, an adopted person's original birth certificate is also considered confidential and is sealed by the state bureau of vital statistics. In its place, a new birth certificate, containing the child's new name and the adoptive parents' name, is issued.[3]

The tensions inherent in keeping secrets affect all aspects of the adoptive process. Everyone involved in adoption must confront at one time or another questions about secrecy and disclosure. Should a child's birth certificate indicate that he or she has been adopted? How many details about a child's birth should social workers disclose to the adoptive parents? When and how should adoptive parents tell their children they were adopted? Should adoptive parents impart to their child all the information that social workers have given to them? When adult adoptees return to an adoption agency, should social workers give them all the facts in the file, including the names of

their biological parents? When birth mothers return, should they learn how to contact the children they relinquished? Disclosure is also fraught with anxiety. Adoptive parents worry that they will forfeit the love of the child after telling about the adoption. They worry that they will lose their children when the children seek and find their biological family. Some adult adoptees worry that they will hurt their adopted parents if they make deeper inquiries into their past or want to meet biological family members. Unwed mothers who have married and started new families worry that the child they relinquished for adoption, now grown, will appear unexpectedly on their doorstep. Others worry the opposite: they will never again see the child they gave up for adoption.

It was not always this way. At the beginning of the seventeenth century, the institution of adoption hardly existed. There were no established legal processes, no confidential court records, birth certificates, or adoption case records, no social workers, no standards for determining the best interests of the child or, for that matter, any criteria of what constituted desirable qualities in adoptive parents. And in place of secrecy, there existed an ethos of openness, a bias toward disclosure, for most of the people directly involved in adoption. How American adoption went from its initial climate of openness and disclosure, which lasted until the end of the Second World War, to one of secrecy in the postwar era, and how it then began to return to openness in the 1970s cannot be understood unless these issues are first set into their broadest historical context.

Adoption, the method of establishing by law the social relationship of parent and child between individuals who are not each other's biological parent or child, is doubtless as old as humanity itself. It appears in the Code of Hammurabi, drafted by the Babylonians around 2285 B.C., which provided that "if a man has taken a young child 'from his waters' to sonship and has reared him up no one has any claim against the nursling." Adoption was practiced in ancient Egypt, Greece, Rome, the Middle East, Asia, and the tribal societies of Africa and Oceania. But there are many differences between modern adoption and its counterpart in the past, when the purpose of adoption was not the welfare of the child but the needs of adults, whether for the purpose of kinship, religion, or the community.[4]

Anthropologists have identified significant differences between

modern Western adoption norms and practices and those of non-Western societies in the South Pacific. Whereas in Western societies modern adoption is infrequent, private, formal, and involves a complete transfer of parental rights, on some South Pacific islands adoption is common, public, casual, and characterized by partial transfer of the adopted child to the new family and dual parental rights and obligations. In contrast to Western societies, where parental ties are always broken, in Africa and Asia, adoption is a method of enriching and strengthening ties between two family groups. Similarly, in the South Pacific, it is common for adopted children to maintain a relationship with their biological parents. In contrast, modern Western societies and especially the United States define kinship by the unalterable nature of blood ties and view the biological family as "a state of almost mystical commonality and identity."[5]

By the seventeenth century, the West's emphasis on the primacy of biological kinship and the concomitant prejudice against adoption resulted in the demise of adoption in most European countries. The virtual disappearance of adoption in the West was also the result of a number of specific factors. For centuries, the Church had discouraged adoption as a strategy for inheritance. Adoption was also denounced by sixteenth-century Catholic and Protestant reformers who, in their insistence that marriage should be the sole arena for sexual activity and procreation, wanted to stop the long-standing practice of fathers bringing their illegitimate sons surreptitiously into the family. Fears of adoption were spread by stories of accidental incestuous unions between unsuspecting blood relatives. As a result, people hesitated to adopt: childless couples who adopted invited public scrutiny of their infertility; other presumptive adoptive families worried that neighbors might perceive them as challenging the natural order. In short, by the early modern period adoption had almost died out in Europe, being judged "unchristian" and "unnatural."[6]

England, whence the American colonists derived their culture and laws, emulated European attitudes and practice toward adoption. English common law did not recognize adoption. This legal opposition to adoption stemmed from a desire to protect the property rights of blood relatives in cases of inheritance, a moral repugnance of illegitimacy, and the availability of other quasi-adoptive devices

such as apprenticeship and voluntary transfers. Not until 1926 did England enact its first adoption statute.[7]

The history of adoption in early America reveals a past that initially broke away from Europe's and England's prohibition against adoptive kinship. Although the United States would eventually manifest typically Western attitudes toward adoption—that biological kinship was superior to adoptive kinship and that adoption was an inferior type of kinship relation—these would wax and wane throughout American history. What is noteworthy about the history of adoption in America is that at its beginning, colonial Americans showed little preference for the primacy of biological kinship, practiced adoption on a limited scale, and frequently placed children in what we would call foster care. This was primarily due to the multifaceted functions of the colonial American family: it was the cornerstone of church and state, the center of all institutional life, and the fundamental unit of society. As Lawrence Cremin has noted, the family "provided food and clothing, succor and shelter; it conferred social standing, economic possibility, and religious affiliation; and it served from time to time as church, playground, factory, army, and court."[8]

Most important, the family served as a school and as a system of child care for dependent children through the institution of indenture or apprenticeship. Colonial America inherited from England a three-tier system of apprenticeship, by which children of all classes were placed in families to learn a trade. Merchants paid fees to apprentice their adolescent sons to lawyers or doctors or silversmiths. Middle-class parents voluntarily entered into contracts to "put out" their children to learn a craft and ease their economic burden, or as an alternative for parents "who did not trust themselves with their own children" because they were "afraid of spoiling them by too great affection." And church and town authorities involuntarily "bound out" orphans, bastards, abandoned children, and impoverished, neglected, or abused children to families to labor and be educated.[9]

Involuntary or compulsory apprenticeship stemmed from the Elizabethan poor laws that had been designed to suppress vagrancy and idleness and provide for the relief of poverty. Under the legal doctrine of *parens patriae,* derived from the belief that the king is the father and protector of his people, the role of the state included the right

to intervene, on behalf of the child, in the biological family. It was not unusual for English Overseers of the Poor to remove children from impoverished families and place them with those more fortunate, saving the taxpayers from additional financial burdens. Similarly, Parliament, under Henry VIII, saw nothing wrong with passing an act ordering that all vagrant children between the ages of five and fourteen be arrested and bound out as apprentices. Compulsory apprenticeship was designed to relieve the community from the cost of supporting vagrant or impoverished children while at the same time ensuring that they received the basic necessities of life—food, clothing, and shelter.[10]

Colonial Americans copied the English poor law system when it came to caring for children born out of wedlock, orphaned, or neglected. Statutes permitted town and parish authorities to remove children from pauper families and place them with masters who, in exchange for their labor, would provide them with an adequate maintenance. Thus, for example, in 1648, at a town meeting, the inhabitants of Salem, Massachusetts, resolved that "the eldest children of Reuben Guppy be placed out, the boy till the age of 21 years and the mayd till the age of 18 years." Nearly a century later, Boston town officials authorized the overseers of the poor to bind out children whose parents were unable or neglected to support and educate them. During the 1750s, the churchwardens of Virginia's Frederick County removed 7.3 percent of the children from their families and bound them out as apprentices.[11] Primarily as a result of the indenture system, both voluntary and involuntary, colonial American family life was far from the stable, nuclear family so idealized by many twentieth-century Americans: a substantial number of colonial American children grew up in families other than their own, many with the consent of their parents.

The fluid boundaries between consanguine and nonconsanguine families in colonial America led in some cases to the adoption of children, particularly in Puritan Massachusetts and Dutch New York. Informal adoption occurred when children were adopted without a legal proceeding. In 1658 in Plymouth Colony, for example, Lawrence Lichfeild, while lying on his deathbed, adopted out his youngest son to John and Ann Allin "for ever." Colonial Americans also practiced testamentary adoption, by which childless couples