

Working With Birth and Adoptive Families to Support Open Adoption

Open adoption allows adoptive parents, and often the adopted child, to interact directly with birth parents. Also known as “fully disclosed,” this type of adoption can help children and parents minimize and resolve the change or loss of relationships. It also can help those involved to maintain and celebrate adopted children’s connections with all the important people in their lives.

This bulletin is intended to help professionals guide birth and adoptive families who are

What’s Inside:

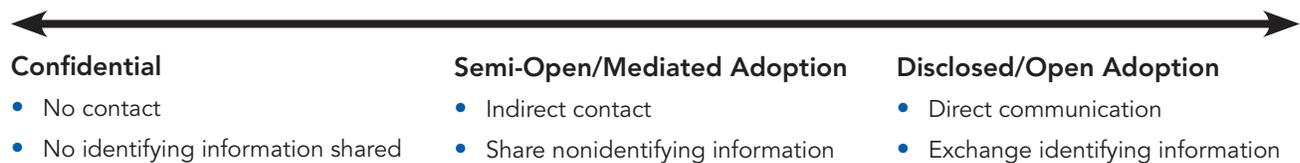
- What is openness?
- Trends in openness
- Benefits of openness
- Implications for casework practice
- Implications for agencies
- Adoption and the Internet



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contemplating open adoption or who are already having postadoption contact.

What Is Openness?

Some think of openness occurring along a continuum (as shown in the diagram above). On one end of the continuum is a confidential, or closed, adoption. In such adoptions, no contact occurs between birth and adoptive families, and no identifying information is shared. (Some nonidentifying information, such as medical history, may be provided through an adoption agency or attorney.¹) In the middle of the continuum is a form of openness known as semi-open or mediated adoption. In semi-open adoptions, contact is made indirectly through a mediator, such as an agency caseworker or lawyer, or through an anonymous post office or email box. This type of adoption allows for communication, while also offering some privacy. On the far end of the continuum is an open adoption, also referred to as a fully disclosed adoption. In an open adoption, identities are known and there is direct contact between birth parents (and possibly other members of the birth families) and the adoptive families.

¹ See Child Welfare Information Gateway's *Collection of Family Information About Adopted Persons and Their Birth Families* (https://www.childwelfare.gov/systemwide/laws_policies/statutes/collection.cfm) for information about State laws regarding the types of information that are required or permitted to be collected about adopted persons and their birth families.

Open adoption can have many different meanings and structures, and there may be variations regarding several components of the arrangement. Communication may include a combination of letters, emails, telephone calls, or visits. The frequency of contact can range from every few years to several times a month or more, depending on the needs and wishes of all involved. Additionally, open adoption may include communication between the adopted child/person and the birth parent, or it may be limited to communication between the birth and adoptive parents.

Trends in Openness

By 1950, most States had passed legislation sealing adoption records, even from adopted persons themselves, but beginning in the 1970s and early 1980s, a movement toward open adoption occurred (Grotevant & McRoy, 1998). In response, many States have changed their adoption laws. The following provides a snapshot of State laws relevant to open adoption:

- As of June 2009, approximately 30 States have some form of a mutual consent registry, which is a central repository through which individuals directly involved in adoption can indicate their willingness to disclose identifying information (Child Welfare Information Gateway, 2009).
- As of June 2009, all States and American Samoa allow access to nonidentifying

information by an adoptive parent or a guardian of an adopted person who is still a minor, and nearly all States allow an adopted person access to this information.

- As of May 2011, 26 States and the District of Columbia have statutes allowing written and enforceable contact agreements, with the agreements needing to be approved by the court that has jurisdiction over the adoption (Child Welfare Information Gateway, 2011). No States prohibit such agreements. These agreements can range from informal, mutual understandings to written, formal contracts and often include some degree of openness. 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. Disputes over compliance or requests for modifications, however, may be brought before the court or a mediator.
- As of June 2009, 26 States, the District of Columbia, American Samoa, Guam, and Puerto Rico allow adopted persons to gain access to their original birth certificates with a court order (Child Welfare Information Gateway, 2009). These petitions are generally granted with “good cause.” Examples of how adopted persons can gain access in other States include the following: allowing access when there is a court order to which all parties have consented, at the request of an adult adopted person, or when permission to receive identifying information has been established with a State adoption registry.

For more information on laws relating to cooperative adoptions, access to adoption records, and mutual consent registries, see the State Statutes Search section of the Child

Welfare Information Gateway website at https://www.childwelfare.gov/systemwide/laws_policies/state/.

Benefits of Openness

Recent research on open adoption has found that the practice is becoming more widespread and that the adoption triad, which includes adopted persons, birth parents, and adoptive parents, tends to experience open adoption positively. This research has debunked many of the common myths about the negative consequences of open adoption. (See *Open Adoption Myths* later in this section for more information.)

Extent of Open Adoption

More than one-third of all children who have been adopted (36 percent) had some postadoption contact with their birth families (Vandivere, Malm, & Radcliff, 2009). When examined by type of adoption, 39 percent of children adopted through foster care had postadoption contact, 68 percent of children adopted domestically through private agencies had postadoption contact, and 6 percent of children in intercountry adoptions had postadoption contact. A 2008 survey of 100 domestic private agencies with infant adoption programs found that over the past 2 years only 5 percent of infant adoptions were closed, 55 percent were open, and 40 percent were mediated (Siegel & Smith, 2012).

Levels of Openness

The percentage of adoptions in which contact is maintained varies over time. The California Long-Range Adoption Study looked at contact patterns over four waves (2, 4, 8, and 14 years

after adoption). In one longitudinal study, the percentages of adoptive families in contact with the birth families were as follows: 59 percent after 2 years, 46 percent after 4 years, 60 percent after 8 years, and 39 percent after 14 years (Crea & Barth, 2009). For those who maintained openness, the mean number of contacts (mail, phone, and in person) between the adopted person and the birth parents increased each year, from 7.4 contacts per year 4 years after the adoption to 25.6 contacts per year 14 years after the adoption.

The parties involved in the contacts may vary in open adoptions. In one study, 21 percent of adoptive parents and 22 percent of persons adopted from foster care had contact with the birth family (Faulkner & Madden, 2012). When looking at private adoption, 50 percent of adoptive parents were in contact with the birth families, yet only 37 percent of adopted persons were in contact with their birth family.

Use of Contact Agreements

Approximately one-third of all nonrelative adoptions include contact agreements, with agreements being present in 32 percent of foster care adoptions and 67 percent of private domestic adoptions (Vandivere, Malm, & Radel, 2009). In a study of private adoption agencies with infant adoption programs, 52 percent stated that between 76 and 100 percent of their open adoptions involved written agreements, and 29 percent stated that fewer than 25 percent of their open adoptions involved written agreements (Siegel & Smith, 2012). As would be expected, the presence of a contact agreement increases the likelihood of postadoption contact with the birth family (Faulkner & Madden, 2012).

Impact on Adoption Triad Members

A preponderance of the literature cites the positive results of open adoption for members of the adoption triad. The following findings are based on data from the Minnesota Texas Adoption Research Project (MTARP), a longitudinal open adoption study that began in the mid-1980s:

- Adoptive parents and adolescent adopted persons in arrangements with ongoing contact had high levels of satisfaction with their levels of openness, with 84 percent of adopted persons, 94 percent of adoptive mothers, and 85 percent of adoptive fathers being either satisfied or very satisfied (Grotevant, Perry, & McRoy, 2007). Levels of satisfaction with openness arrangements were highest for fully disclosed adoptions when the children were adolescents (Grotevant, Wrobel, Von Korff, Skinner, Newell, Friese, & McRoy, 2007) and emerging adults (i.e., individuals who are approximately ages 18 to 25 years old and are exploring areas relevant to adulthood, including romance and careers) (Farr, Grotevant, Grant-Marsney, Musante, & Wrobel, 2012).
- There were no significant differences in externalizing (i.e., acting out) behaviors, as reported by adoptive parents, in adolescents in open or closed adoptions (Von Korff, Grotevant, & McRoy, 2006). Although contact itself was not related to externalizing behavior, the family's satisfaction with their level of contact was. Families who were more satisfied with their openness arrangements (whatever they were) had children with lower levels of externalizing, both at adolescence and emerging adulthood (Grotevant, Rueter, Von Korff, & Gonzalez, 2011).

- Adolescents who met with their birth mothers reported having positive feelings toward them and did not report being confused about who their parents were after the meeting (Grotevant, Wrobel, et al., 2007). Adopted persons who met in person with their birth mothers expressed the highest levels of satisfaction with their arrangements, and those who never met or eventually stopped contact had the lowest levels of satisfaction. Adopted persons and adoptive parents who had no contact with the birth family were more likely to want an increase in contact than for the level to remain the same, and less than 1 percent of adoptive parents and adopted persons wanted to decrease their level of contact. Nearly 35 percent of adolescents with no contact, however, wanted their level of contact to remain the same.
- Families in an open adoption tended to have more conversations about adoption, and this increased level of communication was associated with a more coherent sense of adoptive identity for adolescents and emerging adults (Von Korff & Grotevant, 2011).
- Birth mothers in a fully disclosed open adoption tended to have better grief resolution than birth mothers in closed adoptions (Henney, Ayers-Lopez, McRoy, & Grotevant, 2007).
- Adolescents who had contact with their birth mothers did not express confusion about parental roles; they noted that their relationship with their birth mothers was a friendship rather than mother/child (Berge, Mendenhall, Wrobel, Grotevant, & McRoy, 2006). Furthermore, none of the adolescents reported that the birth mothers

tried to “reclaim” them. When adolescents were not satisfied with their level of contact with their birth mothers, it was because they wanted increased levels of contact.

- One review of the data examined cases in which adoptive families included two nonbiologically related siblings who were adopted (Berge, Green, Grotevant, & McRoy, 2006). In cases in which both siblings had contact with their birth mothers, the children or youth enjoyed contact with their siblings’ birth mothers. In cases in which only one sibling had birth mother contact, the sibling without birth mother contact tended to still value contact with the sibling’s birth mother, found the relationship with the sibling’s birth mother to “make up” for his or her own lack of contact, and was not jealous of the sibling’s relationship.

Data from another study also indicated that higher levels of openness are significantly associated with higher levels of satisfaction with the adoption process by both birth mothers and adoptive parents (Ge et al., 2008). Additionally, there was a significant correlation between increased openness and better postplacement adjustment of birth mothers.

Open Adoption for Children in Foster Care

According to data from the Adoption and Foster Care Analysis and Reporting System (AFCARS), 85 percent of the children adopted from foster care in fiscal year 2011 were adopted by either their former foster parents (54 percent) or a relative (31 percent) (U.S. Department of Health and Human Services, 2012). These adoptions are often open

either because a relationship developed between the birth and adoptive parents when the children were in care or because the children know their birth families' contact information 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.

Implications for Casework Practice

Agency staff can play a critical role in working with birth and adoptive parents who are contemplating and negotiating open adoptions. 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. This section addresses how caseworkers can support successful open adoptions, understand when open adoption may not be appropriate, address ethical issues, and help families overcome challenges.

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 Licensing 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).

OPEN ADOPTION MYTHS

Until recently, closed adoption was the norm. Many myths were circulated about open adoption that may have prevented members of the adoption triad from openly exchanging information or initiating contact with each other. The following statements debunk some of the more common myths, which have been disproved by adoption research:

- Parties in open adoptions are NOT confused about their parenting rights and responsibilities.
- Birth mothers do NOT attempt to "reclaim" their children.
- Children in open adoption 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 are NOT related to the level of openness in the adoption.
- Adoptive openness does NOT appear to influence an adopted person's self-esteem in any negative way.
- Adoptive parents in an open adoption 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 an open and ongoing mediated adoption do NOT have more problems with grief resolution.

Although these are research-based trends, it is always possible for individuals to experience these situations differently (e.g., an adoptive parent feels less in control because the child's birth parent has mental health issues and is unable to maintain boundaries). Rare occurrences, however, do not disprove the broader generalizations.

Supporting Successful Open Adoptions

Child welfare research on effective casework practice in open adoption is limited, but the following are recommendations from the literature about how agency staff can support successful open adoptions:

- Keep the child as the focus of the process.
- Ensure that parents (birth and adoptive) receive information, training, and counseling, as appropriate, to inform them about open adoption.
- Help the parents determine what level of openness is best for their situation.
- Assist the parents in building trusting, respectful, and nonjudgmental relationships; negotiating conflicts; developing empathy; establishing open communication; and defining roles.
- Work with the families to plan for contacts (e.g., contact agreements) as well as prepare for potential changes in openness over time.
- Offer parents postadoption services to help them overcome challenges in communication (Siegel & Smith, 2012; Siegel, 2008).

As agency staff work with parents through this process, they can try to encourage and support the following characteristics that may help yield successful open adoptions:

- Empathy
- Respect
- Honesty
- Trust
- Commitment

- Flexibility
- Open communication (Siegel & Smith, 2012; Grotevant, 2012)

Additionally, openness should be viewed as a process that occurs over time rather than something that occurs immediately. It may be helpful for the families to enter into this relationship gradually before moving to higher levels.

Understanding When Openness May Not Be Appropriate

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 violence directed at a child, which indicates that contact with the parent would likely 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 and talk to the adoptive family for additional assistance in making difficult choices regarding the amount of openness to include in a child's adoption.

Addressing Ethical Issues

In addition to the ethical issues that arise in many adoptions (e.g., the exchange of money between parties, the level of voluntariness of the relinquishment), agency staff should be

aware of the ethical issues specifically related to open adoptions. Perhaps at the forefront is the amount of direction that agency staff give to families about their openness decision. Agency workers vary greatly in the amount of guidance they provide, ranging from little advice or encouraging self-determination to a paternalistic attitude (Reamer & Siegel, 2007). Agency staff should help inform the birth and adoptive families' decision-making process but ultimately allow the families to make the decision (Reamer & Siegel, 2007; Siegel & Smith, 2012).

An ethical issue that public child welfare workers may encounter is the practice in some States of offering the possibility of an open adoption as an incentive for the birth parents to voluntarily terminate parental rights and, conversely, to tell the birth parents that an open adoption would not be an option if they did not voluntarily terminate their rights (Reamer & Siegel, 2007).

Helping Families Overcome Challenges

Although most adoptive and birth families appear to be satisfied with open adoptions, this arrangement does present some challenges. One study cited several potential challenges, including one party desiring a different level of contact, not following through on the agreed upon contact, breaking trust, and the violation of specified or assumed personal boundaries (Siegel & Smith, 2012). Additionally, family needs regarding openness may change over time. Birth and adoptive families may need to decide whether to adjust their commitments due to changing circumstances or react to changes requested or made by the other party. Caseworkers can

use the following methods to help families overcome these and other challenges:

- Encourage parents to communicate openly and honestly.
- Help educate birth and adoptive parents so they can better understand the other parents' perspective.
- Keep the focus on the needs and experience of the child.
- Support the development of written contact agreements that help establish appropriate expectations, set boundaries, and offer flexibility for needs that may change over time.
- Offer postadoption support services to adoptive families, birth families, and adopted persons.

If families need additional guidance establishing relationships, overcoming differences on how or when contact should occur, or navigating changes in the relationships, caseworkers can refer them to mediation. Mediation, which refers to meeting with a neutral third party such as an agency or adoption professional, can help families develop written agreements before an adoption or aid in sorting out changing needs and roles later in the adoption.

Implications for Agencies

Although agencies should have policies regarding openness, including staff roles, agency policy should not dictate how the openness of an adoption is structured (Siegel, 2008). A "one size fits all" model is not the

correct approach (Grotevant, Perry, & McRoy, 2007). Instead, a variety of options should be made available to families, and staff should help birth parents and adoptive families identify the degree of openness that is best for them, both in the present and as their needs change in the future. Agencies also should ensure that postadoption services are available, either in-house or through referrals, to help families prepare or respond to their openness levels. Furthermore, agencies should ensure that staff are educated about open adoption and understand how to implement any agency policies.

Openness, especially mediated openness where the agency relays information between the birth and adoptive parents, increases the workload of agency staff in an era of shrinking resources and increased demand on social service providers. From a staffing perspective, a fully disclosed adoption may be less costly in the long run than a mediated adoption because there is no need to transfer the information between parties. There may be a continued need, however, for postadoption counseling in these types of adoption.

Adoption and the Internet

According to a 2010 Pew Research Center report, 93 percent of American teens have Internet access, and 73 percent use a social networking site (e.g., Facebook) (Lenhart, Purcell, Smith, & Zichuhr, 2010). With seemingly everything available on the Internet (if one knows where to look), birth families and adopted persons now are much more easily able to research contact information than they had been in the past. This increase

in information availability is changing the landscape of privacy and confidentiality, including in adoption. Adoption agencies may have internal policies in place to protect individuals' identities or establish other boundaries, but they ultimately cannot control the actions of adopted persons, birth parents, or adoptive parents who are seeking another party's information or trying to make contact.

There are no data about the number of adopted persons that seek out their birth family, or vice versa, via the Internet, but a nonscientific poll of foster youth by FosterClub, a national network for young people in foster care, may shed some light on the issue. Nearly three-quarters (74 percent) of the 79 foster youth who responded had searched for a family member on the Internet (Bodner & Knapp, 2011). More than 60 percent of respondents noted that it would have been helpful if someone had mentored them about connecting with their birth families. Some adopted persons may try to conduct their searches in secret. This may deny them the support and protection they need, especially if the contact includes a negative situation, such as a rejection by the birth parent or an emotional reaction for which the adopted person was not prepared (Fursland, 2011).

Agency staff should be aware of any laws or regulations that limit or require action on their part when a member of the adoption triad attempts or does make contact with another party through social media or other means outside the level of openness previously established. Additionally, agency staff may want to discuss social media considerations with birth and adoptive parents and consider including social media provisions in their contact agreements.

Adoptions Together, an accredited adoption agency, lists the following steps for professionals to help support adopted persons who want to search for or contact their birth families:

- Try to slow down the process so that you can talk through various issues and next steps with the adopted person.
- Start with a series of adult-adult meetings, if possible, before the adopted person makes contact.
- Discuss and validate the adopted person's fantasies and expectations about the contact (e.g., there will be a strong personal connection, the birth parents will be famous or rich); explore other possibilities.
- Prepare the adopted person for initial issues that may arise, such as no prior relationship, lack of commonality, and different values.
- Limit the initial contact to the birth parent; birth siblings can be brought in later (Ogden, Teeter, & Stahl, 2012).

SEARCHING FOR BIRTH FAMILY MEMBERS

While many adoptions are open from the start, others become open years later. An adopted person and/or the person's adoptive parents may initiate a search to find general information about the person's birth family, obtain a medical history, or establish connections with birth parents or siblings. State adoption agencies may offer services to help with accessing information, arranging reunions, and supporting adopted children and youth in dealing with the powerful emotions related to search and reunion.

For more information about search and reunion:

- Visit the Child Welfare Information Gateway Search and Reunion webpage: <https://www.childwelfare.gov/adoption/search/>
- Read *Searching for Birth Relatives*: https://www.childwelfare.gov/pubs/f_search.pdf
- Find State support services through the National Foster Care & Adoption Directory (check Accessing Adoption Records or Support Groups for Adopted Adults and Those Searching for Birth Relatives): <https://www.childwelfare.gov/nfcad/>

Conclusion

With the increase in open adoptions over the past two decades, it is essential that public

and private adoption agencies develop the knowledge and skills required to guide birth parents, adopted persons, and adoptive parents through this sensitive, yet critical, process. Although open adoption may not be the right choice for every situation, the child welfare literature has shown that families who choose open adoption tend to be satisfied with their decision and that it benefits all members of the adoption triad.

Additional Resources

American Association of Open Adoption Agencies. This organization helps families find agencies practicing open adoption.
<http://www.openadoption.org>

Child Welfare League of America. CWLA's *Standards of Excellence for Adoption Services* provides best practice regarding openness in adoption.
http://www.cwla.org/programs/adoption/cwla_standards.htm

Child Welfare Information Gateway. This service of the Children's Bureau provides information and publications about a wide range of adoption topics, including openness. It also provides adoption statutes for each State, including *Access to Adoption Records* and *Postadoption Contact Agreements Between Birth and Adoptive Families*.
<https://www.childwelfare.gov>

<https://www.childwelfare.gov/adoption/adoptive/contacts.cfm>

https://www.childwelfare.gov/systemwide/laws_policies/state

Evan B. Donaldson Adoption Institute. The Adoption Institute provides information about a wide array of adoption issues, including open adoption.

<http://adoptioninstitute.org>

Insight: Open Adoption Resources and Support. The Insight website offers resources for professionals, adoptive parents, and birth parents considering open adoption.
<http://www.openadoptioninsight.org>

Minnesota/Texas Adoption Research Project. This website provides information on a longitudinal study of openness in adoption.
<http://www.psych.umass.edu/adoption>

Open Adoption Bloggers. This website lists more than 300 blogs about open adoption, including those by birth parents, adoptive parents, and individuals who were adopted.
<http://openadoptionbloggers.com>

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