

# American Adoption Congress

## Child Welfare League Adopts New Standards

by Abigail Lovett

With the 2000 revision of the Child Welfare League of America (CWLA) Standards of Excellence for Adoption Services, CWLA gets off the fence by advocating that agencies “should promote policies that provide adopted adults with direct access to identifying information.”

“The revised standards reflect the field, and more openness reflects adoption that’s healthier and more emotionally sound,” said Ann Sullivan, who was the CWLA Adoption Program Director during the recent revisions. The revision set out not only to reflect current practice, but also to provide a framework for guiding the field over the coming decade.’

The working mandate was to apply equally to public and private adoption, non-profit agencies, domestic infant adoption, intercountry and special needs adoption. This expanded perspective reflects the importance of openness and access for birth and adoptive families. It is revealed in recommendations relating to birth parent, adoptee and adoptive parent counseling, agency worker advocacy, and retention of case records—including foster care records.

This revision is a quantum leap from the 1988 Standards, when adult adoptees were first recognized as separate from

adopted children. Then the CWLA recommended “adult adopted individuals be given all identifying information, with the birth parent(s) consent, or after an unsuccessful diligent attempt has been made to locate the birth parents.”

“In the past the CWLA has not done a good job of acknowledging adopted adults,” said Madelyn Freundlich, Executive Director of the Evan B. Donaldson Adoption Institute in New York, and a member of the CWLA 2000 Revision committee. Freundlich cites the attorney driven Uniform Adoption Act (1994) (“UAA”), containing a punitive 99-year sealed records provision, as the catalyst for revision committee members to address the rights of adult adoptees. It was an “eye-opening experience” for Freundlich, who has a legal background, to listen to adoption rights advocates such as former AAC leaders Dirck Brown and Kate Burke at meetings on the UAA.

The AAC web address has changed to:  
[www.americanadoptioncongress.org](http://www.americanadoptioncongress.org)

### Adoption Defined as a Social Rather Than Legal Process

“The Standards are an opportunity to put a greater emphasis on adoption as a social process. The legal part is just a small part,” said Freundlich, explaining that the new Definition of Adoption recognizes that adoption is a complex experience with lifelong implications. She added that “those involved in adoption must acknowledge the very real genetic and psychological connections to the adopted child and birth family, which remain even after the legalization of the adoption.”

While the new standards emphasize adoption as a social, rather than a legal, process, legal challenges and accountability have been a recent preoccupation of the CWLA. In 1993 the CWLA published *Adoption and Disclosure: A Review of the Law*; in 1997 it published a book, *The Spirit of Open Adoption*, in which James L. Gritter argued that secrecy reduces accountability; and in 1998, along with the Evan B. Donaldson Adoption Institute, the CWLA published *Wrongful Adoption: Law Policy and Practice*, with a section discussing the possibility of complaints of wrongful placement by adopted individuals.

“Despite a universal embracing of the Definition of Adoption,” continues Freundlich, who suggested content throughout the revision process and edited the early drafts, “access was the issue on which there was the greatest variance of view, but we looked around the table and saw where we had to go.”

New core values within the CWLA became the next markers. Among these are that agencies “should recognize the right of all parties to an adoption to self-determination and informed decision-making”; and that “[a]doption practice should always be based on a full recognition of the clients’ rights to make decisions for themselves.”

CWLA Policy: Confidentiality Can’t Be Promised  
Elizabeth Cole, an adoption consultant, worked on the CWLA Adoption Standards Review Committee in 1975, as well as the Model State Adoption Act advisory panel in 1978. Cole recalls writing a policy statement in 1975 that recommended CWLA agencies advise birth parents that confidentiality could not be promised because courts were opening records, adoption laws were changing, and adoptees were searching and finding. The 1978 and 1988 CWLA Standards reiterated this warning. This advisory, echoing off the mountains of Tennessee and Oregon, is reaffirmed in the 2000 Standards: “[u]nder current law in all states, courts may order the opening of sealed adoption records and allow adopted adults access to identifying information.” Accordingly, CWLA now recommends agencies tell birth parents “it is not possible to assure ... their identities will be protected from the children they place for adoption.”

It is interesting that one of the arguments relied on the most heavily in the recent Tennessee and Oregon court battles was a statement about the lack of guarantees of confidentiality for birth parents the CWLA has been making since 1975. Markers in Openness and the CWLA  
In spite of continued reaffirmation of this warning since 1975, the CWLA has traveled a long and winding road to its current position.

The CWLA was established in 1920. Eighteen years later the 1938 document “Minimum Safeguards” was published on a single page. Kinship preservation,

suitability of adoptive parents and informed facilitation of adoption were the three primary concerns. Sealed records were not yet part of the equation; the Safeguards suggested only that the child’s birth records be revised to remove evidence of illegitimacy.

Self-determination in adoption practice was largely “undermined by the mania in the 1950s to incorporate psychoanalytic theory to adoption practice,” said Ken Watson, a former AAC board member who was on the CWLA review board for the 1968 revision. Watson points to a 1954 publication, *Out of Wedlock* by Leontine Young, as “one of the most influential presentations of ‘unmarried parenthood’ as the result of a psychological disturbance.” The same year Barbara Kohlsaat and Adelaide M. Johnson published *Some Suggestions for Practice in Infant Adoptions*, recommending that adoptive parents receive only limited information to avoid stigmatizing the adopted child. “The past medical model was that the entire adoption triad was considered pathologically unstable,” said Cole. This model was to be reflected in the CWLA’s 1958 Standards.

In 1954 Jean Paton, a social worker and adoptee, published *The Adopted Break Silence*, the first lonely challenge to secrecy in adoption. Both Cole and Watson cite the ‘60s as the time when self-determination was again thought of as an integral part of adoption practice, if not policy. “It was the time of sunshine laws and open FBI files,” said Cole, who calls the sealed records system “Iron Curtain adoption.” Still, the CWLA released standards in 1968 advocating sealed birth certificates and court records.

“The present standards are a reflection of the advocacy of the ‘70s and ‘80s,” Cole commented. “I’m thrilled that what has needed to be said is now being said.” Indeed, adoptees and birth escalating battle for the right to identifying information throughout the last three decades.

In 1972 *Stanley v. Illinois* established that unwed fathers had a constitutionally-protected interest in their relationships with their children. In 1974 Florence Fisher’s *The Search for Anna Fisher* set off a wildfire of adoption searches. The 1975 Children Act provided

**[The CWLA] 1938  
document “Minimum  
Safeguards”... suggested  
only that the child’s birth  
records be revised to remove  
evidence of illegitimacy.**

England's adopted adults with direct access to identifying information. That year Emma May Vilardi also established the International Soundex Reunion Registry (ISRR). Lee Campbell's founding of Concerned United Birthparents (CUB) in 1976 was a direct result of widespread adoptee searches and an assertion of continued interest by birth parents.

However, the 1974 CWLA publication *Child Welfare* panned Fisher's work; CWLA all but ignored developments in the United Kingdom and United States for most of the decade.

The year 1978 brought several significant developments. *The Adoption Triangle* was published by Arthur Sorosky, Annette Baran and Reuben Pannor, and *Child Welfare* reprinted a positive review by Cole; a federal panel was formulating the Model State Adoption Act; the Indian Child Welfare Act declared courts must unseal records for American Indian children on request and provide adopted Native Americans with all information pertinent to their tribal affiliation and membership; and the AAC was born. In the 1978 Standards revision, a careful and cautious CWLA waffled: assurances could not be made about confidentiality and adopted individuals seeking information needed counseling. The first AAC conference was held in Washington, DC, in 1979.

In 1980 the Model State Adoption Act was published, recommending, "An original birth certificate ... shall at any time be opened as a matter of right to the birth parents whose rights were terminated or to the adult adoptee upon application to the Office of Vital Statistics." The CWLA kept the brakes on, spurning the direct access recommended in the Model State Adoption Act. The National Committee For Adoption (later called National Council For Adoption or NCFA) was founded in 1980. Bill Pierce, a CWLA staff member throughout the 1970s, was named president. Senator Carl Levin filed his first national adoption registry bill in 1981. CWLA did not endorse a passive national registry during the 1980s, but supports the concept today.

Reform in other nations as well as pressure from within the United States kept the spotlight on access issues throughout the 1980s. In 1984 the Victoria Adoption Act allowed increased access to information in Australia; New Zealand passed its Adult Adoption Information Act in 1985. Meanwhile the CWLA formed the National Adoption Task Force, with Watson as a

member and then Chair. In 1986 CWLA approved the Task Force Report, which encouraged openness in adoption and retroactive access when adoptees became 18; the recommendation was not incorporated in the 1988 Standards, however. The United Nations made its own statements on the right to identifying information in its 1989 Convention on the Rights of the Child, saying, in Article 8, that states will "undertake to respect the right of the child to preserve his or her identity, including name, and family relations...."

During the 1990s the momentum to restore access to sealed records continued, both within the United States and internationally. A successful challenge to secrecy was made in *War Babes v. Wilson*, allowing British children of U.S. servicemen to obtain information from the U.S. Armed Services on the whereabouts of their fathers. The Adoption Information Act in New South Wales, Australia, enlarged the range of Australian adult adoptee access to information. In 1991 Madelyn DeWoody (now Freundlich) joined the CWLA staff. According to Watson, she became "the first CWLA staff member ever to attend an AAC conference when she was wooed to the 1992 AAC Philadelphia Conference." In 1993 the Hague Convention on Intercountry Adoption recognized a child's right to an identity. The Uniform Adoption Act (1994) became a unifying rallying point; the AAC joined CWLA and many mainstream adoption organizations in opposing the UAA's restrictive provisions. Since then, access to identifying information has been restored in Tennessee, Oregon, Delaware and, most recently, Alabama, as well as in several provinces in Canada. Advocates of access to adoption information should celebrate the 2000 Standards as the most recent marker of openness.

1. All references to the 2000 Standards are to the official Standards of Excellence for Adoption Services published June 22, 2000, and available from CWLA.

For more information go to [www.cwla.org](http://www.cwla.org).

*Abigail Lovett is on the Board of Directors of AAC and recently completed three years as the President of Adoption Forum in Philadelphia. Ken Watson generously contributed some of the background material used in this article.*