

Issues of Confidentiality in Adoption: The Role of the Pediatrician

Committee on Early Childhood, Adoption, and Dependent Care

Adoption practices in the United States have been designed to protect each member of the adoption triad. Traditionally they preserve the anonymity and privacy of the birth parents. These practices have supported the concept that adoptive parents need to establish a relationship with their new child without concern of unwanted interference by members of the child's birth family. In addition, they emphasize protecting adopted children from potentially disturbing facts about their birth families and/or psychological confusion that might arise from any continued relationship with their birth families.

To protect confidentiality in adoption, all records of the adoption proceedings are sealed. The child's original birth certificate is sealed, and a new one is issued that typically contains only the child's adoptive name and substitutes the names of the adoptive parents for the birth parents. The original birth certificate and adoption records can be opened only by a court order and only for "just cause." Recently, however, three states have developed open adoption records, and more than 30 other states have developed mutual consent registries.¹ The exact statutes regarding mutual consent registries vary from state to state, but the basic concept allows adult adoptees and birth parents to register their desire to meet each other. If a mutual consent is achieved, identifying information can be released and a meeting may be facilitated. Some states require both parties to register independently. Other states allow a state agency to locate the birth parent(s) to determine whether consent will be granted to release information to the adult adoptee.¹

SEARCH AND REUNION

Recent adoption research and considerable anecdotal evidence challenge the wisdom of maintaining permanent separation of mature adoptees and their biological families.²⁻⁶ The interests of each member of the adoption triad often change over time. As adoptees reach adolescence, their interest in learning about their biological families frequently increases. This is almost always unrelated to the degree of stability of their adoptive family relationship and is usually seen as a healthy and normal aspect of their personality development. Concomitantly the interest of birth parents in preserving their anonymity may diminish over time. Several studies of birth mothers show that they

frequently reconsider and remain uncomfortable with the decision they made to surrender their child.^{2,5,6} Often their feelings of guilt, grief, and loss are unresolved, and often they believe that their sense of loss might be lessened by knowing what actually happened to their child. Sometimes the third member of the triad, the adoptive parents, may feel threatened by the desires of their adopted children to search for birth parents when these children become adults and begin to develop their own independent lives,^{5,6} but often adoptive parents support their adopted children's efforts to search for their birth parents.

As more and more adult adoptees began to challenge confidential court records and search for their birth parents, support groups and advocate organizations evolved to help organize searches and to lobby for less restrictive state laws.¹ These organizations include The Adoptee's Liberty Movement Association, Concerned United Birth Parents, and the American Adoption Congress.

The actual number of adult adoptees who search for information about their birth parents is unknown but thought to be a small (yet recently increasing) percentage of total adoptees, and the motives of those who search are quite varied.⁶ Some are at risk for certain medical problems in which knowledge of a family medical history is important. Others wish to have children and want to know more of their genetic and medical history. (All states require a medical and genetic history to be obtained at the time of adoption, but these histories are often incomplete and inaccurate.) Other adult adoptees just believe that they have a right to find out their birth names and family heritage to fill the void that makes them feel incomplete and separates them from their pasts.

Adoption researchers are learning about reunions between adoptees and the birth parents and the impact these reunions have on each member of the adoption triad.⁵⁻⁷ During the past decade, there seems to have been a change in general attitude among adoption professionals toward search and reunion. Previously the idea of searching for one's birth family was seen as either harmful and/or neurotic. Now such searches and reunions are often seen as healthy and a helpful endeavor for all concerned.

OPEN ADOPTION

"Open adoption" is the term applied to adoptions in which there is contact between the birth parents and adoptive parents during the adoption process. In practice, there are varying degrees of openness. Adoptive and birth parents may merely share information at the time of adoption and have no further

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contact. At the other extreme the birth parents may play an active role, both meeting with and selecting the adoptive family; some establish an ongoing relationship with them. However, although there is considerable experience and some research concerning the issue of search and reunion, there are almost no data regarding the impact of open adoption on any member of the adoption triad over time.⁸

Adoption specialists are divided in their opinions concerning the pros and cons of open adoption. One large adoption agency reports that 75% of their adoptive placements in 1985 included openness in some form.⁹ Other large agencies still handle only closed, confidential adoptions.

The advocates of open adoption believe that relinquishing the secrecy of traditional closed adoptions will resolve some of the common problems of confidential adoptions.^{2,3,9,10} The identity struggles that some teenage adoptees go through may be lessened by having knowledge of their biological past. Partly because of the uncertainty of their children's fate, many birth parents never complete the grieving process and continue to mourn the loss of their children. Open adoption advocates believe that allowing the birth parents to have more control over the adoption process, by giving them the opportunity to help choose and get to know the adoptive family, will assist in facilitating the process of separation and allay the continued worrying about the well-being of the child.

The advocates for continuing closed adoptions believe that openness in adoption creates major new problems (without solving any old ones).^{3,4,11,12} They argue that many biological mothers are developmentally immature and may not be capable of making sound, mature decisions about their continuing relationship with the adoptive family. There is some evidence to suggest that birth mothers who have continued contact with their relinquished child have experienced more, not fewer, problems with the grieving process.¹³ The biological mother may even continue to think of the child as her own.¹¹ Open adoption may place additional burdens on adoptive parents because they are quite vulnerable to the demands of the birth parent at the time of adoption. The adoptive parents may be uneasy about the relationship the birth parent chooses to have with the adoptive family. There may be conflicts and competition over parenting responsibilities. The young adolescent birth parent may even look to the adoptive parents as surrogate parents, putting an added strain on the adoptive family.²

Children, especially young children, are at greatest risk in open adoption.⁴ Young children cannot understand the relationships in open adoption, and direct contact with a birth parent may weaken the bond between adoptive parents and child. Young children are not equipped to deal with two sets of parents.

An additional concern about open adoption is that open adoptions occur frequently in the context of private adoptions, in which a professional adoption specialist is often not involved for the much needed support and monitoring.

The only way to gather and draw meaningful conclusions about the impact of open adoption on the

adoption triad is to establish systematic long-term follow-up of these new complicated family constellations.

RECOMMENDATIONS

1. When the opportunity arises, pediatricians should serve as their patient's advocate in all adoption issues, from preadoption counseling and medical history taking, to the mature adoptee's search for his/her birth parents. Legislators, policymakers, agency personnel, lawyers, and others who make adoption decisions need to hear from the pediatrician whose primary agenda is the "best interest" of the child.
2. The pediatrician should counsel the adoptee and the adoptive family throughout childhood in anticipation of and in response to different issues. Anticipatory guidance is especially important as adoptees begin to explore their own biological identities. Adoptive parents who understand and expect this normal phase of development can be honestly supportive rather than view such curiosity as a threat to their relationship.
3. Pediatricians caring for adopted children should be familiar with their state's laws regarding confidentiality so that they can counsel families appropriately. Pediatricians should seek answers to the following questions:
 - Is there a mutual consent registry and how efficiently does it function?
 - Is counseling provided to adoptees who seek information from the registry?
 - What are the state laws regarding open adoption?
 - Is the involvement of a professional adoption specialist required?
 - How are open adoptions monitored?
4. Pediatricians should be familiar with local support groups and referral resources that address adoption issues. Pediatricians should be able to make appropriate social service or mental health referrals when significant problems arise for their patients, whether they are adoptees, adoptive parents, or birth parents.

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