

Submission of Council of Irish Adoption Agencies (CIAA) in response to Draft Domestic Adoption Guidelines issued by Adoption Authority of Ireland in October 2019

What is CIAA

The Council of Irish Adoption Agencies provides a forum for social worker practitioners to ensure best practice in adoption through continuous professional development and training and influencing social work policy and legislation. Members of the CIAA have many collective years of expertise in adoption and represent the views of social work professionals currently working in the area of adoption. Our membership has recently been extended and now not only includes adoption social work practitioners, but social workers with adoption expertise who are employed in a counselling capacity to work with those whose lives have been impacted by adoption, and those working in the academic arena who have an interest in adoption based research.

Social Work Ethics & Best Practice

All members of the CIAA are professionally qualified social workers and are registered with CORU. Registration with CORU obliges social workers to uphold the standards of professional conduct as laid down by the Social Work Registration Board. Failure to adhere to these standards can result in a social worker being disciplined or even being removed from the register. These standards relate to social workers' conduct, performance and ethics as well as acknowledging that there are certain issues that are specific to social workers. They provide a context to our commitment and obligation to ensure we engage in ethically sound social work practice.

In 2009 The Council of Irish Adoption Agencies (CIAA) published "*An Ethical Framework for Adoption in Ireland.*" This document was a comprehensive effort to outline principles for best practice in adoption social work. The document drew on international best practice and current research. In the conclusion of this document the CIAA Council wrote:

"Adoption practices change with time – legislative changes and learning through research will continue to inform our work. The values set out here, therefore, are not definitive. An integral part of this process is that we ensure that a full review is carried out."

CIAA's Response

The Council of Irish Adoption Agencies (CIAA) welcomes the Adoption Authority's decision to review the domestic adoption guidelines and the opportunity that has been given to CIAA to contribute to their consultation process along with other stakeholders in order to formulate new guidelines. In line with CIAA's Ethical Framework, our contribution will be restricted to focusing on best social work adoption practice in accordance with international adoption practice and current research findings. There will be no attempt to provide a specific response to the new guidelines as many of the premises on which they are based are operational and outside our remit.

Requirements of Guidelines

We refer to the work of Richardson & Loughran, 2005 who note that social workers counselling women (and men) who are experiencing a crisis pregnancy should “be in a position to give accurate information about all options or, at the very least, to give detailed referral to an appropriate source of such information” (P105). Social workers can only provide accurate information about options including what they could expect should they choose adoption, if there are clear guidelines in place.

Even when guidelines are clear it must be acknowledged that each case is individual and that at the heart of all adoption cases are people who are experiencing a crisis. In their 2016 publication advising British Association of Social Workers “The Role of Social Workers in Adoption: Ethics and Human Rights, An Enquiry” Featherstone et al write: “the current model of adoption fails to adequately recognise multiple attachments and complex identities” (P12). They acknowledge the legal position of children in the UK post adoption is very clear but “while the law is clear on children’s legal status post adoption, the emotional realities are complex and centrally linked to identity issues.” (P12). It would be in line with best practice to ensure that any new guidelines issued by the Adoption Authority are cognisant of the complex emotional and identity issues that are at the heart of adoption social work.

Adoption is a legal process and all professionals involved must adhere to legislative requirements. However, adoption is also a real-life issue that has far reaching emotional implications beyond the legal ties that are created or severed. It is therefore CIAA’s position that these guidelines must balance the legal requirements and their interpretation for current practice against the far-reaching consequences for those for whom adoption services are being provided.

Overarching Principles

There are three overarching principles that CIAA wish to highlight that should be adhered to when developing these guidelines.

- **The best interests of the child should be paramount in all adoption decisions.**
- **Adoption has a lifelong impact for all parties in the adoption triangle.**
- **The importance of listening to the experiences of birth mothers and adopted persons who have been party to an adoption in Ireland.**

These three principles are interlinked and thus we will deal with them here together.

Research findings and international best practice indicate that adoption practices should place the best interests of the child at the centre, acknowledge that adoption has a lifelong impact and that the wellbeing of the birth mother remains connected to the best interests of the child, even after she loses all legal rights.

Currently Ireland is grappling with issues that have arisen as a result of how adoptions have been managed in this country in the past. The complex issues that arose during recent efforts to legislate for an adopted person's right to have access to their birth information has been a demonstration of the depth of emotion felt by all involved in adoption even after a considerable passage of time. This process has been a concrete example of the lifelong impact of adoption for all who have been involved in an adoption in the past. This process has also been evidence of how adoption involves the careful balancing of often competing rights. Acknowledging this lifelong impact of adoption from the beginning and incorporating this awareness into these new guidelines will enable us to ensure that we have learned from the experiences of our past.

Previous adoption guidelines in Ireland say that adoption is a service that should meet the needs of a child rather than being a service that meets the needs of a family who want to become parents. Recent changes in Irish legislation clearly identify the rights of the child as being paramount. We acknowledge that while there will be times when the rights of the birth family, the prospective adopters and the child may appear to be competing. In these instances maintaining a focus on the best interests of the child should always be the guiding principle. However it must be recognised that in infant domestic adoption an adoption decision is, in most instances, a voluntary one. The birth mother is making a free choice to place her child for adoption and usually no child protection concerns exist. She remains the sole guardian of the child until the issuing of an adoption order and can withdraw her consent at any time.

In Ireland we have a difficult past with adoption. Women have reported feeling unheard in adoption procedures and have felt forced into adoption decisions leading to lifelong feelings of grief and trauma. It is important that these new guidelines acknowledge the need for birth mothers to be actively involved in decisions about the future of their child and the research has demonstrated that this is important not just for the sake of the birth mother but also for the sake of the adopted child and the adopted adult.

Morgan et al (2019) carried out a study in the United Kingdom with women who had a child who was placed for adoption and subsequently attended counselling services. In their introduction they draw attention to the fact that: "historically, relinquishing birth mothers have been subject to significant social stigma and 'illegitimacy'. Their pregnancy and the removal of their children were often not discussed within their families or communities, and little or no support was available from helping professionals (Morgan et al:2019,P138). They also list articles demonstrating several studies that "have highlighted the long-term psychological distress, 'unease', mental health difficulties, ongoing anger and guilt, shame and grief of birth mothers forced to relinquish their children involuntarily". They also state that as there is an increased likelihood for birth mothers to have ongoing contact with their birth child and/or adopted family that "given this ongoing contact, supporting the well-being of birth mothers is also in the interest of the child" (Cossar and Neil; 2010,P138). These issues of ongoing mental health difficulties for birth mothers who do not believe that they have had a say in their child's adoption has been part of the discussions that have caused there to be opposition to the format of the proposed legislation giving adopted

persons the right to their original birth information. Any new guidelines must therefore endeavour to ensure that this does not occur again in modern day Ireland.

While Morgan et al (2019) focuses on the benefits birth mothers gained from attending counselling they conclude that the study:

“invites a challenge to society’s dominant script of family and motherhood and advocates a space for birth mothers to be seen, heard and acknowledged for the role they will inevitably still hold in children’s lives and in society”(P151).

This point replicates a similar comment made by Elsbeth Neil (2017) who draws upon the work of the classic theorist Brodzkisky by saying that it is important to bear in mind that the welfare of birth parents can and often does remain relevant to the welfare of adopted children and adults. This is because although adoption ends a child’s legal connection to their birth parents, the child often still feels an emotional connection (Brodzinsky, 2011 referred to in Neil, 2017 P12). This acknowledgement that birth mothers continue to play a role in their child’s life and that there is the potential that they will suffer ongoing mental health issues is a further reinforcement of the need to acknowledge the lifelong impact of adoption upon those involved.

Dr Elsbeth Neil carried out a review of the literature about helping birth parents in adoption on behalf of the German Research Centre on Adoption (Neil, 2017). She begins her literature review in explaining why it is worthwhile understanding why birth parents should be supported in the adoption process. She draws upon her own work from 2010 saying: “there are strong humanitarian and moral arguments for considering the needs of birth parents in adoption. Birth parents are frequently in highly disadvantaged situations when their children are adopted, and the impact of adoption on the parent is a further experience of adversity; minimizing the harm to parents is therefore a moral imperative” (Neil et al, 2010). Moreover, as there is an increasing trend internationally for more openness in adoption, how well birth parents process their adoption loss will impact how well they are able to provide information to their birth child into the future again linking birth parents wellbeing to an adoptees welfare.(Neil;2017, P8).

Neil acknowledges that for many women placing a child for adoption is a choice that they make. However there still exists a sense of “ambiguous loss” or “disenfranchised grief”. She refers to a 1997 study by Cushman with birth mothers who placed an infant for adoption and in these findings women who had been involved in selecting a family for their baby or who had ongoing contact with their child reported that there were less feelings of grief and loss than women who had not been involved in these aspects.

Role of the Social worker

Underpinning these guidelines should be a recognition that the role of the social worker is to provide non directive counselling and support to assist the birth mother to make a decision in accordance with her wishes which is in the best interests of her child. This role is not biased in any way and as practitioners we are very clear that we must remain independent of the birth mother’s final decision.

The appointment of a Guardian Ad Litem (GAL) or independent social worker to establish the wishes, feelings and interests of the child and advising the court as to what would be in the child's best interests suggests that an adoption social worker does not act in an impartial manner and undermines and disrespects our professional role. Social workers in adoption services have an inherent understanding of all the issues that are relevant to adoption whereas it is more difficult for a GAL to have an overview of all these factors and their life long implications. The appointment of a GAL also undermines the professionalism and expertise of social workers who have specialised in adoption.

The appointment of a GAL to work with a minor is of particular concern in this regard as again the social worker has no invested interest in her child being placed for adoption. It is our view that it should only be necessary for a birth mother to be seen by someone other than an adoption social worker when there is a question mark over the birth mother's capacity to give her consent. In these circumstances it may be appropriate to seek the expert opinion of a psychologist or psychiatrist.

Attachment theory is a key theory that informs all social work practice and it is particularly central to the work of social workers in adoption. They draw upon their knowledge of attachment theory when assessing applicants who wish to adopt, working with adopted adults and birth parents who have placed a child for adoption and also when working with infant domestic adoption cases. When a child is moving from a pre-adoption foster placement social workers draw upon their knowledge of attachment and child development in creating transition plans and seek additional expert support to work with adoptive and foster carers when necessary.

Children who are strongly attached to a primary care giver and other close family members have the capacity to transfer their attachment to others, the key to this transfer is that both parties work together to assist the child in this process. (Fahlberg, 2016) Social workers in adoption adapt their practice when moving a child from a pre-adoption foster placement to an adoptive family to meet the needs of the child taking cognisance of the child's age and emotional development, including seeking specialist support when required.

Adoptive families

Adoptive families should be counselled and prepared to be able to support their child as they deal with the complex identity issues that are raised by adoption. The importance and significant role played by adoptive parents in supporting their child to deal with their own thoughts of their adoption is noted by International Social Services in their 2004 review of social workers in adoption as follows "The receiving family should not add to the child's difference and should revalidate the parental representation that he/she has lacked and should ensure an environment to ease social inclusion" (ISS, 2004).

Social Workers carrying out assessments should be confident that the adoptive family has the capacity to meet the lifelong needs of their child as adoption issues continue to be significant for an adopted person into adulthood. Neil (2017: 8) notes "Difficulties in

resolving issues of loss and identity may be intensified where adoptive parents are reluctant to talk about adoption (Grotevant & Von Korff, 2011; Neil et al, 2015; Brodzinsky, 2006)”. It is of particular importance when new guidelines are being developed that the social worker has the same confidence that the family who eventually adopts the child, whether or not they were originally short term foster parents, has the capacity to meet the child’s lifelong needs.

Conclusion:

CIAA would welcome the development of new guidelines for domestic adoption that place best practice at their centre and recognise the lifelong social emotional and legal impact for all parties involved in the adoption process. While it is always a challenge to balance the rights of all those who are impacted by an adoption decision, the best interests of the child must always be central but cognisance given to how these interests are intrinsically linked to the wishes of the birth mother in infant adoption. The role and expertise of the adoption social worker in the counselling process should not be undermined and their professionalism treated with respect.

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Acting Chair
On behalf of Council of Irish Adoption Agencies.

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