



**National Resource Center for
Permanency and Family Connections**
Silberman School of Social Work at Hunter College



*A Service of the Children's Bureau
& A Member of the T/TA Network*

INFORMATION PACKET

Birth Parents in the Adoption Process: Experiences with Voluntary Relinquishment

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SUMMARY

While the adoption triad consists of birth parents, adopted children, and adoptive parents, few research studies specifically explore the experiences of birth parents in the adoption process. The process of adoption can produce detrimental effects for birth parents that may last a lifetime, including feelings of depression, sadness, anger, regret, shame, anxiety, grief, loss, and guilt (Aloi, 2009; Davidson, 2010; De Simone 1996; Henney, Ayers-Lopez, McRoy, & Grotevant, 2007). Adoptions may involve voluntary relinquishment by the birth parent or involuntary relinquishment through a formal termination of parental rights by the court system (Wiley & Baden, 2005). This information packet aims to synthesize existing research looking at birth parents that voluntarily relinquish parental rights and explore some of their experiences throughout various steps of the process.

Research findings have shown that birth mothers, regardless of the amount of openness in the adoption process, may continue to experience prolonged feelings of grief and loss (Aloi, 2009; Henney et al., 2007). However, one study found that birth mothers who experienced a higher level of openness in the adoption process tended to experience lower levels of grief (Henney et al., 2007). It also reported that birth mothers' grief became attenuated by significant life events such as marriage and other pregnancies (Henney et al., 2007).

Other studies have found that the type of adoption that birth mothers chose had an impact on their feelings during and following the course of adoption. Open adoptions allow birth parents to remain in contact with their children while losing their parental rights. In contrast, closed adoptions occur where birth parents, either before or after placement, have no exchange of information or contact with the adoptive family (Wiley & Baden, 2005). Feelings of shame, stigmatization, and marginalization may increase if a birth parent's loss is clouded in secrecy

(Wiley & Baden, 2005). Clutter (2010) noted that mothers who opted for open adoptions had more positive feelings than mothers who opted for closed adoptions. Mothers who went through open adoptions experienced grief and loss of parenthood rather than mourning the loss of the newly adopted child (Clutter, 2010).

In exploring birth parents' feelings during adoption, those of birth fathers who voluntarily relinquish parental rights often tend to be dismissed. A study conducted by Whitesel (2009) found that birth fathers displayed different emotions triggered by adoptions when compared to birth mothers. Birth fathers experienced high levels of anxiety, but did not experience elevated levels of depression (Whitesel, 2009). Additionally, birth fathers' emotions were measured according to the life impact of the adoption process. Birth fathers reported that they felt relieved afterwards, knowing that they could offer their children better life conditions with families that were emotionally, financially, and physically prepared for parenthood (Whitesel, 2009). It was also found that connectedness between the birth parents influenced their emotions during the process of adoption. Birth parents with strong and positive connections to each other experienced more positive adjustment.

For birth mothers, their feelings post-relinquishment may also trigger fantasies of reunion and searching for the child (Askren & Bloom, 1999; Davidson, 2010). Self-destructive behaviors may even emerge among birth mothers from their own need to punish themselves for relinquishing their children (De Simone, 1996). The emotions that birth parents experience as a result of relinquishment need to be explored further in order to raise awareness of the issue and to improve practices to help birth parents cope with their feelings during this difficult process.

FACT SHEET

Pre-adoption agreements

- According to the 2007 National Survey of Adoptive Parents (NSAP), parents of 32% of adopted children (non-relative adoption) have a pre-adoption agreement allowing birth families to call, visit, or exchange photographs with the adopted children (Vandivere, Malm, & Radel, 2009).
- Pre-adoption agreements and post-adoption contracts are most common in instances where children have been privately adopted in the United States.
 - 67% of children adopted privately have pre-adoption agreements compared to 32% of children adopted from foster care (Vandivere, Malm, & Radel, 2009).
- Individuals who adopted children internationally reported that pre-adoption agreements are rare (Vandivere, Malm, & Radel, 2009).
- 68% of children adopted privately in the U.S. and 39% of children adopted from foster care have post-adoption contact with their birth families (Vandivere, Malm, & Radel, 2009).

Studies regarding effects of voluntary relinquishment on birth mothers

- In a 2007 study of 127 birth mothers in the United States, 12 to 20 years after the placement of the adopted child, most reported that they still experienced feelings of grief and loss as a consequence (Henney et al., 2007).
 - Seventeen birth mothers (13.4%) were experiencing a high degree of grief and loss, including feelings of guilt, sadness, persistent regrets, anger, and depression.
 - Forty-three birthmothers (33.9%) were experiencing some feelings of grief, and 32 (25.2%) reported moderate current feelings of grief.
 - Thirty-five birthmothers (27.6%), however, reported no current feelings of grief and

loss pertaining to the adoption.

- A study from De Simone (1996) with 264 birth mothers who relinquished their children for adoption found:
 - 34% of birth mothers reported never having another child
 - Many birth mothers held the perception that coercion by others influenced their decision to relinquish their children
 - Forty-six percent of birthmothers stated that the decision was “not at all as I wanted”
 - High levels of grief and shame were presented among the sample

LAWS AND POLICIES

State Laws Regarding Counseling Services and Voluntary Relinquishment and Revocation Time Periods

In some states, laws exist to ensure birth parents' are making fully informed decisions and to protect their rights in the event of voluntary relinquishment of a child for adoption. Smith (2007) outlines state laws regarding counseling services and time periods of voluntary relinquishment and revocation decisions:

- Prior to relinquishing their children for adoption, certain states require birth parents to receive counseling or be made aware of its availability:
 - **Connecticut:** requires women to receive counseling within a specific time frame. For instance, 72 hours after childbirth.
 - **Illinois:** at least 24 hours prior to signing documents, requires at least one meeting between birth mother and agency be documented (L. Lawton, personal communication, August 21, 2012). Birth parents must be provided with "Birthparents Rights and Responsibilities" by their caseworker in agency assisted adoptions or a similar form in private adoptions when consents are signed (L. Lawton, personal communication, August 21, 2012; State of Illinois DCFS, 2010).
 - **Louisiana:** requires minimum of two counseling sessions for the parents, however fathers are allowed to waive the sessions. Parent must consult with and be advised by an attorney regarding the meaning of the surrender.
 - **Minnesota:** offers women up to 35 hours of counseling relating to adoption before they relinquish their children.
 - **Nebraska:** requires four hours of counseling.

- **New Mexico:** mandates one session of counseling for women 18 years old or older and two sessions for girls under 18 years old.
- **Ohio:** at least one session must be completed 72 hours prior to signing the consent to relinquish children for adoption.
- To ensure birth mothers are making sound, reasoned, and informed judgments, some states have laws regarding waiting periods in which relinquishing documents can be signed:
 - **Alabama and Hawaii:** allow parents to sign documents during pregnancy. However, parents can revoke the decision within a few days after the child is born.
 - **Illinois:** requires birth mothers to wait a *minimum* of 72 hours after the birth of the child to sign a Surrender or Consent to Adoption. If there is any hesitation or doubt about their decision to place the child for adoption, birth mothers have the right to refuse to sign these documents (right up until the last moment before signing). Birth fathers may sign a Surrender or Consent to Adoption before the child is born. If birth fathers do not sign these documents prior to the child's birth, they must wait until the child is 72 hours old before signing (State of Illinois DCFS, 2010).
 - **Kansas:** allows documents to be signed 12 hours after childbirth.
 - **Louisiana:** allows documents to be signed after five days.
 - **Rhode Island:** permits parents to sign documents anytime after childbirth, but document terminating parental rights cannot be filed with the court until the child is at least 15 days old.
 - **Virginia:** specifies that parental rights cannot be terminated for 25 days after birth and allows Entrustment documents to be signed anytime after birth for agency adoptions. However, for independent adoptions, Parental Placement documents

- cannot be signed until 10 days after birth of the child.
- In the event that birth parents change their minds about relinquishing their children, laws in some states specify a period of time in which relinquishment decisions may be revoked:
 - Decisions may be revoked without having to prove fraud or best interests of the child in: **Alabama, Arkansas, California, Delaware, District of Columbia, Georgia, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, North Carolina, Tennessee, Texas, Vermont, and Virginia.** Revocation time periods among these states range from three to 30 days.
 - **Illinois:** once birthmothers sign a Surrender or Consent for Adoption, it is final and irrevocable, “unless they can prove fraud or duress” (L. Lawton, personal communication, August 21, 2012). If birthfathers sign the Surrender or Consent for Adoption before the child is born, it is revocable up until the child is 72 hours old. Once the child is 72 hours old, the Surrender or Consent is final and irrevocable (State of Illinois DCFS, 2010).
 - **New York:** relinquishing a child for adoption can be revoked within 45 days for private adoptions and 30 days for an agency adoption if the consents are signed outside of court. The child is not returned automatically to the birth mother. A “best interest” hearing is held if the revocation is contested by the prospective adoptive parent or agency.

State Laws Regarding Access to Adoption Records

“Access to Adoption Records: Summary of State Laws”

http://www.childwelfare.gov/systemwide/laws_policies/statutes/infoaccessapall.pdf

This report from the Child Welfare Information Gateway contains information based on State

statutes about who can access adoption records. A description is provided regarding what information can be accessed, what information requires mutual consent, and where individuals can locate the information. (Current through June 2009.)

BEST PRACTICE TIPS

Some benefits of open adoptions:

- Individuals who chose open adoptions tended to have more family support (Aloi, 2009)
- Ge, Natsuaki, Martin, Leve, Neiderhiser et al. (2008) found that open adoptions enhance post-adoption adjustment among birth mothers and tend to reduce stress on birth parents.
- Open adoption also provides informal sources of social support to birth parents by allowing contact with their children and the adoptive parents (Ge et al., 2008)

Suggestions for approaching and working with birth parents:

- Acknowledge and validate birth parents' feelings of loss. (Aloi, 2009)
- Regardless of personal perspectives on adoption, do not be avoidant of the matter. Avoidance may reinforce feelings of fear and rejection in birth mothers. (Aloi)
- Be understanding and use a positive approach so birth mothers may feel comfortable to express their feelings and transition in grieving their loss. (Aloi)
- Encourage expression through drawing, recording, art, and talking about their emotions. (Aloi)
- Be aware that not all birth parents will share the same experience and that feelings about their relinquishment experience will vary. (Wiley & Baden, 2005)
- In the instance of open adoptions, explore with birth parents the option of establishing supportive relationships (involving contact and exchange) with adoptive parents. This may be important during the post-placement adjustment period. (Ge et al., 2008)
- Reunions between birth mothers and their children may also help them overcome their grief and guilt. Reunions are especially recommended for birth mothers who were coerced by their parents into relinquishing their children for adoption. (Lifton, 2010)

RESOURCES

- **National Resource Center for Permanency and Family Connections**

http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/birth-family-issues.html

A service of the Children's Bureau and member of the Training and Technical Assistance network, NRCFPC maintains a website section offering information and resources specifically regarding birth family support and engagement, among many other child welfare topics.

- **Child Welfare Information Gateway**

<http://www.childwelfare.gov/>

A service of the Children's Bureau, this website contains information about adoption in regards to policy, research, and practice. The information available is aimed at professionals and individuals such as birth parents, adopted children, and adoptive parents. The Child Welfare Information Gateway also oversees the National Foster Care and Adoption Directory, which allows users to search for various adoption and foster care resources, including support groups for birth parents, adopted adults, relatives, and birth family members (<http://www.childwelfare.gov/nfcad/>).

- **Evan B. Donaldson Adoption Institute**

<http://www.adoptioninstitute.org/index.php>

Aiming to improve the quality of information regarding adoption, the Institute is focused on improving adoption policies and practices through research, education, and advocacy. The Institute published a report entitled "Openness in Adoption: From Secrecy and Stigma to

Knowledge and Connections” (by Deborah H. Siegel and Susan Livingston Smith, March 2012), which is the first in a series that explores and discusses openness in domestic infant adoptions. This report views openness as a phenomenon, providing a summary of existing research and drawing upon findings from a new survey conducted by the Institute of 100 U.S. infant adoption programs

http://www.adoptioninstitute.org/research/2012_03_openness.php).

- **American Adoption Congress (AAC)**

<http://www.americanadoptioncongress.org/mindex.php>

AAC’s website offers many resources that may be useful to birth parents during and after the adoption process, and to child welfare professionals working with them. AAC maintains a list of some support groups for birth parents in each state

<http://www.americanadoptioncongress.org/docs/SUPPORT%20GROUP%20LIST%20Table%20-%20Apr%2011%202012.pdf>).

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