range in the percentages of children under 18 who lived with a Black householder was relatively small: 13 percent of biological and stepchildren, compared with 15 percent of adopted children. A higher percentage of biological children (4 percent) than adopted children (2 percent) and stepchildren (1 percent) lived with an Asian householder. This difference may be due in part to the fact that Asians are less likely to divorce and so would not be as likely to remarry and have stepchildren.[30]

Table 6 also shows the percentage of children under 18 who differed in race or Hispanic origin from the householder. Adopted children had the highest percentages who were of different races from the householder: 17 percent for those under 18, and 11 percent for those 18 and over. About 11 percent of stepchildren under 18, and 10 percent of those 18 and over were of different races than the householder, compared with 7 percent and 5 percent of biological children under 18 years and 18 and over, respectively.[31]

About the same percentage of adopted and stepchildren under 18 years were Hispanic while the householder was not, or vice versa (7 percent). The corresponding percentage for biological children was lower, 2 percent. Second and later marriages are more likely to involve spouses of different race and Hispanic origin;[32] so it is not surprising that a higher percentage of stepchildren than biological children were of a different race or Hispanic origin than their householder parent.

Living Arrangements and Age of the Householder

Since Census 2000 relationship data were collected in reference to the householder, the living arrangements experienced by children can be analyzed by the presence or absence of a spouse or unmarried partner of the householder. Table 6 shows that the percentage of adopted children under 18 who lived with two married parents (78 percent) was higher than the percentage of biological children (74 percent) but lower than the percentage of stepchildren (88 percent). This contrast can be predicted because most stepchildren become stepchildren when one of their biological parents remarries.

Although Census 2000 data cannot tell us if single-parent[33] adoptions are increasing, data in Table 6 present the current living arrangements of single parents and whether they were formerly married, never married, or were living with an unmarried partner when the census was taken. The marital status and living arrangements of parents at the time of the census may have been different than when they adopted their children. About 5 percent of adopted and biological children under 18 lived with a male householder who had no spouse present.[34] For stepchildren, this percentage was 10 percent. The stepfathers of about 84 percent of stepchildren who lived with single fathers were living with an unmarried partner. These children may be the biological children of the partners of these men. Web sites for stepfamilies frequently refer to the children of an adult's partner as his or her stepchildren.[35]

The percentage of children under 18 who lived with a female householder who had no spouse present varied widely, from 2 percent for stepchildren, to 17 percent for adopted children, to 21 percent for biological children. Except for the mothers of stepchildren, proportionally few of these women had an unmarried partner. Just over half of the adopted children under 18 with an unmarried mother who had no partner present had a divorced or widowed mother. Five percent of the adopted children and 6 percent of the biological children under 18 lived with a never-married mother or father who was not living with a partner.

The lower section of Table 6 shows the average age of the householder; and the age gap between the child and the householder, the spouse, or the partner of the householder. For

[30] Rose M. Kreider and Jason M. Fields. *Number, Timing, and Duration of Marriages and Divorces: Fall 1996*. Current Population Reports, P70-80. U.S. Census Bureau, Washington, DC, 2002.

[31] Biological children may differ in race from the householder under this classification method if their parents are of two different races, and the child is reported as being one race. Also, if the child has one parent who is White and one parent who is Black, the child may be reported as White and Black, in which case they would be included in the "Two or more races" category, and thus differ from the householder. Additionally, all those in the "Two or more races" category are automatically included in the "child is different race than householder" category.

[32] Belinda M. Tucker and Claudia Mitchell-Kernan. "New Trends in Black American Interracial Marriage: The Social Structural Context," *Journal of Marriage and the Family*, 1990, Vol. 52, pp. 209-218.

[33] Single as used here includes people who are never married, separated, divorced and widowed.

[34] The difference between these two numbers is statistically significant, but the numbers are substantively the same.

[35] It should be noted that less than one percent of stepchildren are living with householders who have never been married. This could have resulted from imputations of marital status at later stages in the editing process (marital status was not on the 100-percent form when relationship data were edited) or as mentioned, lack of a proper way of describing a parent-child relationship between householder and child of a current or former unmarried partner.

Table 7.
Children of the Householder by Type of Relationship and Socioeconomic Characteristics of the Householder: 2000

(Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf3.pdf)*

Characteristic of householder	Adopted children			Stepchildren			Biological children		
	Under 18 years		18 years and over	Under 18 years		18 years and over	Under 18 years		18 years and over
	Number	Percent	Number	Number	Percent	Number	Number	Percent	Number
Total	1,586,004	100.0	472,911	3,292,301	100.0	1,092,280	59,773,654	100.0	17,496,957
Household Income in 1999									
$0 or less	14,829	0.9	1,870	14,825	0.5	2,597	662,300	1.1	90,047
$1- $9,999	71,340	4.5	12,582	77,572	2.4	13,348	3,624,677	6.1	569,049
$10,000-$14,999	51,469	3.2	12,698	87,492	2.7	14,750	2,768,130	4.6	551,735
$15,000-$24,999	128,769	8.1	35,311	290,371	8.8	50,879	6,366,324	10.7	1,430,426
$25,000-$34,999	155,711	9.8	42,926	417,565	12.7	79,037	6,935,222	11.6	1,717,875
$35,000-$49,999	253,548	16.0	70,369	690,279	21.0	157,027	10,062,178	16.8	2,747,803
$50,000-$74,999	376,080	23.7	111,649	904,601	27.5	299,749	13,412,763	22.4	4,107,784
$75,000-$99,999	224,247	14.1	79,119	426,277	12.9	219,416	7,254,553	12.1	2,796,532
$100,000-$149,999	183,138	11.5	69,239	261,558	7.9	180,917	5,350,650	9.0	2,378,937
$150,000-$199,999	56,281	3.5	19,408	62,852	1.9	43,691	1,537,731	2.6	624,813
$200,000 or more	70,592	4.5	17,740	58,909	1.8	30,869	1,799,126	3.0	481,956
Median household income[1]	56,138	(X)	62,300	50,900	(X)	68,182	48,200	(X)	58,000
Educational Attainment of the Householder									
Less than high school	226,646	14.3	107,058	568,065	17.3	225,382	10,741,542	18.0	4,805,826
High school graduate	359,142	22.6	120,705	1,132,925	34.4	346,954	15,808,215	26.4	5,071,387
Some college	470,571	29.7	125,637	1,074,775	32.6	326,678	17,769,199	29.7	4,470,681
Bachelor's degree	288,435	18.2	65,255	354,485	10.8	124,596	9,630,917	16.1	1,891,050
Graduate or professional school degree	241,210	15.2	54,256	162,051	4.9	68,670	5,823,781	9.7	1,258,013
Labor Force Participation of the Householder									
In labor force	1,337,279	84.3	305,636	2,955,585	89.8	883,913	51,366,467	85.9	11,716,118
Employed	1,296,434	81.7	296,554	2,852,656	86.6	858,970	49,260,767	82.4	11,294,769
Unemployed	40,845	2.6	9,082	102,929	3.1	24,943	2,105,700	3.5	421,349
Not in labor force	248,725	15.7	167,275	336,716	10.2	208,367	8,407,187	14.1	5,780,839
Tenure									
Owns home	1,233,692	77.8	392,679	2,200,742	66.8	869,716	39,950,491	66.8	13,521,745
Rents home[2]	352,312	22.2	80,232	1,091,559	33.2	222,564	19,823,163	33.2	3,975,212

X Not applicable.

[1]Median calculated from a continuous distribution using SAS version 8 statistical software.
[2]Includes those who occupy without cash payment.

Source: U.S. Census Bureau, Census 2000 special tabulation.

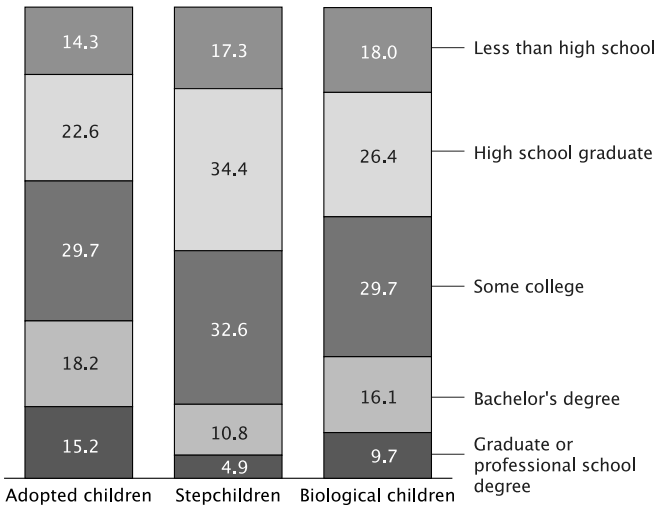
children under 18, the householders of biological and stepchildren were, on average, 38 years old, while householders of adopted children were about 5 years older (43 years). This age difference is not surprising since the adoption process often takes time, and people who adopted in order to build their families tend to be older, especially if they adopted children after trying to have biological children. Adoptive parents who are also the biological grandparents of the child would tend to be older as well. Previous research has found that adoptive mothers also tend to be older.[36]

Not surprisingly, adopted children under 18 on average had a larger age difference with their householder than did biological and stepchildren.

[36] See Anjani Chandra, Joyce Abma, Penelope Maza, and Christine Bachrach. *Adoption, Adoption Seeking, and Relinquishment for Adoption in the United States.* Vital and Health Statistics, No. 306. National Center for Health Statistics. Hyattsville, MD, 1999; and Jeanne Moorman and Donald Hernandez. "Married Couple Families With Step, Adopted and Biological Children," *Demography*, 1989, Vol. 26, No. 2, pp. 267–277; and Christine Bachrach. "Children in Families: Characteristics of Biological, Step, and Adopted Children," *Journal of Marriage and the Family*, 1983, Vol. 45, pp. 171–179.

Figure 6.
Percent of Children of the Householder Under 18 by Educational Attainment of the Householder: 2000

(Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf3.pdf*)



Source: U.S. Census Bureau, Census 2000 special tabulation.

Household Income and Educational Attainment of the Householder

Table 7 profiles children by the socioeconomic characteristics of the householder. Adoptive mothers have been found to be more educated and to have higher incomes than biological mothers.[37] Census 2000 data support these findings and show that, for children under 18, adopted children lived in households that had higher incomes than those of either stepchildren or biological children. One-third of adopted children under 18 lived in households with incomes of $75,000 or more, compared with 25 percent of stepchildren and 27 percent of biological children. Eight percent of adopted children under 18 lived in households with incomes of $150,000 or more, higher than either stepchildren (4 percent) or biological children (6 percent). Comparing median household income for these groups is another way to consider their relative affluence. While the median household income for adopted children under 18 ($56,000) was higher than that of both biological children ($48,000) and stepchildren ($51,000), among children of the householder who were 18 years old and over, stepchildren had the highest household incomes, at about $68,000, compared with $62,000 for adopted children, and $58,000 for biological children.

Adopted children also lived with householders who were more educated than the householders of either stepchildren or biological children (see Figure 6). Eighteen percent of adopted children under 18 lived with a householder with a bachelor's degree, compared with 16 percent of biological children and 11 percent of stepchildren. While 15 percent of adopted children under 18 lived with a householder with at least a graduate or professional school degree, just 10 percent of biological children and 5 percent of stepchildren did.

Labor Force and Homeownership

The labor force participation rates of the householder of adopted and biological children under 18 were roughly similar: 84 percent of adopted children and 86 percent of biological children lived with a householder who was in the labor force. A slightly higher percentage of stepchildren lived with a householder who was in the labor force: 90 percent. Among children of householders in the labor force, a slightly lower percentage of adopted children (3.1 percent) lived with householders who were unemployed than stepchildren (3.5 percent) or biological children (4.1 percent).

Another indicator of socioeconomic well being is whether a family owns its home. Again, adopted children appear to be in households which were economically more advantaged than those of stepchildren and biological children, since a higher percentage lived with householders who owned rather than rented their homes. While 78 percent of adopted children under 18 years old lived with householders who owned their homes, the corresponding

37 Ibid.

Table 8.
Characteristics of Households Containing Children of the Householder: 2000

(Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf3.pdf)*

Characteristic	Number	Percent
Total households with children of householder	45,490,049	100.0
Households by type of children	45,490,049	100.0
Adopted children only	816,678	1.8
Stepchildren only	1,485,201	3.3
Biological children only	40,657,816	89.4
Adopted and biological children	808,432	1.8
Adopted children and stepchildren	29,575	0.1
Biological children and stepchildren	1,659,924	3.6
Biological children, adopted children, and stepchildren	32,423	0.1
Households with adopted children	1,687,108	3.7
One	1,383,149	3.0
Two	247,600	0.5
Three or more	56,359	0.1
Three generation households[1]	3,832,527	8.4
Contains adopted children	166,058	0.4
Does not contain adopted children	3,666,469	8.1
Racial composition of the household	45,490,049	100.0
All household members of same race	41,127,347	90.4
Contains adopted children	1,378,981	3.0
Does not contain adopted children	39,748,366	87.4
Contains members of different races[2]	4,362,702	9.6
Contains adopted children	308,127	0.7
Does not contain adopted children	4,054,575	8.9
Hispanic origin composition of the household	45,490,049	100.0
All household members of same origin	43,294,398	95.2
Contains adopted children	1,545,441	3.4
Does not contain adopted children	41,748,957	91.8
Contains members of differing origin[3]	2,195,651	4.8
Contains adopted children	141,667	0.3
Does not contain adopted children	2,053,984	4.5

[1]Householder had both a parent/parent-in-law and a child in the household, or householder had both a child and grandchild in the household.
[2]Not all household members report the same group, where race groups are: White alone, Black alone, American Indian and Alaska Native alone, Asian alone, Native Hawaiian or Pacific Islander alone, Some Other Race alone, or at least one household member reports multiple race groups.
[3]Household contains members who are Hispanic and members who are non-Hispanic.

Note: Households with sons and daughters of any age of the householder.

Source: U.S. Census Bureau, Census 2000 special tabulation.

percentage for both biological and stepchildren under 18 was 67 percent. For children 18 and over, the gap between the percentage of adopted, biological, and stepchildren who lived in owned homes was smaller, but it was still 3 percentage points higher than for stepchildren and 5 percentage points higher than for biological children.

HOUSEHOLD COMPOSITION: TYPES OF CHILDREN IN HOUSEHOLDS

How many households have adopted children and what combinations of children live in households? Of the 45.5 million households in 2000 that contained householders' children of any age, most (89 percent) contained biological children only; about 3 percent of these households contained stepchildren only; and another 4 percent contained both biological and stepchildren (see Table 8). Another 2 percent contained only adopted children of the householder and an additional 2 percent contained both adopted and biological children.[38] Only 0.1 percent of all households with children of the

[38] The difference between the percentage of households that contain adopted children only and the percentage of households that contain adopted and biological children is not statistically significant.

Table 9.
Households With Stepchildren Under 18 by Householder's Living Arrangements: 2000

(Data based on sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see *www.census.gov/prod/cen2000/doc/sf3.pdf)*

Living arrangements and marital status of the householder	Sex of stepparent			
	Male		Female	
	Number	Percent	Number	Percent
Total households with stepchildren	2,281,620	100.0	147,242	100.0
Married	2,063,999	90.5	94,674	64.3
Not married	217,621	9.5	52,568	35.7
Has unmarried partner	184,965	8.1	32,293	21.9
Never married	99,754	4.4	14,982	10.2
Formerly married	85,211	3.7	17,311	11.8
Possible partner[1]	12,448	0.5	2,798	1.9
Never married	5,534	0.2	1,165	0.8
Formerly married	6,914	0.3	1,633	1.1
No partner	20,208	0.9	17,477	11.9
Never married	5,574	0.2	5,638	3.8
Formerly married	14,634	0.6	11,839	8.0

[1]Possible partner is indicated when there is only one opposite sex unrelated unmarried adult at least 15 years old and within 15 years of the age of the householder, and there are no other adults present.

Source: U.S. Census Bureau, Census 2000 special tabulation.

householder included biological children, adopted children, and stepchildren.

Among the 1.7 million households containing adopted children of the householder, 82 percent had just one adopted child, while 15 percent had two adopted children. Just 3 percent of these households had three or more adopted children. In addition, 166,000 households with an adopted child of the householder were three-generation households, including either a householder who had both a parent or parent-in-law and an adopted child, or a householder who had both an adopted child and a grandchild in the same household.

Table 8 shows the number of households with children of the householder that were composed of people of different races or were made up of both Hispanics and non-Hispanics. In the vast majority of these households (90 percent), all members were of the same race. Of the 1.7 million households with adopted children, about 308,000 (18 percent) contained members of different races. The adoption of foreign-born children by U.S. residents played a large role in creating these households. Of the 43.8 million households, which did not contain adopted children, 4.1 million (9 percent) included people of different race groups. Nearly all households with children of the householder were composed of either all Hispanic or all non-Hispanic members: 95 percent; 142,000 households with adopted children contained both Hispanic and non-Hispanic people, representing 8 percent of all households with adopted children.

STEPCHILDREN: CHANGING USE OF THE TERM

Traditionally, the word "stepchild" was used to mean a child who came to be related to a person through marriage to the child's parent. However, as marriage, remarriage, and cohabitation patterns have changed, the words "stepchild" and "stepfamily" now may include some families that are formed by cohabitation rather than marriage. For example, unmarried people may identify the biological child of their current partner as their stepchild, and may either have been previously married, or never married.[39] The living arrangements of householders who reported a stepchild living with them indicate usage of this more recent definition.

Table 9 shows the distribution of households with stepchildren who were under 18 years old by the sex, marital status, and living arrangements of the householder. Households are shown separately for male and female householders, since the distribution across the various types of living arrangements differs by the sex of the stepparent. Nearly all stepfathers

[39] See Andrew J. Cherlin and Frank F. Furstenberg, Jr. "Stepfamilies in the United States: A Reconsideration," *Annual Review of Sociology*, 1994, Vol. 20, pp. 359-381; and Larry L. Bumpass, R. Kelly Raley, and James A. Sweet. "The Changing Character of Stepfamilies: Nonmarital Childbearing" *Demography*, 1995, Vol. 32, No. 3, pp. 425-436.

had a partner: 91 percent had a spouse and another 8 percent had an unmarried partner. A lower proportion of stepmothers had a partner: 64 percent had a spouse and 22 percent had an unmarried partner. Together, 217,000 stepparents who reported unmarried partners identified children under 18 in their households as stepchildren.[40] These children were likely the biological children of their current partner rather than the biological children of their ex-spouse. In fact, 54 percent of the stepfathers and 46 percent of the stepmothers who had an unmarried partner had never been married.

The proportions by sex of stepparents who had a possible partner in the household and were never married were similar: 44 percent of stepfathers and 42 percent of stepmothers. Lower proportions of stepparents who did not live with a partner were never married: 28 percent for stepfathers and 32 percent for stepmothers. These data reflect the changing usage of the terms "stepchild" and "stepfamily," since they show that some householders considered themselves to be stepparents even though they were not married to the biological parent of the child in their household. Indeed, 51 percent of the currently unmarried stepfathers and 41 percent of the currently unmarried stepmothers had never been married.

[40] Besides the cases in which respondents reported household members as stepchildren of the householder even though the householder was unmarried, it is possible that some of these family situations were created when either the stepparent's marital status or the child's relationship to the householder was imputed. However, this affects only a small proportion of the cases. Just 7 percent of stepchildren who had a never-married householder received an imputed value for their relationship to the householder. Eleven percent of the never-married householders who reported having stepchildren had an imputed value for their marital status. So, the vast majority of households with unmarried stepparents were reported as such.

OTHER SOURCES OF DATA

Several nationally representative surveys conducted by government agencies provide estimates of the number of adopted and stepchildren along with their families' characteristics. Survey of Income and Program Participation (SIPP) data make it possible to identify whether a child lives with one or two parents and the type of parent-biological, step, adopted, or foster. The SIPP sample for the 1996 panel comprised about 37,000 households. For more information see the report "Living Arrangements of Children: 1996" at *www.census.gov/population/www/socdemo/child/la-child.html.* The National Survey of Family Growth (NSFG) collected information from women aged 18 to 44 about whether they had ever adopted a child or sought to adopt a child. For more information see the NSFG Web site at *www.cdc.gov/nchs/nsfg.htm.*

The National Council for Adoption (NCFA), a private nonprofit organization, has conducted several studies in which it contacted all 50 states and the District of Columbia to gain information about the number and type of adoptions within the state in 1982, 1986, 1992, and 1996. Data from the surveys, as well as an explanation of the survey methodology for the 1992 and 1996 surveys are included in the *Adoption Factbook III*, a comprehensive resource for information about adoption. See the NCFA web site at *www.ncfa-usa.org* for more information.

A source for information on adoptions in the United States is the Adoption and Foster Care Analysis and Reporting System (AFCARS), under which states are required to collect data on all adopted children placed by the state child welfare agency and adopted children who are receiving assistance or services from the state agency directly or under contract with another agency, whether public or private. For more information, see *www.acf.dhhs.gov/programs/cb/dis/afcars*, the Web site for the Children's Bureau of the Administration for Children and Families.

A source for information on international adoptions is the U.S. State Department Web site: *www.travel.state.gov/adopt.html.* A link on the site (*www.travel.state.gov/orphan_numbers.html*) provides counts of immigrant visas issued to orphans coming to the United States, presumably for adoption by U.S. citizens. This information is helpful in tracking the number of international adoptions by U.S. citizens, as well as the country of birth of the adopted children.

There are several comprehensive Web sites devoted to information about adoption. One site which also contains information about adoption statistics is the National Adoption Information Clearinghouse (NAIC) at *www.calib.com/naic* a comprehensive resource on all aspects of adoption which is a service of the Children's Bureau of the Administration for Children and Families. The National Adoption Information Clearinghouse provides an overview of the sources of available data.

DATA QUALITY

Census 2000 sample data provide the most comprehensive national data on adopted children available since 1975,[41] and include a larger sample of stepchildren than other

[41] The federal government collected data from states on finalized adoptions between 1944 and 1975. See Kathy Stolley. "Statistics on Adoption in the United States," *The Future of Children.* 1993, Vol. 3, No. 1, pp. 1-42.

surveys as well. The ongoing Current Population Survey does not allow identification of the type of relationship between parents and children, and the Survey of Income and Program Participation (SIPP), has a sample of about 37,000 households. The National Survey of Family Growth interviews women about the attitudes they hold, plans they have made, and actions they have taken regarding adoption, but it does not provide information about adoptive families or adopted children. The National Health Interview Survey, which identifies the type of relationship between selected children and their parents, had a sample of about 39,000 households (in 2001).

The estimate of the number of adopted children under 18 years old using Census 2000 sample data is consistent with the estimate from 1996 data from the SIPP. The SIPP survey instrument collects information about each child under 18 years, regardless of whether they are a child of the householder. In the SIPP, for each child who has a parent present in the household, the respondent is asked to identify whether the parent is the biological, step, foster, or adoptive parent of the child. The number of adopted children under 18 estimated by SIPP 1996 was 1,484,000,[42] of which 98 percent were the children of the householder. Using the SIPP data as a guide, the Census 2000 estimate accounts for nearly all adopted children under 18. Long-form data from Census 2000 show 1,586,000 people under 18 years old who were designated as the adopted child of the householder.[43] The total number of adopted sons and daughters of the householder of any age was 2,059,000.

Regarding estimates of stepchildren, 1996 SIPP data showed 4.9 million stepchildren[44] under 18 were living with *at least one stepparent*, while Census 2000 long-form data showed 3.2 million children under 18 were the stepchild of the *householder*. Census 2000 data, then, may capture about two thirds of those children under 18 years old who lived with at least one stepparent. We would expect the Census 2000 estimate to be lower than that of the SIPP, since SIPP data indicate the presence and type of both of the child's parents, while Census 2000 identifies only the type of relationship of the child to the householder. Thus, when the child's stepparent is not the householder, we are unable to count this child as a stepchild. Some children who are listed in this report as biological children of the householder may also be the stepchildren of the spouse of the householder in his or her second marriage. Other children may have a stepparent who did not reside in the household in which the child was counted in Census 2000. Nationally representative surveys do not generally collect information about the relationship between household members and nonresident parents.

[42] Jason Fields. *Living Arrangements of Children: Fall 1996*, Current Population Survey Reports, P70-74, U.S. Census Bureau, Washington, DC, 2001.

[43] All of the Census 2000 estimates in this report are made using sample data. Aggregate numbers of children of the householder and other totals may differ from the counts based on 100 percent Census 2000 data.

[44] Jason Fields. *Living Arrangements of Children: Fall 1996*, Current Population Survey Reports, P70-74, U.S. Census Bureau, Washington, DC, 2001.

ACCURACY OF THE ESTIMATES

The data contained in this report are based on the sample of households who responded to the Census 2000 long form. Nationally, approximately 1 out of every 6 housing units was included in this sample. As a result, the sample estimates may differ somewhat from the100-percent figures that would have been obtained if all housing units, people within those housing units, and people living in group quarters had been enumerated using the same questionnaires, instructions, enumerators, and so forth. The sample estimates also differ from the values that would have been obtained from different samples of housing units, people within those housing units, and people living in group quarters. The deviation of a sample estimate from the average of all possible samples is called the sampling error.

In addition to the variability that arises from the sampling procedures, both sample data and 100-percent data are subject to nonsampling error. Nonsampling error may be introduced during any of the various complex operations used to collect and process data. Such errors may include: not enumerating every household or every person in the population, failing to obtain all required information from the respondents, obtaining incorrect or inconsistent information, and recording information incorrectly. In addition, errors can occur during the field review of the enumerators' work, during clerical handling of the census questionnaires, or during the electronic processing of the questionnaires.

Nonsampling error may affect the data in two ways: (1) errors that are introduced randomly will increase the variability of the data and, therefore, should be reflected in the standard errors; and (2) errors that tend to be consistent in one direction will bias both sample and 100-percent data in that direction. For example, if respondents consistently tend to under report their incomes, then the resulting estimates of households or families by income category will tend to be understated for the higher income categories and overstated for the lower income categories. Such biases are not reflected in the standard errors.

While it is impossible to completely eliminate error from an operation as large and complex as the decennial census, the Census Bureau attempts to control the sources of such error during the data collection and processing operations. The primary sources of error and the programs instituted to control error in Census 2000 are described in detail in *Summary File 3 Technical Documentation* under Chapter 8, "Accuracy of the Data," located at *www.census.gov/prod/cen2000/doc/sf3.pdf.*

All statements in this Census 2000 Special Report have undergone statistical testing and all comparisons are significant at the 90-percent confidence level, unless otherwise noted. The estimates in tables, maps, and other figures may vary from actual values due to sampling and nonsampling errors. As a result, estimates in one category may not be significantly different from estimates assigned to a different category. Further information on the accuracy of the data is located at *www.census.gov/prod/cen2000/doc/sf3.pdf*. For further information on the computation and use of standard errors, contact the Decennial Statistical Studies Division at 301-763-4242.

FOR MORE INFORMATION

For more information on the children's relationship to householders in the United States, visit the U.S. Census Bureau's Internet site at *www.census.gov/population/www/socdemo/ms-la.html*. Data on children and on the relationship of various household members to the householder from Census 2000 Summary File 3 were released on a state-by-state basis during the summer of 2002. Census 2000 Summary File 3 data are available on the Internet via *factfinder.census.gov* and for purchase on CD-ROM and on DVD.

For information on confidentiality protection, nonsampling error, sampling error, and definitions, also see *www.census.gov/prod/cen2000/doc/sf3.pdf* or contact our Customer Services Center at 301-763-INFO (4636).

Information on other population and housing topics is presented in the Census 2000 Briefs and Census 2000 Special Reports series, located on the U.S. Census Bureau's Web site at *www.census.gov/population/www/cen2000/briefs.html.* These series present information on race, Hispanic origin, age, sex, household type, housing tenure, and other social, economic, and housing characteristics.

For more information about Census 2000, including data products, call our Customer Services Center at 301-763-INFO (4636), or e-mail *webmaster@census.gov.*

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5 | Foreign-born Adopted Children in the U.S., 2000†

By Rose M. Kreider‡

As the adoption of foreign-born children by United States citizens has become more common, interest in this group of children has increased (Selman 2002). While about 7,700 foreign-born children were adopted by United States citizens annually during the 1980s, this number increased to nearly 18,000 by 2000, and to more than 22,000 in 2005.[1] These adoptive families are often more visible than others since many of the children are Asian and Hispanic, and their adoptive parents are frequently White non-Hispanic. Although there have been data on the number of adoptions of foreign-born children for many years, little else was known about these families. In 2003, the U.S. Census Bureau issued a report on data collected in 2000, which provides information about these adopted children and their families.[2]

Background

In 2000, for the first time, "adopted son/daughter" was included in the decennial census as a category of relationship to householder that was separate from the "natural born son/daughter" and "stepson/daughter" categories. This category includes various types of adoption, such as: adoption of biologically related and unrelated children, adoption of stepchildren, adoption through private and public agencies, domestic and international adoptions, and independent and informal adoptions. Census 2000 is the principal source of data available that can provide a national level picture of adopted children and their families.[3]

Adopted children were identified using the answer to the question, "How is this person related to the householder?" "Adopted children" in these data were only those children of the householder who were living in the household at the time of the census.[4] If a married couple lived in the household of one of their parents, their adopted children were identified as the grandchildren of the householder, rather than

† This article is released to inform interested parties of research and to encourage discussion. The views expressed on statistical, methodological, or operational issues are those of the author and not necessarily those of the U.S. Census Bureau.

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1. See the U.S. Department of State Web site for total immigrant orphan visas issued fiscal years 1990 to 2005, available at http://travel.state.gov/family/adoption/stats/stats_451.html.

2. Rose M. Kreider, *Adopted Children and Stepchildren: 2000*, CENSR6-RV (Washington, DC: U.S. Census Bureau, 2003), available at http://wwwcensus.gov/prod/2003pubs/censr-6.pdf.

3. For more information about the history of data collection on adoption, see both the 2004 National Adoption Information Clearinghouse (NAIC) report, *How many children were adopted in 2000 and 2001?*, and the 2002 state survey data collected by the National Council For Adoption, appearing in the *Adoption Factbook IV*. The NAIC report is reproduced in this publication, as well, and is also available on the NAIC Web site at http://naic.acf.hhs.gov/pubs/s_adopted/index.cfm. The NAIC is a service of the Children's Bureau, of the Department of Health and Human Services.

4. In Census 2000 data, the adopted child is always the child of the householder. The householder is someone in whose name the home is rented or owned. I will use the term householder interchangeably with the term adoptive parent in this chapter. If the child lived with two parents, Census 2000 data did not identify whether the second parent was the child's biological, step, or adoptive parent. In this chapter, people referred to as householders are always parents.

as adopted children. Because of household configurations like this, Census 2000 sample data cannot provide a complete count of all adopted children in the United States. At the same time, national level data on adopted children are rare, and the large sample size of Census 2000 makes it the most comprehensive data source on the characteristics of adopted children and their families and households.[5]

Despite this methodological issue, the estimate of the number of adopted children under 18, using Census 2000 sample data, is consistent with the estimates from 1996 and 2001 data from the Survey of Income and Program Participation (SIPP). The SIPP survey instrument collects information about all children under 18, regardless of whether they are the children of the householder. In the SIPP, for each child who has a parent present in the household, the respondent is asked to identify whether the parent is the biological, step, adoptive, or foster parent of the child. The number of adopted children under 18 estimated by SIPP 1996 was 1,484,000 (Fields 2001), of whom 98 percent were the children of the householder.[6] Using the SIPP data as a guide, we can expect that the Census 2000 estimate of adopted children under 18 accounts for nearly all adopted children under age 18. Sample data from Census 2000 counted 1,586,004 people under age 18 who were designated as the adopted child of the householder.[7]

Census 2000 data include a variety of types of adoptive relationships, although these data do not distinguish between adoptions of relatives or nonrelatives, or whether the child was adopted through a public agency, a private agency, or independently. For this reason, we cannot distinguish among children who were adopted by their stepparents, children adopted by their biological grandparents or other relatives, and children adopted by people to whom they were not biologically related. An estimate for 1992, derived from court records, found that about 42 percent of all adoptions were by stepparents or by a relative (Flango and Flango 1995).

Since Census 2000 respondents selected from the relationship categories on the Census 2000 questionnaire, those recorded as adopted children of the householder were not necessarily legally adopted.[8] Informal adoptions are more common among some cultural groups, as people differ widely in the way they view family relationships and the process of adoption. A qualitative study prepared for the U.S. Census Bureau (Craver 2001) found that informal adoption of biological grandchildren was common in Inupiaq communities in Alaska. Informal adoptions may also be more common among Hispanics and Blacks than other race and origin groups (Hamm 1999; Hollingsworth 1999).

Data

The data in this paper are from internal U.S. Census Bureau files of Census 2000 sample data. These data were collected from about a 1 in 6 sample of the U.S. population. Data sets for public use, the Public Use Microdata Samples (PUMS), contain 1 percent and 5 percent samples of the total population. For a relatively small population, such as adopted children of the householder, it is useful to have the complete sample data file (roughly 16 percent of the total population) in order to obtain more reliable estimates for subsets of an already relatively small group.

5. These data provide a point-in-time estimate of people living together in a household and each person's relationship to the householder. They do not track adoptions as they are legalized. So these data provide an estimate of the prevalence of adoptive families, or children in adoptive families, not adoptions themselves.

6. The 2001 SIPP estimate does not differ statistically from either the 1996 SIPP estimate or the Census 2000 estimate. See Rose M. Kreider and Jason Fields, *Living Arrangements of Children: 2001*, P70-104, (Washington, DC: U.S. Census Bureau, 2005), available at http://www.census.gov/prod/2005pubs/p70-104.pdf

7. In this chapter, I use the term "children" to mean children under 18 who are the child of the householder.

8. The categories of relationship to householder in Census 2000 were: husband/wife; natural-born son/daughter; adopted son/daughter; stepson/stepdaughter; brother/sister; father/mother; grandchild; parent-in-law; son-in-law/daughter-in-law; other relative, as well as several additional categories of other nonrelatives, including unmarried partner and foster child.

Sample

This chapter focuses on the adopted children of the householder who were foreign born and were under age 18 at the time of the survey. I use the term U.S. native to include all those who were born in the United States or its territories, or were born abroad of U.S. citizens. The term "foreign born" includes all others. It is important to note that people who are foreign born may also be naturalized U.S. citizens.

Detailed look at Census 2000 as a source of data on foreign-born adopted children

As noted above, Census 2000 data include a variety of types of adoption: formal and informal, public and independent, and adoption of native and foreign-born children. In this section, I compare Census 2000 estimates of the number of foreign-born adopted children by place of birth and year of entry into the United States with U.S. Citizenship and Immigration Services (USCIS) IR-3 and IR-4 visa data for that fiscal year.[9] For native children, there are no other data tracking yearly adoptions to compare with Census 2000 estimates, even if Census 2000 data had included information about when the child was adopted. So it is not possible even to get an idea of the proportion of the adopted children who were adopted informally. But since the Census 2000 long form questionnaire asked, "When did this person come to live in the United States?" for each person who reported being born outside the United States, we have information about when foreign-born adopted children entered the United States. Looking at the Census 2000 data by the year of entry for foreign-born adopted children, and comparing with USCIS IR-3 and IR-4 visa data by the birth country of the child, can provide a rough sense of whether most of the foreign-born adopted children reported in Census 2000 data were formally adopted by parents who were previously unrelated to them, or whether some proportion were adopted informally or were adopted by their stepparent.

Some of the tables in this chapter assume that the time the child entered the United States is the same as when they were adopted. This is not always the case. For children who entered the country with their biological parent who later married someone who adopted the child, the child may have entered the country years before being adopted by their stepparent. Also, while some adoptions are finalized in the child's birth country, others are finalized after parents bring the child home. Sometimes these adoptions may be finalized after the child had been living in the United States for months, or even a few years.

In order to get some idea of how the Census 2000 estimates compare with the number of visas issued for children being adopted by U.S. citizens, Tables 1 and 2 show the Census 2000 estimates of the number of foreign-born adopted children by their birth country and USCIS IR-3 and IR-4 visa data for children from that country in the same year. Data for three years, 1997, 1998, and 1999 are shown. For Census 2000 data, this is the year the child is reported as having arrived in the United States. For USCIS data, this is the year that USCIS documents the child as having entered the United States. Since Census 2000 data were collected in April and the estimates are not complete for that year, 2000 is not included. The three most recent years (prior to 2000) of data provide some idea of the general differences between Census 2000 estimates and the USCIS data. Tables 1 and 2 also show a margin of error for the Census 2000 estimates. This figure, when added to or subtracted from the estimates, provides the 90-percent confidence interval for the estimates. Confidence intervals are included in order to get a better idea which estimates are not statistically different from the USCIS numbers.

9. The U.S. Department of State issues immediate relative visas for foreign-born children adopted abroad or to be adopted upon entry into the United States. IR-3 visas are issued to orphans adopted abroad. IR-4 visas are issued to orphans to be adopted after entering the United States. The Office of Immigration Statistics tracks IR-3 and IR-4 data as children enter the United States. The statistics in Tables 1 and 2 for numbers of IR-3 and IR-4 visas are from the Office of Immigration Statistics, of the United States Citizenship and Immigration Services (USCIS) in the 1997, 1998, and 1999 *Statistical Yearbook of the Immigration and Naturalization Service*.

■ **Table 1.** Number of Foreign-Born Adopted Children, by Year They Came to the United States and Place of Birth: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

	Arrived in 1997			Arrived in 1998			Arrived in 1999		
	Census 2000			Census 2000			Census 2000		
Place of birth	Estimate	Margin of Error[1]	USCIS[2]	Estimate	Margin of Error[1]	USCIS[2]	Estimate	Margin of Error[1]	USCIS[2]
Total	18,910	607	12,596	21,542	648	14,867	28,295	742	16,037
Europe[3]	5,573	329	4,916	5,759	335	5,457	7,271	376	6,159
Russia	3,751	270	3,626	3,730	270	4,320	4,451	294	4,250
Romania	508	100	558	562	105	388	1,062	144	887
Ukraine	220	65	65	437	86	168	501	99	307
Asia[3]	8,504	407	5,901	9,811	437	7,393	12,335	490	7,816
China	3,356	256	3,295	4,439	294	3,988	4,901	309	4,009
India	619	110	311	460	95	462	874	130	486
Korea	2,564	224	1,506	2,825	235	1,705	3,816	273	1,956
Philippines	453	94	155	319	79	189	421	91	185
Vietnam	482	97	369	541	103	576	784	124	704
Africa	435	92	136	570	105	171	712	118	200
Latin America[3]	4,173	285	1,637	5,080	315	1,841	7,556	384	1,844
Central America[3]	2,420	217	950	3,171	249	1,174	4,687	302	1,206
Mexico	1,230	155	142	1,670	180	170	2,801	234	145
Guatemala	799	125	725	987	139	938	1,315	160	987
El Salvador	142	53	10	194	62	14	173	58	9
South America[3]	1,256	156	501	1,221	154	497	2,054	200	459
Colombia	381	86	212	487	97	221	858	129	226
Northern America, Oceania[4]	225	66	6	322	79	5	421	91	18

[1] This figure, added to, or subtracted from the estimate, provides the 90 percent confidence interval.
[2] U.S. Citizenship and Immigration Services (USCIS)
[3] Includes areas not shown separately.
[4] USCIS numbers include several children with an unknown or not reported place of birth: 2 in 1998 and 10 in 1999.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation and
U.S. Citizenship and Immigration Services (USCIS) website http://uscis.gov/graphics/shared/statistics/yearbook/index.htm
USCIS Immigration Statistics archives website: http://uscis.gov/graphics/shared/statistics/archives/index.htm
1997 report: http://uscis.gov/graphics/shared/statistics/yearbook/1997YB.pdf
1998 report: http://uscis.gov/graphics/shared/statistics/yearbook/1998/1998yb.pdf
1999 report: http://uscis.gov/graphics/shared/statistics/yearbook/1999/FY99Yearbook.pdf

Two variants of the Census 2000 estimates are shown. In Table 1, the Census 2000 estimate is the total number of adopted children under 18 who were born in the particular region or country listed, who entered the United States in 1997, 1998, or 1999. In Table 2, the Census 2000 estimate is restricted to those adopted children whose parent(s) were native.[10] This second group is shown in order to avoid including children who entered with their biological parent (and thus not under an IR-3 or IR-4 visa) and were subsequently adopted by their stepparent.

Table 1 shows Census 2000 estimates that are consistently larger than the USCIS visa entry

10. If the child is living with a single parent, the parent is a U.S. native; if the child is living with a married parent, both spouses are U.S. natives. Seventy percent of all foreign-born adopted children were living with only U.S. native parents; that is, if they had an unmarried parent, the parent was a U.S. native, and if they had married parents, both spouses were U.S. natives.

■ **Table 2.** Number of Foreign-Born Adopted Children With Native Parent(s), by Year They Came to the United States, and Place of Birth: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

	Arrived in 1997			Arrived in 1998			Arrived in 1999		
	Census 2000			Census 2000			Census 2000		
Place of birth	Estimate	Margin of Error[1]	USCIS[2]	Estimate	Margin of Error[1]	USCIS[2]	Estimate	Margin of Error[1]	USCIS[2]
Total	13,139	506	12,596	14,804	537	14,867	19,227	612	16,037
Europe[3]	4,537	297	4,916	4,618	300	5,457	6,073	344	6,159
Russia	3,353	256	3,626	3,324	254	4,320	4,031	280	4,250
Romania	438	92	558	517	100	388	962	137	887
Ukraine	88	41	65	310	78	168	361	84	307
Asia[3]	6,477	355	5,901	7,676	387	7,393	9,467	430	7,816
China	2,994	241	3,295	3,818	273	3,988	4,161	285	4,009
India	368	85	311	303	77	462	517	100	486
Korea	2,273	210	1,506	2,505	221	1,705	3,370	256	1,956
Philippines	193	61	155	109	46	189	72	38	185
Vietnam	355	83	369	391	87	576	622	110	704
Africa	126	50	136	156	55	171	133	51	200
Latin America[3]	1,929	194	1,637	2,211	208	1,841	3,353	256	1,844
Central America[3]	957	137	950	1,208	153	1,174	1,850	190	1,206
Mexico	119	48	142	232	67	170	499	99	145
Guatemala	743	120	725	821	127	938	1,105	147	987
El Salvador	23	21	10	68	36	14	55	33	9
South America[3]	861	129	501	825	127	497	1,374	164	459
Colombia	311	78	212	350	83	221	614	109	226
Northern America, Oceania[4]	70	37	6	143	53	5	201	63	18

[1] This figure, added to, or subtracted from the estimate, provides the 90 percent confidence interval.
[2] U.S. Citizenship and Immigration Services (USCIS)
[3] Includes areas not shown separately.
[4] USCIS numbers include several children with an unknown or not reported place of birth: 2 in 1998 and 10 in 1999.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation and
U.S. Citizenship and Immigration Services (USCIS) website http://uscis.gov/graphics/shared/statistics/yearbook/index.htm
USCIS Immigration Statistics archives website: http://uscis.gov/graphics/shared/statistics/archives/index.htm
1997 report: http://uscis.gov/graphics/shared/statistics/yearbook/1997YB.pdf
1998 report: http://uscis.gov/graphics/shared/statistics/yearbook/1998/1998yb.pdf
1999 report: http://uscis.gov/graphics/shared/statistics/yearbook/1999/FY99Yearbook.pdf

data from the same year. Although the estimates do not differ in some cases, these are exceptions. The difference between the Census 2000 estimate and the USCIS data is made up by several groups. As mentioned previously, Census 2000 data include children who entered the country with their biological parent and were later adopted by their stepparent. Census 2000 data also include children who were informally adopted, likely often by relatives. These children could have, for example, entered the country under a visa issued to a relative of a U.S. citizen, and then subsequently have been informally adopted by their aunt or uncle. Some of the children could also have entered the country illegally, and be living as the informally adopted child of a relative or non-relative. Another factor that would lead to some difference between the Census 2000 and USCIS numbers is the fact that respondents reported the year of entry of

the child based on a calendar year, and the USCIS numbers are for fiscal years. So differences of a relatively small magnitude, even beyond the confidence interval surrounding the Census 2000 estimate, are expected since the two figures are not referring to exactly the same time period.

Overall, in Table 1, the Census 2000 estimate is 1.4 to 1.8 times the size of the USCIS visa entry data for the three years shown. The size of the difference varies by where the children were born. While the figures are pretty close for Europe, Russia, Romania, China, Vietnam, and Guatemala, the Census 2000 estimates exceed the USCIS figures by a considerable margin for Latin America. This is due mainly to the differential in the numbers of Mexican-born children, a difference that is also reflected in Central America, since Mexico is a significant part of this region. For 1997, the Census 2000 estimate of Mexican-born adopted children was about 9 times the USCIS visa numbers; in 1998, the Census 2000 estimate was about 10 times that for the USCIS, and in 1999, it was about 19 times higher.

By restricting the Census 2000 estimate in Table 2 to show only the children whose parent(s) are native, this differential is reduced for many countries. Overall, the Census 2000 estimate is now 1.0 to 1.2 times the USCIS visa numbers. For countries with more than 500 children who entered the United States in each of the three years shown (based on Census 2000 estimates), Korea appears to be one of the only countries that still has a Census 2000 estimate as large as 1.5 times the USCIS numbers. Mexico, which had such a large differential between the Census 2000 estimates and the USCIS numbers when including all of the children, has estimates that are much closer to the USCIS numbers after excluding children with any foreign-born parents.

This finding lends itself to the explanation that informal adoption, and the adoption of children by their stepparents is more common for Mexican-born children than for those born in many of the other countries shown in Tables 1 and 2. This finding falls in line with previous work that states that informal adoption is more common in the Hispanic community (Hamm 1999), as well as work that shows that intermarriage between Hispanics and non-Hispanics is relatively common (Simmons and O'Connell 2003).[11] In sum, it is important to keep in mind that Census 2000 data on both foreign-born and native adopted children include adoptions of various types, and that adoptive families are formed in a variety of ways.

How the percentage of foreign-born adopted children vary across regions and states

Table 3 shows the number of adopted children for each region and state, as well as the number and percentage of the children who were foreign born.[12] For the United States as a whole, 13 percent of the adopted children were foreign born. Among the regions, the Northeast had the highest percentage (19 percent) and the South the lowest (9 percent). The percentages for the Midwest and West did not differ significantly from each other (13 percent).

Among the states, Minnesota had the highest percentage of adopted children who were foreign born (29 percent). In part because the total number of adopted children by state is relatively small, estimates of the percentage of adopted children who are foreign born often do not differ statistically from each other.

Table 4 shows detailed place of birth for the foreign-born children, by the region of the United States in which they lived in 2000. Among the regions, the South had the highest percentage of adopted children born in Europe (23 percent), the Midwest had the highest percentage born in Asia (57 percent), and the South and West had the highest percentage of children born in Latin America (34 and 32 percent, re-

11. Tavia Simmons and Martin O'Connell, *Hispanic Origin and Race of Coupled Households: 2000*, Census 2000, PHC-T-19 (Washington, DC: U.S. Census Bureau, 2003), available at: http://www.census.gov/population/www/cen2000/phc-t19.html.

12. A more complete version of this table, including the children of the householder who were 18 years and over, can be accessed online under PHC-T-21, Table 3 at: http://www.census.gov/population/www/cen2000/phc-t21.html or directly, at: http://www.census.gov/population/cen2000/phc-t21/tab03.pdf.

■ **Table 3.** Percent of Adopted Children of the Householder Who Are Foreign Born, for the United States, Regions, States, and for Puerto Rico: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Geographic area	Under 18 years			
		Foreign born		
			Percent	
	Total	Number	Estimate	Margin of error[1]
United States	1,586,004	199,136	12.6	0.12
Region				
Northeast	284,242	53,107	18.7	0.33
Midwest	389,096	49,291	12.7	0.23
South	548,297	49,335	9.0	0.16
West	364,369	47,403	13.0	0.25
State				
Alabama	24,944	1,413	5.7	0.64
Alaska	6,910	776	11.2	1.68
Arizona	28,966	2,920	10.1	0.97
Arkansas	15,973	654	4.1	0.69
California	167,190	22,382	13.4	0.46
Colorado	29,438	4,324	14.7	0.99
Connecticut	19,239	4,534	23.6	1.69
Delaware	3,452	521	15.1	3.36
District of Columbia	2,649	498	18.8	4.19
Florida	82,179	8,390	10.2	0.58
Georgia	49,194	3,491	7.1	0.64
Hawaii	6,941	1,177	17.0	2.15
Idaho	9,562	722	7.6	1.20
Illinois	73,638	8,933	12.1	0.53
Indiana	37,004	2,654	7.2	0.74
Iowa	18,569	2,601	14.0	1.12
Kansas	19,733	1,356	6.9	0.79
Kentucky	20,661	1,389	6.7	0.77
Louisiana	22,827	734	3.2	0.51
Maine	7,137	1,173	16.4	1.94
Maryland	32,269	6,368	19.7	1.22
Massachusetts	35,647	7,302	20.5	1.18
Michigan	61,232	8,840	14.4	0.63
Minnesota	31,378	9,169	29.2	1.14
Mississippi	16,300	605	3.7	0.66
Missouri	33,156	3,100	9.3	0.71
Montana	6,803	664	9.8	1.60
Nebraska	11,812	1,356	11.5	1.30
Nevada	10,588	940	8.9	1.63
New Hampshire	6,864	1,215	17.7	2.04
New Jersey	42,614	9,429	22.1	1.10
New Mexico	11,764	1,003	8.5	1.14
New York	100,736	18,816	18.7	0.67
North Carolina	42,911	3,633	8.5	0.64
North Dakota	3,647	329	9.0	1.56
Ohio	62,653	5,420	8.7	0.49
Oklahoma	23,518	1,219	5.2	0.64

(continued)

■ **Table 3.** Percent of Adopted Children of the Householder Who Are Foreign Born, for the United States, Regions, States, and for Puerto Rico: 2000 *(continued)*

Geographic area	Under 18 years			
		Foreign born		
			Percent	
	Total	Number	Estimate	Margin of error[1]
State				
Oregon	23,901	3,773	15.8	1.04
Pennsylvania	62,328	8,887	14.3	0.63
Rhode Island	5,496	920	16.7	2.78
South Carolina	22,027	1,089	4.9	0.81
South Dakota	5,691	649	11.4	1.86
Tennessee	30,980	2,459	7.9	0.84
Texas	110,275	9,934	9.0	0.48
Utah	19,430	1,737	8.9	0.97
Vermont	4,181	831	19.9	2.04
Virginia	38,289	6,325	16.5	1.05
Washington	38,879	6,659	17.1	1.05
West Virginia	9,849	613	6.2	1.07
Wisconsin	30,583	4,884	16.0	0.92
Wyoming	3,997	326	8.2	1.91
Puerto Rico	10,696	230	2.2	0.67

[1] This figure, when added to, or subtracted from the percent, provides the 90 percent confidence interval.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

spectively, which do not differ statistically from each other).

It appears that informal adoptions, which are more common among Hispanics than non-Hispanics (Hamm 1999), may contribute to the higher percentages of Latin American-born children in the South and West than in the other regions. The South and West include border states, such as Arizona, California, and Texas, which have a higher proportion of their population who are Hispanic. Especially when comparing the USCIS visa data on children born in Mexico to be adopted by U.S. citizens, with the much higher Census 2000 counts of Mexican-born adopted children, it is reasonable to conclude that informal adoption of stepchildren or other related children likely plays a large role in creating these families.

Table 5 provides a more detailed look at the place of birth of the adopted children, by state. Note that the standard error on many of these percentages is rather large. Table B in the appendix provides a margin of error, which, when added to, or subtracted from the estimate, provides the 90-percent confidence interval around the estimate. When looking at a relatively small population, and then subdividing it by state and place of birth, confidence intervals of this size are to be expected. Because many of these estimates do not differ statistically from each other, it is in many cases impossible to say with certainty which states have the highest or lowest percentage of foreign-born adopted children from particular world regions. On the other hand, the table provides a general look at the place of birth for foreign-born adopted children, by state, which is unavailable from any other source.

Although Census 2000 data do not provide information about the age of the child at adoption, for foreign-born adopted children, one can assume that in many cases, the child was brought to the United States at about the same time he or she were adopted. Subtracting the child's year of birth from the year he or she was reported as having entered the United States yields the age of the child at arrival in the United States. Table 6 shows foreign-born

■ **Table 4.** Adopted Children by Place of Birth and Region: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Nativity and place of birth	Total		Northeast		Midwest		South		West	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	1,586,004	(X)	284,242	(X)	389,096	(X)	548,297	(X)	364,369	(X)
Native	1,386,868	(X)	231,135	(X)	339,805	(X)	498,962	(X)	316,966	(X)
Foreign Born[1]	199,136	100.0	53,107	100.0	49,291	100.0	49,335	100.0	47,403	100.0
Europe[2]	36,800	18.5	9,946	18.7	9,412	19.1	11,300	22.9	6,142	13.0
Russia	19,631	9.9	5,109	9.6	5,376	10.9	6,355	12.9	2,791	5.9
Romania	6,183	3.1	1,414	2.7	1,653	3.4	1,788	3.6	1,328	2.8
Ukraine	2,328	1.2	673	1.3	568	1.2	630	1.3	457	1.0
Asia[2]	98,368	49.4	26,454	49.8	28,200	57.2	19,419	39.4	24,295	51.3
China	21,053	10.6	6,718	12.6	4,399	8.9	4,682	9.5	5,254	11.1
India	7,793	3.9	2,056	3.9	2,383	4.8	1,258	2.5	2,096	4.4
Korea	47,555	23.9	13,047	24.6	17,330	35.2	8,134	16.5	9,044	19.1
Philippines	6,286	3.2	1,124	2.1	1,213	2.5	1,564	3.2	2,385	5.0
Vietnam	4,291	2.2	1,055	2.0	763	1.5	1,201	2.4	1,272	2.7
Africa	3,111	1.6	790	1.5	640	1.3	996	2.0	685	1.4
Latin America[2]	58,166	29.2	15,595	29.4	10,553	21.4	16,730	33.9	15,288	32.3
Central America[2]	32,476	16.3	4,791	9.0	5,455	11.1	9,455	19.2	12,775	26.9
Guatemala	7,357	3.7	2,106	4.0	2,097	4.3	1,647	3.3	1,507	3.2
Mexico	18,201	9.1	903	1.7	2,168	4.4	5,242	10.6	9,888	20.9
El Salvador	2,254	1.1	722	1.4	252	0.5	758	1.5	522	1.1
South America[2]	20,354	10.2	8,029	15.1	4,776	9.7	5,318	10.8	2,231	4.7
Colombia	7,054	3.5	3,318	6.2	1,636	3.3	1,507	3.1	593	1.3
Northern America	1,576	0.8	270	0.5	277	0.6	607	1.2	422	0.9

X - Not applicable.
[1] Foreign born includes 1,115 children born in Oceania who are not shown separately.
[2] Includes areas not shown separately.
NOTE: The margin or error for estimates in this table can be found in Table A of the appendix.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

adopted children by grouped age at entry to the United States and by place of birth. Overall, 44 percent of foreign-born adopted children were under 2 years old when they arrived in the United States, while 27 percent were 2 to 4 years, 18 percent were 5 to 9 years, and 11 percent were 10 to 17 years old.

While a majority of the children born in China (71 percent), Korea (61 percent), and Guatemala (59 percent) arrived when they were under 2 years old, this was true of just 11 percent of the children born in Africa and 18 percent of those born in Mexico. The fact that most of the children born in China, Korea, and Guatemala are very young is consistent with the age of the children available for adoption from these countries. In the case of Mexico, since the U.S. Office of Immigration Statistics registers a much lower number of Mexican-born orphans entering the United States on IR-3 or IR-4 visas than the number of Mexican-born adopted children reported in Census 2000, many of these children were likely adopted by their stepparents, or were informally adopted by relatives, both of which may be more likely to take place when the child is no longer an infant.

The majority of the children born in Europe (72 percent) and Colombia (68 percent) came to the United States when they were under 5 years old. In contrast, 34 percent of the children born in Africa were 10 to 17 years old when they arrived here.

■ **Table 4A.** Margin of Error[1] for Table 4: Adopted Children by Place of Birth and Region: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Nativity and place of birth	Total		Northeast		Midwest		South		West	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	5,543	(X)	2,352	(X)	2,751	(X)	3,265	(X)	2,663	(X)
Native	5,185	(X)	2,121	(X)	2,571	(X)	3,115	(X)	2,484	(X)
Foreign Born[2]	1,969	(X)	1,017	(X)	980	(X)	980	(X)	961	(X)
Europe[3]	847	0.38	440	0.74	428	0.79	469	0.84	346	0.67
Russia	618	0.30	316	0.56	324	0.63	352	0.66	233	0.48
Romania	347	0.16	166	0.31	179	0.36	187	0.38	161	0.33
Ukraine	213	0.12	114	0.21	105	0.21	111	0.23	94	0.20
Asia[3]	1,384	0.49	718	0.95	741	0.99	615	0.97	688	1.02
China	640	0.31	362	0.64	293	0.56	302	0.58	320	0.64
India	390	0.20	200	0.38	215	0.43	157	0.31	202	0.41
Korea	962	0.43	504	0.82	581	0.95	398	0.74	420	0.79
Philippines	350	0.18	148	0.28	154	0.31	175	0.35	215	0.44
Vietnam	289	0.15	143	0.26	122	0.25	153	0.30	157	0.33
Africa	246	0.13	124	0.23	112	0.23	139	0.28	115	0.23
Latin America[3]	1,064	0.44	551	0.87	453	0.82	571	0.94	546	0.95
Central America[3]	795	0.36	305	0.54	326	0.63	429	0.79	499	0.90
Guatemala	379	0.18	202	0.38	202	0.41	179	0.36	171	0.36
Mexico	595	0.28	133	0.25	205	0.41	320	0.61	439	0.82
El Salvador	210	0.10	119	0.23	70	0.15	122	0.25	101	0.21
South America[3]	630	0.30	395	0.69	305	0.59	322	0.61	208	0.43
Colombia	371	0.18	254	0.46	178	0.36	171	0.35	107	0.23
Northern America	175	0.08	73	0.13	61	0.15	109	0.21	91	0.20

X - Not applicable.
[1] This figure, added to, or subtracted from the estimate in Table 4, provides the 90-percent confidence interval on the estimate.
[2] Foreign born includes 1,115 children born in Oceania who are not shown separately.
[3] Includes areas not shown separately.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

Adoptive parent and household characteristics, by child's age at arrival in the U.S.

Table 7 shows selected characteristics of the child's adoptive parent and household by the age of the child when he or she arrived in the United States. Regardless of the age of the child when he or she arrived, 80 percent or more lived with two married parents at the time of Census 2000. This is a higher percentage than for all adopted children of the householder (78 percent), and for biological children of the householder (74 percent).[13]

Likely related to the fact that most of the children lived in households with two parents, and so, two earners in some cases, these children lived in households with fairly high annual incomes. Higher household income is associated with a younger age at arrival for the child. Children who were under 2 years old when they arrived lived in households with a median income of $82,600, while those who were 2 to 4 at arrival lived in households with a median income of $73,000. Median income for households of the children who were older at the time they came to the United States was lower: $64,600 for the children who came when they were 5 to 9, and $56,400 for the children who were 10 to 17 at arrival.

13. Kreider, *Adopted Children and Stepchildren: 2000*, 14.

■ **Table 5.** Percent of Adopted Children Who Are Foreign Born For States, by Place of Birth: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf) (Percent of adopted children under 18 in geographic area.)

Geographic area	Total	Europe		Asia			Latin America				Africa, Northern America, and Oceania
		Total	Russia & Romania	Total	China	Korea	Total	Central America		South America	
								Total	Mexico	Total	
United States	199,136	18.5	13.0	49.4	10.6	23.9	29.2	16.3	9.1	10.2	2.9
Alabama	1,413	22.7	17.3	50.8	16.1	19.5	26.0	4.0	1.1	20.7	0.4
Alaska	776	21.5	14.8	60.6	25.8	20.7	13.8	8.2	4.4	4.4	4.1
Arizona	2,920	13.3	8.5	44.0	9.1	22.8	39.9	37.1	35.3	2.4	2.7
Arkansas	654	19.9	13.8	44.8	6.9	20.0	32.9	24.3	13.8	5.0	2.4
California	22,382	11.7	7.5	43.5	9.1	10.8	41.4	36.4	29.4	4.4	3.5
Colorado	4,324	14.4	10.7	59.6	18.5	22.2	24.5	19.9	13.9	4.0	1.4
Connecticut	4,534	22.0	10.3	46.2	13.9	20.5	30.0	6.5	1.0	18.8	1.8
Delaware	521	20.7	17.3	37.6	7.3	24.2	41.7	19.6	6.9	21.9	-
District of Columbia	498	29.1	16.5	41.4	22.7	8.2	26.7	6.8	-	19.9	2.8
Florida	8,390	18.4	11.6	25.9	8.0	9.0	51.5	18.1	5.5	17.0	4.3
Georgia	3,491	26.6	19.6	40.8	11.8	15.8	28.3	16.2	6.6	10.9	4.3
Hawaii	1,177	6.4	4.2	82.0	23.7	24.9	3.1	2.3	0.4	0.8	8.6
Idaho	722	15.0	13.3	53.3	10.4	29.1	29.1	19.1	10.1	9.1	2.6
Illinois	8,933	22.6	14.0	49.7	13.0	23.8	26.3	17.8	12.7	7.8	1.4
Indiana	2,654	19.7	15.8	51.6	11.9	25.6	25.5	14.1	7.2	11.4	3.2
Iowa	2,601	16.2	12.7	68.7	6.5	52.8	13.9	7.4	1.5	6.2	1.2
Kansas	1,356	23.2	21.3	43.4	11.1	15.2	28.1	22.7	15.9	4.9	5.4
Kentucky	1,389	13.7	6.7	56.8	13.0	34.3	25.7	14.1	2.7	9.0	3.8
Louisiana	734	23.2	10.4	46.3	10.9	16.1	27.5	18.0	3.4	5.3	3.0
Maine	1,173	14.8	11.6	66.4	19.1	10.0	16.5	7.9	-	7.8	2.2
Maryland	6,368	24.2	17.8	48.7	7.0	27.1	23.4	9.0	0.8	12.3	3.8
Massachusetts	7,302	16.5	10.9	48.4	15.9	20.9	32.6	11.4	0.5	18.4	2.6
Michigan	8,840	18.0	13.6	64.9	5.4	50.5	15.5	8.1	1.5	6.9	1.6
Minnesota	9,169	10.0	7.6	63.7	5.2	45.7	23.0	7.3	1.0	14.8	3.3
Mississippi	605	31.6	28.8	53.1	9.6	30.9	14.4	7.3	5.0	7.1	1.0
Missouri	3,100	30.7	22.5	46.1	16.1	15.5	20.4	12.5	3.3	6.6	2.8
Montana	664	13.7	12.0	74.1	13.1	48.9	6.8	4.4	1.7	2.1	5.4
Nebraska	1,356	8.8	5.9	78.7	7.5	54.2	12.2	7.7	2.7	2.9	0.4
Nevada	940	10.5	5.2	39.7	7.6	11.1	47.0	37.1	33.1	7.7	2.8
New Hampshire	1,215	15.6	12.8	63.8	17.6	31.6	18.8	10.9	1.2	7.5	1.9
New Jersey	9,429	18.1	12.0	47.7	9.4	27.5	32.0	8.9	1.2	18.9	2.1
New Mexico	1,003	13.0	12.0	38.2	9.8	14.0	46.4	40.5	33.0	5.9	2.5
New York	18,816	17.4	11.1	46.8	11.0	24.6	34.1	8.7	2.5	15.8	1.7
North Carolina	3,633	26.4	20.7	36.2	12.0	12.0	32.6	22.4	11.6	8.6	4.9
North Dakota	329	22.5	10.0	31.6	3.6	5.8	38.0	16.1	0.6	20.4	7.9
Ohio	5,420	29.2	23.1	46.7	10.6	22.4	21.6	8.3	1.5	12.6	2.5
Oklahoma	1,219	11.9	4.9	57.7	8.0	33.6	26.8	20.4	10.4	3.5	3.6
Oregon	3,773	11.7	7.8	61.0	12.5	31.4	24.1	17.7	9.7	5.2	3.2
Pennsylvania	8,887	23.2	17.4	56.0	14.2	28.1	18.9	9.7	2.3	8.1	1.9
Rhode Island	920	25.9	14.2	47.2	18.7	16.5	18.5	3.0	-	13.9	8.5
South Carolina	1,089	36.5	23.9	23.4	5.0	6.3	34.9	23.8	8.4	10.5	5.2
South Dakota	649	9.7	6.2	75.8	5.2	51.6	9.6	6.0	3.4	3.5	4.9
Tennessee	2,459	33.5	20.0	50.0	12.1	18.3	14.4	9.4	2.5	4.8	2.2
Texas	9,934	17.4	13.8	32.9	8.4	10.3	45.1	39.5	34.4	4.8	4.7
Utah	1,737	20.6	16.8	37.0	3.5	10.5	32.1	21.6	15.0	9.7	10.2
Vermont	831	13.0	9.5	68.2	12.6	26.1	16.6	9.9	1.0	6.1	2.2
Virginia	6,325	29.7	23.5	42.2	9.5	17.5	24.6	8.7	2.1	14.0	3.5
Washington	6,659	14.4	8.6	67.6	11.9	33.8	14.8	9.1	4.2	5.2	3.2
West Virginia	613	17.9	14.5	69.3	14.7	40.9	12.7	7.7	2.3	5.1	-
Wisconsin	4,884	17.2	15.0	57.7	8.9	30.9	23.6	11.9	2.4	11.5	1.5
Wyoming	326	23.0	20.9	58.6	4.0	46.3	15.3	7.4	0.9	8.0	3.1

- Represents or rounds to zero.
NOTE: The margin or error for estimates in this table can be found in Table B of the appendix.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

■ **Table 5A.** Margin of Error[1] for Table 5. Foreign Born Adopted Children by State and Place of Birth: 2000

Geographic area	Total	Europe		Asia			Latin America				Africa, Northern America, and Oceania
		Total	Russia & Romania	Total	China	Korea	Total	Central America		South America	
								Total	Mexico	Total	
United States	1,969.1	0.38	0.33	0.49	0.31	0.43	0.44	0.36	0.28	0.30	0.16
Alabama	166.0	4.92	4.44	5.87	4.31	4.66	5.15	2.30	1.22	4.75	0.74
Alaska	122.9	6.51	5.63	7.75	6.93	6.42	5.46	4.34	3.26	3.26	3.14
Arizona	298.1	3.47	2.85	5.07	2.94	4.28	5.00	4.94	4.89	1.56	1.66
Arkansas	112.8	6.89	5.95	8.59	4.38	6.91	8.11	7.40	5.95	3.77	2.65
California	825.5	1.18	0.97	1.83	1.05	1.15	1.81	1.78	1.68	0.76	0.67
Colorado	314.4	2.55	2.25	3.57	2.83	3.03	3.13	2.90	2.52	1.43	0.86
Connecticut	371.4	3.39	2.48	4.08	2.83	3.31	3.75	2.02	0.82	3.21	1.09
Delaware	126.0	9.79	9.15	11.71	6.28	10.35	11.93	9.59	6.12	10.00	-
District of Columbia	123.0	11.24	9.18	12.17	10.36	6.78	10.94	6.22	-	9.87	4.08
Florida	505.3	2.34	1.92	2.63	1.63	1.73	3.01	2.32	1.37	2.27	1.22
Georgia	326.0	4.13	3.70	4.59	3.01	3.41	4.21	3.44	2.32	2.91	1.89
Hawaii	164.0	3.41	2.80	5.36	5.92	6.02	2.42	2.09	0.87	1.23	3.92
Idaho	118.6	5.87	5.58	8.19	5.02	7.47	7.47	6.46	4.95	4.72	2.62
Illinois	417.2	1.96	1.63	2.34	1.56	1.99	2.06	1.79	1.56	1.25	0.54
Indiana	284.3	4.26	3.90	5.35	3.47	4.67	4.67	3.73	2.76	3.41	1.89
Iowa	225.0	3.19	2.88	4.01	2.14	4.39	2.99	2.27	1.05	2.09	0.94
Kansas	162.5	5.07	4.90	5.94	3.77	4.31	5.40	5.02	4.38	2.58	2.71
Kentucky	164.5	4.08	2.96	5.87	3.98	5.63	5.18	4.13	1.92	3.39	2.27
Louisiana	119.6	6.88	4.97	8.13	5.08	5.99	7.27	6.27	2.94	3.65	2.78
Maine	151.2	4.57	4.13	6.09	5.07	3.87	4.79	3.47	-	3.45	1.89
Maryland	440.4	2.96	2.65	3.45	1.76	3.08	2.93	1.97	0.61	2.27	1.32
Massachusetts	471.5	2.40	2.01	3.22	2.37	2.63	3.03	2.06	0.46	2.50	1.02
Michigan	415.0	1.81	1.61	2.24	1.07	2.35	1.69	1.28	0.58	1.18	0.59
Minnesota	422.6	1.38	1.22	2.22	1.02	2.30	1.94	1.20	0.46	1.65	0.82
Mississippi	108.6	8.34	8.13	8.95	5.28	8.29	6.30	4.67	3.92	4.61	1.79
Missouri	245.8	3.65	3.31	3.95	2.91	2.86	3.19	2.62	1.41	1.97	1.32
Montana	113.7	5.89	5.56	7.50	5.77	8.57	4.31	3.52	2.22	2.45	3.87
Nebraska	162.5	3.39	2.83	4.90	3.16	5.97	3.92	3.19	1.94	2.01	0.76
Nevada	180.5	5.89	4.26	9.39	5.08	6.04	9.57	9.28	9.03	5.12	3.17
New Hampshire	153.8	4.59	4.23	6.09	4.82	5.89	4.95	3.95	1.38	3.34	1.73
New Jersey	535.8	2.19	1.84	2.85	1.66	2.53	2.65	1.61	0.63	2.22	0.82
New Mexico	139.8	4.69	4.52	6.78	4.15	4.84	6.96	6.84	6.55	3.29	2.17
New York	756.9	1.53	1.27	2.01	1.27	1.73	1.91	1.14	0.63	1.46	0.53
North Carolina	288.2	3.50	3.21	3.82	2.58	2.58	3.72	3.31	2.53	2.22	1.71
North Dakota	60.0	7.62	5.48	8.49	3.41	4.26	8.87	6.71	1.41	7.35	4.92
Ohio	324.9	2.73	2.53	2.99	1.84	2.50	2.47	1.66	0.72	1.99	0.94
Oklahoma	154.1	4.10	2.73	6.25	3.42	5.97	5.59	5.10	3.87	2.32	2.35
Oregon	271.1	2.30	1.92	3.50	2.37	3.34	3.08	2.75	2.12	1.60	1.27
Pennsylvania	416.2	1.97	1.78	2.32	1.63	2.11	1.83	1.38	0.71	1.28	0.64
Rhode Island	167.3	7.96	6.35	9.08	7.09	6.74	7.06	3.11	-	6.30	5.07
South Carolina	182.1	8.04	7.12	7.07	3.65	4.06	7.96	7.12	4.64	5.13	3.72
South Dakota	112.5	5.13	4.18	7.42	3.85	8.65	5.10	4.11	3.14	3.19	3.73
Tennessee	273.6	5.25	4.46	5.56	3.64	4.31	3.90	3.24	1.74	2.39	1.63
Texas	549.9	2.11	1.91	2.60	1.53	1.68	2.75	2.71	2.63	1.18	1.17
Utah	199.4	4.64	4.29	5.54	2.11	3.52	5.36	4.72	4.10	3.39	3.47
Vermont	95.4	3.87	3.37	5.35	3.82	5.05	4.28	3.44	1.14	2.75	1.68
Virginia	438.7	3.17	2.94	3.42	2.04	2.63	2.99	1.96	0.99	2.40	1.28
Washington	450.2	2.37	1.89	3.16	2.19	3.19	2.40	1.94	1.35	1.50	1.18
West Virginia	109.2	6.83	6.28	8.23	6.32	8.77	5.94	4.75	2.66	3.92	-
Wisconsin	308.4	2.39	2.25	3.13	1.79	2.91	2.68	2.04	0.97	2.01	0.77
Wyoming	79.6	10.28	9.94	12.04	4.79	12.19	8.80	6.40	2.30	6.63	4.24

- Represents or rounds to zero.
[1] This figure, added to, or subtracted from the estimate in Table 5, provides the 90-percent confidence interval on the estimate.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

■ **Table 6.** Foreign-Born Adopted Children by Place of Birth and Age They Arrived in the United States: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Place of birth	Total		1 year or less		2 to 4 years		5 to 9 years		10 to 17 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	199,136	100.0	87,383	43.9	53,501	26.9	36,422	18.3	21,830	11.0
Europe[1]	36,800	100.0	12,908	35.1	13,409	36.4	7,691	20.9	2,792	7.6
Russia	19,631	100.0	8,385	42.7	6,654	33.9	3,497	17.8	1,095	5.6
Romania	6,183	100.0	2,252	36.4	2,684	43.4	1,104	17.9	143	2.3
Ukraine	2,328	100.0	491	21.1	1,029	44.2	520	22.3	288	12.4
Asia[1]	98,368	100.0	54,134	55.0	22,983	23.4	12,858	13.1	8,393	8.5
China	21,053	100.0	14,993	71.2	4,451	21.1	962	4.6	647	3.1
India	7,793	100.0	3,587	46.0	2,382	30.6	1,160	14.9	664	8.5
Korea	47,555	100.0	28,843	60.7	9,580	20.1	5,563	11.7	3,569	7.5
Philippines	6,286	100.0	1,473	23.4	2,194	34.9	1,709	27.2	910	14.5
Vietnam	4,291	100.0	1,856	43.3	963	22.4	832	19.4	640	14.9
Africa	3,111	100.0	352	11.3	668	21.5	1,025	32.9	1,066	34.3
Latin America[1]	58,166	100.0	19,314	33.2	15,677	27.0	14,063	24.2	9,112	15.7
Central America[1]	32,476	100.0	9,618	29.6	9,176	28.3	8,099	24.9	5,583	17.2
Guatemala	7,357	100.0	4,303	58.5	1,753	23.8	787	10.7	514	7.0
Mexico	18,201	100.0	3,269	18.0	5,644	31.0	5,511	30.3	3,777	20.8
El Salvador	2,254	100.0	569	25.2	638	28.3	584	25.9	463	20.5
South America[1]	20,354	100.0	8,894	43.7	5,143	25.3	4,192	20.6	2,125	10.4
Colombia	7,054	100.0	2,917	41.4	1,843	26.1	1,526	21.6	768	10.9
Northern America	1,576	100.0	252	16.0	433	27.5	541	34.3	350	22.2
Oceania	1,115	100.0	423	37.9	331	29.7	244	21.9	117	10.5

Note: Age when the child arrived in the U.S. is calculated by subtracting the child's year of birth from the year they came to the United States.
NOTE: The margin or error for estimates in this table can be found in Table C of the appendix.
[1] Includes areas not shown separately.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

Another way to look at the differences in household income among the four groups of children is to compare the percentage of children who lived in households with income within particular ranges. For each successively older age group, a higher percentage of the children lived in households with incomes of less than $50,000. On the other hand, a decreasing percentage of the children (again, as the age of the child increases) lived in households with incomes of $100,000 or more. So while 37 percent of the children who were under age 2 at arrival lived in households with incomes of $100,000 or more, this was true of 22 percent of those who were 10 to 17 at arrival.

A similar relationship is seen between the percentage of the children who lived in households that were below the poverty level and the age of the child at arrival. As the age of the child at arrival increased, a higher percentage of the children lived in households below the poverty level. So, while 3 percent of the children who were under 2 at arrival lived in households below the poverty level, 15 percent of the children who were 10 to 17 at arrival lived in households below the poverty level.

A similar association exists between adoptive parent's educational attainment and the age of the child at arrival. Children who were younger at arrival tended to have adoptive parents with higher educational attainment. Sixty-six percent of the children who were under 2 years old at arrival had adoptive parents with at least a bachelor's degree, while 40 percent of the

■ **Table 6A.** Margin of Error[1] for Table 6. Foreign-Born Adopted Children by Place of Birth and Age They Arrived in the United States: 2000

Place of birth	Total Number	1 year or less		2 to 4 years		5 to 9 years		10 to 17 years	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	1,969	1,305	0.49	1,021	0.44	842	0.38	652	0.31
Europe[2]	847	501	1.10	511	1.10	387	0.94	233	0.61
Russia	618	404	1.56	360	1.50	261	1.20	146	0.72
Romania	347	209	2.70	229	2.78	147	2.15	53	0.84
Ukraine	213	98	3.73	142	4.54	101	3.80	75	3.01
Asia[2]	1,384	1,027	0.71	669	0.59	501	0.48	404	0.39
China	640	540	1.38	294	1.23	137	0.64	112	0.53
India	390	264	2.48	215	2.30	150	1.78	114	1.40
Korea	962	750	0.99	432	0.81	329	0.66	264	0.53
Philipines	350	169	2.35	207	2.65	182	2.48	133	1.96
Vietnam	289	190	3.34	137	2.81	127	2.66	112	2.40
Africa	246	83	2.50	114	3.26	141	3.72	144	3.75
Latin America[2]	1,064	613	0.86	553	0.81	523	0.79	421	0.66
Central America[2]	795	433	1.12	423	1.10	397	1.05	330	0.92
Guatemala	379	290	2.53	185	2.19	124	1.60	100	1.32
Mexico	595	252	1.25	332	1.51	328	1.50	271	1.33
El Salvador	210	105	4.03	112	4.19	107	4.08	95	3.75
South America[2]	630	416	1.53	316	1.35	286	1.25	203	0.94
Colombia	371	238	2.58	190	2.30	172	2.15	122	1.65
Northern America	175	70	4.08	92	4.97	103	5.28	83	4.62
Oceania	147	91	6.42	80	6.04	69	5.46	48	4.05

Note: Age when the child arrived in the U.S. is calculated by subtracting the child's year of birth from the year they came to the United States.
X - Not applicable.
[1] This figure, added to, or subtracted from the estimate in Table 6, provides the 90-percent confidence interval on the estimate.
[2] Includes areas not shown separately.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

children who were 10 to 17 at arrival had adoptive parents with at least a bachelor's degree. This is still a higher percentage than for adopted children overall (33 percent), or for biological children of the householder (26 percent).[14] Indeed, over a third of the children who were under 2 at arrival (36 percent) had an adoptive parent who had a graduate or professional school degree, as did 20 percent of the children who were 10 to 17 at arrival. All of the groups of foreign-born adopted children had a higher percentage of adoptive parent(s) who had at least a graduate or professional school degree than did adopted children overall (15 percent), or biological children (10 percent).[15]

The labor force participation of the adoptive parent, as contrasted among the four groups of children, shows that children who were younger at arrival have parents who are more likely to be employed, and less likely to be out of the labor force. Ninety-three percent of the children who were under 2 at arrival had adoptive parents who were in the labor force, as compared with 82 percent of those who were 10 to 17 at arrival. Conversely, 7 percent of the youngest group of children at arrival had an

14. Ibid., 16.

15. Ibid.

■ **Table 7.** Foreign-Born Adopted Children, by Age They Came to the United States and Characteristics of Their Adoptive Parent and Households: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Characteristics of household or adoptive parent[1]	1 year or less		2 to 4 years		5 to 9 years		10 to 17 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total children	87,383	100.0	53,501	100.0	36,422	100.0	21,830	100.0
Living Arrangement of the Adoptive Parent								
Married couple households	74,018	84.7	44,955	84.0	29,992	82.3	17,655	80.9
Male adoptive parent—no spouse present	1,913	2.2	1,901	3.6	1,753	4.8	1,227	5.6
With an unmarried partner	617	0.7	654	1.2	737	2.0	294	1.3
No unmarried partner present	1,296	1.5	1,247	2.3	1,016	2.8	933	4.3
Married—spouse absent	130	0.1	197	0.4	223	0.6	313	1.4
Divorced or widowed	770	0.9	563	1.1	380	1.0	377	1.7
Separated	184	0.2	150	0.3	112	0.3	75	0.3
Never married	212	0.2	337	0.6	301	0.8	168	0.8
Female adoptive parent—no spouse present	11,452	13.1	6,645	12.4	4,677	12.8	2,948	13.5
With an unmarried partner	1,546	1.8	643	1.2	431	1.2	195	0.9
No unmarried partner present	9,906	11.3	6,002	11.2	4,246	11.7	2,753	12.6
Married—spouse absent	309	0.4	269	0.5	392	1.1	304	1.4
Divorced or widowed	4,792	5.5	2,900	5.4	1,991	5.5	1,506	6.9
Separated	620	0.7	681	1.3	676	1.9	344	1.6
Never married	4,185	4.8	2,152	4.0	1,187	3.3	599	2.7
Household Income in 1999								
$0 or less	261	0.3	283	0.5	434	1.2	424	1.9
$1-$9,999	812	0.9	1,257	2.3	1,314	3.6	1,078	4.9
$10,000-$14,999	934	1.1	1,118	2.1	1,195	3.3	888	4.1
$15,000-$24,999	2,617	3.0	2,718	5.1	2,794	7.7	2,073	9.5
$25,000-$34,999	3,618	4.1	3,914	7.3	3,051	8.4	2,227	10.2
$35,000-$49,999	9,157	10.5	6,479	12.1	4,690	12.9	2,915	13.4
$50,000-$74,999	19,914	22.8	11,811	22.1	7,744	21.3	4,465	20.5
$75,000-$99,999	17,715	20.3	9,502	17.8	5,555	15.3	3,011	13.8
$100,000-$149,999	17,706	20.3	9,412	17.6	5,497	15.1	2,700	12.4
$150,000-$199,999	6,663	7.6	3,118	5.8	2,001	5.5	992	4.5
$200,000 or more	7,986	9.1	3,889	7.3	2,147	5.9	1,057	4.8
Median household income[2]	$82,631	X	$73,000	X	$64,600	X	$56,400	X
In poverty	2,904	3.3	4,066	7.6	4,732	13.0	3,349	15.3
Educational Attainment of the Adoptive Parent								
Less than high school	3,509	4.0	6,097	11.4	6,670	18.3	5,288	24.2
High school graduate	8,019	9.2	6,270	11.7	4,556	12.5	3,148	14.4
Some college	18,470	21.1	11,817	22.1	7,815	21.5	4,574	21.0
Bachelor's degree	25,648	29.4	13,268	24.8	8,080	22.2	4,522	20.7
Graduate or professional school degree	31,737	36.3	16,049	30.0	9,301	25.5	4,298	19.7
Labor Force Participation of the Adoptive Parent								
In labor force	81,219	92.9	47,524	88.8	30,437	83.6	17,903	82.0
Employed	80,341	91.9	46,529	87.0	29,480	80.9	17,119	78.4
Unemployed	878	1.0	995	1.9	957	2.6	784	3.6
Not in labor force	6,164	7.1	5,977	11.2	5,985	16.4	3,927	18.0
Tenure								
Owns home	80,338	91.9	44,206	82.6	26,592	73.0	13,713	62.8
Rents home[3]	7,045	8.1	9,295	17.4	9,830	27.0	8,117	37.2

X - not applicable.

[1] The adoptive parent is the householder. [2] Median calculated using SAS8. [3] Includes those who occupy without cash payment.

NOTE: Age when the child arrived in the U.S. is calculated by subtracting the child's year of birth from the year they came to the US.

NOTE: The margin or error for estimates in this table can be found in Table D of the appendix.

SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

■ **Table 7A.** Margin of Error[1] for Table 7. Foreign-Born Adopted Children, by Age They Came to the United States and Characteristics of Their Adoptive Parent and Households: 2000

Characteristics of household or adoptive parent[1]	1 year or less		2 to 4 years		5 to 9 years		10 to 17 years	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total children	1,305	(X)	1,021	(X)	842	(X)	652	(X)
Living Arrangement of the Adoptive Parent								
Married couple households	1,201	0.54	936	0.71	764	0.89	586	1.17
Male adoptive parent—no spouse present	193	0.21	192	0.36	185	0.49	155	0.69
With an unmarried partner	110	0.13	113	0.21	120	0.33	76	0.35
No unmarried partner present	159	0.18	156	0.28	141	0.38	135	0.61
Married—spouse absent	50	0.05	62	0.12	66	0.18	78	0.35
Divorced or widowed	123	0.15	105	0.20	86	0.23	86	0.38
Separated	60	0.07	54	0.10	47	0.13	38	0.16
Never married	64	0.07	81	0.15	77	0.21	57	0.26
Female adoptive parent—no spouse present	472	0.51	360	0.63	302	0.77	240	1.02
With an unmarried partner	174	0.20	112	0.21	92	0.25	62	0.28
No unmarried partner present	439	0.48	342	0.61	288	0.74	232	0.99
Married—spouse absent	78	0.10	72	0.13	87	0.25	77	0.35
Divorced or widowed	305	0.35	238	0.43	197	0.53	171	0.76
Separated	110	0.13	115	0.21	115	0.31	82	0.38
Never married	286	0.31	205	0.38	152	0.41	108	0.48
Household Income in 1999								
$0 or less	71	0.08	74	0.13	92	0.25	91	0.41
$1- $9,999	126	0.15	156	0.28	160	0.43	145	0.64
$10,000-$14,999	135	0.15	148	0.28	153	0.41	132	0.59
$15,000-$24,999	226	0.25	230	0.43	233	0.61	201	0.87
$25,000-$34,999	266	0.30	276	0.49	244	0.64	208	0.90
$35,000-$49,999	422	0.46	355	0.63	302	0.77	238	1.02
$50,000-$74,999	623	0.63	480	0.79	388	0.95	295	1.20
$75,000-$99,999	587	0.61	430	0.72	329	0.84	242	1.04
$100,000-$149,999	587	0.61	428	0.72	327	0.82	229	0.99
$150,000-$199,999	360	0.39	246	0.44	197	0.53	139	0.63
$200,000 or more	394	0.43	275	0.49	204	0.54	143	0.64
Median household income[2]		(X)		(X)		(X)		(X)
In poverty	238	0.26	281	0.51	304	0.77	255	1.07
Educational Attainment of the Adoptive Parent								
Less than high school	261	0.30	345	0.61	360	0.89	321	1.28
High school graduate	395	0.43	350	0.61	298	0.76	248	1.05
Some college	600	0.61	480	0.79	390	0.95	299	1.22
Bachelor's degree	707	0.67	508	0.82	397	0.95	297	1.22
Graduate or professional school degree	786	0.72	559	0.87	426	1.00	289	1.18
Labor Force Participation of the Adoptive Parent								
In labor force	1,258	0.38	962	0.61	770	0.86	591	1.15
Employed	1,251	0.41	952	0.64	758	0.90	578	1.23
Unemployed	131	0.15	139	0.26	137	0.36	124	0.56
Not in labor force	347	0.38	341	0.61	342	0.86	277	1.15
Tenure								
Owns home	1,251	0.41	928	0.72	720	1.02	517	1.45
Rents home[3]	370	0.41	426	0.72	438	1.02	398	1.45

X - not applicable.
[1] This figure, added to, or subtracted from the estimate in Table 7, provides the 90-percent confidence interval on the estimate.
[2] Median calculated using SAS8.
[3] Includes those who occupy without cash payment.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

adoptive parent who was not in the labor force, compared with 18 percent of the oldest group of children.

The vast majority (92 percent) of the children under age 2 at arrival lived in a home owned by their adoptive parent(s). This percentage decreased as the age of the child at arrival increased—63 percent of the children who were 10 to 17 at arrival lived in homes their adoptive parent(s) owned.

Table 8 shows several characteristics of the children. These are shown separately for boys and girls, since the distribution of the children across these characteristics differs by sex. A higher percentage of foreign-born adopted children than adopted children overall are age 0 to 5. Twenty-seven percent of foreign-born adopted boys were age 0 to 5 in 2000, compared with 24 percent of all adopted boys. Over a third of foreign-born adopted girls (35 percent) were age 0 to 5 in 2000, compared with 26 percent of all adopted girls. It is commonly thought that one of the reasons adoptive parents seek foreign-born children is that they are able to adopt a younger child, and these statistics show that foreign-born adopted children are more likely to be younger than native adopted children.

Several factors influence the differences in the age structure of foreign-born adopted children compared with native adopted children. Of course, many of the native adopted children were initially the stepchildren of their parents, which would make it more likely that they would be older when adopted, since the marriage or remarriage of their biological parent to another partner would take some time. It is also likely that a higher proportion of the native children were first the stepchildren of their adoptive parent than the foreign-born adopted children, although this is certainly true of many of these children as well.

Foreign-born adopted children are much less likely to be White or Black than adopted children overall or than biological children of the householder.[16] Thirty-six percent of the foreign-born boys and 29 percent of the foreign-born girls were White, while 4 percent of the boys and 3 percent of the girls were Black.[17] Just over half of the girls were Asian (52 percent), compared with 39 percent of the boys. Thirty percent of the boys were Hispanic, compared with 22 percent of the girls. The race and origin distribution of the adopted children corresponds with some of their most common places of birth: China, Korea, Guatemala, and Mexico.

The next section of Table 8 shows, for children age 5 and over, those who speak a non-English language at home, and among those who do, the percentage who speak English "very well." Thirty-two percent of the boys speak a non-English language at home, as do 30 percent of the girls. Of these children, over half also speak English "very well."

The last section of Table 8 shows the percentage of the children who were reported as having a disability.[18] The percentage of foreign-born adopted boys and girls who were reported as having a disability is lower than that for adopted boys and girls overall. For foreign-born adopted children age 5 and over, 11 percent of the boys and 8 percent of the girls were reported to have at least one disability, compared with 15 percent of all adopted boys and 9 percent of all adopted girls.[19] The most frequently mentioned disability for the foreign-born adopted children was difficulty in learning, remembering, or concentrating, which was reported for 9 percent of the boys and 6 percent of the girls.

16. Ibid., 9-10; Elizabeth M. Grieco and Rachel C. Cassidy, *Overview of Race and Hispanic Origin: 2000*, Census 2000 Briefs, C2KBR01-1 (Washington, DC: U.S. Census Bureau, 2001), available at http://www.census.gov/prod/2001pbs/c2kbr01-1.pdf. (The Census Bureau released several different race variables. This one is commonly used for official Census Bureau reports.)

17. The percentages of boys (4 percent) and girls (3 percent) who were Black do not differ statistically.

18. For each person age 5 and over, the Census 2000 long form collected information on hearing or vision difficulties (sensory disabilities); conditions that limited basic activities (physical disabilities); difficulty in learning, remembering, or concentrating (mental disabilities); and difficulty in getting dressed, bathing, or getting around inside the house (self-care disabilities). People answered these questions as they perceived the capabilities of the individual, regardless of whether the condition fit any medical or legal definitions of a disability.

19. Kreider, *Adopted Children and Stepchildren: 2000*, 10-11.

■ **Table 8.** Selected Characteristics of Foreign-Born Adopted Children: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Characteristic of child	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Total	199,136	100.0	84,076	100.0	115,060	100.0
Age at census date						
Under 1 year	3,856	1.9	1,618	1.9	2,238	1.9
1 year	11,215	5.6	3,884	4.6	7,331	6.4
2 years	12,451	6.3	4,366	5.2	8,085	7.0
3 years	12,672	6.4	4,227	5.0	8,445	7.3
4 years	11,869	6.0	4,270	5.1	7,599	6.6
5 years	11,099	5.6	4,371	5.2	6,728	5.8
6 years	9,428	4.7	4,359	5.2	5,069	4.4
7 years	9,461	4.8	4,136	4.9	5,325	4.6
8 years	9,930	5.0	4,482	5.3	5,448	4.7
9 years	10,976	5.5	5,026	6.0	5,950	5.2
10 years	10,486	5.3	4,955	5.9	5,531	4.8
11 years	11,514	5.8	5,275	6.3	6,239	5.4
12 years	12,293	6.2	5,787	6.9	6,506	5.7
13 years	12,476	6.3	5,728	6.8	6,748	5.9
14 years	13,072	6.6	5,598	6.7	7,474	6.5
15 years	12,744	6.4	5,643	6.7	7,101	6.2
16 years	12,168	6.1	5,258	6.3	6,910	6.0
17 years	11,426	5.7	5,093	6.1	6,333	5.5
Race and Hispanic Origin						
White alone	63,395	31.8	30,545	36.3	32,850	28.6
Black or African American alone	6,840	3.4	3,141	3.7	3,699	3.2
American Indian and Alaska Native alone	3,086	1.5	1,366	1.6	1,720	1.5
Asian alone	92,202	46.3	32,382	38.5	59,820	52.0
Native Hawaiian and Other Pacific Islander alone	1,024	0.5	486	0.6	538	0.5
Some other race alone	24,061	12.1	12,094	14.4	11,967	10.4
Two or more races	8,528	4.3	4,062	4.8	4,466	3.9
Hispanic or Latino (of any race)	50,155	25.2	24,935	29.7	25,220	21.9
White alone, not Hispanic or Latino	42,477	21.3	20,154	24.0	22,323	19.4
English Ability						
Age 5 and over	147,073	100.0	65,711	100.0	81,362	100.0
Speaks non-English language at home[1]	45,372	30.8	21,127	32.2	24,245	29.8
Speaks English very well	25,138	17.1	11,194	17.0	13,944	17.1
Disability Status[1]						
Age 5 and over	147,073	100.0	65,711	100.0	81,362	100.0
At least one disability	13,825	9.4	7,141	10.9	6,684	8.2
Sensory disability	2,525	1.7	1,127	1.7	1,398	1.7
Physical disability	2,440	1.7	1,059	1.6	1,381	1.7
Mental disability[2]	11,048	7.5	6,005	9.1	5,043	6.2
Self-care disability	1,820	1.2	842	1.3	978	1.2
Multiple disabilities[3]	2,803	1.9	1,358	2.1	1,445	1.8

[1] These questions were asked only of people aged 5 and over.
[2] The question asks if the person has difficulty learning, remembering, or concentrating.
[3] This includes children with any combination of two or more of the disabilities listed above.
NOTE: The margin or error for estimates in this table can be found in Table E of the appendix.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

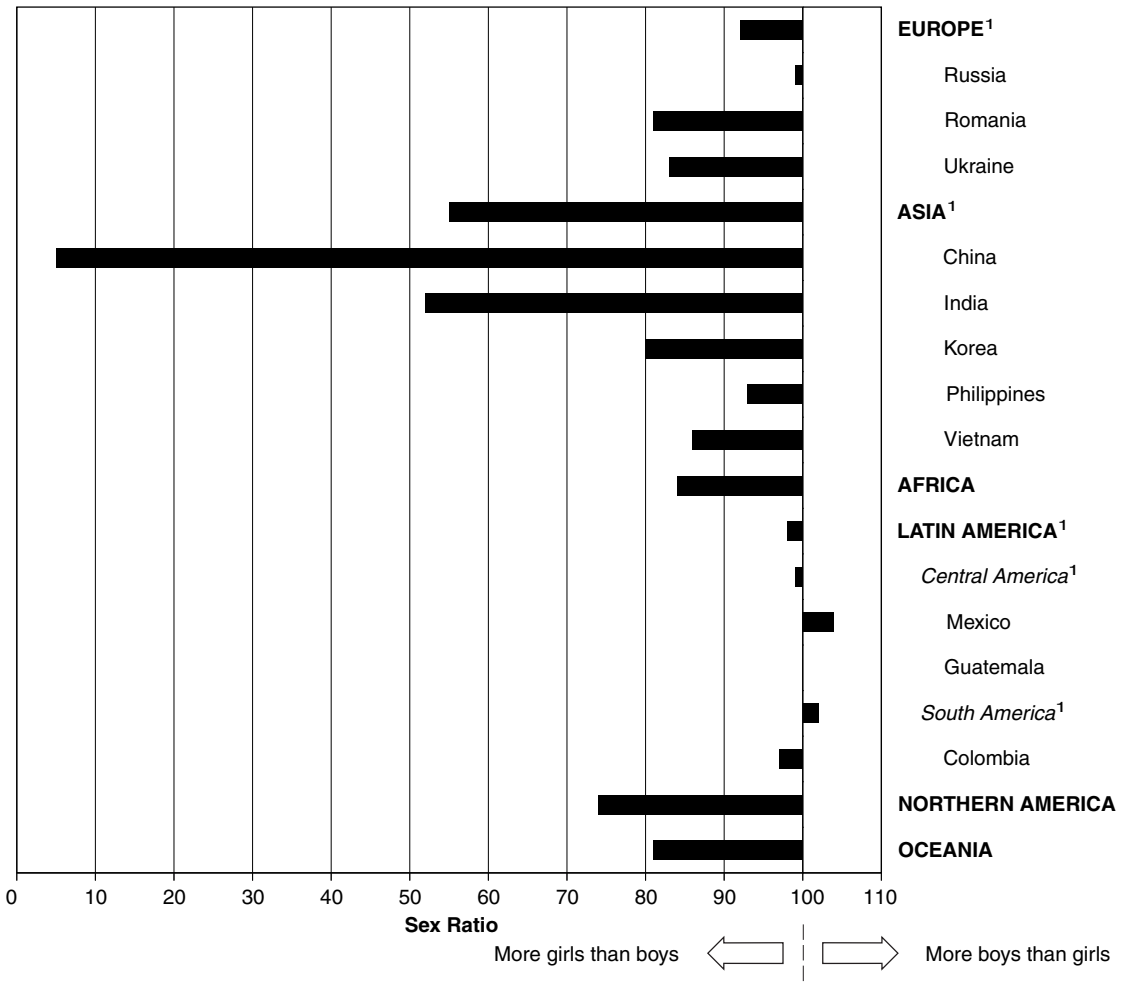
■ **Table 8A.** Margin of Error[1] for Table 8. Selected Characteristics of Foreign-Born Adopted Children: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Characteristic of child	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Total	1,969	(X)	1,280	(X)	1,497	(X)
Age						
Under 1 year	274	0.13	177	0.21	209	0.18
1 year	468	0.23	275	0.31	378	0.31
2 years	493	0.25	292	0.35	397	0.33
3 years	497	0.25	287	0.33	406	0.35
4 years	481	0.23	288	0.33	385	0.33
5 years	465	0.23	292	0.35	362	0.30
6 years	429	0.21	291	0.35	314	0.26
7 years	429	0.21	284	0.33	322	0.28
8 years	440	0.21	295	0.35	326	0.28
9 years	462	0.23	313	0.36	341	0.30
10 years	452	0.21	311	0.36	328	0.28
11 years	474	0.23	321	0.36	349	0.30
12 years	489	0.25	336	0.38	356	0.30
13 years	493	0.25	334	0.38	363	0.31
14 years	505	0.25	330	0.38	382	0.33
15 years	498	0.25	332	0.38	372	0.31
16 years	487	0.23	320	0.36	367	0.31
17 years	472	0.23	315	0.36	351	0.30
Race and Hispanic Origin						
White alone	1,111	0.46	771	0.72	800	0.59
Black or African American alone	365	0.18	247	0.28	268	0.23
American Indian and Alaska Native alone	245	0.12	163	0.20	183	0.16
Asian alone	1,340	0.49	794	0.74	1,079	0.66
Native Hawaiian and Other Pacific Islander alone	141	0.07	97	0.10	102	0.10
Some other race alone	685	0.33	485	0.53	483	0.39
Two or more races	408	0.20	281	0.33	295	0.25
Hispanic or Latino (of any race)	988	0.43	697	0.69	701	0.54
White alone, not Hispanic or Latino	910	0.41	627	0.66	659	0.51
English Ability						
Age 5 and over	1,692	(X)	1,131	(X)	1,259	(X)
Speaks non-English language at home[2]	940	0.46	642	0.71	687	0.59
Speaks English very well	700	0.38	467	0.58	521	0.49
Disability Status[2]						
Age 5 and over	1,692	(X)	1,131	(X)	1,259	(X)
At least one disability	519	0.30	373	0.48	361	0.36
Sensory disability	222	0.13	148	0.20	165	0.16
Physical disability	218	0.13	144	0.20	164	0.16
Mental disability[3]	464	0.26	342	0.44	313	0.31
Self-care disability	188	0.12	128	0.16	138	0.15
Multiple disabilities4	234	0.13	163	0.21	168	0.18

X - Not applicable.
[1] This figure, added to, or subtracted from the estimate in Table 8, provides the 90-percent confidence interval on the estimate.
[2] These questions were asked only of people aged 5 and over.
[3] The question asks if the person has difficulty learning, remembering, or concentrating.
[4] This includes children with any combination of two or more of the disabilities listed above.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

Figure 1. Boys Per 100 Girls for Foreign-Born Adopted Children, by Place of Birth: 2000



[1] Includes areas not shown separately.
SOURCE: U.S. Census Bureau. Census 2000 special tabulation.

Figure 1 shows the sex ratio (boys per 100 girls) for foreign-born adopted children, by place of birth. A sex ratio of 100 means that there are equal numbers of boys and girls. A ratio below 100 means that there are more girls than boys. A ratio above 100 means that there are more boys than girls. Many of the birth countries and regions listed show an imbalance in favor of girls. Overall, there were 73 boys per 100 girls. China is the most extreme, with a ratio of 5 boys for every 100 girls. Asia (55), which includes China, and India (52) also had a notably low sex ratio. The sex ratio for Russia (99), Latin America (98), Central America (99), South America (102), Guatemala (100), and Mexico (104), were balanced.[20] So, while the sex ratio for adopted children born in Europe, Asia, Africa, and Northern America favors girls, the sex ratio for adopted children born in Latin America is balanced.[21]

Conclusion

Census 2000 data remain the only comprehensive source for national estimates of the number of foreign-born children who are living with an adoptive parent. These data include a variety of types of adoption, both formal and informal, and those arranged through public and private agencies, as well as those arranged independently. By comparing Census 2000 data on place of birth by year of entry for foreign-born

20. None of these countries or regions has a sex ratio that differs statistically from 100.

21. The sex ratio for Oceania, 81.0, is not significantly different from 100. Only 1,115 adopted children are reported to have been born in Oceania.

adopted children with USCIS counts of IR-3 and IR-4 visas, it is possible to get a basic sense of what proportion of the children may be informally adopted by relatives, or adopted by stepparents rather than by those previously unrelated to them. Among foreign-born adopted children, a younger age at arrival in the U.S. is associated with higher household income, a lower likelihood of being below the poverty level, and having an adoptive parent with more education than for adopted children overall. Foreign-born adopted children tend to be younger than adopted children overall, and are more likely to be Asian or Hispanic.

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6 | Interracial Adoptive Families in the U.S., 2000†

By Rose M. Kreider‡

Little data exist to gauge how common interracial adoptive families are in the United States. In 2003, the U.S. Census Bureau issued a report on data, collected in 2000, about adopted children and their families, which provides information about interracial adoptive families.[1] Beyond estimating the number of adoptive families that contained children and parents of different race and origin groups, Census 2000 data make it possible to look at other questions, including "Where do interracial adoptive families live?"; "How do interracial marriage and the adoption of foreign-born children affect interracial adoption?"; "Which race groups are involved in the most common interracial adoptive families?"; "What are the characteristics of interracial adoptive families?"

Prior estimates about the prevalence of interracial adoption are few and are generally based on survey data. Stolley, in her 1993 comprehensive review of statistics about adoption, found the most recent estimate of interracial adoptions to be from the 1987 National Health Interview Survey (NHIS). In those data, 8 percent of the adopted children who were currently living in their mother's home were of a different race than their mother (Bachrach et al. 1990 in Stolley 1993). Survey of Income and Program Participation (SIPP) data, collected in 2001, showed that 13 percent of the adopted children were of a different race than their mother (for those who lived with a mother) and 7 percent were of a different race than their father (for those who lived with a father).[2] About 17 percent of adopted children of the householder under 18 in Census 2000 reported being of a different race than their adoptive parent (Kreider 2003).

Background

In 2000, for the first time, "adopted son/daughter" was included in the decennial census as a category of relationship to the householder that was separate from "natural born son/daughter" and "stepson/daughter." This category includes various types of adoption, such as: adoption of biologically related and unrelated children, adoption of stepchildren, adoption through private and public agencies, domestic and international adoptions, and independent and informal adoptions. Census 2000 is the principal source of data available that can provide a national level picture of adopted children and their families.[3]

† This article is released to inform interested parties of research and to encourage discussion. The views expressed on statistical, methodological, or operational issues are those of the author and not necessarily those of the U.S. Census Bureau.

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1. Rose M. Kreider, *Adopted Children and Stepchildren: 2000*, CENSR6-RV (Washington, DC: U.S. Census Bureau, 2003), available at http://wwwcensus.gov/prod/2003pubs/censr-6.pdf.

2. Percentages were calculated from the 2001 Panel of SIPP Wave 2. Race groups were White, Black, American Indian and Alaska Native, and Asian and Pacific Islander.

3. For more information about the history of data collection on adoption, see both the 2004 National Adoption Information Clearinghouse (NAIC) report, *How many children were adopted in 2000 and 2001?*, and the 2002 state survey data collected by the National Council For Adoption, appearing in the *Adoption Factbook IV*. The NAIC report is reproduced

Adopted children were identified using the answer to the question, "How is this person related to the householder?" "Adopted children" in these data were only those children of the householder who were living in the household at the time of the census.[4] If a married couple lived in the household of one of their parents, their adopted children were identified as the grandchildren of the householder, rather than as adopted children. Because of household configurations like this, Census 2000 sample data cannot provide a complete count of all adopted children in the United States. At the same time, national level data on adopted children are rare, and the large sample size of Census 2000 makes it the most comprehensive data source on the characteristics of adopted children and their families and households.[5]

Despite this methodological issue, the estimate of the number of adopted children under 18, using Census 2000 sample data, is consistent with the estimates from 1996 and 2001 SIPP data. The SIPP survey instrument collects information about all children under 18, regardless of whether they are the children of the householder. In the SIPP, for each child who has a parent present in the household, the respondent is asked to identify whether the parent is the biological, step, adoptive, or foster parent of the child. The number of adopted children under 18, estimated by SIPP 1996, was 1,484,000 (Fields 2001), of whom 98 percent were the children of the householder.[6] Using the SIPP data as a guide, we can expect that the Census 2000 estimate of adopted children under 18 accounts for nearly all adopted children under age 18. Sample data from Census 2000 counted 1,586,004 people under age 18 who were designated as the adopted child of the householder.[7]

Census 2000 data include a variety of types of adoptive relationships, although these data do not distinguish between adoptions of relatives or nonrelatives, or whether the child was adopted through a public agency, a private agency, or independently. For this reason, we cannot distinguish among children who were adopted by their stepparents, children adopted by their biological grandparents or other relatives, and children adopted by people to whom they were not biologically related. An estimate for 1992, derived from court records, found that about 42 percent of all adoptions were by stepparents or by a relative (Flango and Flango 1995).

Since the Census 2000 respondents themselves selected from the relationship categories on the Census 2000 questionnaire, those recorded as adopted children of the householder were not necessarily legally adopted.[8] Informal adoptions are more common among some cultural groups, as people differ widely in the way they view family relationships and the process of adoption. A qualitative study prepared for the U.S. Census Bureau (Craver 2001) found that informal adoption of biological grandchildren was common in Inupiaq communities in Alaska. Informal adoptions may also be more

in this publication, as well, and is also available on the NAIC Web site at http://naic.acf.hhs.gov/pubs/s_adopted/index.cfm. The NAIC is a service of the Children's Bureau, of the Department of Health and Human Services.

4. In Census 2000 data, the adopted child is always the child of the householder. The householder is someone in whose name the home is rented or owned. I will use the term householder interchangeably with the term adoptive parent in this chapter. If the child lived with two parents, Census 2000 data did not identify whether the second parent was the child's biological, step, or adoptive parent. In this chapter, people referred to as householders are always parents. Some of the tables show householders who have only biological children and/or stepchildren in the household.

5. These data provide a point-in-time estimate of people living together in a household and each person's relationship to the householder. They do not track adoptions as they are legalized. So these data provide an estimate of the prevalence of adoptive families, or children in adoptive families, not adoptions themselves.

6. The 2001 SIPP estimate does not differ statistically from either the 1996 SIPP estimate or the Census 2000 estimate. See Rose M. Kreider and Jason Fields, *Living Arrangements of Children: 2001*, P70-104, (Washington, DC: U.S. Census Bureau, 2005), available at http://www.census.gov/prod/2005pubs/p70-104.pdf.

7. In this chapter, I use the term "children" to mean children under 18 who are the child of the householder.

8. The categories of relationship to householder in Census 2000 were: husband/wife; natural-born son/daughter; adopted son/daughter; stepson/stepdaughter; brother/sister; father/mother; grandchild; parent-in-law; son-in-law/daughter-in-law; other relative, as well as several additional categories of other nonrelatives, including unmarried partner and foster child.

common among Hispanics and Blacks than other race and origin groups (Hamm 1999; Hollingsworth 1999).

A factor that particularly affects the estimate of the prevalence of interracial adoptions is the number of race categories from which respondents can choose. That is, if people are required to choose among three categories in reporting their race and their child's race, as compared with choosing among seven categories, the estimated prevalence of interracial adoption is likely to differ. The larger the possible number of categories, the higher the estimated prevalence of interracial adoptive families should be, all else equal. The fact that race was collected in Census 2000 in a way that allowed people to choose more than one race group means that estimates from these data are not strictly comparable to previous estimates, which collected race data using fewer categories and required respondents to choose a single category.

Data

The data in this article are from internal U.S. Census Bureau files of Census 2000 sample data. These data were collected from about a 1 in 6 sample of the U.S. population. Data sets for public use, the Public Use Microdata Samples (PUMS), contain 1 percent and 5 percent samples of the total population. For a relatively small population, such as adopted children of the householder or households containing adopted children of the householder, it is useful to have the complete sample data file (roughly 16 percent of the total population) in order to obtain more reliable estimates for subsets of an already relatively small group.

Sample

In order to focus on families most often the focus of public policy related to adoption, I limit my sample to households that include at least one child who is under 18. Tables that contain numbers of children represent children under 18 who are children of the householder.

Definition of interracial families

There are various definitions that could be used to determine whether a parent-child relationship is interracial. In this chapter, a family is referred to as interracial if the householder and at least one child under 18 are of a different race group, where the groups are: White alone, Black alone, American Indian and Alaska Native alone, Asian alone, Native Hawaiian and Other Pacific Islander alone, Some Other Race alone, and Two or More Races.[9] If either the parent or child is of multiple races (Two or More Races), the pair/family is considered to be interracial.[10] In other words, an interracial adoptive family contains a householder who has at least one adopted child who is of a different race group, and an interracial non-adoptive family contains a householder who has at least one biological or stepchild who is of a different race group.

Hispanic or Latino origin is considered an ethnic, rather than a racial, group. However, there is considerable overlap between those who reported being of Hispanic origin and those who reported being Some Other Race alone. Ninety-seven percent of those who reported they were Some Other Race alone also reported that they were of Hispanic or Latino origin.[11] The Two or More Races population is often treated as a single group in this chapter, but Tables 4, 5, and 6 provide a more detailed look at which races were reported for some of those in this group.

Definition of family and child types

In this chapter, I use the word family to refer to a household that contains a householder who reports a biological, step, or adopted child under 18 in their household. Adoptive families

9. Elizabeth M. Grieco and Rachel C. Cassidy, *Overview of Race and Hispanic Origin: 2000*, Census 2000 Briefs, C2KBR01-1 (Washington, DC: U.S. Census Bureau, 2001), available at http://www.census.gov/prod/2001pbs/c2kbr01-1.pdf. (The Census Bureau released several different race variables. This one is commonly used for official Census Bureau reports.)

10. This definition is used for Tables 1 through 3.

11. For the other race groups, the proportion Hispanic was 8.0 percent for the White alone population, 2.0 percent for the Black alone population, 14.6 percent for the American Indian and Alaska Native population, 1.0 percent for the Asian alone population, 9.5 percent for the Native Hawaiian and Other Pacific Islander alone population, and 31.1 percent for the Two or More Races population.

are those in which the householder has at least one adopted child under 18. Non-adoptive families are those in which the householder has at least one biological or stepchild under 18, but no adopted children under 18. Similarly, adopted children are the adopted child of the householder, while non-adopted children are the biological or stepchild of the householder. All of the children are under age 18.

Since the race combinations of adoptive parent and child vary considerably by whether the parent and their child are foreign born, I consider different "nativity status" groups of parents and children. I use the term U.S. native to include all those who were born in the United States or its territories, or were born abroad of U.S. citizens. The term "foreign born" includes all others. It is important to note that people who are foreign born may also be naturalized U.S. citizens.

How many interracial families are there?

Of the 35.3 million family households that included a child under 18, 1.3 million households had at least one adopted child under 18, while about 34 million were non-adoptive families (Table 1). The percentage of adoptive families that were interracial (17 percent) was over twice that for non-adoptive families (8 percent). Since

■ **Table 1.** Number and Percent of Families, by Type, for the United States, Regions, and States: 2000

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

	Interracial adoptive families				Interracial non-adoptive families			
Area	Total	Number	Percent	Margin of error[1]	Total	Number	Percent	Margin of error[1]
United States	1,298,452	214,261	16.5	0.20	33,974,284	2,568,774	7.6	0.03
Region								
Northeast	231,966	43,817	18.9	0.51	6,266,043	415,238	6.6	0.25
Midwest	310,376	51,640	16.6	0.41	7,850,561	414,599	5.3	0.21
South	458,327	53,976	11.8	0.30	12,224,124	747,082	6.1	0.18
West	297,783	64,828	21.8	0.48	7,633,556	991,855	13.0	0.21
State								
Alabama	21,246	1,688	7.9	1.15	550,045	17,908	3.3	0.15
Alaska	5,583	1,524	27.3	3.95	84,303	13,995	16.6	0.86
Arizona	23,842	4,542	19.1	2.15	596,941	63,937	10.7	0.35
Arkansas	13,602	1,298	9.5	1.48	326,224	13,957	4.3	0.21
California	138,557	28,083	20.3	0.92	4,074,413	583,286	14.3	0.15
Colorado	23,637	5,529	23.4	1.83	531,847	51,859	9.8	0.26
Connecticut	15,841	3,434	21.7	2.53	411,613	28,391	6.9	0.31
Delaware	2,938	391	13.3	5.07	94,160	5,800	6.2	0.64
District of Columbia	2,286	362	15.8	5.33	48,751	3,279	6.7	0.79
Florida	68,855	8,219	11.9	1.00	1,750,201	134,904	7.7	0.16
Georgia	40,891	3,684	9.0	1.15	1,031,436	46,774	4.5	0.16
Hawaii	5,840	2,865	49.1	4.33	125,760	52,939	42.1	0.92
Idaho	7,800	1,304	16.7	2.80	165,927	10,978	6.6	0.41
Illinois	58,420	9,004	15.4	0.99	1,487,263	88,160	5.9	0.13
Indiana	30,201	3,437	11.4	1.41	752,249	34,452	4.6	0.18
Iowa	14,898	2,695	18.1	1.86	351,269	14,877	4.2	0.20
Kansas	15,857	2,332	14.7	1.76	335,256	25,886	7.7	0.30
Kentucky	17,567	1,929	11.0	1.22	507,654	18,661	3.7	0.13
Louisiana	19,467	1,201	6.2	1.09	563,487	19,712	3.5	0.15
Maine	5,997	1,254	20.9	2.70	153,317	4,932	3.2	0.23
Maryland	26,246	4,600	17.5	1.81	650,172	40,782	6.3	0.23
Massachusetts	28,757	6,085	21.2	1.86	735,459	49,590	6.7	0.23

(continued)

■ **Table 1.** Number and Percent of Families, by Type, for the United States, Regions, and States: 2000 *(continued)*

(For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/prod/cen2000/doc/sf3.pdf)

Area	Interracial adoptive families				Interracial non-adoptive families			
	Total	Number	Percent	Margin of error[1]	Total	Number	Percent	Margin of error[1]
State								
Michigan	47,022	8,608	18.3	1.12	1,210,873	70,246	5.8	0.13
Minnesota	24,858	7,305	29.4	1.91	611,880	34,230	5.6	0.20
Mississippi	13,899	774	5.6	1.15	356,544	8,173	2.3	0.15
Missouri	26,685	3,459	13.0	1.22	686,293	31,940	4.7	0.15
Montana	5,409	925	17.1	2.83	107,715	6,851	6.4	0.41
Nebraska	9,591	1,653	17.2	2.55	211,617	11,277	5.3	0.33
Nevada	9,071	1,720	19.0	3.49	236,352	30,533	12.9	0.58
New Hampshire	5,622	932	16.6	2.37	155,070	5,289	3.4	0.21
New Jersey	34,957	6,931	19.8	1.73	1,010,952	73,223	7.2	0.21
New Mexico	9,578	1,988	20.8	2.75	230,003	28,916	12.6	0.46
New York	81,315	14,759	18.2	1.10	2,199,730	184,317	8.4	0.15
North Carolina	35,453	3,923	11.1	1.10	979,988	47,323	4.8	0.15
North Dakota	3,089	477	15.4	2.39	78,203	3,438	4.4	0.26
Ohio	50,713	6,809	13.4	0.89	1,382,850	64,191	4.6	0.10
Oklahoma	19,046	4,111	21.6	1.86	423,529	63,758	15.1	0.35
Oregon	19,282	5,023	26.1	1.97	401,039	39,625	9.9	0.30
Pennsylvania	51,562	8,415	16.3	0.95	1,403,191	57,020	4.1	0.10
Rhode Island	4,541	1,040	22.9	4.82	122,458	9,834	8.0	0.59
South Carolina	18,573	1,592	8.6	1.60	486,608	17,290	3.6	0.21
South Dakota	4,522	876	19.4	3.68	92,059	4,859	5.3	0.46
Tennessee	26,235	2,401	9.2	1.38	694,362	26,526	3.8	0.18
Texas	92,076	12,148	13.2	0.94	2,685,385	218,522	8.1	0.15
Utah	14,787	2,977	20.1	2.30	290,867	19,805	6.8	0.33
Vermont	3,374	967	28.7	4.01	74,253	2,642	3.6	0.35
Virginia	31,675	4,875	15.4	1.56	867,197	57,342	6.6	0.21
Washington	31,291	7,930	25.3	1.89	208,381	6,371	3.1	0.30
West Virginia	8,272	780	9.4	1.65	727,120	85,210	11.7	0.20
Wisconsin	24,520	4,985	20.3	1.61	650,749	31,043	4.8	0.16
Wyoming	3,106	418	13.5	3.83	61,269	3,921	6.4	0.63

NOTE: Families included in this table are households that have at least one adopted child of the householder who is under 18 (adoptive families) or at least one biological or stepchild of the householder who is under 18, and no adopted children under 18 (non-adoptive families).

[1] This figure, added to, or subtracted from the percent, provides the 90-percent confidence interval on the preceding percentage.

SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

the number of non-adoptive families was so much greater than the number of adoptive families, there were a little over 10 times as many interracial non-adoptive families (2.6 million) as interracial adoptive families (214,000).

The percentage of families that were interracial varied across region. The South had the lowest percentage of adoptive families that were interracial, at 12 percent. The Northeast and the Midwest were 19 and 17 percent, respectively. The West had the highest percentage of adoptive families that were interracial, at 22 percent.

The pattern for non-adoptive families was a little different, with the Northeast, the Midwest, and the South roughly similar to each other, at 7 percent, 5 percent, and 6 percent, respectively. The West had the highest percentage of non-adoptive families who were interracial (13 percent), as was true for adoptive families. The fact that a higher percentage of non-adoptive families living in the West are interracial is not

surprising, given that interracially married couples are more likely to live in the West (Simmons and O'Connell 2003).

Where do interracial adoptive families live?

Table 1 also shows the number and percentage of adoptive and non-adoptive families that are interracial, by state. Regardless of the type of family, Hawaii had the highest percentage of interracial families. This is not unexpected, since Hawaii is known to have very high rates of intermarriage compared with the other states, which contributes to the creation of both interracial adoptive and interracial non-adoptive families.[12] About half (49 percent) of the adoptive families in Hawaii were interracial, while about 42 percent of the non-adoptive families in Hawaii were interracial. Again, regardless of family type, Mississippi had the lowest percent of families that were interracial, at 6 percent for adoptive families and 2 percent for non-adoptive families.[13]

Between these extremes, states where about 25 percent or more of the adoptive families were interracial included: Minnesota (29 percent), Vermont (29 percent), Alaska (27 percent), Oregon (26 percent), Washington (25 percent), Colorado (23 percent), and Rhode Island (23 percent). Except for Hawaii, there was no state in which the percentage of non-adoptive families that were interracial was 20 percent or more. Following Hawaii, the states with the next highest percentages of interracial non-adoptive families were Alaska at 17 percent and Oklahoma at 15 percent.

How are interracial adoptive families formed?

When hearing the term "interracial adoption," some people may have a mental image of non-Hispanic White parents adopting Black children, children who were previously unrelated to them. While this is one way interracial families are formed, there are others. Some of the interracial families identified in Census 2000 data were formed when spouses of different race groups married and the stepparent adopted the biological children of his or her partner; when parents adopted a previously unrelated child through the domestic child welfare system; when parents adopted a foreign-born child; or when the parents adopted a child also biologically related to them: a grandchild, niece, nephew, or other relative. In addition, some interracial families in Census 2000 include parents who identified children in their household as their adopted children, although they may be raising them informally without having gone through the legal procedures to adopt the child.

Although Census 2000 data do not contain information about how the parents and their adopted children were related prior to the adoption, the data do contain information about the nativity status of the children and their parents. For children who live with married parents, it is possible to examine whether the child's race differs from both parents. Presumably many the adopted children who differ in race from both of their parents were previously unrelated to them. This section provides further information about nativity status and whether children living with two married parents differ in race from both of their parents.

Table 2 shows whether children of the householder, both adopted and non-adopted, who live with two married parents, are the same race as their parents. While 92 percent of the non-adopted children were the same race as both of their parents, this was true of 80 percent of the adopted children living with two married parents. The percentage of the children who were of a different race than just one of their parents was similar, at roughly 5 percent for both non-adopted and adopted children. Three percent of the adopted children were of a different race than the householder only.

A significantly higher percentage of the adopted children were of a different race than both of their parents, 14 percent compared with 4 percent of the non-adopted children. Of those who were of a different race group than both

12. Teresa Labov and Jerry A. Jacobs, "Preserving Multiple Ancestry: Intermarriage and Mixed Births in Hawaii," *Journal of Comparative Family Studies* XXIX:3 (1998): 481-502.

13. The percentage of adoptive families that are interracial in Louisiana and Alabama are not statistically significantly different from Mississippi.

■ **Table 2.** Race of Child and Parents, for Children Under 18 Living with Two Married Parents: 2000

Subject	Adopted children			Non-adopted children		
	Number	Percent	Margin of error[1]	Number	Percent	Margin of error[1]
Children living with 2 married parents	1,237,784	100.0	(X)	47,026,323	100.0	(X)
Child same race as both parents	995,704	80.4	0.23	43,083,784	91.6	0.03
Child differs from householder only	32,093	2.6	0.08	906,561	1.9	0.02
Child differs from spouse only	25,334	2.0	0.08	968,847	2.1	0.02
Child and parents are all multiple races	6,535	0.5	0.03	410,523	0.9	0.02
Child differs from both parents	178,118	14.4	0.20	1,656,608	3.5	0.02
Child's parents are different race[2]	19,838	11.1	0.18	845,341	51.0	0.05

(X) - Not applicable.
[1] This figure, added to, or subtracted from the percent, provides the 90-percent confidence interval on the preceding percentage.
[2] Percent refers to the percentage of children who had interracially married parents among those whose race differed from both parents.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

of their parents, 11 percent of the adopted children had parents who were interracially married, while 51 percent of the non-adopted children had parents who were interracially married. The fact that about half of the non-adopted children who were of a different race than both of their parents had interracially married parents is likely connected to the fact that in Census 2000, people could mark as many race groups as they chose, rather than being required to choose a single category.

For example, the biological children of a couple in which the mother is Asian and the father is White could be marked as both White and Asian. Table 2 shows the children and parents who were all reported as multiracial as a separate line – about 1 percent for non-adopted children and 0.5 percent for adopted children. Some of the families in this group likely all reported the same multiple race groups. Also included in this group are families in which different combinations of race groups were reported for different members of the family. While the mother may be White and American Indian, for example, and the father White and Black, the child may be White, Black, and American Indian.

In summary, the main difference between the adopted children of the householder and non-adopted children of the householder, in terms of whether their race differed from that of their parents, is that a higher percentage of the adopted children are reported as belonging to a different race group than both of their parents. Table 3 shows how this varies by whether the child and householder are foreign born.

Table 3 shows the same five categories as Table 2, but for four nativity status subgroups of the children of the householder who live with two married parents. The first nativity status group includes those in which both the householder and their child are U.S. natives. A higher percentage of the non-adopted children (93 percent) were the same race as both of their parents than were adopted children (87 percent). The 6 percentage point difference between these two is mostly accounted for by the difference in the percentage of the children who differ from both of their parents: 9 percent for adopted children and 3 percent for non-adopted children, respectively.

A roughly similar pattern is seen for two of the three remaining nativity status groups: those in which the householder is foreign born and the child is a U.S. native, and those in which both the householder and child are foreign born. The large majority of both adopted and non-adopted children in these groups are the same race as both of their parents (80 percent or more), with a lower percentage of adopted children who are the same race as both of their parents than non-adopted children. In contrast, a higher percentage of adopted children than non-adopted children were of a different race than both of their parents.

■ **Table 3.** Race of Householder and Child, by Nativity Status of Householder and Child, for Children Living With Two Married Parents: 2000

Subject	Adopted children			Non-adopted children		
	Number	Percent	Margin of error[1]	Number	Percent	Margin of error[1]
Householder is US native and child is US native	986,779	100.0	(X)	38,406,579	100.0	(X)
Child same race as both parents	855,892	86.7	0.21	35,725,779	93.0	0.03
Child differs from householder only	21,443	2.2	0.10	614,875	1.6	0.02
Child differs from spouse only	19,779	2.0	0.08	751,838	2.0	0.02
Child differs from both parents	86,470	8.8	0.18	1,169,428	3.0	0.02
Child and parents are all multiple races	3,195	0.3	0.03	144,659	0.4	0.00
Householder is US native and child is foreign born	128,276	100.0	(X)	84,109	100.0	(X)
Child same race as both parents	40,998	32.0	0.82	55,847	66.4	1.02
Child differs from householder only	5,595	4.4	0.36	15,333	18.2	0.84
Child differs from spouse only	1,537	1.2	0.20	2,489	3.0	0.36
Child differs from both parents	80,041	62.4	0.84	8,912	10.6	0.66
Child and parents are all multiple races	105	0.1	0.05	1,528	1.8	0.28
Householder is foreign born and child is US native	84,385	100.0	(X)	6,613,734	100.0	(X)
Child same race as both parents	67,886	80.4	0.86	5,599,423	84.7	0.08
Child differs from householder only	4,051	4.8	0.46	232,856	3.5	0.05
Child differs from spouse only	2,482	2.9	0.36	184,272	2.8	0.03
Child differs from both parents	8,050	9.5	0.63	413,323	6.2	0.07
Child and parents are all multiple races	1,916	2.3	0.33	183,860	2.8	0.03
Householder is foreign born and child is foreign born	38,344	100.0	(X)	1,921,901	100.0	(X)
Child same race as both parents	30,928	80.7	1.27	1,702,735	88.6	0.15
Child differs from householder only	1,004	2.6	0.51	43,497	2.3	0.07
Child differs from spouse only	1,536	4.0	0.63	30,248	1.6	0.05
Child differs from both parents	3,557	9.3	0.92	64,945	3.4	0.08
Child and parents are all multiple races	1,319	3.4	0.58	80,476	4.2	0.10

(X) - Not applicable.
[1] This figure, added to, or subtracted from the percent, provides the 90-percent confidence interval on the preceding percentage.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

A different pattern is evident for the nativity status group in which the householder is a U.S. native and the child is foreign born. This is the only one of the four nativity status groups for which there is a larger *number* of adopted children (128,000) than non-adopted children (84,000). For both adopted and non-adopted children, a lower percentage of children in this group than in the other three groups are the same race as both of their parents: 32 percent for adopted children and 66 percent for non-adopted children. Eighteen percent of the non-adopted children in this nativity status group differ from the householder only, which suggests that many of these children may be stepchildren of the householder and biological children of their other parent, who may also be foreign born. Of the 15,000 foreign-born non-adopted children of U.S. native householders who differed in race from the householder only, 97 percent had a second parent who was foreign born. In comparison, a lower percentage (4 percent) of the adopted children in this nativity status group differed in race from the householder only. Of those 5,600 children, 78 percent had a second parent who was foreign born. The majority of foreign-born adopted children who had a U.S. native householder differed in race from both of their parents (62 percent).

What are the most common interracial adoptive parent-child combinations?

In this section, I show the most common race combinations of the parent and adopted child. Since the Census 2000 sample data are sufficiently large, I show a detailed breakdown for those who reported being "Two or More Races," which provides more information than grouping all of these people into a single category, as was done for the preceding tables and figures in this chapter.

Race groups shown are White alone; Black alone; American Indian and Alaska Native (AIAN) alone; Asian and Pacific Islander (API) alone;[14] Some Other Race (SOR); White-Black; White-AIAN; White-API; White-SOR; and Other Multiple Races (OMR), including all those who marked two or more race groups, except the multiracial combinations listed specifically above. So, if both the parent and child are reported as White-Black, they are not considered an interracial pair for the purposes of Tables 4, 5, 6, 7, or 8.

The race combinations are shown by nativity status of the adoptive parent and child, since these groups vary in their distribution across race groups, and because different kinds of adoption are likely to be predominant in some of these groups. For example, most of the foreign-born adopted children are not White, and we assume that a much lower percentage of these children were first the stepchildren of their parent, when compared with U.S. native householders who adopt U.S. native children.

Eleven percent (136,000) of the 1.3 million U.S. native adopted children under 18 who had U.S. native householders were of a different race than their adoptive parent. In contrast, a majority (67 percent or 101,000) of the 151,000 foreign-born adopted children with a U.S. native householder were of a different race than their adoptive parent. The percentage of the interracial adoptive parent-child pairs for the two groups with foreign-born householders was roughly similar to that for the group in which both the parents and children were U.S. natives: 14 percent for foreign-born householders who adopted U.S. native children and 12 percent for foreign-born householders who adopted foreign-born children.

Table 4 shows the interracial combinations most frequently mentioned for each of the four nativity status groups of adoptive parents and their adopted children. For families in which both the parent and child are U.S. natives, the most common interracial combinations were families in which a White parent adopted a Black child (20 percent of the interracial parent-child combinations), followed by those in which a White parent adopted a White-Black child (14 percent). The next most common combination is White parents who adopted a child of SOR (11 percent).[15]

For families in which the child is foreign born and the adoptive parent is a U.S. native, most of the interracial pairs were created when a White parent adopted an API child (75 percent). Another common combination was White adoptive parents who adopted a child of SOR (13 percent).

In the third nativity status group of children, in which the adoptive parent was foreign-born and the child was a U.S. native, 16 percent of the children were White and had adoptive parents of SOR. Another 8 percent of the children were White and had a parent who was White-SOR. An additional 7 percent were children of SOR who had been adopted by a White parent.

There were fewer than 50,000 foreign-born adopted children who also had a foreign-born adoptive parent. Of these children who were of a different race than their adoptive parent, 35 percent were Asian, with a White adoptive parent. Another 12 percent were of SOR, with a White parent.

14. For Table 4 and the appendix tables, Asian Pacific Islander alone includes those who marked Asian alone as well as those who marked Native Hawaiian or Other Pacific Islander alone.

15. Most people who reported being Some Other Race also reported being Hispanic (97.1 percent).

■ **Table 4.** Ten Most Common Interracial Adoptive Parent-Child Combinations, by Nativity Status of Parent and Child: 2000

	Adoptive parent is US native and child is US native			Adoptive parent is US native and child is foreign born			Adoptive parent is foreign born and child is US native			Adoptive parent is foreign born and child is foreign born		
Rank	Race Combination[1]	Number	Margin of error[3]	Race Combination[1]	Number	Margin of error[3]	Race Combination[1]	Number	Margin of error[3]	Race Combination[1]	Number	Margin of error[3]
	Total adopted children	1,277,383	7,051	Total adopted children	151,397	2,432	Total adopted children	109,485	2,069	Total adopted children	47,739	1,366
	Total interracially adopted children	136,190	2,308	Total interracially adopted children	101,095	1,988	Total interracially adopted children	15,686	783	Total interracially adopted children	5,612	468
1	Black - White	26,908	1,026	API - White	76,130	1,725	White - SOR	2,461	310	API - White	1,984	278
2	White/Black - White	19,036	863	SOR - White	12,822	708	White - White/SOR	1,174	214	SOR - White	653	160
3	SOR - White	14,536	754	AIAN - White	2,667	323	SOR - White	1,125	210	White - SOR	329	113
4	AIAN - White	8,233	567	White/API - White	1,884	271	Black - White	1,084	206	White/SOR - White	267	102
5	API - White	6,951	521	Black - White	1,734	260	White - API	1,031	201	SOR - White/SOR	230	95
6	White/AIAN - White	6,143	490	White/SOR - White	1,384	233	White/SOR - SOR	616	155	White - White/SOR	192	87
7	Multi[2] - White	6,078	488	Multi - White	1,385	233	White/API - API	595	152	White/SOR - SOR	148	76
8	White/SOR - White	5,548	466				Black - Multi	587	152	SOR - API	148	76
9	White/API - White	5,055	445				White/SOR - White	550	147	White - API	121	69
10	White/Black - Black	4,321	411				Multi - API	469	135	API - Multi	122	69

[1] Child's race appears first, followed by the adoptive parent's race.
[2] Multi refers to Other multiple races in addition to those listed in the appendix tables.
[3] This figure, added to, or subtracted from the estimate, provides the 90-percent confidence interval on the preceding percentage.
NOTE: Parent-child race combinations are shown only if they constitute at least 1 percent of the total nativity status group.
NOTE: Because of sampling error, the estimates in this table may not be significantly different from one another or from estimates for other race combinations not listed in this table.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

Overall, Table 4 shows that a larger *number* of interracial adoptive parent-child pairs are created when U.S. natives adopt U.S. native children (136,000), compared with those created (101,000) when U.S. natives adopt foreign-born children. At the same time, a higher *percentage* of the parent-child pairs created when U.S. natives adopt foreign-born children are interracial: 67 percent, compared with 11 percent for parent-child pairs created when U.S. natives adopted U.S. native children.

Several factors contribute to the fact that the percentage of interracial adoptive families created when U.S. natives adopt foreign-born children exceeds the percentage of adoptive families created when U.S. natives had adopted U.S. native children. One factor is that Whites remarry more often than non-Whites (Bramlett and Mosher 2002), leading to a situation in which more White children are likely to be adopted by a stepparent than are children of other race groups. In addition, legislation and practice in the United States has historically limited the placement of children of color with White parents, who constitute the largest number of adoptive parents.[16]. This may limit the proportion of U.S. native adopted children who will have a parent of a different race. A third factor that affects the percentage of parent-child pairs who are interracial is the fact that most foreign-born children who are available for adoption are children of color, which leads to a higher overall proportion of the U.S. native parent foreign-born child pairs being interracial. These factors combine to create the existing pattern in 2000, in which a higher percentage of interracial parent-child pairs are formed when U.S. natives adopt foreign-born children than when U.S. natives adopt U.S. native children.

Characteristics of interracial families

This section will consider the characteristics of adopted children, by whether they are the same race or are of a different race than the householder.[17] This allows a comparison of interracially adopted children with those who are the same race as their adoptive parent. Table 5 presents the age, race, and origin of the child, as well as whether the child is foreign born and whether the child was reported to have a disability. Table 6 shows characteristics of the adoptive parent and the households in which adopted children live.

Table 5 shows the estimates separately for boys and girls, since the distribution of the children across some of the characteristics differs by sex.[18] A higher percentage of the interracially adopted girls were in the youngest age groups than were interracially adopted boys: 35 percent of the girls were age 0 to 5 years, while 28 percent of the boys were 0 to 5. In contrast, the distribution of boys and girls by age is about equal for same-race adopted children (23 percent for both boys and girls).

The race and origin distribution of the interracially adopted children differs from that for same-race adopted children. One of the largest differences is the much higher percentage of the interracially adopted children who are Asian or Pacific Islander. Twenty-seven percent of the boys and 40 percent of the interracially adopted girls are Asian, compared with about 2 percent of same-race adopted boys and 3 percent of the same-race adopted girls.

The percentage of interracially adopted boys who are Black alone was the same as for same-race adopted boys (16 percent), while the corresponding percentage for interracially adopted Black girls (12 percent) was lower than for same-race adopted Black girls (17 percent). The percent White alone was far lower (9 percent) for interracially adopted children than same-race adopted children (75 percent). Also notable is the much higher percentage of the interracially adopted children who are multiracial (25

16. In 1994, Congress acknowledged this practice when it passed the Multi-Ethnic Placement Act. The law's intent is to prohibit the delay or denial of any adoption or placement in foster care due to race, color, or national origin. (*Multi-Ethnic Placement Act,* Public Law 103-382, 103rd Cong., 2nd sess. (October 20, 1994))

17. In Tables 5 and 6, if either the child or parent reported one of the multiracial combinations listed in the appendix tables, they were not considered to be an interracial pair.

18. Kreider, *Adopted Children and Stepchildren: 2000*, 8.

■ **Table 5.** Characteristics of Adopted Children Under 18: 2000

Characteristic of Child	Interracially adopted children				Same race adopted children			
	Boys		Girls		Boys		Girls	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total children	115,345	100.0	143,238	100.0	635,183	100.0	692,238	100.0
Age of Child								
0 years	3,539	3.1	4,257	3.0	15,908	2.5	18,091	2.6
1 year	5,105	4.4	8,340	5.8	20,205	3.2	22,207	3.2
2 years	5,384	4.7	9,134	6.4	23,165	3.6	25,567	3.7
3 years	5,881	5.1	9,969	7.0	26,190	4.1	29,171	4.2
4 years	6,004	5.2	9,610	6.7	27,828	4.4	31,275	4.5
5 years	6,523	5.7	8,859	6.2	31,811	5.0	35,273	5.1
6-11 years	42,596	36.9	46,645	32.6	243,342	38.3	265,743	38.4
12-14 years	22,318	19.3	24,648	17.2	129,361	20.4	140,309	20.3
15-17 years	17,995	15.6	21,776	15.2	117,373	18.5	124,602	18.0
Race and Hispanic Origin of Child								
White alone	10,978	9.5	12,375	8.6	478,846	75.4	515,467	74.5
Black or African American alone	18,507	16.0	16,429	11.5	103,871	16.4	115,354	16.7
American Indian and Alaska Native alone	6,375	5.5	6,872	4.8	6,228	1.0	6,206	0.9
Asian or Pacific Islander alone	30,910	26.8	57,014	39.8	14,409	2.3	18,760	2.7
Some other race alone	16,930	14.7	17,305	12.1	25,550	4.0	30,109	4.3
Two or more races	31,645	27.4	33,243	23.2	6,279	1.0	6,342	0.9
White-Black	13,134	11.4	12,235	8.5	296	0.0	286	0.0
White-American Indian and Alaska Native	3,759	3.3	3,924	2.7	1,080	0.2	1,084	0.2
White-Asian and Pacific Islander	4,093	3.5	4,946	3.5	444	0.1	496	0.1
White-Some other race	4,745	4.1	5,339	3.7	2,122	0.3	2,168	0.3
Other multiple races	5,914	5.1	6,799	4.7	2,337	0.4	2,308	0.3
Hispanic or Latino (of any race)	28,796	25.0	30,595	21.4	73,667	11.6	82,851	12.0
White alone, not Hispanic or Latino	7,899	6.8	8,515	5.9	434,431	68.4	467,199	67.5
Foreign born	40,208	34.9	66,499	46.4	43,868	6.9	48,561	7.0
Disability Status[1]								
Age 5 to 17	89,432	100.0	101,928	100.0	521,887	100.0	565,927	100.0
At least one disability	15,883	17.8	11,671	11.5	73,094	14.0	49,803	8.8
Sensory disability	2,044	2.3	2,053	2.0	7,669	1.5	7,164	1.3
Physical disability	2,209	2.5	2,080	2.0	8,317	1.6	8,100	1.4
Mental disability[2]	14,522	16.2	9,713	9.5	66,172	12.7	42,293	7.5
Self-care disability	2,257	2.5	1,817	1.8	8,525	1.6	6,996	1.2
Multiple disabilities[3]	3,212	3.6	2,539	2.5	12,122	2.3	9,625	1.7

[1] These questions were asked only of people aged 5 and over.
[2] The question asks if the person has difficulty learning, remembering, or concentrating.
[3] This includes children with any combination of two or more of the disabilities listed above.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

percent) compared with same-race adopted children (1 percent). The largest group of interracially adopted children who were multiracial was White-Black: 11 percent of the boys and 9 percent of the girls. Higher percentages of interracially adopted boys (35 percent) and girls (46 percent) were foreign born, compared with same-race adopted children (7 percent).[19]

The last section of Table 5 shows the percentage of the children who were reported as

19. Ibid., 12-13.

■ **Table 6.** Characteristics of the Adoptive Parent of Adopted Children Under 18: 2000

	Interracially adopted children			Same race adopted children		
	Number	Percent	Margin of error[1]	Number	Percent	Margin of error[1]
Total children	**258,583**	**100.0**	**(X)**	**1,327,421**	**100.0**	**(X)**
Living Arrangement of the Adoptive Parent						
Married couple households	207,894	80.4	0.49	1,029,890	77.6	0.23
Male adoptive parent—no spouse present	10,345	4.0	0.25	68,353	5.1	0.12
With an unmarried partner	4,077	1.6	0.15	24,564	1.9	0.08
No unmarried partner present	6,268	2.4	0.18	43,789	3.3	0.10
Married—spouse absent	596	0.2	0.05	4,797	0.4	0.03
Divorced or widowed	3,565	1.4	0.15	24,233	1.8	0.07
Separated	863	0.3	0.07	5,474	0.4	0.03
Never married	1,244	0.5	0.08	9,285	0.7	0.05
Female adoptive parent—no spouse present	40,344	15.6	0.44	229,178	17.3	0.20
With an unmarried partner	5,242	2.0	0.16	23,810	1.8	0.07
No unmarried partner present	35,102	13.6	0.43	205,368	15.5	0.20
Married—spouse absent	1,398	0.5	0.08	10,149	0.8	0.05
Divorced or widowed	18,292	7.1	0.31	108,272	8.2	0.15
Separated	4,176	1.6	0.15	29,461	2.2	0.08
Never married	11,236	4.3	0.25	57,486	4.3	0.12
Child Hispanic, householder non-Hispanic, or child non-Hispanic, householder Hispanic	67,752	26.2	0.54	93,048	7.0	0.13
Household Income in 1999						
$0 or less	1,542	0.6	0.10	13,287	1.0	0.05
$1- $10,000	6,972	2.7	0.20	64,368	4.8	0.12
$10,000-$14,999	5,493	2.1	0.18	45,976	3.5	0.10
$15,000-$24,999	14,493	5.6	0.28	114,276	8.6	0.15
$25,000-$34,999	19,995	7.7	0.33	135,716	10.2	0.16
$35,000-$49,999	38,215	14.8	0.44	215,333	16.2	0.20
$50,000-$74,999	64,896	25.1	0.53	311,184	23.4	0.23
$75,000-$99,999	44,083	17.0	0.46	180,164	13.6	0.18
$100,000-$149,999	37,941	14.7	0.43	145,197	10.9	0.16
$150,000-$199,999	11,869	4.6	0.26	44,412	3.3	0.10
$200,000 or more	13,084	5.1	0.26	57,508	4.3	0.12
Median household income[2]	65,100	(X)	(X)	55,000	(X)	(X)
Below the poverty level	**19,487**	**7.5**	**0.33**	**167,531**	**12.6**	**0.18**
Educational Attainment of the Adoptive Parent						
Less than high school	21,889	8.5	0.35	204,757	15.4	0.20
High school graduate	41,094	15.9	0.44	318,048	24.0	0.23
Some college	75,706	29.3	0.56	394,865	29.7	0.25
Bachelor's degree	58,009	22.4	0.51	230,426	17.4	0.21
Graduate or professional school degree	61,885	23.9	0.53	179,325	13.5	0.18
Labor Force Participation of the Adoptive Parent						
In labor force	226,314	87.5	0.41	1,110,965	83.7	0.20
Employed	221,219	85.6	0.43	1,075,215	81.0	0.21
Unemployed	5,095	2.0	0.16	35,750	2.7	0.08
Not in labor force	32,269	12.5	0.41	216,456	16.3	0.20
Tenure of the Adoptive Parent						
Owns home	214,041	82.8	0.46	1,019,651	76.8	0.23
Rents home[3]	44,542	17.2	0.46	307,770	23.2	0.23

(X) - not applicable.
[1] This figure, added to, or subtracted from the percent, provides the 90 percent confidence interval.
[2] Median calculated using SAS8.
[3] Includes those who occupy without cash payment.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

■ **Table 7.** Race of Adoptive Parent by Race of Adopted Child Under 18: 2000

Child's Race	Adoptive Parent's Race										
	Total	White alone	Black alone	AIAN alone	API	Some other Race	White-Black	White-AIAN	White-API	White-Some other race	Other multiple races
Adoptive parent is U.S. native and child is U.S. native											
TOTAL CHILDREN	1,277,383	991,379	213,766	17,084	6,068	28,744	1,256	7,156	1,764	4,403	5,763
White alone	909,510	892,891	2,425	3,498	935	3,217	297	3,677	767	1,415	388
Black alone	233,620	26,908	203,055	362	105	1,036	295	148	28	164	1,519
AIAN alone	21,461	8,233	517	11,787	63	248	17	476	7	30	83
API alone	11,413	6,951	170	54	3,663	224	6	79	63	34	169
Some other race	39,911	14,536	1,432	320	120	22,398	33	88	43	662	279
White-Black	24,914	19,036	4,321	82	102	165	518	170	26	72	422
White-AIAN	9,116	6,143	30	567	34	52	8	2,093	22	120	47
White-API	6,443	5,055	32	19	514	53	13	128	446	-	183
White-Some other race	8,603	5,548	127	107	11	852	4	67	66	1,745	76
Other multiple races	12,392	6,078	1,657	288	521	499	65	230	296	161	2,597
Adoptive parent is U.S. native and child is foreign born											
TOTAL CHILDREN	151,397	144,589	1,563	439	2,537	899	27	381	438	290	234
White alone	46,372	45,956	86	74	25	66	-	36	36	38	55
Black alone	2,834	1,734	1,053	-	-	18	-	13	-	3	13
AIAN alone	2,830	2,667	11	97	30	3	5	17	-	-	-
API alone	79,714	76,130	178	198	2,355	104	16	239	309	100	85
Some other race	13,892	12,822	122	42	82	685	0	29	10	83	17
White-Black	219	202	17	-	-	-	-	-	-	-	-
White-AIAN	431	425	-	-	-	-	-	6	-	-	-
White-API	1,989	1,884	-	-	21	4	6	6	68	-	-
White-Some other race	1,474	1,384	4	8	8	10	-	14	2	31	13
Other multiple races	1,642	1,385	92	20	16	9	-	21	13	35	51
Adoptive parent is foreign born and child is U.S. native											
TOTAL CHILDREN	109,485	43,597	12,150	869	18,555	27,693	74	147	545	3,270	2,585
White alone	44,761	39,292	257	104	1,031	2,461	14	44	213	1,174	171
Black alone	13,701	1,084	11,310	70	178	394	14	-	22	42	587
AIAN alone	1,134	203	43	438	76	322	-	-	5	27	20
API alone	16,454	262	27	10	15,931	62	-	-	18	-	144
Some other race	25,922	1,125	152	176	201	23,619	-	-	9	410	230
White-Black	745	415	181	-	46	48	40	-	-	-	15
White-AIAN	289	187	8	8	7	14	-	65	-	-	-
White-API	1,231	284	-	-	595	21	-	-	239	12	80
White-Some other race	2,875	550	8	51	21	616	-	11	13	1,566	39
Other multiple races	2,373	195	164	12	469	136	6	27	26	39	1,299
Adoptive parent is foreign born and child is foreign born											
TOTAL CHILDREN	47,739	19,394	3,980	203	11,659	9,558	56	13	375	1,393	1,108
White alone	17,023	16,174	38	33	121	329	32	7	86	192	11
Black alone	4,006	89	3,807	-	-	6	-	-	-	4	100
AIAN alone	256	69	-	112	10	39	-	-	-	8	18
API alone	13,512	1,984	28	7	11,220	57	-	-	90	4	122
Some other race	10,169	653	38	34	148	8,957	-	6	12	230	91
White-Black	73	12	20	-	-	-	24	-	-	-	17
White-AIAN	11	4	-	7	-	-	-	-	-	-	-
White-API	316	84	-	-	45	-	-	-	187	-	-
White-Some other race	1,422	267	-	-	8	148	-	-	-	948	51
Other multiple races	951	58	49	10	107	22	-	-	-	7	698

- Represents or rounds to zero.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

■ **Table 8.** Percent of All Interracially Adopted Children, By Nativity Status of Adoptive Parent and Child: 2000

Child's Race	Adoptive Parent's Race									
	White alone	Black alone	AIAN alone	API	Some other Race	White-Black	White-AIAN	White-API	White-Some other race	Other multiple races
Adoptive parent is U.S. native and child is U.S. native (136,190 total interracially adopted children)										
White alone	(X)	1.8	2.6	0.7	2.4	0.2	2.7	0.6	1.0	0.3
Black alone	19.8	(X)	0.3	0.1	0.8	0.2	0.1	-	0.1	1.1
AIAN alone	6.0	0.4	(X)	-	0.2	-	0.3	-	-	0.1
API alone	5.1	0.1	-	(X)	0.2	-	0.1	-	-	0.1
Some other race	10.7	1.1	0.2	0.1	(X)	-	0.1	-	0.5	0.2
White-Black	14.0	3.2	0.1	0.1	0.1	(X)	0.1	-	0.1	0.3
White-AIAN	4.5	-	0.4	-	-	-	(X)	-	0.1	-
White-API	3.7	-	0.0	0.4	-	-	0.1	(X)	-	0.1
White-Some other race	4.1	0.1	0.1	0.0	0.6	-	-	-	(X)	0.1
Other multiple races	4.5	1.2	0.2	0.4	0.4	-	0.2	0.2	0.1	(X)
Adoptive parent is U.S. native and child is foreign born (101,095 total interracially adopted children)										
White alone	(X)	0.1	0.1	-	0.1	-	-	-	-	0.1
Black alone	1.7	(X)	-	-	-	-	-	-	-	-
AIAN alone	2.6	-	(X)	-	-	-	-	-	-	-
API alone	75.3	0.2	0.2	(X)	0.1	-	0.2	0.3	0.1	0.1
Some other race	12.7	0.1	-	0.1	(X)	-	-	-	0.1	-
White-Black	0.2	-	-	-	-	(X)	-	-	-	-
White-AIAN	0.4	-	-	-	-	-	(X)	-	-	-
White-API	1.9	-	-	-	-	-	-	(X)	-	-
White-Some other race	1.4	-	-	-	-	-	-	-	(X)	-
Other multiple races	1.4	0.1	-	-	-	-	-	-	-	(X)
Adoptive parent is foreign born and child is U.S. native (15,686 total interracially adopted children)										
White alone	(X)	1.6	0.7	6.6	15.7	0.1	0.3	1.4	7.5	1.1
Black alone	6.9	(X)	0.4	1.1	2.5	0.1	X	0.1	0.3	3.7
AIAN alone	1.3	0.3	(X)	0.5	2.1	-	-	-	0.2	0.1
API alone	1.7	0.2	0.1	(X)	0.4	-	-	0.1	-	0.9
Some other race	7.2	1.0	1.1	1.3	(X)	-	-	0.1	2.6	1.5
White-Black	2.6	1.2	-	0.3	0.3	(X)	-	-	-	0.1
White-AIAN	1.2	0.1	0.1	-	0.1	-	(X)	-	-	-
White-API	1.8	-	-	3.8	0.1	-	-	(X)	0.1	0.5
White-Some other race	3.5	0.1	0.3	0.1	3.9	-	0.1	0.1	(X)	0.2
Other multiple races	1.2	1.0	0.1	3.0	0.9	-	0.2	0.2	0.2	(X)
Adoptive parent is foreign born and child is foreign born (5,612 total interracially adopted children)										
White alone	(X)	0.7	0.6	2.2	5.9	0.6	0.1	1.5	3.4	0.2
Black alone	1.6	(X)	-	-	0.1	-	-	-	0.1	1.8
AIAN alone	1.2	-	(X)	0.2	0.7	-	-	-	0.1	0.3
API alone	35.4	0.5	0.1	(X)	1.0	-	-	1.6	0.1	2.2
Some other race	11.6	0.7	0.6	2.6	(X)	-	0.1	0.2	4.1	1.6
White-Black	0.2	0.4	-	-	-	(X)	-	-	-	0.3
White-AIAN	0.1	-	0.1	-	-	-	(X)	-	-	-
White-API	1.5	-	-	0.8	-	-	-	(X)	-	-
White-Some other race	4.8	-	-	0.1	2.6	-	-	-	(X)	0.9
Other multiple races	1.0	0.9	0.2	1.9	0.4	-	-	-	0.1	(X)

- Represents or rounds to zero.
(X) - Not applicable.
SOURCE: U.S. Census Bureau, Census 2000 special tabulation.

having a disability.[20] A higher percentage of interracially adopted boys (18 percent) than girls (12 percent) had at least one disability. Similarly, 14 percent of the same-race adopted boys and 9 percent of the girls had at least one disability.

In summary, Table 5 shows that, compared with adopted children who were of the same race as their parents, children under 18 who were of a different race than their parent were more likely to be children of color, to be foreign born, and to be girls. A relatively higher percentage was also reported to have a disability, such as difficulty learning, remembering, or concentrating.

Table 6 shows the living arrangements of the child's adoptive parent, as well as several socioeconomic household level indicators, such as the median annual household income in 1999, the percentage of children living in households below the poverty level,[21] and whether the child's home was owned or rented. Eighty percent of the interracially adopted children lived with two married parents, just slightly higher than for same-race adopted children (78 percent), and higher than for biological children of the householder (74 percent).[22]

Sixteen percent of the interracially adopted children lived with an unmarried mother, while 4 percent lived with an unmarried father. While 39 percent of the 10,300 interracially adopted children who lived with an unmarried father had a father who was living with an unmarried partner, just 13 percent of the 40,300 living with an unmarried mother had a mother who was living with an unmarried partner. In some cases, adopted children living with an unmarried parent who had an unmarried partner may have been the biological child of their parent's partner. Similar to the way the term "stepchildren" has expanded in recent times to include the biological children of one's current partner,[23] some people may report the biological child of their partner as their adopted child for lack of a better term to identify their relationship, although they may not have gone through any procedures to adopt the child legally.

The median income in 1999 for households in which interracially adopted children lived was $65,100, which is higher than for same-race adopted children ($55,000). Nearly 1 in 4 (24 percent) of the interracially adopted children lived in households with incomes of $100,000 or higher, compared with 19 percent of same-race adopted children. Just 8 percent of the interracially adopted children were living below the poverty level, compared with 13 percent of same-race adopted children and 16 percent of biological children of the householder.

The adoptive parents of the interracially adopted children were very well educated: 46 percent of the children lived with an adoptive parent who had at least a bachelor's degree, and very nearly a quarter (24 percent) lived with an adoptive parent who held a graduate or professional school degree. A high percentage of the interracially adopted children (86 percent) lived with an adoptive parent who was employed, and few (2 percent) had an adoptive parent who was unemployed. Eighty-three percent of the children lived in homes their parent(s) owned. This was higher than the percentage of same-race adopted children (77 percent) and biological children (67 percent) who lived in homes owned by their parents.

Conclusion

This chapter provides an overview of the adopted children who are of a different race than their adoptive parent, along with characteristics of the children, their adoptive parent, and the households in which they live. A higher proportion of adopted children are of a different

20. For each person age 5 and over, the Census 2000 long form collected information on hearing or vision difficulties (sensory disabilities); conditions which limited basic activities (physical disabilities); difficulty in learning, remembering, or concentrating (mental disabilities); and difficulty in getting dressed, bathing, or getting around inside the house (self-care disabilities). People answered these questions as they perceived the capabilities of the individual, regardless of whether the condition fit any medical or legal definitions of a disability.

21. See Alemayehu Bishaw and John Iceland, *Poverty: 1999*, Census 2000 Briefs, C2KBR-19. (Washington, DC: U.S. Census Bureau, 2003), available at http://www.census.gov/prod/2003pubs/c2kbr-19.pdf.

22. Kreider, *Adopted Children and Stepchildren: 2000*, 14.

23. Ibid., 19-20.

race than the householder, as compared to non-adopted children. A higher percentage of interracial parent-child pairs are formed when U.S. natives adopt foreign-born children (67 percent) than when U.S. natives adopt U.S. native children (11 percent). However, of the quarter million interracially adopted children reported in Census 2000, the majority (136,000) were U.S. natives adopted by a U.S. native parent.

The characteristics of the householder and household in which the children live show that most of the adopted children who were of a different race than their parent lived with two married parents and had relatively high household incomes. On average, their adoptive parent tended to be well educated, own their home, and to be employed.

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7 | Adoption and Demand to Adopt by Women:

2002 National Survey of Family Growth

By Jo Jones, Ph.D.†

Since 1973, the National Survey of Family Growth (NSFG) has provided data on adoption that includes information on relinquishment of infants for adoption at birth, adoption of children (related or not) by women, characteristics of women seeking to adopt children, and the relationship between infertility and adoption. These surveys have provided a valuable source of data for studying the individual-level determinants of the adoption experience, and for documenting trends in aspects of adoption for which no other national data are available. Analyses of previous Cycles of the NSFG were restricted to ever-married women due to the low numbers of never-married women who had adopted a child or who had considered adopting a child (Chandra, et al., 1999). In 2002, however, sufficient numbers of never-married women reported adopting a child or considering adoption to produce reliable estimates and are, therefore, included in this report.[1]

Definitions of adoption and adoption demand

The questions on adoption asked in each cycle of the NSFG survey have varied. Beginning in 1995, with Cycle 5, the collection of adoption information began by identifying whether any nonbiological children had ever lived or were currently living with each woman, under her care and responsibility. If there were such children, follow-up questions determined whether she had adopted or was seeking to adopt any of these children; the child's age, sex, and relationship to the woman when he or she first began living with the woman; and other characteristics of the child and the adoption. A second series of questions asked of all woman gathered information about whether the woman was currently seeking to adopt a child *not* living in her household. Lastly, women who were not currently seeking to adopt were asked whether they had ever considered adopting a child at any time in the past.

In this article, these three series of questions are used to construct three "yes"/"no" measures of women's actual adoption experience and adoption demand, ever and currently. If a woman had ever legally adopted a child not related to her, she was coded as "ever adopted." Women who had ever adopted a child, were currently seeking to adopt a child, or had ever considered adopting a child were classified as "ever considered adoption." Women who were currently seeking to adopt a child were categorized as "currently seeking to adopt." (The Technical Notes section contains the questions women were asked and the construction of the measures of adoption and adoption demand.) Women who are currently seeking to adopt are a subset of women who have ever considered adoption.

Methods

This article analyzes data from Cycle 6 of the National Survey of Family Growth conducted in 2002. A nationally representative sample of

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1. Information about the National Survey of Family Growth can be found at http://www.cdc.gov/nchs/nsfg.htm.

women 18 to 44 years of age were interviewed in their households using laptop computers. Results are weighted to produce national estimates of the characteristics of women who have adopted children, lifetime and current demand for adoption by women, and the characteristics of children preferred by women when they are considering adoption. Confidence intervals were computed for each percentage. Differences between percentages are considered significant at the .05 level if the confidence intervals do not overlap.

Results

Ever adopted a child

Table 1 presents results for women 18 to 44 and shows the percent who had ever adopted a child by the time of their interview in 2002. It shows:

- Overall, 1.1 percent of women aged 18 to 44 have adopted a child.
- 2.9 percent of women aged 40 to 44 had adopted a child, significantly more than women younger than 35 years of age (Figure 1).
- Even though never-married women are significantly less likely to have adopted a child compared to all married women or women in their first marriage, slightly more than 100,000 never-married women 18 to 44 had adopted a child.
- Almost 50,000 formerly married women 18 to 44 had adopted a child; these adoptions may have occurred at any time – before, during, or after a marriage. Future analyses will examine all non-marital adoptions and distinguish non-marital adoptions from marital adoptions by formerly married women.
- Women who have not given birth are no more likely than women who have had children to have adopted a child.
- Women who have used infertility services or who are surgically sterile or have impaired fecundity are more likely to have adopted children than women who have not used infertility services or who are fecund (Figure 2).
- There are no significant differences by educational level in the percent of women who have adopted a child.
- Women who live in households with incomes 150 percent or greater than the poverty level are more likely to have adopted a child than women living in households with incomes less than 150 percent of poverty.
- Significantly fewer Hispanic women have adopted a child compared to non-Hispanic white or black women (Figure 3).

Demand for adoption

Table 2 shows women's lifetime and current adoption-seeking by selected characteristics.

Ever considered adoption. Column 2 shows:

- One-third of all women 18 to 44 have considered adoption at some time in their lives.
- Similar proportions of women at all ages report that they have ever considered adopting a child.
- Over one-quarter of never-married women indicated that they had ever considered adoption compared with slightly more than one-third of currently or formerly married women, a significantly smaller percentage.
- There is no difference by parity in the percentages who have ever considered adoption.
- Women who have ever used infertility services or report that they have impaired fecundity are more likely to have considered adoption than women who have not used infertility services or who are fecund or surgically sterile (Figure 4).
- Women with a high school diploma or GED or more and women whose incomes are 300 percent of the poverty level or more are significantly more likely to have considered adoption than women without a high school diploma or women with incomes below 150 percent of the poverty level (Figure 5).
- There are no differences by Hispanic origin and race in the proportion of women who have ever considered adopting a child.

■ **Table 1.** Number of women 18-44 years of age and percent who have ever adopted a child, by selected characteristics: United States, 2002.

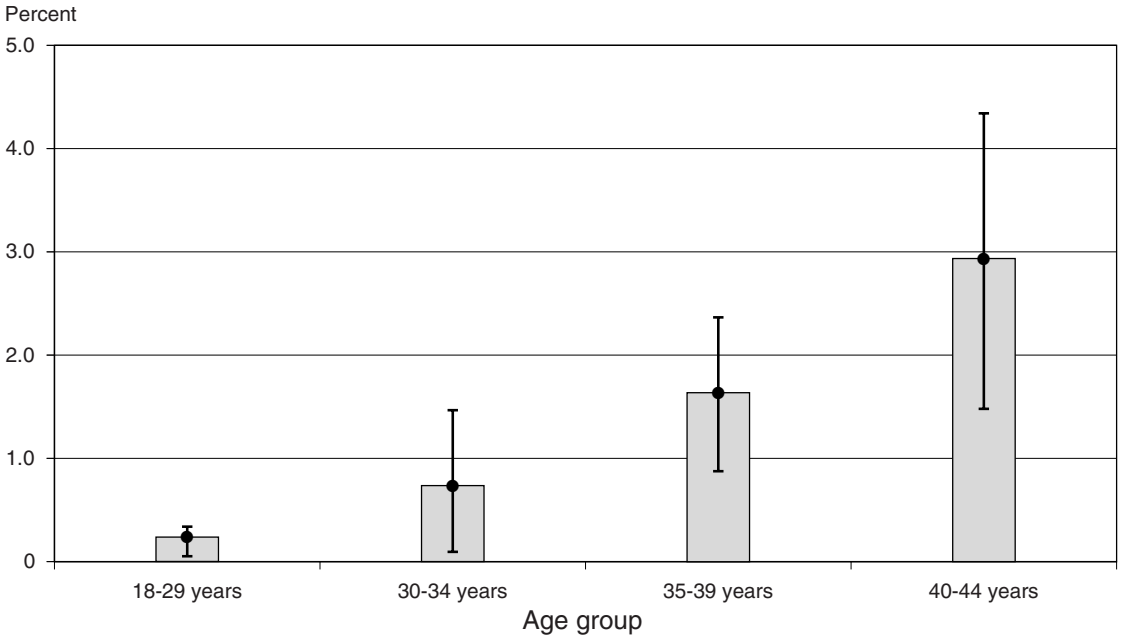
Characteristic	Number in thousands	Percent	SE
Total[1]	55,742	1.1	(0.17)
Age			
18-29 years	23,104	0.2	(0.06)
30-34 years	10,272	0.7	(0.35)
35-39 years	10,853	1.6	(0.38)
40-44 years	11,512	2.9	(0.73)
Marital status			
Currently married	28,323	1.6	(0.32)
First marriage	23,078	1.3	(0.22)
Second or later marriage	5,245	3.2	(1.33)
Never married	19,897	0.5	(0.16)
Formerly married	7,522	0.6	(0.35)
Parity			
Nulliparous—0 births	19,993	1.4	(0.36)
Parous—1 or more births	35,749	0.9	(0.21)
Ever used infertility services			
Yes	7,306	5.1	(1.24)
No	48,436	0.5	(0.11)
Fecundity status			
Surgically sterile	14,439	1.7	(0.44)
Impaired fecundity	7,063	3.5	(1.01)
Fecund	34,240	0.4	(0.11)
Education[2]			
No high school diploma or GED	5,627	0.7	(0.38)
High school diploma or GED	14,264	1.8	(0.59)
Some college, no bachelor's degree	14,279	0.9	(0.28)
Bachelor's degree or higher	13,551	1.5	(0.38)
Percent of poverty level[3]			
0-149 percent	14,582	0.4	(0.14)
0-99 percent	9,262	0.3	(0.11)
150-299 percent	14,502	1.7	(0.58)
300 percent or higher	22,643	1.3	(0.30)
Hispanic origin and race			
Hispanic or Latina	8,194	0.3	(0.15)
Not Hispanic or Latina			
White, single race	35,936	1.3	(0.25)
Black or African American, single race	7,399	1.4	(0.48)

[1] Includes women of other or multiple race and origin groups, not shown separately.
[2] Limited to women 22-44 years of age at time of interview. GED is General Educational Development diploma.
[3] Limited to women 20-44 years of age at time of interview.

Currently seeking to adopt. The third column shows:

- Overall, 1.6 percent of all women 18 to 44 are currently seeking to adopt.
- 2.7 percent of women aged 35 to 39 are currently seeking to adopt.
- Never-married women are less likely to be currently seeking to adopt compared with women of other marital statuses.
- There is no difference by parity in the percentages of women currently seeking to adopt.

Figure 1. Percent of women aged 18-44 who have ever adopted a child, by age with 95 percent confidence intervals, United States, 2002



- Women who have ever used infertility services and those who have impaired fecundity are more likely to be currently seeking to adopt than women who have not used infertility services or those who are fecund or surgically sterile.
- There are no differences by education or income in women's current adoption behavior.
- Hispanic and non-Hispanic black women are more likely to be currently seeking to adopt than non-Hispanic white women (Figure 6).

Characteristics of the child that women would prefer when considering adoption

Table 3 presents information on the characteristics of children in terms of sex, race, age, disability status, and sibling sets that women 18 to 44 would prefer to adopt. These questions were asked only of women currently seeking to adopt a child *not known to them*, so as to characterize *current demand* for children.

Column 1 of table 3 shows that, among women currently seeking to adopt, a higher percentage would prefer to adopt a child younger than two years old, without a disability, and a single child rather than two or more siblings. A slightly higher percentage of women would prefer to adopt a girl rather than a boy. Column 2 shows the characteristics of children women would accept.[2] Table 3 shows that 22 percent of women currently seeking to adopt a child not known to them would prefer a child with a "mild disability" and that 89 percent of women currently seeking to adopt would "prefer or accept" a mildly disabled child. The 67 percent difference is comprised of women who 1) are currently seeking to adopt a child and 2) would prefer a child without a disability or with a severe disability. Similarly, 22 percent of women 18 to 44 would prefer a child two to five years old, whereas 79 percent would prefer or accept a child with this age range. Looking at the number of children women would like to adopt at the same time, 27 percent would prefer two or more siblings at once, and 75 percent would prefer or accept two or more siblings. With regard to transracial adoption, 84 percent of white women seeking to adopt would prefer or accept a black child, and 95 percent would prefer or accept a child of a race other than black or white. Similarly, 75 percent of black adoption seekers would prefer or accept a white child, and 93 percent would prefer

2. Women who prefer a characteristic are a subset of those who would accept a child with that characteristic.

Figure 2. Percent of women aged 18-44 who have ever adopted a child, by fecundity status and use of infertility services, United States, 2002

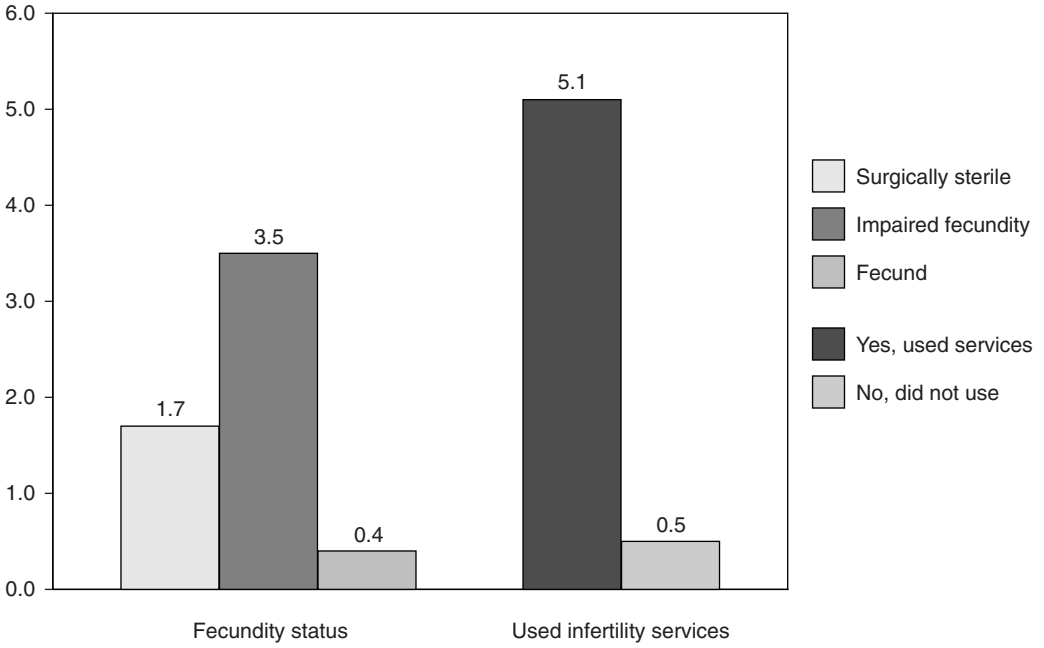
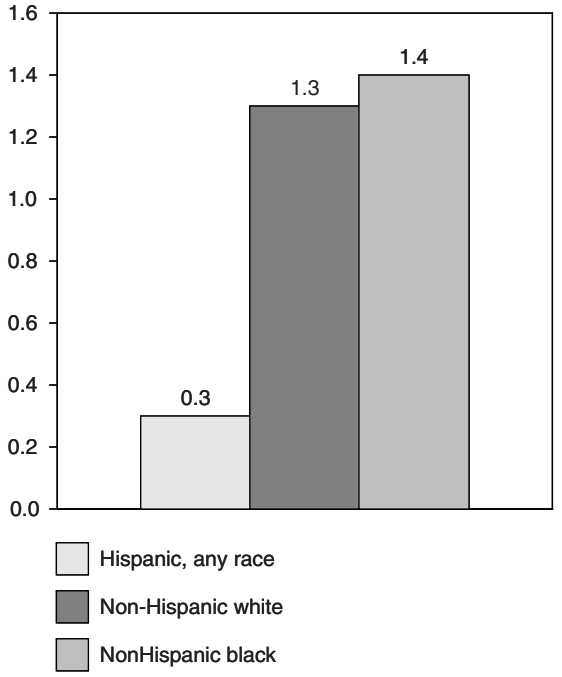


Figure 3. Percent of women aged 18-44 who have ever adopted a child, by Hispanic origin and race, United States, 2002



or accept a child of another race. Less than one-third of women indicate they would accept a child aged 13 or older or with a severe disability.

Relinquishment of children for adoption at birth

American women rarely relinquish children for adoption at birth. Only 0.1 percent of all births to women aged 18 to 44 in 2002, or an estimated 81,000 infants, had been relinquished for adoption at birth (analysis not shown).

Discussion

This article used data collected in 2002 by the NSFG to detail how adoption, although relatively rare, continues to be an avenue used by couples and, to a lesser degree, never-married women for family formation. Because of the rarity of adoption in the United States, the actual numbers of women interviewed in 2002 who had adopted, who had ever sought to adopt, or who were currently seeking to adopt a child were small; it should be kept in mind, therefore, that analyses based on another sample of women might have produced slightly different estimates.

Approximately 614,000 of women 18 to 44 in 2002 had adopted a child. Of these, slightly more than one-sixth, approximately 107,000, were never married. This finding confirms the importance of including all marital statuses when studying adoption. One-third of 18 to 44 year old women have considered adopting a child at some time in their lives with 1.6 percent, or approximately 901,000 women 18 to 44 years of age, currently seeking to adopt. Women who are currently seeking to adopt

■ **Table 2.** Number of all women 18-44 years of age, the percent who have ever considered adopting, and the percent who are currently seeking to adopt, by selected characteristics: United States, 2002

Characteristic	Number in thousands	Percent who ever considered adoption[1]	SE	Percent who are currently seeking to adopt	SE
Total[2]	55,742	33.1	(0.80)	1.6	(0.18)
Age					
18-29 years	23,104	29.4	(1.00)	1.1	(0.25)
30-34 years	10,272	34.1	(1.77)	1.8	(0.30)
35-39 years	10,853	38.5	(1.75)	2.7	(0.62)
40-44 years	11,512	34.6	(2.28)	1.6	(0.33)
Marital status					
Currently married	28,323	35.2	(1.16)	2.0	(0.27)
First marriage	23,078	34.3	(1.04)	1.6	(0.21)
Second or later marriage	5,245	39.0	(3.57)	3.5	(1.11)
Never married	19,897	28.4	(1.03)	0.9	(0.25)
Formerly married	7,522	38.0	(2.20)	2.1	(0.48)
Parity					
Nulliparous—0 births	19,993	35.4	(1.17)	1.8	(0.32)
Parous—1 or more births	35,749	31.9	(0.98)	1.5	(0.22)
Ever used infertility services					
Yes	7,306	57.1	(1.89)	4.5	(0.61)
No	48,436	29.5	(0.83)	1.2	(0.19)
Fecundity status					
Surgically sterile	14,439	32.7	(1.41)	2.1	(0.55)
Impaired fecundity	7,063	51.8	(2.24)	5.1	(0.88)
Fecund	34,240	29.5	(0.96)	0.7	(0.14)
Education[3]					
No high school diploma or GED	5,627	23.8	(1.79)	1.6	(0.44)
High school diploma or GED	14,264	32.6	(1.75)	1.9	(0.32)
Some college, no bachelor's degree	14,279	36.8	(1.32)	1.9	(0.41)
Bachelor's degree or higher	13,551	37.1	(1.47)	1.2	(0.30)
Percent of poverty level[4]					
0-149 percent	14,582	29.0	(1.25)	1.8	(0.30)
0-99 percent	9,262	26.8	(1.56)	1.8	(0.39)
150-299 percent	14,502	33.4	(1.82)	1.4	(0.35)
300 percent or higher	22,643	36.6	(1.01)	1.7	(0.32)
Hispanic origin and race					
Hispanic or Latina	8,194	30.8	(1.84)	2.4	(0.43)
Not Hispanic or Latina:					
White, single race	35,936	33.6	(1.09)	1.1	(0.21)
Black or African American, single race	7,399	35.2	(1.89)	3.1	(0.63)

[1] Includes women who have adopted children in the past, women who have ever considered adoption, and women who are currently seeking to adopt.
[2] Includes women of other or multiple race and origin groups, not shown separately.
[3] Limited to women 22-44 years of age at time of interview. GED is General Educational Development diploma.
[4] Limited to women 20-44 years of age at time of interview.

Figure 4. Percent of women aged 18-44 who have ever considered adopting a child, by fecundity status and use of infertility services, United States, 2002

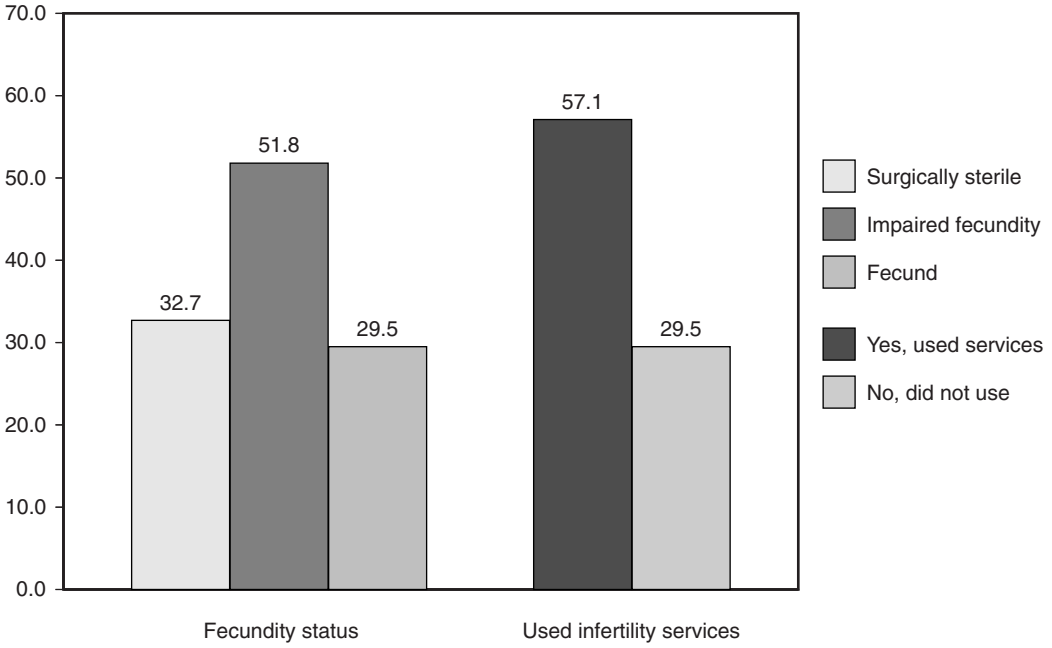
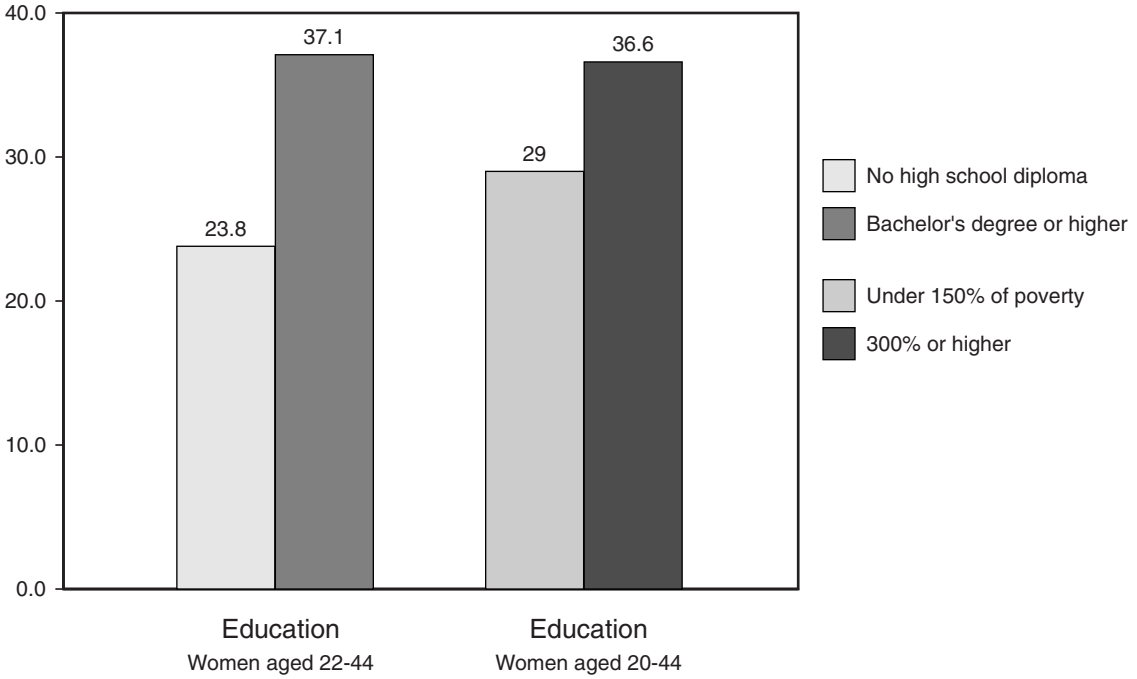


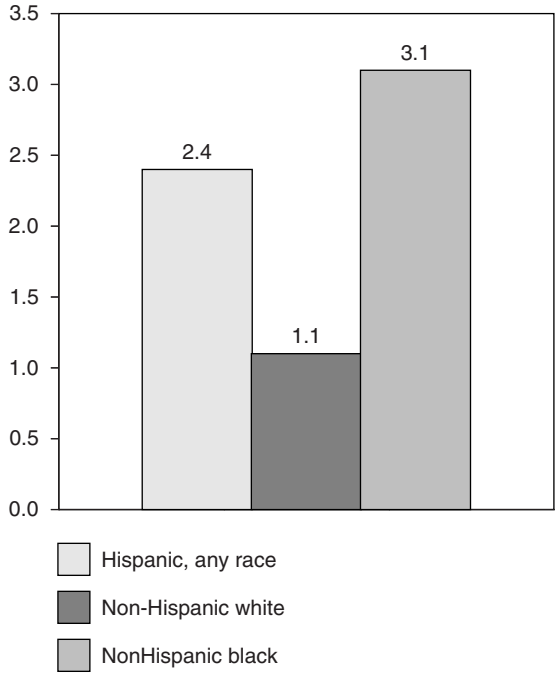
Figure 5. Percent of women who have ever considered adopting a child, by education and income level, United States, 2002



are more likely to be in their second or later marriage, have no children, have used infertility services, and report that they have impaired fecundity.

Women who have not had a live birth, who are surgically sterile or have impaired fecundity, or who have used infertility services report more lifetime and current adoption-seeking than other women. As would be expected, there is a positive relationship between age and finalized adoptions—older women have had more time in which to adopt than younger women. Women aged 35 to 39 are the most likely to be currently seeking to adopt. This suggests that adoption seeking peaks when women are in their middle to late 30s. Although fewer His-

Figure 6. Percent of women aged 18-44 who are currently seeking to adopt a child, by Hispanic origin and race, United States, 2002



panic women had adopted a child at the time of the interview compared with non-Hispanic black or white women, more Hispanic women compared with white women are currently seeking to adopt a child. Significantly more non-Hispanic black women are currently seeking to adopt compared with non-Hispanic white women. Lastly, to a greater degree than adoption of children by women, relinquishment of infants at birth for adoption has become an extremely rare event in the United States.

References

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Chandra A., G.M. Martinez, W.D. Mosher, J.C. Abma & J. Jones. 2005. Fertility, Family Planning, and Reproductive Health of U.S. Women: Data from the 2002 National Survey of Family Growth. Hyattsville, MD: National Center for Health Statistics. *Vital and Health Statistics* 23(25).

Acknowledgements

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- the Office of Population Affairs;
- the CDC's National Center for Health Statistics (NCHS/CDC),
- the CDC's National Center for HIV, STD, and TB Prevention;
- the CDC's Division of Reproductive Health;
- the CDC's Office of Women's Health;
- the Office of Planning, Research, and Evaluation of the Administration for Children and Families (ACF);
- the Children's Bureau of the ACF; and,
- the Office of the Assistant Secretary for Planning and Evaluation (OASPE).

NCHS gratefully acknowledges the contributions of these programs and agencies, and all others who assisted in designing and carrying out the NSFG.

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Technical Notes

Definition of terms

There are three sets of questions dealing with adoption in the NSFG. The first series of ques-

■ **Table 3.** Number of women 18-44 currently seeking to adopt a child not already known to them and percent who prefer or who would accept a child with the selected characteristic: United States, 2002

	Number in thousands	
Total number in denominator[1]	**600**	**600**
	Percent who . . .	
Characteristics	**Prefer**	**Prefer or would accept**[2]
Sex of child		
Boy	28.9	95
Girl	34.6	97.2
Indifferent	36.5	...
Race of child		
Black	10	86.9
White	20.1	91.4
Other race	16.9	94.9
Indifferent	52.2	...
Hispanic origin and race of woman and race of child		
Not Hispanic or Latina women:		
White, single race		
Black child	-	83.6
White child	35.2	100
Child of another race	17.5	94.6
Indifferent	45.5	...
Black or African American, single race		
Black child	32.9	87.5
White child	-	75
Child of another race	*	92.7
Indifferent	50.5	...
Age of child		
Younger than 2 years	49.2	94.1
2-5 years old	22.3	78.7
6-12 years old	16.1	58.6
13 years old or older	*	30.9
Indifferent	7.6	...
Disability status of child		
No disability	55.1	100
With a mild disability	21.6	89
With a severe disability	*	30.3
Indifferent	22.8	...
Number of children		
Single child	56.3	100
Two or more siblings at once	27.3	74.6
Indifferent	16.5	...

... Category not applicable.
- Quantity zero.
* Figure does not met standard of reliability or precision.
[1] Current adoption seekers were asked about preferences if they were not seeking to adopt a child they already knew.
[2] Only women who did not indicate a specific attribute were asked if they would accept a child of a different attribute. For example, only women who indicated they wanted a boy were asked if they would accept a girl.
NOTE: Comparable data are shown in Advance Data NO. 306, Table 4.
SOURCE: Chandra A, GM Martinez, WD Mosher, JC Abma & J Jones. 2005. Fertility, Family Planning, and Reproductive Health of U.S. Women: Data from the 2002 National Survey of Family Growth: Table 84. Hyattsville, MD: National Center for Health Statistics. Vital and Health Statistics 23(25).

tions asked the woman about nonbiological children who had lived or were living with her, under her care and responsibility, including children not currently living in the household. It began with the following question to determine whether she had **ever** cared for any nonbiological children. All women aged 18 to 44 were asked:

1A. *"Not counting the children born to you, have any children lived with you under your care and responsibility?"*

If "Yes," then the woman was asked:

1B. *"How many children?"*

For each child, the woman was asked:

1C. *"Did you legally adopt the child or become the child's legal guardian?"*

If she had become the legal guardian, she was asked:

1D. *"Are you in the process of trying to adopt the child?"*

If she had not adopted the child or become his or her legal guardian, she was asked:

1E. *"Are you in the process of trying to legally adopt the child or to become his/her legal guardian?"*

The second set of questions again began with a question asked of all 18 to 44 year-old women to determine **current** adoption plans and behaviors. The first question in this series was:

2A. *"The next questions are about any plans you currently have to adopt a child. Not counting children who have lived with you or children who live with you now, are you currently seeking to adopt a child?"*

If she answered, "Yes," the woman was asked:

2B. *"Have you placed a newspaper ad or contacted an adoption agency, a lawyer, doctor or other source about adopting a child?"*

followed by:

2C. *"Are you seeking to adopt a child whom you know?"*

If she answered, "Yes, she was seeking to adopt a child she knew," this was the last question she was asked. If she answered, "No," (seeking to adopt but not a child known to her), she was asked what characteristics of an adopted child she would prefer and which characteristics she would accept. Characteristics included the child's sex, race, age, disability status, and whether the woman wanted one child or two or more children.

The third series of questions was asked only of women who had replied, "No," [she was not currently seeking to adopt a child] (2A). It began:

3A. *"Have you ever considered adopting a child?"*

This was the last question asked if she answered, "No." If she answered, "Yes," she was then asked:

3B. *"Did you ever contact an adoption agency, lawyer, a doctor or other source about adopting a child?"*

Using information from these series, an "ever adopted" measure and two measures of the "demand" for adoption were created.

1. *Ever adopted a child*. Coded "yes" if the woman:
   a. Had legally adopted a nonbiological child who had lived or was living with her (1C).
2. *Ever considered adoption*. Coded "yes" if the woman:
   a. Had legally adopted or was currently trying to legally adopt a nonbiological child who had lived or was living with her (1C, 1D, 1E).
   b. Was currently seeking to adopt a/another child [who was not living with her] (2A).
   c. Had ever considered adopting a child (3A).
3. *Currently seeking to adopt*. Coded "yes" if the woman:
   a. Was currently trying to adopt a nonbiological child who was living with her (1D, 1E), or
   b. Was currently seeking to adopt a/another child [who was not living with her] (2A).

Age is a calculated variable based on the woman's birth date (or age, if birth date not given) at the time of the interview.

Characteristics of the child that women would prefer when considering adoption was determined by asking women the following series of questions:

> *"If you could choose exactly the child you wanted, would you prefer to adopt . . .*
>
> *a boy or a girl?*
>
> *a black child, a white child, or a child of some other race?*
>
> *a child younger than 2 years, a child 2 to 5 years old, a child 6 to 12 years old, or a child 13 years old or older?*
>
> *a child with no disability, a child with a mild disability, or a child with a severe disability?*
>
> *a single child or 2 or more brothers and sisters at once?"*

If a woman expressed a preference for a characteristic, she was asked if she would accept a child or children who did not have that characteristic. These questions took the form:

> "*Would you accept . . .*
>
> *a girl? / a boy?*
>
> *a black child? / a white child? / a child of some other race, neither black nor white?*
>
> *a child younger than 2 years? / a child 2 to 5 years old? / a child 6 to 12 years old? / a child 13 years old or older?*
>
> *a child with no disability? / a child with a mild disability? / a child with a severe disability?*
>
> *a single child? / 2 or more brothers and sisters at once?"*

Education reflects the woman's educational attainment measured at the time of the interview. Results shown by education are limited to women 22-44 years of age in order to allow all women to report attending college. But because this measure includes women in their early twenties who may still be attending college, the percent of women with a college degree is smaller and the percent of women with some college is larger than if only older women were analyzed.

Ever used infertility services is a dichotomous variable indicating whether the woman had ever used any form of medical help to become pregnant or to prevent miscarriage at any time in her life.

Fecundity status is based on the woman's self report of her physical capacity to conceive or bear a child at the time of the interview. There were originally six categories of fecundity status denoted in the 2002 instrument. These six categories were collapsed into three groups as follows:

- *Surgically sterile*. The woman indicated that she was surgically sterile for either a) contraceptive reasons or b) non-contraceptive reasons.
- *Impaired fecundity*. The woman indicated that she was a) non-surgically sterile, b) subfecund, or c) had a long interval of unprotected sexual intercourse without conceiving.
- *Fecund*. Residual category of women who were not classified as surgically sterile or with impaired fecundity.

Hispanic origin and race are defined using multiple questions from each survey. Every woman who reported she was of Hispanic or Spanish ancestry was classified as "Hispanic," regardless of her race. Then, women reporting only white or black as their race were classified as either "non-Hispanic white" or "non-Hispanic black." Women of other single races and women reporting multiple races were classified as "non-Hispanic other."

Marital status measured at the time of the interview indicates the woman's formal legal status. Formerly married women include those women who report their formal marital status as widowed, separated, or divorced.

Parity is the total number of live **births** a woman has ever had as distinguished from gravidity, which is her total number of **pregnancies**. "Nulliparous" refers to women who have not had a live birth; women who have given birth to one or more babies are defined as "parous." Nulliparous is used in this article rather than "child-

less," which is a more ambiguous term. Women may have given birth to a baby, i.e., they are parous, but are "childless" due to his or her death or because she relinquished the baby for adoption. Similarly, a nulliparous woman may have children through adoption.

Percent of poverty level is a measure of the total family income, adjusted for the number of persons in the family, relative to the annual definition of poverty provided by the U.S. Census Bureau. It was measured at the time of the interview.

Part 2

Domestic Infant Adoption

8 | NCFA's Infant Adoption Awareness Training Program—A Successful Model

By Paul Devantier†

The Infant Adoption Awareness Training Program of the National Council For Adoption (NCFA) resulted from United States Congressional legislation and was funded through a cooperative agreement by the United States Department of Health and Human Services. Over a four+ year period, more than 17,000 pregnancy counselors and other healthcare workers attended a training conducted by NCFA through the grant program. Of the 13,000+ attendees that submitted extensive evaluations, 94 percent rated the experience "excellent." Some 175 trainers, recruited and equipped by NCFA, received an overall "excellent" rating of 96 percent.

Along with statistically significant knowledge gain and attitude change regarding adoption, the Project demonstrated the need for adoption awareness training. Experts in the adoption field had long contended that adoption was the option least frequently included in options counseling, and that many with unplanned pregnancies were making decisions that were not fully informed. The Project showed this contention to be correct.

Follow-up research with attendees showed that there were significant changes in practice in the work place: counselors had the knowledge, confidence, and inclination to talk about adoption; adoption was being included on an equal basis with other options; networking between healthcare professionals and adoption agencies increased; and clients were being well-served with complete, accurate, and up-to-date information.

In order for NCFA's effort to be successful, an extensive curriculum was formulated, and a variety of print and electronic resources were developed and used. The network of Master Trainers, all adoption professionals, conducted trainings for trainees from all 50 states. NCFA was responsible for nearly 1,800 training days. In addition to the impact of the Project through training sessions, NCFA produced a public awareness campaign that resulted in an estimated $10 million worth of airtime and advertising space being donated by media outlets.

The Project was an excellent example of a productive relationship between the federal government and a private, nonprofit organization. The outcomes were fully in keeping with the objectives articulated by Congress. And, the value of the effort was clearly demonstrated. Whether publicly funded or not, this type of training program is essential. It is the sincere hope of NCFA that adoption awareness training programs will be available for a long time to come to the many counselors, organizations, and clients that benefit from them.

Experts in the fields of options counseling and adoption have long contended that there is an on-going need for increased adoption awareness. Those who are in a position to share information with women who are seeking answers to questions about a pregnancy deserve to have complete, accurate, and up-to-date information on the option of adoption. This strong belief led to action by the United States

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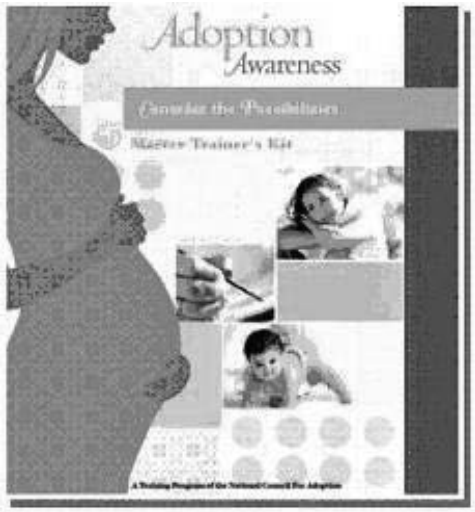
Congress in 2000 to establish an adoption awareness training program.

The Adoption Awareness Act

"It is essential that the counselors provide complete and accurate information. . . The intent of this act is to ensure that pregnancy counselors are well trained, knowledgeable, and comfortable presenting adoption to their clients."[1]

The Adoption Awareness Act of Congress (H.R. 4365, Subtitle A—Infant Adoption Awareness) passed the United States Senate by unanimous consent and the United States House of Representatives by a vote of 419 to 2. Sponsored by Representatives Tom Bliley and Jim DeMint, the Act was part of the Children's Health Act of 2000. (It was initially introduced on July 14, 1999, as the Adoption Awareness Training Act.) The intent of Congress was to put in place a program to help pregnancy counselors "normalize" their own views about adoption and prepare them to incorporate adoption as a positive option in the counseling process.

Leading up to the formulation of adoption awareness legislation was a research study conducted by the University of Illinois in the early 1980s. The project, titled "Orientations of Pregnancy Counselors Toward Adoption,"[2] confirmed that the base of adoption knowledge among pregnancy counselors was inadequate and that adoption information was not being presented on an equal basis with other options. Additionally, statistics related to the number of birthmothers choosing adoption showed a significant decrease in the decades leading up to 2000. Through the Act, Congress sought to get the option of adoption back on the table for consideration. Co-sponsor of the Act, Representative Jim DeMint (who was elected to the United States Senate in 2004), said: "All women facing unplanned pregnancies should have complete and accurate information on infant adoption along with information on resources



available to them and their unborn in children."[3] Representative Tom Bliley, the other co-sponsor of the Act, in comments on the floor of the United States House of Representatives said:

> What struck Congressman DeMint and me was that the studies and statistics available in the field show a lack of activity which may well reflect an anti-adoption bias in pregnancy counseling. . . The Infant Adoption Awareness Act would set up a training program by which clinic workers and others could receive professional in-service training in educational adoption counseling. If properly trained, these counselors would be equipped to provide valuable information on adoption to their clients . . . Adoption information means a counselor is able to fully explore the option of adoption with a client. This includes answering relevant questions such as the types of relinquishment procedures and putative father involvement . . . It is essential that the counselors provide complete and accurate information. . . The intent of this act is to ensure that pregnancy counselors are well-trained, knowledgeable, and comfortable presenting adoption to their clients.[4]

1. U.S. Representative Tom Bliley, comments on the Floor of the U.S. House of Representatives.

2. Orientations of Pregnancy Counselors Toward Adoption, Re: Grant #APR000902, Final Report to Office of Adolescent Pregnancy Program, Department of Health and Human Services, Washington, D.C., 1984.

3. Training video, National Council For Adoption's Infant Adoption Awareness Training Program, Washington, D.C., 2003.

4. Congressional Record H2719, May 9, 2000.

Among its provisions, the Act included the following:

The Secretary shall make grants to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

A condition for the receipt of the grant is that the adoption organization agree that, in providing training for the designated staff of eligible health centers, such organization will make reasonable efforts to ensure that the individuals who provide the training are individuals who are knowledgeable in all elements of the adoption process and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located, and that the designated staff receive the training in such areas.

The term "adoption organization" means a national, regional, or local organization—

- among whose primary purposes are adoption;
- that is knowledgeable in all elements of the adoption process and on providing adoption information and referrals to pregnant women; and
- that is a nonprofit private entity.

The term "designated staff," with respect to an eligible health center, means staff of the center who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training. . .)

The term "eligible health centers" means public and nonprofit private entities that provide health services to pregnant women.

A condition for the receipt of a grant is that the adoption organization involved agree to make reasonable efforts to ensure that the eligible health centers with respect to which training under the grant is provided include:

- eligible health centers that receive grants under Section 1001 (relating to voluntary family planning projects);
- eligible health centers that receive grants under section 330 (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and
- eligible health centers that receive grants under this Act for the provision of services in schools.

All costs of such centers in obtaining the training shall be reimbursed by the organization that provides the training, using grants . . ."[5]

The Infant Adoption Awareness Training Program

Request for proposal

The Children's Bureau and the Health Resources and Services Administration of the United States Department of Health and Human Services (HHS) issued a Request For Proposal (RFP) in the Federal Register, June 4, 2001. It called for applications from qualified entities for participation in a "cooperative agreement." According to the RFP: "A cooperative agreement is a specific method of awarding Federal assistance in which substantial Federal involvement is anticipated. A cooperative agreement clearly defines the respective responsibilities of the Children's Bureau and the grantee prior to the award. The Children's Bureau anticipates that agency involvement will produce programmatic benefits to the recipient otherwise unavailable to them for carrying out the project."

Provisions in the RFP that helped shape the training effort included:

- Purpose: To award cooperative agreements to adoption organizations for the purpose of developing and implementing Infant Adoption Awareness Training Programs (IAATP) to train designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women. Adoption organizations (grant-

5. Public Law No. 106-310.

ees) will be required to develop and implement curricula that are consistent with best-practices guidelines.

"It is essential that the counselors provide complete and accurate information. . . The intent of this act is to ensure that pregnancy counselors are well trained, knowledgeable, and comfortable presenting adoption to their clients."

- The IAATP is designed to ensure that counselors in health clinics and other settings provide women who have unplanned pregnancies with complete and accurate information on adoption. Applicants are required to submit a program plan that clearly and concisely describes a strategy for developing IAATP curriculum, inviting designated staff of eligible health centers to trainings, scheduling trainings, planning and implementing IAATP sessions, and completing post-training activities (e.g., participant reimbursement and evaluation).
- Grantees will be required to submit to the Children's Bureau an IAATP curriculum for review and approval that (a) is competency-based, (b) conforms to professionally-recognized standards for curriculum format and style, (c) is consistent with the best-practices guidelines required by the statute, (d) is pilot tested and appropriately modified, as necessary, before broad use, and (e) can be reliably evaluated.
- . . . applicants are encouraged to present a description of training approaches that may be used, methods for addressing cultural diversity, anticipated session length, and supplemental materials (participant handouts, visual aids, and other resources). Moreover, applicants are advised to demonstrate a familiarity with the understanding of professionally recognized standards and best practices pertaining to pregnancy counseling, supportive services and adoption services for adolescents and women with unplanned pregnancies.
- Applicants are also encouraged to present a plan for the dissemination of adoption information that may be used in conjunction with the training or to supplement the training.[6]

NCFA application and award

In its application, the National Council For Adoption listed four major goals of the effort it proposed to conduct:

1. To develop a multi-level training curriculum, based on DHHS best practices guidelines that will provide health center staff with guidelines for supplying adoption information and referrals to pregnant women on an equal basis with all of the options included in nondirective counseling.
2. To provide multi-level adoption awareness training to designated staff at public and nonprofit private entities that provide health services to pregnant women.
3. To improve state-of-the-art of adoption counseling by adding to the existing body of knowledge, a replicable, well-tested curriculum and training model that assures that health workers who receive training will be able to provide competent and unbiased information about adoption through options counseling.
4. To disseminate widely all products developed for this project which will include the curricula, questionnaires, informational materials, interview guides, and other data collection instruments, Internet applications, technical reports, journal articles, and a final report which discusses the targeted population, issues addressed, program design, implementation, outcomes, and results of the evaluation.[7]

The National Council For Adoption (NCFA) was selected to become the national Infant

6. Federal Register, Volume 66, No. 107, June 4, 2001.

7. Application For Federal Assistance, National Council For Adoption, July 20, 2001.

Adoption Awareness Training Program grantee. Regional and local grantees included Arizona's Children Association (Arizona); Harmony Adoptions (HHS Region IV—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee); and Spaulding for Children (Michigan, with replications in several other states).

While the closest working relationship was between the grantees and the Children's Bureau, the first year of the Program was funded through the Health Resources and Services Administration. Subsequent years were funded through the Children's Bureau.

Curriculum development

"The curriculum is outstanding . . . much more than I expected!"[8]

The National Council For Adoption, already armed with a great deal of adoption information from its twenty+ years of work, set out to develop an effective curriculum for this enormous training challenge and privilege. No program of the type prescribed by the Adoption Awareness Act existed. Training materials produced by other entities existed, and they could be used as resources. Still, this effort had to result in something new, user-friendly, and highly effective.

In its grant application, NCFA gave expression to the challenge: To properly serve a pregnant woman, health professionals should have a thorough understanding of the legal, emotional, psychological, and social processes of adoption. Pregnancy counselors must also be aware of, and sensitive to, familial, cultural, social, and religious influences that impact a woman's decision-making as a client. NCFA's approach addresses both knowledge and attitudes of professionals. The goal of the training is to insure that the trained health workers will be equipped to provide factual, unbiased information about adoption through options counseling.[9]

The effort to develop a curriculum was not an easy one. Many drafts were developed. Expert consultants contributed to the process.

When all was said and done—several years into the Program—a comprehensive, well-tested, and frequently revised set of curricular materials resulted. They proved to be very successful. The curriculum was a key building block in the success of the training effort. It was worth the effort. In their post-workshop evaluations, trainees rated the curriculum an average of 4.6 on a 5-point scale, with 1 being "ineffective," and 5 being "highly effective."

In order to meet the needs of a number of audiences, NCFA developed curricular materials for both a three-day training and a one-day training (and later in the Program, a two-day training, as well). The three-day training resulted in trainees being "certified" as Adoption Specialists. The one-day training provided the designation Adoption Liaison. The two-day training was developed because of demand from the field for a more extensive training opportunity than afforded by the one-day, but a less time-consuming opportunity than the three-day. So, beginning with the most comprehensive Adoption Specialist training, several abridged versions were developed to cover as much of the essential information as possible in two-day and one-day offerings. Under the banner of "Consider the Possibilities," the curricular materials sought to meet the intent of the enabling legislation, namely "to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all

8. Training graduate, California.

9. Application.

other courses of action included in nondirective counseling to pregnant women."[10]

The curricular materials, which became valuable resources of NCFA, included six major modules.

"The curriculum is outstanding...much more than I expected!"

Module one: Setting the stage

This module is designed to acquaint participants with the training project, with the training itself, and with the reference materials. During this module, participants get to know their trainers and one another. They discuss the target population and their role in serving as counselors. They hear of the IAATP expectations for the training and have the opportunity to express their own expectations. They are introduced to a brief overview of the curriculum and the evaluation process.

Module two: Consider adoption

History, current practices, facts, and research on adoption are included in this module. Also, attitudes regarding adoption are discussed—from both the clients' and counselors' perspectives—including possible barriers to adoption for clients. Misinformation and biases regarding adoption are identified. Participants have an opportunity to identify their own knowledge level and attitudes and to consider the impact of their knowledge and attitudes upon client decision-making.

Module three: Consider a critical way of thinking

Participants learn the basic components of a critical thinking approach—curiosity, realism, and skepticism—and apply those in a critical assessment of current adoption theory and practice. The roles of logic and language in human thinking, understanding and communicating are discussed. Proper use of adoption language is presented. A common-sense approach to counseling is explored that can facilitate the client's ability to make a fully informed choice.

Module four: Consider a humanizing way of relating

This module is intended to help counselors show clients that it is possible to use the present moment to initiate action, build a life, and avoid self-destructive conduct. The activities included in this module demonstrate that it is possible for clients to escape the world of self-deception and honor their own moral sense.

Module five: Consider the practicalities

Specific, accurate information about adoption, adoption laws, and practices is included in this module. Adoption terms that are important for all parties involved with adoption are identified and defined. Adoption laws are reviewed. (Provision is made in each training session to review state-specific laws for the state in which the training takes place.)

Module six: Consider the client

This module provides participants with some tools to facilitate fully informed consent using a nondirective approach as it relates to decisions about adoption. Participants gain information on how to determine a client's interest in considering adoption (including use of the Mech Adoption Interest Inventory[11]), respond to client's questions, dispel common misinformation, and identify support mechanisms for the client at every stage of her pregnancy. Participants also become more aware of resources available to them and their clients that provide important information on the decision-making process, referrals, and follow-up.

Target audiences

"I am a Prenatal Educator as well as an OB staff RN. I encourage all professionals who work with unplanned pregnancies to attend this training. Thank you for providing this service."[12]

10. Public Law.

11. A self-assessment tool developed by Dr. Edmund Mech for clients to use to help determine their interest in adoption.

12. Training graduate, New York.

It became apparent early in the Program that there was considerable interest in, and demand for, the training. NCFA understood the legislation and the guidelines for the Program to strongly suggest that those working in clinics receiving funds through Title X family planning grants, 330 Community Health Center grants, and entities receiving grants for services in schools be the principal targets for the training. Its promotional and recruitment activities were conducted accordingly. All Title X and 330 facilities in all 50 states were contacted. Policy makers, administrators, and supervisors, as well as front line workers were reached. Nurses, counselors, clinicians, social workers, and health workers who have counseling contact with pregnant clients were encouraged to register for a training session.

In the process of recruiting, it became apparent that workers in other clinics and many in non-clinic settings who have regular contact with women with unplanned pregnancies wished to be trainees, as well. While the definition of "eligible health center" in the legislation was not exhaustive, it did include "public and nonprofit private entities that provide health services to pregnant women." While retaining its primary focus on the public entities, NCFA did accommodate individuals from "nonprofit private entities." Some of these entities were fully "health centers." Others offered only minimal health services, but provided pregnancy counseling to many women.

Since the more extensive three-day Adoption Specialist training was intended for those working very directly and extensively with clients, NCFA established criteria for attendance at a three-day training. According to the criteria, a candidate needed to be a person who:

- "regularly meets with, consults with, or provides pregnancy-related services directly to pregnant women;"
- is a "health care professional at a Title X, Community Health (330 Clinic) Center," or a "health care professional in other eligible health centers." (NCFA staff members made the final determination on whether the center in which the candidate worked was "eligible." Preference was given to candidates from Title X and 330 Centers);
- is currently employed as a "Social Worker, Nurse, Counselor, or Clinician."

While applications to attend an Adoption Specialist training came from workers in the field of adoption, NCFA did not accept these candidates. In keeping with the legislative intent and the HHS guidelines for the Program, NCFA's policy was clear: "The training is intended to educate those with little or no experience in adoption."

"I am a Prenatal Educator as well as an OB staff RN. I encourage all professionals who work with unplanned pregnancies to attend this training. Thank you for providing this service."

Training

"I was pleasantly surprised at the level of training of the presenters and how my attitude changed regarding adoption."[13]

"Before the class, if someone came into my office, I would not have mentioned adoption. Now if someone comes and says she is pregnant, I can talk about it. Hopefully I can make a difference in her life as this program has made a difference in mine."[14]

Among the many lessons learned from the Infant Adoption Awareness Training Program is the fact that those who lead the training sessions are key contributors to the success of the training. NCFA developed a strict list of criteria for evaluating candidates who sought to be trainers. Qualifications included:

- A minimum of three years experience as an adoption professional, preferably with experience in working directly with pregnant women;

13. Training graduate, Ohio.

14. Training graduate, Georgia.

- Prior experience in providing in-service training;
- Minimum of a bachelor's degree;
- Demonstrated ability to be an effective trainer, following the curriculum and the training guidelines provided by NCFA;
- Willingness to travel.

Along with professional qualifications, NCFA looked for Master Trainers who displayed a "heart" for adoption. Many experienced teachers and trainers could have mastered the material in the curriculum. Still, the credibility of the training effort and its success were dependent, in large measure, upon how "real" the trainers were and how "involved" in adoption they were in their personal and professional lives.

After personal, face-to-face interviews, testing, and checking references on nearly twice as many individuals, NCFA invited 190 adoption professionals to train for Master Trainer positions. Four-day training sessions for Master Trainer candidates were developed and scheduled. Trainings took place for candidates in each of the ten HHS regions in the United States.

Master Trainer positions were offered to 183 individuals. In order to recognize the uniqueness of each area of the country and to insure knowledge of local and regional characteristics, each of the 50 states had at least one Master Trainer.

Of those selected to be Master Trainers, the mean level of education was 1.5 years of post-graduate study. Seventy-three and one half percent (73.5%) held post-graduate degrees. The average length of service as adoption professionals in their current positions prior to becoming Master Trainers was seven years, with each serving an average of 43 pregnant clients per year prior to becoming Master Trainers.

The caliber of the Master Trainers significantly contributed to the success of NCFA's Program. On a five-point scale, with 1 being "poor" and 5 being "excellent," trainees consistently rated trainers in the high 4s. Overall, throughout the entire Program and among the 13,000+ trainees who rated them, the average was 4.8—a 96 percent effectiveness rating. This rating was the highest of all the categories evaluated.

Nearly all Adoption Specialist trainings were held in hotel conference facilities. Convinced that the environment contributes to the overall effectiveness of training sessions, NCFA sought to select settings that would contribute to the well-being of the participants and not detract from the training itself, all the while doing so in the most cost effective way. The HHS grant enabled NCFA to cover all expenses for those who participated.

"I was pleasantly surprised at the level of training of the presenters and how my attitude changed regarding adoption."

Adoption Liaison trainings were held in a variety of settings. Many were conducted within clinics and other healthcare settings. NCFA staff and Master Trainers sought to make these settings as conducive to learning as possible.

Trainees received Continuing Education Units (CEUs) for attending a training session. The National Association of Social Workers and the American Nursing Association awarded CEU certification. For attendance at the three-day Adoption Specialist training, 20 contact hours were awarded to social workers (with a slight increase in the number awarded to nurses, based upon differences in certification guidelines of the various professional organizations); for the two-day, 13 contact hours were awarded; and for the one-day Adoption Liaison training, 6 contact hours were awarded.

In addition to the 183 Master Trainers who were offered Master Trainer positions, 5,506 individuals became Adoption Specialists from June 2002 (the first Adoption Specialist training) through September 2004. Adoption Liaison trainings began in April 2003, and more than 11,000 individuals participated in the one-day trainings by January, 2006. In reaching these numbers, NCFA logged nearly 1,800 training days.

To provide supplemental training, two national Adoption Specialist Conferences were

hosted by NCFA. The first two-and-a-half day event in St. Louis in 2002 brought together more than 225 Master Trainers and Adoption Specialists. Secretary of Health and Human Services, Tommy Thompson, delivered special greetings to the attendees via videotape. Sharon McCarthy, HHS Grants Officer, addressed the attendees in person. Project directors from Arizona's Children Association, Harmony Adoptions, and Spaulding for Children were in attendance and each addressed the attendees. Workshop and plenary sessions were offered on a variety of topics related to adoption awareness.

The second Adoption Specialist Conference was held in 2003 in Orlando, Florida. Some 350 Master Trainers, Adoption Specialists, staff members and special guests were in attendance. Among the guests who addressed the conference were Dr. Susan Orr, Associate Commissioner of the Administration for Children, Youth, and Families; Dr. John Agwanobi, Secretary, Florida Department of Health; Evelyn Kappler, Senior Policy Analyst in the Office of Population Affairs; and Fern Blake, Grants Officer with the Children's Bureau. Like the first conference, workshop and plenary sessions were held, networking opportunities were provided, and participants gave the overall experience a very high rating.

Resource materials and training tools

"The materials you have prepared are outstanding. They will be very helpful in my clinic."[15]

Very early on in the life of the project, NCFA took the lead in developing a visual identity for the effort. The basic Infant Adoption Awareness logo was adopted for use by the other three grantees, as well. The "Training Program" tag line identified the respective grantee.

In keeping with its pledge in the original grant application, NCFA developed resource materials to support and supplement the training efforts. The materials became helpful tools to health centers and to other entities that have regular contact with pregnant women. The resources were a means of training, and were intended to reach a much broader audience than the one reached through trainings.

Brochures: During the course of the Program, more than a half million copies of brochures were distributed to trainees, clinics, and other entities. Brochures included:

- A general informational brochure on NCFA's Infant Adoption Awareness Training Program;
- A recruitment brochure sent to all Title X and 330 Centers alerting those entities to the availability of the adoption awareness training opportunity;
- A birthmother brochure intended to speak directly to birthmothers. This resource, available in both English and Spanish, was the most requested brochure by clinics;
- A birthfather brochure targeted to individuals who receive less information and fewer counseling opportunities than birthmothers;
- A general adoption information brochure. This piece, also available in both English and Spanish, was the second most requested brochure by clinics;
- A birthgrandparent brochure intended to be a resource for those who have so much influence upon birthmothers;
- A resource brochure, listing the various adoption awareness resources available from NCFA.

Posters: Eight distinct posters were produced by the Program to assist counselors in giving visibility to adoption in their clinics. Five were chosen to be part of a "package" of posters. One of the five was produced in Spanish. In all, some 15,000 posters were distributed.

Newsletters: Six separate newsletters were distributed to Adoption Specialists who had completed a training session. Newsletters included information on upcoming trainings, current adoption awareness information, and success stories from the field. The 22,000 newsletters distributed during the Program

15. Training graduate, Louisiana.

served recruitment and continuing education purposes.

Video resources: A number of videos were produced for use in the training itself. The videos feature Senators Mary Landrieu and Jim DeMint, former HHS Secretary Tommy Thompson, birthmothers and birthfathers, adults who were adopted, and adoptive families. In addition, video resources (distributed in both VHS and DVD formats) were produced for birthmothers. The videos and DVDs feature the former Miss New Jersey, Jennifer Farrell, and the former Miss Nevada, Elizabeth Muto, (both persons who were themselves adopted) who speak to birthmothers about adoption.

Web site: A valuable tool for the Program in many ways was the www.infantadopt.org Web site. It shared information about the Program, offered on-line registration, showed scheduled trainings, listed staff members and trainers, and highlighted resource materials available through NCFA's Infant Adoption Awareness Training Program.

Training effects

"It would be unrealistic to ask for or expect a higher level of training effectiveness than has been demonstrated by the NCFA organization and its IAATP."[16]

In the RFP for the adoption awareness effort, several expectations regarding evaluation were listed:

1. Evaluation methods needed to be feasible, comprehensive, and appropriate to the goals, objectives, and context of the training.
2. Applicants needed to provide an appropriate and realistic plan for evaluation, including performance feedback and periodic assessment of program progress.
3. Evaluation methods needed to include process and outcome analyses for assessing the effectiveness of program strategies and the implementation process.
4. Evaluation methods needed to use objective performance measures related to the intended outcomes that produce quantitative and qualitative outcome data.
5. Evaluation plan needed to yield findings about effective strategies, and contribute to evaluation research and evidence-based practices.[17]

The evaluation plan formulated by NCFA sought to meet the criteria established by HHS. Dr. Edmund Mech, a researcher with extensive experience and background, was selected as the lead project evaluator. An evaluation unit, under his leadership, was constituted. It developed evaluation instruments, collected data, and analyzed and disseminated findings.

The evaluation unit established a series of effectiveness indicators at five points in the training process. Key data collection procedures included:

1. An Adoption-Awareness Inventory- (Pre-Post series);
2. Ability to Communicate Adoption- (Pre-Post series);
3. End-of-Workshop ratings;
4. A Post-workshop 45-60 Day Follow-up Survey; and
5. An Extended Follow-up 6-9 months Post-Workshop Survey.

One of the conditions stipulated in NCFA's original application to HHS was that the evaluation unit be independent of the training entity and preferably operate within a university environment. In year one of the Project, evaluation procedures and instruments were developed and tested. During years two and three, the evaluation plan was finalized and implemented under a sub-contract agreement between NCFA and the University of Texas-Arlington. An important aspect of the sub-award to the University of Texas-Arlington was the formation of a select inter-university evaluation panel whose function included advising on quasi-experimental field tests for the assessment of training effectiveness, review and analysis of instruments and data sets, and providing consultation to NCFA's national project director.

16. Dr. Edmund Mech, Project Evaluator.

17. Federal Register.

The panel met periodically to review evaluation progress. The select panel was composed of experienced investigators and grant scholars. Five academic institutions were represented—the University of Texas-Arlington, Indiana University, Southern Illinois University, St. Louis University, and the University of Illinois at Urbana-Champaign.

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The Infant Adoption Awareness Training Program made extensive efforts to evaluate the feedback of the participants on many levels. Quantitative data were complied and analyzed to prove a measurable impact on changes in attitudes and behaviors of the participants, from start to finish, about their perceptions on adoption. Also collected, but more difficult to compile, was the qualitative feedback about the trainings from participants.

Evaluations given at the end of each workshop asked open-ended questions about what participants enjoyed most about the training. This gave them an opportunity to express their thoughts freely regarding their experience. The comments expressed gave the Project team a sense of how the trainers connected with the participants and what training tools and techniques were most effective. This feedback allowed for continuous improvement and refinement of techniques used to deliver messages effectively so that learning objectives and participant expectations could be met.

Thousands of evaluations were collected. Participants indicated their strong satisfaction with the interaction they experienced with the trainers and other professionals. They appreciated the opportunity to network with other participants and acknowledged the importance of teamwork and collaboration in working through important concepts. The attendees had similar job functions but were from diverse backgrounds. It was clear that they were able to put aside their own cultural differences and biases to focus on helping their clients.

Participants indicated that role-playing helped give a realistic view—that it helped connect the concepts to realistic scenarios. The role-plays and other exercises enabled participants to think outside of their world for the purpose of understanding situations not completely familiar to them.

The training sessions offered a variety of tools and resources to help participants retain and transfer knowledge into their own work environments. The very well received print and electronic resources were designed to have value beyond the training experience itself. For example, the workbook received by participants was intended to be "shelved" at the participant's facility to serve as a resource to all facility staff members. Handouts and materials distributed at the trainings supplemented teaching moments and became resources for future reference.

Participants applauded the attorney and birth-mother/adoptee panels. Many participants found the insights of birthmothers and individuals who were adopted to be "invaluable." Attorneys' insights and information regarding the legal dimensions of adoption were appreciated, as well.

The variety of tools and methods used to deliver the information spoke to the importance placed on acknowledgment of differences in learning styles. A comfortable atmosphere, hands on experiences, and dialog with trainers and fellow participants were given high marks. Those attending trainings indicated that the combination of atmosphere, training tools, and techniques gave them a valuable opportunity to learn.

The Project relied upon feedback from trainees. The information gained was used to make adjustments in the actual trainings in order that the needs of participants and the learning objectives of the training were met. The flexible format and open forum for discussion

fostered creativity in the learning process and participants were able to take the experience and make it their own. This ownership enabled them to work this experience into their real lives and work settings.

Among more quantifiable findings discovered by Dr. Mech, the evaluation unit, and the evaluation panel were the following:

Trainee satisfaction

Trainees reported significant benefits from the Adoption Awareness training sessions. Evaluations of the workshops were outstanding. The overall effectiveness ratings based on 13,000+ participants from whom evaluations were received was 94 percent "excellent." Of special significance was the 96 percent "excellent" rating for trainee-instructor interaction. Ratings were anonymous, and the pattern of 90+ percent "excellent" was maintained in each of the 900+ training sites.

Acquisition of adoption knowledge

Pre- and post-test analyses in each of the 900+ training sites were statistically significant for gains in adoption knowledge. Trainee acquisition of knowledge about adoption was enhanced by workshop participation. Post-workshop evaluations assigned high marks to training effectiveness with special reference to acquisition of adoption information, location of adoption resources, and useful procedures for making referrals.

Ability to communicate adoption

Ability to communicate adoption and to respond to client questions about adoption was materially influenced by workshop participation. Prior to training, 30-50 percent of the 13,000+ participants who were evaluated expressed uncertainty and concern about discussing adoption with clients. On average, "ability to communicate adoption" increased by more than 50 percent as a result of workshop participation.

Transfer to practice

A Post-Workshop, 45-60-Day Follow-Up analysis indicated that NCFA training increased adoption awareness among participants by an average of 35 percent as compared to the level of adoption awareness prior to training. Trainees reported numerous applications of workshop concepts to practice.

Post-workshop accomplishments

Extended analysis of trainee activities 6 to 9 months post-training provided evidence of efforts to communicate and expand adoption awareness in several directions. Areas in which former trainees are involved include community education about adoption, such as presentations to schools, churches, and at community events. Trainees established support groups and mentoring programs for pregnant women who are considering options other than parenting their children. Trainees reported revisions in policies and procedures that establish an expectation that adoption information will be offered to pregnant clients as a matter of routine.

In addition to the more quantifiable aspects of outcomes, the evaluation showed other important outcomes. Overall, Adoption Specialists and Adoption Liaisons are exerting an impact in their work areas and in their respective communities. For example, many Adoption Specialists contacted in the follow-up phase of the research serve as designated resource persons for their programs and clinics, and are available in the community to communicate adoption to pregnant clients, especially clients who are undecided about their readiness and willingness to parent a child. NCFA trainees are assuming many different roles and responsibilities in efforts to elevate community awareness about adoption. Emphasis is placed on the importance of communicating the adoption option to clients with unplanned pregnancies. Often referred to as the "silent-solution," trainees are now lending a voice and visibility to the beneficial aspects of adoption.

Follow-up evaluation showed that one of the most successful aspects of the NCFA counseling model was in the area of preparing trainees to initiate discussion of adoption with clients. This was especially helpful because trainees repeatedly reported that the adoption option had been ignored or glossed over in their work settings. The evaluation showed that choosing to parent or to terminate a pregnancy are by far the over-

whelming solutions to unplanned pregnancies. This finding substantiated earlier research that led to the establishment of the Infant Adoption Awareness Training Program.

A national public awareness effort

"I want to say congratulations on the media campaign that has hit our market. Wonderful stuff! I am already hearing people talk about the spots."[18]

Reaching 17,000 pregnancy counselors and healthcare workers in all 50 states who received training through the Infant Adoption Awareness Training Program is an accomplishment of note. Attempting to reach an additional 200+ million people with an adoption awareness message is an extremely ambitious endeavor, indeed. Still, NCFA sought to add a component to its Program that would take a message to a much broader audience through a public information campaign.

In its application for the IAATP grant, NCFA indicated that it was its intent ". . . to bring an awareness to the general public about adoption . . ." In describing tasks, NCFA listed the ". . . development of a national information outreach effort to raise awareness of adoption . . ."

What emerged from this vision of NCFA was a comprehensive mass media campaign that included resources for radio, television, newspapers, magazines, billboards, and transit advertising. NCFA's national project director was the campaign's executive producer. An umbrella message was chosen—"Thanks for considering adoption." This message is an abbreviated restatement of the intent of the IAATP, namely to encourage consideration of adoption as an option that deserves equal consideration along with other options. In keeping with curriculum content and its task of sharing accurate information and breaking down some of the myths and misinformation associated with adoption, the public information campaign packaged the message of adoption in the persons of children who were adopted. The recurring message was: "To all those who give birth to, homes to, or just give thought to people adopted as infants, THANKS FOR CONSIDERING ADOPTION!"

The initial public awareness campaign materials, introduced in April 2003, featured four children who were adopted. Five television public service ads (PSAs) and four radio PSAs were produced. Copy for four newspaper/magazine PSAs and four billboards/transit PSAs were offered. CNN was the first national network to carry the PSAs, followed closely by the ABC Network, and ultimately other networks, as well. Eventually, local television and radio stations in nearly every broadcast market in the United States carried the PSAs—free of charge.

A second set of television public service announcements was introduced in May 2004. In all, 11 children—all of whom were adopted—appeared in the two sets of PSAs. While it may have been easier to recruit child actors and actresses for the PSAs, the Project was committed to maximum integrity and credibility in the production of the mass media materials.

In order to test the effective use of the materials, NCFA contracted with Nielson Media Research, a service that tracks the use of television PSAs by local television stations. Tracking began in May 2004 and concluded a year later. The results were beyond expectations. Based upon its success with CNN, ABC, Lifetime, and others, NCFA expected local television stations would use the PSAs. The extent of the use and

18. Training graduate, Washington.

the staying power of the PSAs were beyond the norm. In the first full year of tracking local television station use of the PSAs, more than $3.5 million worth of airtime was donated.[19] Unlike most campaigns that build and wane within several months, NCFA's campaigns continued to remain strong two years after initial introduction.

"The materials you have prepared are outstanding. They will be very helpful in my clinic."

Use by radio stations and by television and cable networks is much more difficult to track. Likewise, it is difficult to track display, outdoor, newspaper and magazine PSAs. NCFA is aware of one high profile magazine that carried a PSA—Oprah Winfrey's O magazine. NCFA is also aware of billboard space provided by Lamar Advertising and Viacom.

Given the amount of free time and space donated by all the entities from which NCFA does not have tracking data, it is reasonable to assume that the total value of donated time and space for the campaign exceeds $10 million.

Reports to HHS and Congress

"You should be proud of what you've accomplished."[20]

Periodic reports detailing activities, accomplishments, and plans were submitted to HHS grants officers and others. Also, periodic financial reports were submitted. Eight extensive semi-annual progress reports were submitted.

In cooperation with the Congressional Coalition on Adoption Institute, NCFA hosted a Capitol Hill briefing September 9, 2003, for interested members of Congress and congressional staff persons. The new NCFA-produced Thanks for Considering Adoption mass media materials were unveiled for the briefing attendees. Senator Jim DeMint (then Representative DeMint) and Representative James Oberstar addressed the briefing audience. NCFA's national project director and project directors from the other grantees shared information and distributed reports about the success of the adoption awareness effort to date.

Project timeframe

The award to NCFA was announced in October 2001. Staffing, curriculum development and recruitment of Master Trainers consumed the first months of the Project. Initial training of Master Trainers began in March 2002 and actual trainings began in June 2002. The first year of the Project (October 2001 through September 2002) was devoted to states in the southeastern and northwestern United States. Trainings were added in mid-western and southwestern states in the second year. In the third year, the remaining eastern and northeastern states were added. During year three, all 50 states were included. During year four (with an extension into year five) 31states were included.

One-day trainings were offered for the first time in April 2003, and a two-day training appeared in 2004.

The initial grant period ended September 30, 2004. With funds remaining, NCFA requested a no-cost extension to allow additional time to complete Project related activities. In March 2005, the Department of Health and Human Services granted NCFA the funds it had not spent during the initial period and allowed it to conduct more trainings. Thus, no trainings were conducted during the period from October 1, 2004 to March 31, 2005. From April 1, 2005 through January 31, 2006, NCFA was allowed to conduct trainings for private clinics in 31 states. The federal support for NCFA's IAATP ended January 31, 2006.

As the counts below indicate, there was a "startup" period required before a maximum number of trainings could be achieved. The most productive period for trainings was the period immediately preceding the end of the initial three year grant. Fortunately, HHS allowed some additional training sessions to be conducted by NCFA, thus enabling NCFA's In-

19. TV PSA Report, Infant Adoption Awareness, (Glendale Heights, IL: TV Access, 2005).

20. Dr. Susan Orr, Associate Commissioner, Children's Bureau, U.S. Department of Health and Human Service.

fant Adoption Awareness Training Program to achieve a total number of 17,007 trainees.

Observations/recommendations for future endeavors

Following are some recommendations based upon personal observations as national project director. Some have strong support in the findings of the evaluation unit, and some are based on anecdotal information from trainers and trainees. All result from monitoring the trainings and reviewing the solicited and unsolicited comments of those involved.

1. Make a serious investment in the curriculum and curricular resources. As the roadmap for the training experience itself, the curriculum and all the collateral materials are essential building blocks. Proper research, drafting, editing, and testing are required. It is unlikely that any one person can accomplish the task. NCFA engaged a panel of experts. The "finished" product was never completely finished. The materials remained a "work in progress," adjusted from time to time based upon new information and altered as the needs of various audiences became apparent.

The temptation with most curriculum development projects is to include everything. Given time constraints, it is simply not possible to do so. Testing with actual trainees will help to determine the information that has the greatest impact and is most usable for the trainees. Other information can be referenced. A list of topics and information sources should be included in the curriculum.

Dialog with trainees and participatory activities can help the curriculum come alive. Audiovisuals such as video inserts and Power Point supports can add diversity to the presentation and keep trainee interest strong. Curriculum development needs to keep all these elements in the mix.

Developing content for the curriculum is a challenging task. Determining presentation and training techniques is challenging as well. It is helpful to produce trainee workbooks and resource packets that contribute to the learning experience while giving the trainees handy, usable materials for future reference.

2. Select and thoroughly train only the most qualified adoption professionals as trainers. Adoption professionals bring a valuable dimension to the training. They are individuals who not only know the information contained in the curriculum, but are those who have experienced it in their careers. The factor of source credibility is true in training. Is the instructor personally invested in the subject matter? Does the instructor know from personal experience what he or she is presenting? Does the instructor demonstrate a "passion" for outcomes—that is, is the instructor concerned that the material presented be put into practice, thus achieving desired results?

"It would be unrealistic to ask for or expect a higher level of training effectiveness than has been demonstrated by the NCFA organization and its IAATP."

If the material in the curriculum is thoroughly researched, well documented, and organized in a logical fashion, it can be presented by anyone with public speaking ability and/or training abilities. The result, however, will be inferior. NCFA achieved extraordinarily high trainer ratings from trainees because of who they were, in addition to how skilled they were in presenting the material.

3. Treat trainees well. (Training effects are the result of a nexus of influential factors. Among the most important are respect for, and personal participation by, the trainees.) Trainees are those who work on the front lines of pregnancy counseling. Their tasks are not easy ones. Some may have extensive experience. Some may not. All are constrained by time and resources. All are under-valued for the important role they play. Respect for their abilities and their commitment can be shown in a number of ways, including: encouraging them to share some of their own expertise; choosing a training schedule that does not unnecessarily restrict their access to the training; choosing a training venue that

lends itself to trainee comfort (enough space, good lighting, electronic equipment, etc.); adequate break time for hallway discussion; and good food. This is not to say the trainings should be made easy for the trainees. Rather, by showing trainees common courtesies and accommodating their needs as professionals, trainers can be even more demanding. The level of expectation for trainee success should be held very high by trainers. Though there was no formal means for trainer evaluation of trainees in NCFA's program, trainers routinely raved about the dedication of trainees to learning new information and acquiring new skills. Trainers reported that trainees' attention to the subject matter and personal participation in discussion and activities were very high. All of this was due, in part, to NCFA's respect and appreciation for those attending the trainings.

4. Target a wide variety of audiences. (There is considerable demand for excellent training opportunities.) While the Infant Adoption Awareness Training Program grant specified target audiences, NCFA discovered that demand for adoption awareness training came from more than just those audiences. Teachers, high school and university students, public policy professionals, youth group leaders, clergy and other church workers, prospective adoptive parents, volunteers at private clinics, media professionals, and even workers in adoption agencies contacted NCFA to inquire about access to trainings.

While the Infant Adoption Awareness Training Program was not charged with the responsibility of promoting the consideration of adoption out of foster care, much of the material developed for the Program could be used for this purpose, as well. With a large number of children in foster care who are available for adoption, an effort to reach more people with adoption information could encourage some to consider the possibility of adopting a child out of foster care.

If adoption awareness training is offered and publicized, the entity sponsoring it will soon learn the level of interest among various audiences. Where interest is high, training opportu-

Winter 2001-2002
Adoption Specialist Training
Schedule announced
November
December
January
Infant Adoption Awareness
A Training Program of the National Council for Adoption
The Infant Adoption Awareness Program, Year in Review
"Thinks for considering adoption!"

nities can be customized for specific audiences. Much of the content will be appropriate for all interested groups.

5. Supplemental support for training programs, such as public awareness efforts, is essential. Adoption awareness messages targeted to the general public accomplish several things. One, they reach a broader segment of the population. Much misinformation still exists, Many misconceptions regarding adoption are still accepted as fact. A public information campaign can contribute to better understanding. Two, such campaigns can assist in recruiting trainees. And three, public awareness lends credibility to training efforts. Taking adoption awareness messages to the public suggests that the subject is vital and that studying it is worthwhile.

The cost of public information campaigns need not be prohibitive. Chances are the messages qualify as public service advertising (PSA). Many media outlets provide free time and space for well-crafted messages that contribute to the welfare of the community.

6. Emphasize concepts with which trainees and clients can most easily identify. (Several key concepts can have significant and disproportionately lasting influence.) NCFA's experience in its training program identified several concepts that seemed to resonate with trainees even more than others.

- "To parent or not to parent." NCFA trainees strongly endorsed this exercise as one that could be most helpful for clients with unplanned pregnancies. This question adds a significant dimension to the deci-

sion-making process. The traditional question of "keeping" or "placing" the child is always present. However, this question addresses the fundamental question of whether or not a person is willing or able to be a parent. Parenting is discussed. A position description for a parent is presented. Economic, social, and other factors involved in parenting are presented. Clients learn that parenting is not required—that choosing to parent or choosing not to parent are both legitimate options. The result is that the client has a much better understanding of what is involved in parenting, and should that option be chosen, the client does not go blindly into accepting parenting responsibilities.

- "Adoption Interest Inventory." Dr. Edmund Mech, author of the Adoption Interest Inventory, has provided a simple tool for birth parents to complete. It can be a valuable resource to help them determine their interest in considering the possibility of adoption. The inventory does not require extensive or complicated analysis. Clients can use it as part of the process of fully informed choice. It has proved to be widely accepted and valued.

7. Choose a strategy of adoption awareness. Whether intended by a counselor or not, pregnancy counseling is "options counseling." Clients are aware of various options before any pregnancy counseling takes place. Often what is missing is complete and accurate information on the options that do exist.

The objective of the Infant Adoption Awareness Training Program (according to the guidelines of the Program established by Congress and the Department of Health and Human Services) was to provide information on the option of adoption. As the guidelines made clear, trainees who were counselors in publicly funded clinics and healthcare settings were bound by regulation to provide "nondirective" counseling. In no way, however, does nondirective mean non-informative. Thus the goal of NCFA's program was to provide all the adoption information it could so that trainees could assist clients in getting the adoption information necessary to make a fully informed choice.

"I want to say congratulations on the media campaign that has hit our market. Wonderful stuff! I am already hearing people talk about the spots."

Regardless of one's own biases concerning the options, a counselor best serves his or her clients when the decision is fully owned by the client. Adoption coercion is no more appropriate than coercion to accept any other option. Ultimately, the client must make, and live with, the decision. But to put a client in the position of making the decision without all the information is doing a great disservice. Over and over again during its training program, NCFA heard counselors say that adoption was their "least understood option," and the one they were least comfortable addressing. "Confidence" was a frequently used term as trainees talked about the benefits of the training. "Now I have the confidence needed to do my job well. I am no longer afraid or unable to talk about adoption."[21] Such an outcome was the intent of adoption awareness training—a noble intent for any such training.

8. Choose to form and use strategic alliances. Alliances can contribute to both productivity and efficiency. Partnering with other entities can enhance the quality and expand the reach of a training effort. For NCFA, the working relationship with the other grantees—Arizona's Children Association, Harmony Adoptions, and Spaulding for Children—was helpful. In any community or region of the country there are a variety of entities with expertise and resources that can supplement the training efforts of an individual entity. Some may be publicly funded, some private. Some may be experienced in

21. Training graduate, Pennsylvania.

training methods. Some may be skilled in conveying counseling techniques. Some may be good at recruitment, Also, there are national organizations and associations that can provide resource materials and counsel.

"You should be proud of what you've accomplished."

Networking is common for successful organizations and individuals, but it may not always be intentional enough to reap maximum benefits. Trainees at NCFA trainings talked frequently about the value of meeting and networking with fellow trainees. Healthcare workers in clinics and representatives of adoption agencies became acquainted. Counselors established contact with other counselors. Workers in public and private clinics learned about, and from, each other. Local legal expertise was identified for everyone.

There are advantages to everyone in cooperation. Trainee groups with some degree of diversity allow for new alliances to be explored. Organizations sponsoring trainings benefit, too, because the job of adoption awareness is simply too big for any entity to tackle on its own.

9. Evaluate what is being done and be willing to make changes. Reliable, professional evaluation of training programs is essential. Knowing the impact of the training program allows an entity to determine whether or not there is sufficient return on investment. Evaluation provides necessary information for changes that could improve the program. Also, evaluation findings can contribute to the body of knowledge in the area of adoption awareness.

Guidelines for the grant to NCFA specified the importance of evaluation. The grant provided the funds to accomplish this task well. (Cf. Dr. Edmund Mech's article for a detailed analysis of evaluation methodologies and findings.)

Evaluation of a training program must include measurements of knowledge gain and attitude change. Instruments can be developed to quantify these. Judging and assessing behavioral change in the trainees is more difficult to judge and to quantify in any scientific way. Knowledge gain and attitude change accomplish little if there is no behavioral change. The goal of the training is to equip health-care workers and others to use their knowledge and to implement learned procedures in their work places. To get a sense of the all-important effect of the training upon practice, NCFA conducted follow-up discussions and surveys with trainees. Such an effort is recommended for all training programs.

10. It is worth doing. Do it well. The quality of trainers, curricular materials, collateral resources, training venues and accommodations, recruitment materials, evaluation, and follow-up contribute to the success of the training program. If any of the elements is done poorly, the entire program is affected. Given the serious and consequential nature of options counseling and the inclusion of adoption as a possibility, all aspects of the training program must be done well.

A brochure or workbook that is well-produced, attractive, and user-friendly lends credibility to the program and to the institution sponsoring it. Friendly and helpful staff members who process registrations and answer phone and e-mail questions in a pleasant manner set the tone for the program. Trainers that are well prepared and enthusiastic add much to the value of the training experience. Quality public information materials that are appreciated and used by media outlets reach more people and speak positively for those involved in adoption awareness. Even in mundane matters such as good meals and break snacks, there is a training benefit. The list could go on. Content trainees are simply more receptive to learning, Whatever the particular phase of the training program may be, invest the time, energy, and resources necessary to do it well.

9 | The Evaluator's Report on NCFA's Infant Adoption Awareness Training Program

By Edmund V. Mech, Ph.D.†

Each year millions of women receive pregnancy-related services at public health clinics, hospitals, pregnancy resource facilities, and crisis pregnancy centers. When a pregnancy test is positive, two options typically receive consideration—parent the child or terminate the pregnancy. Pregnancy counselors rarely discuss the option of adoption with clients. If they do, information is often inaccurate or may be presented in a manner that discourages clients from considering the possibility of adoption. It is essential that public health clinics and other settings that offer pregnancy counseling services discuss all options with clients and do so in a knowledgeable and positive way. Without accurate information, women facing an unplanned pregnancy are unable to make an informed decision about the best steps to take with respect to the child.

NCFA Infant Adoption Awareness Training Program model

Research has shown that adoption awareness has been a missing element in pregnancy counseling programs.[1] As part of the Children's Health Act of 2000, Congress sought to address the inequity. This federal statute provided that the U.S. Department of Health and Human Services (H.H.S.) would make grants to national, regional, or local adoption organizations for programs to ". . . train designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women. . . ."[2] The National Council For Adoption (NCFA) received a three-year grant in 2001, to develop and implement a nationwide "Adoption Awareness Training Program" (Program).

Using a "Train-the-Trainer" model, NCFA trained 190 adoption practitioners at seven geographical sites to be the Program's "Master Trainers." Over a three-year period, the Master Trainers delivered "adoption awareness" training to more than 13,000 employees of federally-funded pregnancy counseling centers and other approved organizations.

The trainee sample consisted of 13,400 "Health" and "Non-Health" trainees combined. There were slightly more Non-Health trainees than there were Health trainees. Approximately one-half of the Health trainees worked in hospitals and one-third in public health clinics. The remainder of Health trainees included em-

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1. Field research conducted at the University of Illinois in the 1980s provided the empirical basis for legislation introduced in 1999, which became part of the Children's Health Act of 2000. See *Orientations of Pregnancy Counselors Toward Adoption* (final report), grant no. APR000902, Office of Adolescent Pregnancy Program, Department of Health and Human Services, Washington, D.C. (1984).

2. *Children's Health Act of 2000*, Public Law 310, 106th Cong., 2nd sess. (October 17, 2000).

ployees from community health clinics and Planned Parenthood. The majority of Non-Health trainees were crisis pregnancy center workers. The remainder (just under than 50 percent) consisted of a mixture of public school, social service, and advocacy organization employees.[3]

Research has shown that adoption awareness has been a missing element in pregnancy counseling programs.

The Program offered two training curricula: a one-day Adoption Liaison training and a three-day Adoption Specialist training. Approximately 63 percent of Non-Health trainees took the one-day workshop, while approximately 37 percent attended the three-day training. Similarly, greater numbers of Health trainees attended the one-day Adoption Liaison training versus the longer session. Just over 58 percent of Health trainees attended the one-day course, while almost 42 percent completed the three-day training.

Evaluation panel

In accordance with the grant, NCFA formed an evaluation unit (Evaluation Panel) independent of the Program's training department. The Evaluation Panel was comprised of experienced investigators and grant scholars, who represented five academic institutions.[4] The Evaluation Panel's responsibilities were many. In year one, the team developed and tested the Program's evaluation procedures and data-collection instruments. In years two and three, the Panel finalized and implemented the evaluation plan. Important, continuing functions of the Evaluation Panel were to advise on field tests to assess training effectiveness, to review and analyze the data-collection instruments and data-sets, and to provide ongoing guidance to the National Program Director.

Following the conclusion of all workshops, the Evaluation Panel evaluated the data to determine whether the trainings:

- Increased trainee knowledge about adoption.
- Educated trainees about the importance of presenting accurate and positive information about adoption to women who seek counseling about an unplanned pregnancy.
- Educated trainees about the benefits of adoption for some pregnant women.
- Improved trainee confidence in and attitude toward counseling about adoption as an option to an unplanned pregnancy.

Data collection methodologies and evaluation techniques

Evaluation procedures were based on several data collection and evaluation concepts. These included triangulation of data, collection of data on a time-series basis, and using comparative/control procedures.

The Panel constructed the data collection instruments and indictors to enable "triangulation" of data. Triangulation refers to collection of data from multiple sources. This process enhances the reliability and validity of findings. The Program's data sources—or data measurement instruments—included: "Adoption Awareness" tests to assess trainee knowledge of adoption information; "Self-Assessment Inventories" to determine "ability to communicate adoption"; "End-of-Workshop Ratings" to allow trainee evaluation of workshops; and two "Post-Workshop Surveys" to assess application of workshop concepts to practice.

The evaluation procedure relied on the collection of data over a period of time, rather than all at once, which enabled the Panel to evaluate the effectiveness of specific aspects of the training. All trainees took the Adoption Awareness test on the first day of the workshop (Pre-Train-

3. While NCFAR's Program targeted those working in federally-funded clinics and other public centers providing pregnancy counseling, NCFA opened the training to those working in private, non-profit health centers and other centers whose services included pregnancy counseling, as permitted under the terms of the grant.

4. Members of the Adoption Awareness Inter-University Evaluation Panel were Dr. Edmund V. Mech, University of Illinois; Dr. Joan Rycraft, University of Texas-Arlington; Dr. Michael Patchner, Indiana University; Dr. Steven Wernet, St. Louis University; and Dr. Jack McKillip, Southern Illinois University.

ing test)—prior to receipt of any training—and at the conclusion of the workshop (Post-Training test). Trainees completed the End-of-Workshop ratings at the conclusion of the training, as part of which they rated a variety of training components, such as "relevance of curriculum content." Finally, trainees were given the opportunity to provide feedback about the impact that the workshops made on counseling practice through a survey conducted 45 to 60 days following training and another offered no sooner than six months following training.

The Panel also used a special procedure to evaluate training effects. Using a multi-step cohort-control design, Adoption Specialist trainees at 20 randomly-selected sites were tested at three points on Adoption Awareness knowledge. Step 1 was a Pre-Pre-Training test taken three to five days before the beginning of the training. Step 2 was the Pre-Training test, taken on training day prior to initiation of training. Step 3 was the Post-Training test taken at the end of the workshop. The Step 1 and Step 2 tests enabled the Evaluation Panel to determine whether there was any significant change between the two pre-training assessments versus change between pre-training scores and post-training knowledge. If there was no significant change between both of the pre-training tests, but significant change between the Pre- and Post-Training Tests, this would support the conclusion that training made a difference. On the other hand, if there was a significant change between the two pre-training tests, this would make it harder to draw conclusions about training effectiveness.

Data collected

Indicator 1: Adoption awareness

All Health and Non-Health trainees took the "Adoption Awareness" Pre- and Post-Training tests. The Evaluation Panel used the Pre- and Post-Training test data to evaluate trainee "acquisition of adoption knowledge" during the workshop. As such, the measures were objective—or quantitative. The Pre- and Post-Training tests included the same items, though they were presented in a different order. (Attachment A). The Adoption Awareness evaluations produced the following results:

	Pre-Test	Post-Test	Change
Overall (Health and Non-Health)	62.5% correct	75.9% correct	+13.4%
Health trainees only	61.7% correct	5.1% correct	+13.4%
Non-Health trainees only	63.2% correct	76.8% correct	+13.6%

There was no significant difference between Non-Health and Health trainees with regard to their base of adoption awareness knowledge or in the change in knowledge over the course of the training. The average change for Health trainees was +13.4 percent, and the average change for Non-Health trainees was +13.6 percent. Both of these increases were statistically significant.

The Adoption Awareness test results were consistently positive and represented statistically significant gains in *each* training site, irrespective of region or geographic location. Table 1 compares pre-training and post-training Adoption Awareness scores for 268 training sites attended by more than 5,000 Adoption Specialists. The information is classified by federal H.H.S. region.

With respect to the 20 Cohort-Control site trainees, who took two pre-training tests at predetermined intervals prior to the training, the average "percentage correct" change was a minus (–) 1.7 percent between the Pre-Pre-Training and the Pre-Training tests. In essence, without adoption awareness training, little or no change occurred. Following introduction of training, the Cohort-Control site Adoption Specialist trainees showed an average "percentage correct" gain of +15.3 percent. Table 2 summarizes Cohort-Control data for the three-phase Pre-Pre-Training, Pre-Training, and Post-Training series.[5]

5. Seventy percent of Cohort-Control sites experienced a negative average "percentage correct" change (and loss) between the Pre-Pre-Training and Pre-Training tests, while 100 percent of the Cohort-Control sites experienced a positive average "percentage correct" change (and gain) between the second Pre-Training test and the Post-Training test.

Indicator 2: Ability to communicate adoption

Prior to the training, trainees completed a "Self Assessment Inventory" that rated how easy or difficult it was to respond to four common adoption-related client and counselor comments/concerns, such as a client who is concerned about "giving her baby away." The Inventory asked counselors also to rate themselves on a scale of one to five about how knowledgeable, effective, and confident they felt in providing adoption counseling.

The "Self-Assessment" data were based on trainee self-report. Analysis of Self-Assessment Inventory profiles collected from nearly 2,500 trainees showed that, prior to training, 40 to 50 percent of the trainees expressed uncertainty or difficulty in responding to client and counselor comments and questions. Post-training Self-Assessment patterns demonstrate sharp reductions in uncertainty, dropping to five percent or fewer trainees who expressed uncertainty or difficulty in responding to questions and comments. "Ability to communicate adoption" increased markedly, as measured by the post-workshop Self Assessment Inventory. For example, the percentage gains in "confidence to respond" ranged from +25 percent to +47 percent. Table 3 summarizes Adoption Liaison and Adoption Specialist trainee Self-Assessment Inventory responses about their ability to respond to specific counselor and client comments/questions. Table 4 provides the average "self-ratings" of trainees before and after the trainings, along with the percentage change.

Indicator 3: End-of-workshop ratings

End-of-Workshop ratings were collected from 5,100 Adoption Specialist trainees and from 5,600 Adoption Liaison trainees. Rating forms were anonymous. Seven aspects of training were evaluated, using an "Effectiveness Rating" index ("E-Rating"). The Effectiveness Rating index used a five-point system, ranging from one (ineffective) to five (highly effective.) The "Percentage Effectiveness Rating" ("E-%") was calculated by dividing mean (average) scores by five, the maximum possible E-Rating. Table 5-A provides the Adoption Specialists' mean ratings, while Table 5-B presents the Adoption Liaisons' mean ratings.

All mean E-Rating percentages for both the Adoption Specialist trainees and Adoption Liaison trainees exceeded 80 percent. The average "Overall Effectiveness of Training" percentage rating exceeded 90 percent (94 percent for Adoption Specialists and 91 percent for Adoption Liaisons). Both the Adoption Specialist trainees and Adoption Liaison trainees rated "Trainee/Instructor Interaction," on average, as 96 percent effective.

Indicator 4: Post-workshop, 45–60 day follow-up

Post-Workshop follow-up survey questionnaires were sent to more than 5,000 Adoption Specialist trainees and more than 4,000 Adoption Liaison trainees. The response rate for Adoption Specialists was 36 percent and 26 percent for Adoption Liaisons. Analyses have been completed for approximately 1,800 Adoption Specialist respondents and 1,101 Adoption Liaison respondents. Percentage gains in adoption awareness reflected on the 45–60 Day Follow-Up survey responses, as compared to Pre-Training tests, are of sufficient magnitude to conclude that the beneficial aspects of training carry over into practice. The Percentage Effectiveness Ratings for Adoption Specialists and Adoption Liaisons, as reflected on the 45–60 Day Follow-Up, were 74 percent and 79 percent respectively. Although these are less than those obtained as part of the End-of-Workshop Rating process, the post-training rating level is impressive. What must be taken into consideration is the difficulty level of transferring training concepts about adoption awareness into actual practice. Efforts to apply workshop concepts to reality-based practice are likely to encounter situations not discussed, taught, or even anticipated in the training phase. It is clear that trainees have been successful in utilizing workshop content as a starting point for expanding their skills in Adoption Awareness.

Indicator 5: Extended follow-up

The Evaluation Panel has also taken steps to determine the long-term impact of the Program training. Trainees who cited an activity, accom-

plishment, or concern on the 45–60 day initial follow-up were contacted six months or later after the training to elicit further details. Approximately 500 extended contacts were made by the Follow-Up Unit. Although the extent to which trainees were able to provide additional details about applications to practice was mixed, it became clear to Follow-Up staff that trainees are taking steps to apply the knowledge gained during the training phase. Examples of reported post-workshop activities included implementation of efforts to educate practitioners and clients about adoption as well as establishment of protocols in responding to client comments and concerns about adoption.

Some trainees reported preparing and distributing practitioner "tool kits" to conduct adoption awareness exercises with clients and to demonstrate to colleagues how tool kit exercises can be used in counseling clients. The tool kit plan was based on information learned in workshop training sessions. Respondent descriptions of tool kit contents regularly included: information about relinquishment procedures; useful excerpts from the Program training manual; and brochures, pamphlets, and posters for distribution in clinics, hospital waiting rooms, schools, and health facilities, as appropriate.

Trainees provided feedback about how they try to respond to client concerns and comments that they regularly hear, such as "My mom did it (single-parented), so can I"; "I'm afraid my baby would feel unloved"; and "Anyone who gives up her baby must have no feelings." In the Extended Follow-Up survey, trainees reported that they take certain steps, which include to: try to listen to a client's expressed feelings and then encourage her to put aside emotions for a short time and make a pro-con list; have the client consider her financial stability, life goals, and relationship with the baby's father and her own family; and ask client specifics about her plan on adoption or parenting, using the training materials.

The Extended Follow-Up survey also made it possible to identify and describe the variety of ways in which trainees are facilitating adoption awareness training. Respondents have reported, for example, that they do this within public schools by coordinating with school counselors. They also report collaborating with adoption agencies as part of community adoption education initiatives.

Training program findings

The empirical data collected by the evaluation team indicate that NCFA's Infant Adoption Awareness Training Program was highly beneficial in training the more than 13,000 Adoption Specialists and Adoption Liaisons. The training sites consistently reported statistically significant gains in: (1) trainee "adoption awareness"; (2) trainee understanding of the importance of presenting accurate and positive information about adoption to all women who seek counseling about an unplanned pregnancy; (3) trainee understanding of the benefits of adoption for some clients; and (4) trainee confidence in and attitude toward communicating adoption as an option for an unplanned pregnancy.

Finding 1: NCFA's workshops were effective in educating trainees about adoption. The Pre- and Post-Training "adoption awareness" test results showed statistically significant "gains in adoption knowledge" at each of the 900 training sites. Workshop participation enhanced trainee acquisition of adoption knowledge. Post-workshop evaluations assigned high marks to training effectiveness, with special reference to acquisition of adoption information, identification and location of adoption resources, and useful procedures for making referrals.

Finding 2: Trainees were better able to communicate adoption information to women with unplanned pregnancies and were more confident in responding to adoption-related client and counselor comments and concerns, after attending NCFA's workshop. The data show a significant relationship between workshop participation and the ability to communicate adoption and to respond to client and counselor questions about adoption. Prior to training, 30 to 50 percent of the more than 13,000 participants expressed uncertainty and concern about discussing adoption with clients and colleagues. Trainee "ability to communicate adoption" in-

creased, on average, by more than 50 percent as a result of workshop participation.

Finding 3: Trainees reported significant benefits from attending the workshops. A review of the End-of-Workshop ratings show that 91 percent of Adoption Liaison trainees and 94 percent of Adoption Specialist trainees rated the "Overall Effectiveness of Training" as "excellent." Ninety-six percent of all trainees assigned a rating of "excellent" to "Trainee/Instructor Interactions." The 90 percent and greater trainee satisfaction spanned all of the more than 900 training sites. Survey anonymity enhanced the reliability of trainee ratings.

Finding 4: Training resulted in beneficial changes in ability to communicate adoption. Both the 45-60 Day survey results and the Extended Follow-up survey results report trainee application of workshop concepts to practice in a variety of ways, including: (1) increased involvement and participation in efforts to "communicate adoption," such as part of: presentations at schools, churches, and community events; (2) establishment of support groups and mentoring programs for pregnant women who are considering options to unplanned pregnancies; and (3) revisions to policies and procedures of health facilities, including hospitals, which ensure that adoption information is routinely provided to pregnant clients. The 45–60 Day Follow-Up survey results also show that training increased "adoption awareness" among the responding Adoption Specialist participants by 35 percent and among the Adoption Liaison trainees by 34 percent, as compared to pre-workshop "adoption awareness." This finding supports the conclusion that trainees were able to apply concepts learned in the workshops. In addition, survey responses show that pregnancy counseling centers are, more and more, using Adoption Specialists to provide information to clients about the option of adoption—especially clients who are undecided about readiness to parent—and also to communicate adoption information to the community at large.

Finding 5: Educating pregnancy counselors about adoption and providing them training on how to communicate adoption to pregnant clients in a positive manner is an important first step in achieving equity in discussing all options to an unplanned pregnancy. Program alumnae acknowledge that pregnancy counselors tend not to counsel pregnant clients about the option of adoption, or that they provide only limited and superficial information, focusing rather on the options to parent or to terminate the pregnancy. More and more, NCFA training graduates are raising awareness of the benefits of adoption with clients and lending a voice to educating about adoption so that it will no longer be treated as a "silent solution"—that is, an option about which pregnant women are essentially unaware and not encouraged to consider.

Future directions

There will continue to be a need for adoption-awareness training in public health programs, especially in light of demographic parenting trends of the last two decades. National Center for Health Statistics data show the number of births to unmarried women in the United States annually has increased from more than 89,000 in 1940, to nearly 1.5 million in 2004.[6]

While many single parents provide safe and stable environments for their children, the data show that a substantial number of the approximate 500,000 children in foster care were residing in single-parent homes at the time of removal by child protective services. The reasons are complex, but they are certainly impacted by lower educational and economic capabilities of many of these parents.

The future of pregnancy counselor "adoption awareness" and the quality of adoption counseling depends on: (1) the sustainability of effective counselor training programs; and (2) the shaping of informed adoption-related public policy. Important areas for attention and priority should include the following:

6. National Center for Health Statistics (NCHS) of the Centers for Disease Control, "Births: Preliminary Data for 2004," *National Vital Statistics Reports* 54, no. 8 (December 29, 2005).

1. Replication of NCFA adoption awareness counseling model: In light of its success in increasing pregnancy counselor adoption awareness, changing counselor attitudes about adoption, and equipping counselors with the skills and confidence to effectively counsel clients about the option of adoption, the NCFA training model should be replicated to reach more pregnancy counselors and other professionals to whom pregnant women are likely to turn when faced with an unintended pregnancy.

2. Availability of continuing adoption awareness education/skill-building opportunities: Fundamental adoption awareness and counseling skill-building should be supplemented with continuing instruction about relevant adoption practice and policy to ensure that counselors maintain "adoption awareness" and the "ability to communicate adoption."

3. Collaboration of social service and public health agencies: Social service and public health governmental agencies should attempt to coordinate initiatives and to collaborate in ways that will decrease the likelihood of unintended pregnancies among the population who seeks their services. They should also collaborate as part of these processes to raise awareness of placing a child for adoption. In addition to undertaking "pre-emptive" efforts to prevent unintended pregnancies, government agencies should educate those seeking contraceptives, those inquiring about pregnancy prevention, and/or those utilizing parenting services, such as government assistance through WIC (Women, Infants, and Children), about all options in the event of an unintended pregnancy. This will raise adoption awareness and shape public attitude toward adoption as a positive option.

4. Social work student training: Schools of social work and other relevant educational institutions should seek funding for field placements in the public health sector and encourage students to select these, as well as other placements relevant to pregnancy counseling. Field-based educational opportunities can teach interns principles of sound pregnancy counseling that include adoption as one of the options for clients to consider.

5. Adoption curricula in schools: Efforts to reach out to schools and communities about policies relevant to pregnant teens must be undertaken. School systems provide an excellent forum for effective education about the positive option of adoption. Pregnancy counselors and adoption professionals should promote efforts to instruct students about the option of adoption in the event of pregnancy. Schools regularly include discussions about parenting and provide information about child-care facilities for teens that decide to parent. Curricula should be expanded to provide meaningful, positive discussions of adoption.

Conclusion

NCFA's Infant Adoption Awareness Training Program provides evidence that pregnancy counselors are, many times, uninformed—or misinformed—about adoption and its importance in counseling women with unplanned pregnancies; that they are, more often than not, uncertain about discussing adoption with clients; and that many lack the skills and confidence necessary to communicate effectively with clients about adoption as an option to an unintended pregnancy. At the same time, the NCFA training program results show that training of pregnancy counselors elevates levels of adoption awareness, improves attitudes toward adoption, and provides skills needed to be able to communicate adoption to clients.

The sustainability of adoption awareness efforts and implementation of adoption counseling as a positive option to an unintended pregnancy will require the effort and commitment of many human service entities, including public health departments, pregnancy resource networks, school systems, and state departments of social services. Collaboration is vital, because it will impact the likelihood of whether clients will truly consider adoption as an option and the capability of pregnant women to make informed decisions about a course of action.

■ **Table 1.** Pre-Training and Post-Training Adoption Inventory Scores

HHS Region	Adoption Inventory % Correct		% Change
	Pre-Training	Post-Training	
1 CT, MA, ME, NH, RI, VT	64.9	79.3	+14.4%
2 NY, NJ	66.7	80.1	+13.4%
3 DE, DC, MD, PA, VA, WV	67.4	81.1	+13.7%
4 AL, FL, GA, KY, MS, NC, SC, TN	59.9	73.4	+13.5%
5 IL, IN, MI, MN, OH	61.7	73.6	+11.9%
6 AR, LA, MN, OK, TX	63.9	78.5	+14.6%
7 IA, KS, MO, NE	61.3	75.4	+14.2%
8 CO, MT, ND, SD, UT, WY	64.3	77.8	+13.5%
9 AZ, CA, HI, NV	61.1	77.7	+16.6%
10 AK, ID, OR, WA	59.5	70.1	+10.6%
Total Average (%)	**+62.2%**	**+75.6%**	**+13.4%**

■ **Table 2.** Cohort-Control Series

Site	% Correct		
	Test-1 (Pre-Pre)	Test-2 (Pre-Test)	Test-3 (Post-Test)
Pittsburgh	62.7	62.3	84.8
Richmond	69.1	63.1	82.2
Charleston	66.4	66.9	87.1
Omaha	71.5	70.2	82.8
Oklahoma City	71.5	70.2	88.1
Springfield	71.5	64.4	80.2
Indianapolis	65.9	66.2	64.4
St. Paul–1	69.2	69.2	81.6
Columbus	65.2	64.3	81.9
Des Moines	65.9	62.6	83.2
Wichita	74.1	72.5	84.4
St. Louis	58.8	58.8	73.5
Denver	65.6	67.4	87.7
St. Paul–2	63.6	68.3	81.7
Sioux Falls	71.3	68.2	84.9
Salt Lake City	72.7	61.7	83.2
San Francisco	65.9	64.7	79.3
Seattle	69.1	67.7	84.8
Jackson	64.6	61.8	77.7
Missoula	61.8	61.2	81.2
Total Average %	**67.3%**	**65.6%**	**81.7%**

■ **Table 3.** Trainee Self-Assessments of Ability to Respond to Client and Colleague Concerns about Adoption

1) Concern: "I can't imagine carrying a baby for nine months then giving it away."

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Difficult	22.1%	3.5%
Easy	54.7%	94.5%
Not Sure	23.2%	2.0%
Total	100%	100%
Change +39.8%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Difficult	21.2%	7.7%
Easy	51.4%	88.0%
Not Sure	27.4%	4.3%
Total	100%	100%
Change +36.6%		

2. Concern: "I run into quite a few nurses and other health people who are negative about adoption."

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Difficult	12.3%	2.0%
Easy	58.9%	95.0%
Not Sure	28.8%	3.0%
Total	100%	100%
Change +36.1%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Difficult	11.6%	4.2%
Easy	55.9%	87.4%
Not Sure	32.5%	8.4%
Total	100%	100%
Change +31.5%		

3. Concern: "Won't people think I'm terrible if I give my baby away for adoption?"

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Difficult	12.7%	2.2%
Easy	70.9%	96.3%
Not Sure	16.4%	1.5%
Total	100%	100%
Change +25.4%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Difficult	12.0%	3.2%
Easy	70.7%	94.6%
Not Sure	17.3%	2.2%
Total	100%	100%
Change +23.9%		

4. Concern: "I don't talk about adoption with clients because most of them come in with their minds made up."

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Difficult	17.0%	0.9%
Easy	54.7%	97.9%
Not Sure	28.3%	1.2%
Total	100%	100%
Change +43.2%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Difficult	16.2%	3.1%
Easy	51.8%	93.1%
Not Sure	32.0%	3.8%
Total	100%	100%
Change +41.3%		

■ **Table 4.** Trainee Self-Ratings of Adoption Counseling Knowledge, Confidence, and Effectiveness (Scale: 1 to 5, 1 = lowest, 5 = highest)

1. How knowledgeable are you to respond to questions about adoption? (Rate yourself, 1-5.)

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Points	2.5	4.2
Percentage	50.8%	83.6%
Change +32.8%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Points	2.43	3.77
Percentage	48.6%	75.4%
Change +26.8%		

2. How effective are you in responding to questions about adoption? (Rate yourself, 1-5.)

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Points	2.6	3.7
Percentage	51.0%	73.4%
Change +22.4%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Points	2.44	3.59
Percentage	48.8%	71.8%
Change +23.0%		

3. How confident are you to respond to questions about adoption? (Rate yourself, 1-5.)

Overall (Adoption Specialists) (N = 2,482)		
	Pre	**Post**
Points	2.3	3.9
Percentage	46.6%	77.4%
Change +30.8%		

Overall (Adoption Liaisons) (N = 5,218)		
	Pre	**Post**
Points	2.43	3.72
Percentage	48.6%	74.4%
Change +25.8%		

■ **Table 5-A.** End-of-Workshop Effectiveness Ratings: Adoption Specialists

Item	N	Mean	E-%
Overall Effectiveness of Training	5144	4.7	94%
Relevance of Curriculum Content	5139	4.6	92%
Preparation as an Adoption Resource Specialist	5118	4.5	90%
Handouts/Readings	5067	4.5	90%
Class Discussion	5095	4.7	94%
Trainee/Instructor Interaction	5095	4.8	96%
Role-Plays	5014	4.5	90%

N = Number of trainees responding

■ **Table 5-B.** End-of-Workshop Effectiveness Ratings: Adoption Liaisons

Item	N	Mean	E-%
Overall Effectiveness of Training	5675	4.5	91%
Relevance of Curriculum Content	5675	4.5	91%
Preparation as an Adoption Resource Specialist	5167	4.1	82%
Handouts/Readings	5515	4.5	91%
Class Discussion	5561	4.6	92%
Trainee/Instructor Interaction	5566	4.8	96%
Role-Plays	4948	4.3	86%

N = Number of trainees responding

■ **Table 6-A.** Post-Workshop 45-60 Day Follow-Up (Adoption Specialists)

Item	Mean	E-%	N
1. To what extent did the workshop prepare you to initiate discussion of adoption with pregnant clients?	4.4	88%	1,815
2. How prepared are you to respond to client questions about adoption?	4.3	86%	1,815
3. To what extend did the workshop prepare you to provide clients with adoption information in an objective and non-judgmental manner?	4.5	90%	1,811
4. To what extent did the workshop participation increase your knowledge of adoption and adoption procedures?	4.5	90%	1,813
5. To what extent did the workshop increase your knowledge about adoption resources and making referrals?	4.3	86%	1,806
6. Rate your adoption awareness prior to training.	4.0	40%	1,446
7. Rate your present level of adoption awareness.	7.5	75%	1,782
8. Rate the overall effectiveness of the training.	3.7	74%	1,376

■ **Table 6-B.** Post-Workshop 45-60 Day Follow-Up (Adoption Liaisons)

Item	Mean	E-%	N
1. To what extent did the workshop prepare you to initiate discussion of adoption with pregnant clients?	3.9	77%	854
2. How prepared are you to respond to client questions about adoption?	3.8	77%	861
3. To what extend did the workshop prepare you to provide clients with adoption information in an objective and non-judgmental manner?	4.1	81%	857
4. To what extent did the workshop participation increase your knowledge of adoption and adoption procedures?	4.1	83%	860
5. To what extent did the workshop increase your knowledge about adoption resources and making referrals?	4.0	80%	858
6. Rate your adoption awareness prior to training.	4.1	81%	838
7. Rate your present level of adoption awareness.	7.5	75%	850
8. Rate the overall effectiveness of the training.	4.0	79%	841

10 | The State of Birthmother Counseling in Policy and Practice

By Chuck Johnson†

Birthmothers from generations past often report having been "counseled" to return home, forget about the baby, and live happily-ever-after following the birth and adoptive placement of their baby. It is impossible to know how frequently counselors offered this well-intentioned, but unrealistic, advice. But it is clear from the literature and documented case studies that adoption practitioners have not always comprehended the emotional strains that making an adoption plan can have on the relinquishing mother.

In recent years, as licensed social workers, licensed private adoption agencies, and other skilled professionals have become involved in the practice of adoption, there has been an increased focus on assisting birthmothers with grief and loss issues. Adoption agencies now provide extensive pre- and post-placement birthmother counseling and other support services. These programs educate pregnant women facing an unplanned pregnancy about their options; help them weigh all relevant factors before deciding to make an adoption plan; and support birthmothers as they cope with and reconcile the emotions that they feel after relinquishment.

States have also taken steps to protect birthmothers who decide to relinquish a child for adoption by regulating birthparent adoption counseling. These laws are consistent with the evolution of adoption "best practice." They are designed to ensure that birthmothers understand the legal implications of adoption on their parental rights and that they make the placement decision free from undue influence or other pressure to do so.

Unlike adoption professionals and governments, society does not appropriately acknowledge the sacrifice made by birthmothers or treat them with the respect they are due. Women making an adoption plan in the twenty-first century choose adoption under different circumstances than they did decades ago. Until the latter part of the last century, social customs made it essentially unthinkable to raise a child outside of marriage, the result of which unmarried women often placed their child for adoption to avoid the associated stigma. Today, mores have changed to the point that there is oftentimes more stigma associated with the unmarried birthmother who chooses adoption, rather than with the unmarried birthmother who chooses to raise the child as a single parent.

A woman choosing adoption today is able to make her own decision about what is best for her and her baby. She may be opposed to abortion and decide that adoption promotes the child's best interests. She may realize that adoption will provide the child the stable and loving family he deserves, which, at this time in the birthmother's life, she is unable to offer—whether because of her unreadiness to parent, insufficient education; financial constraints;

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and/or lack of support from parents, friends, or the father of the baby. Quality adoption counseling is essential, because it enables pregnant women to make decisions in an informed manner, with all facts and after reflection.

The evolution of adoption practice

By the time most birthmothers reach the adoption professional, they are usually deciding whether to place the child for adoption or to parent. Today, no competent adoption professional would suggest to the pregnant client that it will be possible to resume life and forget the child she placed for adoption, as if she had never been pregnant or given birth. Counseling provides an opportunity for the client who is vacillating between the decision to make an adoption plan or to parent the child to evaluate objectively both options. For the client who is predisposed to one option, counseling allows her to formulate her reasons for accepting or rejecting one option over the other and to be sure that she is making the better decision.

Adoption professionals can help women with unplanned pregnancies to distinguish between their own needs and those of the child. Although counseling plans and casework goals vary from professional to professional, even within adoption agencies, skilled counselors always encourage clients to weigh the advantages and disadvantages of adoption versus parenting, and they facilitate this evaluation process.

Birthmothers who are leaning toward parenting will be invited to participate in parenting education that provides useful instruction on a variety of topics, such as the financial demands of raising children to daily care and supervision considerations. They will also receive lessons that equip those who decide to parent with skills to help provide a stable family environment for the child. This is especially important in the case of unmarried birthmother clients without support systems critical to parenting.

For a birthmother who is considering adoption, the counselor will initiate processes for the client to make an individualized adoption plan, including the degree of input from the counselor she desires. Counselors routinely discuss with birthmothers, as part of case planning and adoption education, legal considerations, such as the time at which a birthmother may legally consent to the placement and birthfather rights; available family, friend, or other support systems; the extent of contact wanted with the adoptive family; and where the baby will be during the at-risk periods between birth and finalization of the adoption.

For birthmothers who proceed with adoption, the counselor helps them prepare for the difficult decisions they must make as the birth approaches and the accompanying feelings and emotional struggles. The birthmother must make hospital and discharge plans. In doing so, she will need to consider how much contact to have with the baby—if she will nurse the baby; if she will have the baby with her in her room; whom she wishes to visit with her; and when and how she will sign her relinquishment paper, the last being impacted by state law. Skilled counselors also help prepare the birthmother for possible questions and reactions from well-intentioned family members, peers, or even hospital physicians and nurses, who do not understand, or might question, the decision-making process that led her to choose adoption.

A birthmother may view adoption as the right decision—the very best decision—but relinquishment still involves loss, and clients will

need ongoing support to cope with conflicting feelings. Many clients report the actual signing of the adoption papers as one of the most difficult times of the relinquishment process. Birthmothers report profound sense of loss, fear of future regret, and sometimes shame at the time of relinquishment. Counseling helps prepare a birthmother for the eventual difficulty of this life-changing step, by helping her define clearly within her own mind her reasons for choosing adoption and by assisting her in developing a clear and accurate understanding of adoption and how it might further her goals for herself and her child.

Society does not appropriately acknowledge the sacrifice made by birthmothers or treat them with the respect they are due.

Given the long-term consequences of making an adoption plan, most adoption professionals now provide an assortment of post-relinquishment services to birthparents. In the days following the child's birth, it is not uncommon for birthparents to experience conflicting emotions. Many birthparents report feeling a sense of joy and sadness, pride and shame, and acceptance and regret following the child's birth and the decision to relinquish. The counselor can play an important role in helping the client mourn her loss, verbalize her feelings, adjust to the consequences of her decision, and remember the reasons she chose adoption. The counselor can continue to offer support by encouraging the client to express her feelings; helping her not to blame herself or others for her difficult circumstances; and helping her be able to explain and defend her decision to others who question her.

Counselors are able also to help birthmothers after completion of the adoption by reminding them that healing happens, though it may take time. A birthmother should be told that she will not forget her child and that it is common for the child to remain in her thoughts as she resumes her life. Some birthmothers will remain in touch with their counselor long-term, although most clients will decrease their contact as they reach a place of acceptance. Counselors should also provide clients information about the possibilities of maintaining, or not maintaining, contact with the adoptive family and assist them in this regard.

Evolution of adoption regulation

Adoption practice has increasingly become subject to state regulation and oversight during the past few decades, including with respect to birthparent relinquishment of a child for adoption. State adoption statutes now often include provisions that address pre-adoptive placement counseling in the context of relinquishing a child and consenting to adoption. State child-placing licensing divisions sometimes impose adoption counseling requirements, either in addition to, or in lieu of, statutory provisions. Private adoption agencies even regulate themselves, many times more stringently than do the legislatures.

State adoption counseling laws vary significantly.[1] Some states' birthparent counseling laws are vague. In the case of independent adoptions, Maryland requires that the birthparents be informed of the ". . . option of receiving counseling and guidance," but does not provide any additional specificity as to substance of the counseling.[2] On the other hand, many states address additional components of adoption counseling, including topics to be discussed (permanency of placements, current and potential impact on birthmothers, and alternatives to placements), the duration and number of required sessions, who may provide counseling,

1. This article is not intended to provide a comprehensive review of state adoption counseling laws and regulations, but is to provide a general overview of birthparent adoption counseling practices. Approximately one-half of states have statutes that pertain to counseling. States sometimes regulate birthparent counseling through licensing rules and regulations that may be in addition to, or in lieu of, state statutes. References to particular state laws in this article are for purposes of illustration. To learn whether and how a particular state regulates counseling, and to make sure there has been no recent change in law, contact the state itself or consult with a local attorney.

2. *Michie's Code of Maryland Ann.* § 5-320 (a) (2) (LexisNexis 2005).

right to reimbursement for counseling costs, verification of the offer and/or the receipt of counseling, to name a few.

Colorado law sets forth topics to be addressed in birthparent counseling. These include, at a minimum, information related to the permanence of the decision; information concerning each parent's complete medical and social histories; in the case of a pregnant mother, referral information for medical care and for determination of eligibility for medical assistance; information concerning alternatives to relinquishment; and information about the confidentiality of identifying information, the confidentiality of non-identifying information, and access to the original birth certificate.[3]

Adoption professionals can help women with unplanned pregnancies to distinguish between their own needs and those of the child.

Utah's adoption statutes address matters pertaining to the duration of counseling, including the number of required sessions, who is permitted to provide the counseling, and how the counseling is financed. Birthparents may receive, and be reimbursed for, up to three sessions of counseling, each of which must last at least 50 minutes.[4] The counseling must be provided by a licensed counselor or an adoption service provider chosen by the birthparent.[5] The child-placing agency or prospective adoptive parents are required to reimburse the birthparents for the counseling, in an amount not to exceed $250.[6]

California birthparent counseling laws are similar to Utah's statutes, though there are some differences. Like in Utah, there is the option to receive counseling during three sessions, each of which must be at least 50 minutes.[7] Approved counselors in the state of California include adoption service providers and licensed psychoanalysts.[8] California law clearly requires the prospective adoptive parents pay for the birthparent counseling.[9] Maryland law addresses right to reimbursement for the costs of counseling by allowing judges to require adoptive parents to pay for a ". . .a reasonable period of time of adoption counseling. . . ."[10]

In general, states enact measures to ensure that the birthparents have been apprised of the opportunity for counseling, to ensure that birthparents do not relinquish the child for adoption without verifying the receipt of, or the opportunity for receipt of, counseling, and to ensure that that the counseling, or offer of counseling, is made as required by state law. For example, in Alabama, the consent signed by the birthparent must include the provision that the relinquishing parent understands that she should not execute the consent to relinquish if she needs or desires psychological or legal advice, guidance, or counseling.[11] In Maryland, birthparents must certify in writing that they have been made aware of the option to obtain counseling and that they have either received counseling or waived their right to it.[12]

Conclusion

There is ample evidence that placing a child for adoption does not result in a lifelong process of grieving and regret, but more times than not, promotes an outcome that can benefit both the mother and her child. Research studies show that women who relinquish their children for adoption are better positioned for accomplishing their personal and professional goals

3. *2005 Colorado Revised Statutes* §§ 19-5-103 (2) (a-g) (LexisNexis 2005).

4. *Utah Code Ann.* § 78-30-3.3 (1) (b) (LexisNexis 2005).

5. *Utah Code Ann.* § 78-30-3.3 (1) (a) (LexisNexis 2005).

6. *Utah Code Ann.* § 78-30-3.3 (2) (b) (LexisNexis 2005).

7. *West's Annotated California Family Code* § 8801.5 (d) (Thomson West 2004).

8. *Id.*

9. *West's Annotated California Family Code* § 8801.5 (c) (5) (Thomson West 2004).

10. *Michie's Code of Maryland Ann.* § 5-320 (b) (1) (LexisNexis 2005).

11. *Code of Alabama 1975* § 26-10A (12) (c) (4) (Thomson West 2005).

12. *Michie's Code of Maryland Ann.* § 5-320 (b) (2) (i-ii) (LexisNexis 2005).

than are many of their peers who choose to parent their children under adverse circumstances.[13] Birthmothers also report a high level of satisfaction with their decision to make an adoption plan, particularly when they have received the professional counseling and support that leads to a fully informed decision to choose adoption.[14]

Many in the anti-adoption movement mistakenly focus exclusively on the feelings of loss that birthmothers will inevitably experience to some degree, and fail to acknowledge the real and tangible benefits to the mother who decides she is unable to parent her child at this time in her life. Adoption opponents also ignore the fact that women choosing to parent or to terminate a pregnancy will face their own struggles and experience conflicting emotions with their decision.

Birthparent counseling is an important, necessary component of choosing adoption, not just prior to placement but, in many cases, post-placement. As with any difficult decision, experiencing some regret is likely. Sadness, sorrow, short-term depression, anxiety, and regret are emotions felt and experienced by birthmothers at various points during the decision-making process, and, for some, even beyond the decision itself. Counseling provides a foundation for birthmothers – during the process of deciding whether make an adoption plan, at the time of relinquishing parental rights, and after the adoption. A birthmother will never forget her child or the immense difficulty of the decision, but she can come to a place of acceptance and know that adoption was best and right decision for both her and her child. This resolution can then be a catalyst that helps the birthmother pursue personal goals, with full assurance that her child is loved and cared for by the child's adoptive parents.

13. See Ed Mech, "NCFA Infant Adoption Awareness Training Program Evaluation," in *Adoption Factbook IV* (2005): x-xx.

14. *Id.*

11 | American Public Attitudes Toward Infant Adoption

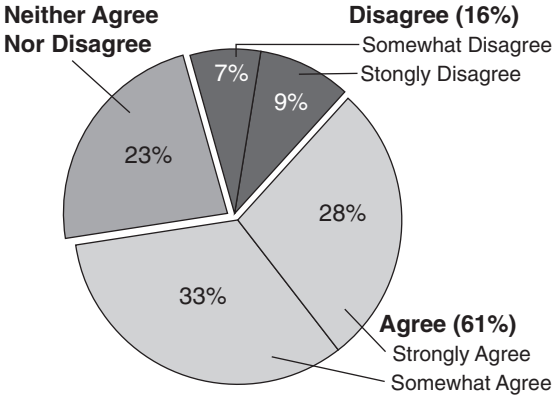
By Richard B. Wirthlin†

This report summarizes results of the internet survey Harris Interactive fielded among 2,612 adult Americans for the National Council For Adoption in February, 2006. The survey posed three Agree-Disagree questions – numbers 1, 2, and 3 below.

For purposes of analysis, the results are presented in two ways in the following charts. The general categories are: Agree, Neutral, and Disagree. A more detailed breakdown of responses to the survey indicates the categories of those who answered the following ways: Strongly Agree, Somewhat Agree, Neither Agree nor Disagree, Somewhat Disagree, and Strongly Disagree.

1. For an unmarried woman with an unplanned pregnancy, sometimes choosing adoption is what it means to be a good mother.

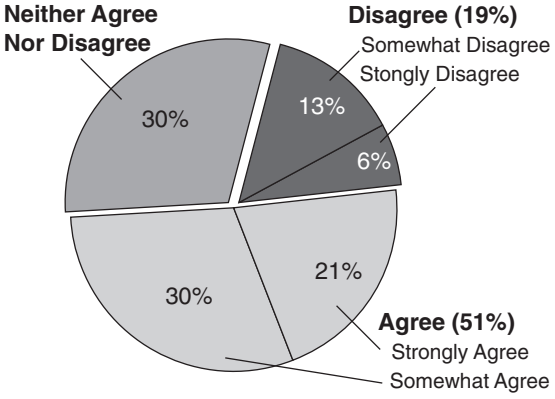
According to the poll, 61 percent of respondents agreed with the statement, while 23 percent were neutral and 16 percent indicated a level of disagreement. Further breakdown of the responses indicates that 29 percent of respondents strongly agreed, 32 percent agreed somewhat, and that 23 percent were neutral. Conversely, seven percent and eight percent



somewhat disagreed and strongly disagreed, respectively.

2. For an unmarried woman with an unplanned pregnancy, adoption is generally not the best option.

A breakdown of the responses to this statement indicates that five percent of respondents strongly agreed, 10 percent agreed somewhat, and that 34 percent were neutral. Conversely, 27 percent somewhat disagreed and 23 percent



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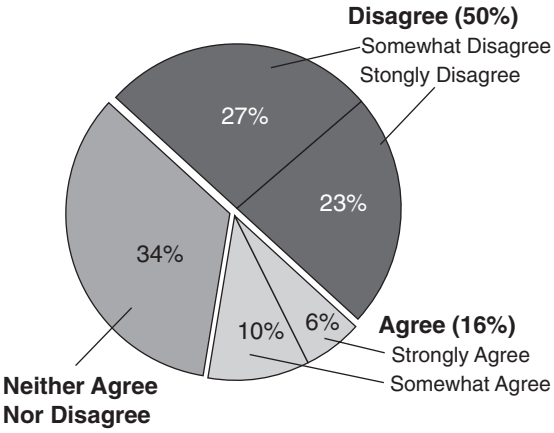

strongly disagreed. More general categorization reveals that half of the respondents disagreed with the statement, 34 percent were neutral, and that a mere 16 percent indicated some level of agreement.

3. For the child of an unmarried woman with an unplanned pregnancy, adoption is generally a positive option.

Respondents to the survey indicated a 51 percent agreement rate with this statement, while 30 percent were neutral and 19 percent indicated disagreement. Further breakdown of the results indicates that 21 percent of respondents strongly agreed, 30 percent agreed somewhat, and that 30 percent were neutral. Thirteen percent of those asked somewhat disagreed, while six percent strongly disagreed.

The survey also posed two Yes/No questions.

4. Are you presently in consultation with an adoption agency or adoption attorney for the purpose of your adopting an infant domestically?

Of the 2,612 respondents, a total of 11 individuals indicated actively pursuing an adoption, while 2,601 were not.

5. If you felt you had a realistic opportunity to adopt an infant domestically, would you attempt to do so?

Approximately 32 percent (836 individuals) of those surveyed indicated that they would attempt to adopt, given a realistic opportunity. A full 68 percent (1,765 individuals) identified themselves as unlikely to pursue adoption.

Overall, responses indicated positive attitudes toward infant adoption as an option for unmarried women with an unplanned pregnancy, and for her child, particularly as framed in the "good mother" message. An Agree-to-Disagree ratio of 2:1 indicates an effective message. The "good mother" message is nearly 4:1.

However, there is significant room for improvement in attitudes, particularly among the "Neither Agree nor Disagree" group, which were as high as 34 percent in response to the "generally not best for a woman" question (survey question number 2 above). Moreover, only 50 percent disagreed with that question and only 51 percent agreed with the "generally positive option for child" question (survey question number 3 above). With respect to the "disagree" group, it is likely there will always be a small group of people who believe that under almost no circumstances should a child be removed from his or her biological parents.

The response to the "realistic opportunity/would you adopt" question (survey question number 4 above) showed remarkable interest in adopting infants, with 29 percent of married individuals answering "Yes." With 55 million married-couple households in the United States, this percentage extrapolates to 16 million married couples who say they would attempt to adopt an infant domestically if they felt they had a realistic opportunity to do so. Adjust that figure for the number of married couples who are of appropriate parenting age and there are at least 10 million couples who would likely attempt to adopt an infant domestically if they felt they had a realistic opportunity to do so.

Following are notes regarding variations in attitudes toward infant adoption, by region, age, gender, marital status, education, income, household size, age/presence of children, employment status, and political party. Most comparisons are made with the "good mother" message, but similar trends existed in response to the other questions as well.

For purposes of analysis, the results are presented in groups of three numbers, representing

results in the general categories of Agree/Neutral/Disagree, respectively.

Region:
There were moderate differences by region. The Midwest had the most positive attitude toward adoption, with 66/20/14 responses to the "good mother" message. The Northeast had the least positive attitude, with 57/26/17 responses to the "good mother" message.

Age:
Older age groups tended to have more positive attitudes toward adoption than younger, with the most positive being the 44-54 age group, at 67/22/11, and the least positive being the 18-34 age group, at 55/28/16, in response to the "good mother" message.

Gender:
Females were overall more positive in response to the "good mother" question at 64/21/15, than males at 58/25/17. Females aged 55 and up responded most positively toward that question at 70/18/12. The highest "strong disagree" with the "good mother" message, however, was among females of age 35-44, at 14 percent.

Marital Status:
There were striking differences, by marital status, in attitudes toward infant adoption as a positive option for an unmarried woman with an unplanned pregnancy, and for her child. In response to the "good mother" question, Marrieds were most positive at 67/20/13, Single/Never Marrieds were significantly less positive at 51/29/20, and Divorced/Separated/Widowed about halfway between those two groups at 60/24/15.

However, when it came to the "realistic opportunity/would you adopt" question, Single/Never Marrieds were the most positive with 42 percent saying Yes, as compared with 29 percent of Marrieds and 24 percent of Divorced/Separated/Widowed saying Yes.

Education:
There were only slight differences on the basis of education in response to the "good mother" question, with the most positive being College Graduates and Above at 64/23/12, and the least positive High School and Less at 60/22/17.

Income:
There were fairly significant differences in response to the "good mother" question between income groups, with the most positive group being the $50,000 to $74,900 per year at 68/21/11 (higher than the $75,000+ group at 62/24/15) and the least positive group being the less than $35,000 per year group at 57/23/19. The $35,000 to $49,900 per year income group was very positive in response to the "realistic opportunity/would you adopt" question, with 41 percent saying Yes, which emphasizes the need to make the adoption tax credit more accessible to this group through "bridge" financing.

Household Size:
In response to the "good mother" question, the household size of 3-4 was most positive at 63/22/15, and household size of 1 was least positive at 56/25/19. The 5+ household size group was very positive in response to the "realistic opportunity/would you adopt" question, with 55 percent saying Yes.

Age/Presence of Children:
In response to the "good mother" question, the Has Child households were slightly more positive at 64/23/12, than the No Child households at 60/23/17. The most positive were the Age 13-17 Child households at 67/24/10.

Employment Status:
In response to the "good mother" question, there was not much variation between the Full-time/Self-employed, Part-time, and Unemployed groups. But the Retired group was most positive at 67/19/14 and the Student group was least positive at 56/25/19. In response to the "generally positive option (for child)" question, Part-time was significantly more positive at 59/27/14 than the Full-time/Self-employed at 49/31/20. The Student group was very positive in response to the "realistic opportunity/would you adopt" question, with 50 percent saying Yes.

Political Party:
Responses to the "good mother" question indicate significant differences by party affiliation in attitudes toward adoption as an option for the woman with an unplanned pregnancy, and for her child, with Republicans at 71/17/11, Democrats at 54/26/21, and Other at 61/25/14. Similar differences existed in response to the "generally positive option (for child)" question, with Republicans at 60/23/17, Democrats at 45/31/23, and Other at 49/33/18. Differences by party affiliation were slight, however, on the "realistic opportunity/would you adopt" question with Democrats at 35 percent Yes, Republicans 32 percent, and Other 30 percent.

Research Design

This Quick Query omnibus survey was administered online, and collected answers from **2,612 U.S. adult respondents** nationwide.

The results were weighted by demographic and propensity scores. The results were cross-tabulated by demographic banner points and an additional banner point based on party identification. What follows is a description of the methodology, data validation, weighting and propensity score matching.

Methodology

Harris Interactive conducted the online survey within the United States from **February 2nd to 6th 2006** among 2,612 adults (aged 18 and over). Figures for age, sex, race, education, region, and household income were weighted where necessary to bring them into line with their actual proportions in the population. Propensity score weighting was also used to adjust for respondents' propensity to be online.

In theory, with probability samples of this size, one could say with **95 percent certainty that the overall results have a sampling error of plus or minus 1.9 percentage points** of what they would be if the entire U.S. adult population had been polled with complete accuracy. Sampling error for the various sub-samples is higher and varies. Unfortunately, there are several other possible sources of error in all polls or surveys that are probably more serious than theoretical calculations of sampling error. They include refusals to be interviewed (non-response), question wording and question order, and weighting. It is impossible to quantify the errors that may result from these factors. This online sample is not a probability sample.

Data Validation

All Harris Interactive surveys and systems are designed and programmed with strict quality controls.

Respondents are prompted to supply missing responses, to re-enter responses that fall outside of pre-programmed ranges, etc.

Demographic Weighting of Survey Results

All surveys, no matter how perfectly they may be designed and implemented, have some biases associated with them. These biases may include:

- A demographic skew among those who answer the survey.
- A modal bias that can result in desirable responses by the respondents instead of true responses, *and* potential selection biases that may result in attitudinal and behavioral skews in the data.

It is desirable to severely reduce or eliminate these biases in order to accurately project the data collected within the survey.

A demographic skew can be reduced through the accurate application of demographic weights. This usually involves comparing the results from the survey sample to known characteristics of the population of interest, gathered from reliable sources as well as previous research.

To ensure that online data are balanced and that they accurately reflect the populations of interest, Harris Interactive will weight the data using information obtained from the latest Current Population Survey put forth by the U.S. Bureau of the Census as well as demographic data we have collected via the Harris Poll. We typically use age, gender, income, education, and race/ethnicity. We will ensure that all of the variables necessary to weight the data to the appropriate demographic variables will be in the survey instrument.

Propensity Score Matching

Matching the respondents from an Internet-based survey to the population of interest on demographic variables is a relatively easy matter. However, there is no guarantee that any biases resulting from the classic selection bias problem of Internet-based surveys will have been addressed.

Selection Bias

The selection bias associated with Internet-based surveys is that all respondents to an Internet-based survey have made several choices that potentially differentiate them from the general population.

- They have chosen to become a part of the Internet population
- They have chosen to become a part of a survey panel.
- They have chosen to take the survey for which they received the invitation.

As a result of the choices respondents make, the responses they give to attitudinal and behavioral questions may differ from the general population.

It is no surprise that certain kinds of people have a greater or lesser likelihood to be online and therefore to reply to our surveys. Some of these online respondents actually have characteristics that are very similar to people who do *not* use the Internet, and we can use these people as a proxy to help us compensate for the non-online population.

Our Internet scientists have demonstrated through five years of rigorous testing that it is possible to draw population inferences from a survey of Internet users who have agreed to participate in Harris Poll Online surveys, and they have incorporated a technique called "propensity score matching" into the weighting process.

Propensity score matching incorporates a selection bias model into the survey and also employs a parallel instrument, an RDD telephone survey for example, to attempt to explain the differences between those who would reply to an Internet-based survey and those who would respond to a survey in a different mode.

Respondents to the two surveys are matched up based on the aggregate measure of the selection bias model, called the propensity score, so it is statistically possible to determine who is under-represented in the Internet-based survey and who is over-represented.

Typical factors used in our propensity score models are measures of activity, knowledge, and attitudes.

Our proprietary propensity score matching system produced remarkably accurate forecasts in Election 2000. In fact, these forecasts were twice as accurate as those made through telephone polling.

12 | Toward a National Putative Father Registry Database (Adoptions):

Harvard Journal of Law & Public Policy Summer, 2002†

By Mary Beck‡

In the United States, every third child is born to an unwed mother.[1] These children are relinquished for adoption at a greater rate than those born to married mothers.[2] Adoption of a child born to an unwed mother creates a quandary of how best to protect the parental rights of the father and the privacy rights of the mother while simultaneously securing the best interests of the child. Baby Jessica, Baby Richard, and Baby Emily were highly publicized court cases in the early 1990s where unmarried birth fathers contested the adoptions of newborns. The public felt strongly about state courts disrupting the adoptions of these children vis-a-vis the late assertion of their birth father's rights, but the United States Supreme Court declined to review the States' decisions in these cases.[3] In the wake of Baby Jessica, state legislatures, in an attempt to avert such disrupted adoptions, enacted putative father registries designed to mandate notice of adoptions to unwed fathers who file notice of intent to claim paternity with registries in the prescribed time. A State's putative father registry protects the rights of an unwed father and an adoptee within its State.

Recently, in the context of adoptions where interstate travel was used to thwart their efforts to assert paternity, two unwed fathers successfully sued in tort for intentional interference with their parental rights.[4] These costly torts have re-focused attention on the rights of unwed fathers in adoptions. Individual state putative father registries cannot protect the parties in such adoptions, because registration in the State of conception will not ensure notice of an adoption proceeding in another State.

This Article analyzes putative father registries and proposes federal legislation to create a national database that will enhance and connect the state and local registries. Issues and events leading to the development of registries are reviewed in Part I. Putative father registry mechanics and applicable case law are analyzed in

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1. Wade F. Horn, Wade Horn on 1998 Child Indicators (July 25, 2000), http://lists.his.com/smartmarriages/msg00260.html. "In 1998, fully 33 percent of all children were born to unwed mothers—an all time high. Among women under age 25, nearly two-thirds of all first births were out-of-wedlock. For births to eighteen- to nineteen-year-olds, 74 percent were out-of-wedlock." Id.
2. NATIONAL COMMITTEE FOR ADOPTION, ADOPTION FACTBOOK: UNITED STATES DATA, ISSUES, REGULATIONS & RESOURCES 4 (1989). Planned Parenthood estimates that half of all pregnancies are unintended. AMA Enters Debate on 'Morning-After' Pill, COLUMBUS DAILY TRIB., Dec. 2, 2000, http://archive. shownews.com/2000/dec/20001202news008.asp.
3. Scott. A. Resnik, Seeking the Wisdom of Solomon: Defining the Rights of Unwed Fathers in Newborn Adoptions, 20 SETON HALL LEGIS. J. 363, 379-80 (1996). The Supreme Court has refused to review unwed fathers' rights in the newborn adoption cases. It has, however, provided guidance on unwed fathers' rights to older children. See Stanley v. Illinois, 405 U.S. 645 (1972); Quilloin v. Walcott, 434 U.S. 246 (1978); Caban v. Mohammed, 441 U.S. 380 (1979). In these cases, the Court held that a biological connection plus establishing a relationship with a child preserved an unwed father's rights to his child.
4. See Kessel v. Leavitt, 511 S.E.2d 720 (W. Va. 1998); Kessel v. Leavitt, 75 Cal. Rptr. 2d 639 (Cal. Ct. App. 1998) (ordered not published); Smith v. Malouf, 722 So.2d 490 (Miss. 1998), implied overruling recognized by Adams v. U.S. Homecrafters, Inc., 744 So.2d 736, 742 (Miss. 1999).

Parts II and III. The case law examined includes unwed fathers' rights, in-state paternity registry contests, requests for impossibility exceptions exempting registry requirements, and tortious interference with parental rights. Part IV argues for a national putative father registry database and investigates avenues of federal participation and recommendations for specific legislation.

Background

In 1972, the Supreme Court first upheld and defined the constitutional rights of men who fathered children out of wedlock.[5] In Stanley v. Illinois, the Court held that equal protection requires state law to treat the unmarried mothers and fathers of children similarly.[6] This heralded a societal shift away from deferring to the wishes of unmarried mothers.

Upholding the constitutional rights of unmarried fathers to their children does not assure that these men will assume parental responsibilities, however. Protecting paternal rights of unmarried fathers without requiring corresponding responsibilities fails to ensure permanent and stable parents for children because unmarried fathers who have no legally defined role in their children's lives have no legal requirement for custody or support. Consonant with enhancing parental responsibility of undefined and non-custodial parents, between 1984 and 1996 Congress passed legislation and established child support guidelines designed to increase the adequacy of child support sums[7] as well as enforcement of its payment.[8] The impact of child support legislation on adoption is not documented, but, unmarried fathers certainly factor into their adoption decision the nearly inescapable requirement to pay child support for at least eighteen years if the child is not adopted.

Adoption has evolved over time in response to these legal developments and to social trends as well. In the 1970s, the number of American

5. See Stanley v. Illinois, 405 U.S. 645 (1972).

6. Id.

7. See Child Support Enforcement Amendments of 1984, Pub. L. No. 98-2378, 98 Stat. 1305 (codified as amended in scattered sections of 26 U.S.C. & 42 U.S.C.); Margaret Campbell Haynes, A Review of Child Support Guidelines: Interpretation and Application, 31 FAM L.Q. 133, 136 (1997) (book review) (reviewing LAURA W. MORGAN, CHILD SUPPORT GUIDELINES: INTERPRETATION AND APPLICATION (1996)) (noting that the Child Support Enforcement Amendments were designed to achieve greater adequacy and consistency of awards and required states to develop guidelines by 1987).

8. See Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996) (codified in scattered sections of various titles). With this statute, Congress "radically transform[ed] child support enforcement" and moved the states "toward centralization, automation, and administrative procedures." Haynes, supra note 7, at 133.

adoptions decreased in association with the legalization of abortion and society's increasing acceptance of single motherhood.[9] While reports on adoption rates conflict, that downward trend apparently continued for the adoption of infants at least through 1995.[10] In contrast, the total number of all children adopted in 1992 was a substantial 127,441, which represented a seven percent increase over the prior year.[11]

The number of adoptions is also affected by foster care policies, which in turn are affected by laws regarding the termination of parental rights. The number of adoptions of children from foster care decreased up to 1990, before federal and state initiatives caused the number to increase dramatically.[12] Child protective services emphasize a public policy of family preservation that prioritizes returning foster children to the home of their biological parents.[13] But, "[a]bout one third of the children that return to their homes from foster care re-enter the foster care system within six months."[14] This cycle of entering foster care, returning home, and re-entering foster care blocks children's availability for adoption and consumes time during which the chances for children to find permanent adoptive families diminish.[15] One of the factors responsible for foster care drift is the difficulty in terminating parental rights, including those of the unwed father.[16] Thus, the birth father problems that burden the stable placement of children for adoption exist for foster children as well as newborns.

Adoption is an important issue to the United States not merely because it affects many families. Every child adopted is less likely to grow up in poverty, more likely to obtain an education, and more likely to have a participating father than a child raised by a single mother.[17] Thus, the personal effects of adoption upon the individual child and its economic effects upon the nation are significantly positive.

Suitably, the federal government has implemented a pro adoption policy. In 1994, Congress authorized federal tax credits to adoptive parents for qualified adoption expenses and provided financial incentives to States for each foster child or special needs child adopted over a base number.[18] In 2001, Congress and President Bush re-authorized and increased the adoption tax credit.[19] While he was in office,

9. Mary M. Beck, Adoption of Children in Missouri, 63 MO. L. REV. 423, 428 (1998).

10. See Evan B. Donaldson Adoption Inst., Private Adoption Facts, at http:// www.adoptioninstitute.org/FactOverview/domestic.html (last visited Apr. 25, 2002). A variety of factors, including increased access to contraception, the legalization of abortion and changed social attitudes about unmarried parenting, have caused the number of white infants placed for adoption in the U.S. to decline dramatically." Id. "Between 1989 and 1995, 1.7 percent of children born to never-married white women were placed for adoption, compared to 19.3 percent before 1973. Among never-married black women, relinquishment rates have ranged from .2 percent to 1.5 percent." Id.

11. Beck, supra note 9, at 423 n.4. Estimates on numbers of adoptions completed annually are inexact, because the U.S. Bureau of the Census, other federal agencies, and most states do not systematically track the total number of adoptions. Authorities put the number somewhere between 140,000 and 160,000 annually. Joan Heifetz Hollinger, Introduction to Adoption Law and Practice, in 1 ADOPTION LAW AND PRACTICE [subsection] 1.0512][a], [b] (Joan H. Hollinger ed., 1998).

12. "Foster care adoptions increased 78 percent from 1996 to 2000, as a result of [federal] and state initiatives" Evan B. Donaldson Adoption Inst., Foster Care Facts, at http://www.adoptioninstitute.org/FactOverview/foster.html (last visited May 12, 2002) (citing Adoption and Safe Families Act of 1997, Pub. L. No. 107-136, 111 Stat. 2115 (codified at scattered sections of 42 U.S.C)).

13. Julie A. Luetschwager, Adoption: Comparison of State Statutes, Analysis of Barriers, and the Role of Nursing, 7 J. NURSING L. 31, 33 (2000).

14. Id. at 33-34.

15. Id. at 34. The effects of age on adoption are as great as the effects of race on adoption. Id. at 36.

16. Id.

17. See Beck, supra note 9, at 423. "Children who grow up absent their fathers are five times more likely to be poor, two to three times more likely to fail at school and two to three times more likely to suffer from an emotional or behavioral problem. As teenagers, fatherless children are more likely to commit crime, engage in early and promiscuous sexual activity and to commit suicide;" Id. See also Wade F. Horn, Dads Face Sad Statistics, COLUMBUS DAILY TRIB., June 18, 2000, http://archive.showmenews.com/2000/jun20000618comm008. asp.

18. I.R.C. [subsection] 23, 137 (2001). Adoptive parents are provided with tax credits of up to $10,000. I.R.C. [section] 23.

19. Economic Growth and Tax Reconciliation Act of 2001, Pub. L. No. 107-16, 115 Stat. 38 (codified in scattered sections of Title 26).

President Clinton directed an Executive Memorandum to the Department of Health and Human Services effectively recommending strategies to double the number of American adoptions.[20] Facilitating and supporting adoptions has bipartisan support.

Despite pro-adoption federal policy and case law protecting the parental rights of birth parents, contested adoptions continue to arise. Wrenching publicity caught the nation's attention when the thwarted father of Baby Jessica, who was born to an unwed mother, disrupted the adoption of a then two-year-old Jessica.[21] Babies Richard and Emily followed Jessica, and in their wake States began following New York's lead by enacting putative father registries for unwed fathers in an effort to decrease contested adoptions.[22] The Uniform Adoption Act requires notice either personally or through publication,[23] while the Uniform Parentage Act and over thirty States currently have putative father registries.[24]

The phenomenon of contested adoption leads to litigation and demonstrates the inadequacy of existing legal regimes to secure adoption placements. A 1998 tort award of large damages for the intentional interference with parental rights further expanded the rights of unmarried fathers in newborn adoptions.[25] This case involved an unwed West Virginia father whose efforts to establish paternity and to prevent the child's adoption were thwarted by the mother who moved between States during her pregnancy. She delivered the baby in California and ultimately relinquished her child to a Canadian couple. This case involved a novel application of tort law to a thwarted father adoption and opens the gates to more such litigation.[26] It also demonstrates the inadequacy of individual state laws to protect the rights of unmarried biological fathers, adoptive parents, and children in a globalized world in which interstate and even international travel is commonplace.

Children, their biological parents, and their adoptive parents experience extreme anguish in a disrupted adoption. Intentional interference with parental rights torts can exact huge economic and psychological tolls on all the parties and their attorneys. Adopted children, birth mothers, unmarried birth fathers, adoptive parents, and their respective attorneys require a solution upon which they can comfortably rely. Individual state putative father registries can alleviate problems where the adoption is filed in the State of conception as long as the statutory scheme contains a time deadline within which the father must file. But individual registries cannot cure contests arising where the adoption is filed in a State unknown to the father. Imagine

20. See Memorandum on Adoption and Alternate Permanent Placement of Children in the Public Child Welfare System, 2 PUB. PAPERS 2209 (1996). See also Dep't of Health & Human Serv., Adoption 2002: A Response to the Presidential Executive Memorandum on Adoption (Dec. 14, 1996), http://www. acf.dhhs.gov/programs/cb/initiatives/adopt2002/2002toc.htm. In 1997, over 500,000 children lived in foster care, but no more than 27,000 were adopted. ELIZABETH BARTHOLET, NOBODY'S CHILDREN: ABUSE AND NEGLECT, FOSTER DRIFT AND THE ADOPTION ALTERNATIVE 25 (1999). The states' family preservation services probably impede adoption of foster children. Id. at 25-26. But, adoptions out of foster care did nearly double between 1996 and 2000. See Evan B. Donaldson Adoption Inst., Foster Care Facts, at http://www.adoptioninstitute. org/FactOverview/foster.html (last visited May 12, 2002) (noting a seventy-eight percent increase in adoptions from foster care between 1996 and 2000).

21. In re Interest of B.G.C., 496 N.W.2d 239 (Iowa 1992); In re Baby Girl Clausen, 501 N.W.2d 193 (Mich. App. 1993), aff'd, 502 N.W.2d 649 (Mich. 1993), aff'd sub nom,. DeBoer ex tel. Darrow v. DeBoer, 509 U.S. 1301 (1993). Jessica's mother had reported the wrong father at the time of the relinquishment and her biological father had never consented to the adoption. See In re Baby Girl Clausen, 501 N.W.2d at 194. Upon discovering her existence, he filed a paternity action. Id.

22. See In re Interest in B.G.C., 496 N.W.2d at 239; In re Petition of Doe, 627 N.E.2d 648 (III. App. Ct. 1993). The Supreme Court approved of New York's putative father registry scheme in Lehr v. Robertson, 463 U.S. 248 (1983).

23. UNIF. ADOPTION ACT [section] 3-404, 9 U.L.A. 11 (1994) (requires courts to determine if a potentially uninformed father can be identified

24. UNIF. PARENTAGE ACT art. IV, 10 U.L.A. 321 (2000) (requiring registries to be established). See infra Chart of State Statutes Describing Paternity Registries.

25. See Kessel v. Leavitt, 511 S.E.2d 720 (W. Va. 1998). The court did not assess damages against the mother but did assess crushing money damages against her relatives and attorney. Id. at 813-14. The court awarded punitive damages totaling $5,850,000 to five defendants but awarded no damages against the mother. Id. at 814.

26. See id. at 754.

this hypothetical: college students in Missouri conceive a child, and the birth mother travels to deliver and relinquish the baby not in her home State of Illinois, but in her grandmother's home town in Nebraska. In this scenario, the birth father has not been notified of his duty to file with the Nebraska registry to protect his parental rights irrespective of whether the mother concealed or disclosed the pregnancy.

Congress should enact a national putative father registry database to address the interstate effect of adoptions. This system would have the dual purposes of facilitating notice of adoptive proceedings to unmarried birth fathers in interstate adoptive situations and of promoting secure adoptive placements. The state putative father registries should file with the national putative father registry database for every man who files with the State. Each State should maintain its own statutory adoption scheme including regulation of the parental rights and responsibilities of unwed fathers. The national link should provide a means for the registered unwed father to obtain notice of the need to protect his parental rights in any of the participating States despite the interstate travel of the mother. The federal government should offer funds to the States for the erection and maintenance of compatible registries.

States can implement a variety of steps to facilitate the adoption process and ensure protection of fathers' rights. All States should enact putative father registries that permit pre-birth registration and guarantee notice to a father who files within a state-set time limit, beyond which notice is not guaranteed. The registries should exist in a format compatible with a national database. States should structure individual state filing such that it is immediately (both by electronic means and by hard copy) transmitted to the national registry. State laws should provide for publicizing the existence and purpose of the registries and notify fathers that filing with the registry may be used as probative (though not conclusive) evidence in a paternity child support action. State laws should require attorneys, state agencies, and/or adoption agencies in a planned or pending adoption to search the nationally linked putative father registry before final disposition of the adoption proceedings.

Furthermore, States should amend their long arm statutes to assert personal jurisdiction over the putative father who was served or not served notice in compliance with state law consonant with the search results of the national database—where the State of adoption has proper jurisdiction over a filed adoption. States should immunize attorneys, agencies, and parties from suit for tortious interference with parental rights where they have complied with the State's adoption procedure on putative fathers, including searching the national database. States should place a surcharge on the filing of adoption petitions to fund their state registries and should charge a putative father registry filing fee in order to cover the cost of filing with the national registry. States should develop a procedure for men to register in forma pauperis where appropriate.

To protect the privacy of women, Congress and the States should regulate who may search the registries and criminalize fraudulent registry filings and searches.

While a national putative father registry link may protect the rights of birth fathers, it does not assure that these children will have responsible fathers. State laws should also compel unmarried fathers to legally establish paternity and assume parental responsibilities during the period of pregnancy of the mother and within a short and finite period of time after the birth where they wish to thwart adoptions. The end result advances the best interests of children either by insuring the active participation of birth fathers or securing prompt and permanent adoptive placements.

Putative Father Registry Mechanics

Registration and Notice

The mechanics of paternity registries require a man who believes he may have fathered a child out of wedlock to file a notice with the appropriate state agency. Putative father registries typically operate by providing any registrant with notice of any adoption petition for a child

of the woman named in his filing.[27] Notice provides the man with knowledge of any adoption plan, and thus gives him the opportunity to consent to the adoption, default on the adoption petition, or argue at the initial hearing that he should parent the child instead of the prospective adoptive parents. Such a hearing is intended to ensure the best interests of the child either by establishing the biological father's intent and capacity to parent or by securing the adoptive placement. The putative father registries may exist alone in a State to guarantee notice,[28] but more commonly they co-exist with a statute that provides consequences for failure to file by the deadline. These consequences delimit the father's rights either by cutting off his right to notice,[29] voiding his right to consent to an adoption,[30] and/or establishing grounds for termination of his parental rights.[31]

Paternity registry deadlines commonly operate to cut off the notice guarantee for those men registering after the State's deadline. States have taken different approaches to deadlines—some setting a finite deadline measured from the child's birth, some setting a deadline up to the time a petition for adoption is filed, and some setting a hybrid deadline.[32] These deadlines range from five to thirty days after birth.[33] Typically, statutes permit registration prior to birth, making the effective period of registration nine months plus the State's deadline period.[34] States tend to strictly construe registry deadlines against fathers.[35]

Where a State's registry has a deadline and a man fails to register by that deadline, he may or may not be entitled to notice of an adoption depending upon state law and constitutional due process guarantees. The Supreme Court has held on three occasions that an unmarried father is constitutionally entitled to notice of adoption proceedings of a child with whom he

27. Rebeca Aizpuru, Protecting the Unwed Father's Opportunity to Parent: A Survey of Paternity Registry Statutes, 18 REV. LITIG. 703, 705 (1999). But see VT. STAT. ANN. tit. 15A, [subsection] 1-110, 3-401 (1995); (establishing a central registry for parents filing an intent to retain parental rights with the probate courts, but not providing notice of an adoption).

28. See, e.g., ARK. CODE ANN. [section] 20-18-702 (Michie 1987).

29. See, e.g., IOWA CODE ANN. [subsection] 144.12A, 600A.6(1) (West 2001).

30. See, e.g., IND. CODE [section] 31-19-5-18; MO. REV. STAT. [section] 453.030(3)(2)(b).

31. See, e.g., 750 ILL. COMP. STAT. 50/12.2(h) (2001). But see In re Tinya W., 765 N.E.2d 1214, 1217 (Ill. App. Ct. 2002) (holding that failure to register with the state's putative father registry may be considered in a fitness determination in a dependency case).

32. Aizpuru, supra note 27, at 716. Utah law provides for a hybrid deadline and requires that the putative father file before placement of a child for adoption. Where a child was placed three days after birth and father missed the registration deadline by one day, Utah held that a firm cutoff date was reasonable and father's registering "close" to the deadline was of no constitutional importance. Sanchez v. L.D.S. Soc. Servs., 680 P.2d 753, 755 (Utah 1984). This case demonstrates the issues involved in statutory roving deadlines tied to such untimed events as when the mother places the child for adoption or when the adoption petition is filed.

33. See NEB. REV. STAT. [section] 43-104.02 (1998) (five days after birth); N.M. STAT. ANN. [section] 32A-5-19(E) (Michie 1978) (ten days after birth); MO. REV. STAT. [section] 453.030(3)(2)(b) (2001) (fifteen days after birth); Aizpuru, supra note 27, at 716.

34. ALA. CODE [section] 26-10C-1(I) (2000); ARIZ. REV. STAT. [section] 8-106.01(B) (1996); ARK. CODE ANN. [section] 20-18-702 (1999); IDAHO CODE [section] 16-1513 (Michie1999); 750 ILL. COMP. STAT. 50/12.1(B) (2001); IND. CODE [section] 31-19-5-12 (2000); IOWA CODE [section] 144.12A (2001); LA. REV. STAT. ANN. [section] 9:400(2) (2000); MASS. GEN. LAWS CH. 210, [section] 4A (2001); MICH. COMP. LAWS [section] 710.33 (2001); MINN. STAT. [section] 259.52 (2001); MO. REV. STAT. [section] 453.030(3)(2)(B) (2001); MONT. CODE ANN. [section] 42-2-206 (1999); N.H. REV. STAT. ANN. [section] 170-B:5-A(C) (1999); TENN. CODE ANN. [section] 36-2-318(E)(3) (1997); TEX. FAM. CODE ANN. [section] 160.256(C) (2001); WIS. STAT. [section] 48.025(2) (2000). Many other statutes require registration before their state deadline but do not specifically indicate whether men may register prior to birth even though that interpretation is left open. See infra Chart of State Statutes Describing Paternity Registries.

35. Utah held that a putative father's registration postmarked on the day of the child's birth but received in the appropriate office after placement of the child for adoption seven days later did not constitute timely notice preventing termination of his rights. Wells v. Children's Aid Society of Utah, 681 P.2d 199, 200-201, 207 (Utah 1984). Alabama attempted to refuse to exempt a putative father from the putative father registry requirement where he filed a legitimation action but did not timely file with the registry, but this decision was later reversed. S.C.W.v. C.B., 2001 WL 29297 (Ala. Civ. App. 2001), rev'd sub nom., Exparte S.C.W., 2001 WL 1218940 (Ala.).

has established a relationship.[36] Additionally, state law often entitles men to notice if they have filed a timely notice of intent to claim paternity with the putative father registry, have been adjudicated to be the father, are the "presumed fathers," or are required to give consent.[37] State statutes may define a presumed father as one who has married or attempted to marry the mother within certain time frames, has acknowledged his paternity in writing and filed with the state bureau of vital statistics, has consented to have his name on the birth certificate, or has tissue or blood testing confirming his biological paternity.[38]

Thus constitutional guarantees and state law requirements limit the deadlines that can be imposed by putative father registries in order to protect those fathers who have assumed certain responsibilities or established relationships with their children. Nonetheless, the full putative father registry paradigm places increasing responsibility on the man to protect his own paternal rights. The intention of this system is to enable the father to effectively assert paternity and assume related duties, or to timely foreclose his rights so that the child may safely develop ties to adoptive parents without risk of disruption.

Jurisdiction over Interstate Adoptions and Non-Resident Fathers

The issue of notice as provided by putative father registries intersects with an analysis of state-court jurisdiction over interstate adoption and non-resident fathers. State courts routinely terminate the parental rights of absent fathers, some of whom are non-resident fathers, because they default on adoption petitions after published service. Searching the national putative father registry database not only promises to facilitate personal service to registered fathers, its existence may statutorily eliminate the need for published or personal service in those cases where the father has not registered and no constitutional guarantee requires notice. Many jurisdictional issues are raised, however, about judicial proceedings affecting the parental rights of absent and non-resident fathers.

Several issues bear on the jurisdictional analysis: 1) whether States must obtain personal jurisdiction over non-resident birth parents in adoption cases or whether notice and an opportunity to be heard suffices; 2) whether a State has subject matter jurisdiction over the adoption of the child and the relevance of the Uniform Child Custody Jurisdiction Act (UCCJA)[39] in competing state court determinations of paternal rights; 3) whether compliance with a putative father registry notice scheme abrogates whatever need for personal jurisdiction exists and/or satisfies constitutional requirements; and 4) the relevance and applicability of long arm statutes on such jurisdiction.[40]

Is Personal Jurisdiction over the Father Required?

In 1953, the United State Supreme Court in May v. Anderson[41] held that a state court must have in personam jurisdiction over a parent to make an order that validly affects his/her rights to child custody. In May, a Wisconsin court did not have in personam jurisdiction in a dissolution necessary to validate child custody order

36. See infra Part III.A. But see Michael H. v. Gerald D., 491 U.S. 110 (1989). In Michael H., the Court held constitutional a California statute implementing:

> a substantive rule of law declaring it to be generally irrelevant for paternity purposes whether a child conceived, during and born into, an existing marriage was begotten by someone other than the husband and had a prior relationship with him, based on the state legislature's determination as a matter of overriding social policy that the husband should be held responsible for the child and that the integrity and privacy of the family unit should not be impugned.

Id. at 111. The court, in a plurality opinion, held that the unwed father had no protected liberty interest in the parental relationship. Id.

37. See, e.g., MO. REV. STAT. [section] 453.060 (2000) (describing notice); Id. [section] 453.040 (describing whose consent is necessary); Id. [section] 210.822 (defining presumed fathers).

38. See, e.g., id. [section] 210.882.

39. 9 U.L.A. pt. 1, at 115 (1988).

40. The Parental Kidnapping Prevention Act (PKPA) guarantees national full faith and credit to state court custody decisions. 28 U.S.C. [section] 1738A(a) (1994). It does not figure into this jurisdictional analysis, however, because the PKPA guarantees full faith and credit only to judgments where courts had legitimate jurisdiction. 28 U.S.C. [section] 1738A(c) (1994).

41. 345 U.S. 528 (1953).

with personal service on the mother living in Ohio with her children.[42] This holding suggests that service of notice by publication would not establish in personam jurisdiction over a non-resident parent for matters affecting child custody—a question that the court has not addressed in subsequent cases[43] and had previously expressly refused to address in New York ex rel. Halvey v. Halvey.[44]

In 1972, the Supreme Court recognized in Stanley v. Illinois[45] an unwed father's right to notice and an opportunity to be heard.[46] The Court has subsequently narrowed that right to fathers who have come forward, identified themselves, and developed a relationship with, and assumed some responsibility for, the child.[47] The Court, which decided Stanley nineteen years after handing down May, cited May in its Stanley opinion, but did not otherwise suggest that personal jurisdiction, as distinguished from notice and the right to be heard, was constitutionally required to resolve a biological father's rights in an adoption.[48] Personal jurisdiction was not at issue in Stanley, which was a wholly intrastate Illinois dependency case.

The common practice of publishing notice of an adoption to a non-resident father may not establish personal jurisdiction under May. A State's long arm statute may be adequate for the State to obtain jurisdiction over non-resident fathers who have conceived a child within the State, however.[49]

Child custody orders differ substantially from adoption orders because custody orders are modifiable, apportion visitation and custody, and do not sever the relationship between parent and child. In contrast, adoption orders are final, non-modifiable, and ultimately terminate all biological parental rights, effecting a permanent severance between parent and child. While scholars agree that personal jurisdiction is required over a parent in matters of child custody,[50] the same scholars observe that the opinion in Stanley is unclear with respect to whether only notice and an opportunity to be heard is required to terminate the parental rights of a birth parent.[51] The proffered rationale is that requiring personal jurisdiction would destroy adoption practice.[52] Whether this rationale will satisfy due process may depend upon whether providing only notice and an opportunity to be heard is adequately related to advancing the State's legitimate interest in securing permanent placements for children in adoption and whether a State could obtain personal jurisdiction without jeopardizing the State's interests in adoptive placements.[53]

42. Id. The father had filed the dissolution in Wisconsin, where he lived and where the family had previously lived together, hi. at 530.

43. See Herma Hill Kay, Adoption in the Conflict of Laws: The UAA, Not the UCCJA. Is the Answer, 84 CAL. L. REV. 703, 735-36 (1996).

44. 330 U.S. 610, 615-16 (1947) (expressly reserving judgment on whether a Florida decree of custody has any binding effect on an out of state husband in the absence of personal jurisdiction).

45. 405 U.S. 645 (1972)

46. Id. at 657-58.

47. See Kay, supra note 43, at 739-40.

48. Stanley, 405 U.S. at 651.

49. See, e.g., MO. REV. STAT. [section] 506.500 (2000).

50. Scholars have extensively debated whose opinion in May correctly describes the need for personal jurisdiction in child custody matters: Justice Burton's plurality opinion, Justice Frankfurter's concurrence, or Justice Jackson's dissent. See, e.g., Kay, supra note 43, at 735-36.

51. See HOMER H. CLARK, JR., THE LAW OF DOMESTIC RELATIONS IN THE UNITED STATES 856-57 (2d ed. 1988) (criticizing the Stanley court for confusing the role of personal jurisdiction. The Court had favorably cited May v. Anderson, which had held that custody decrees must be based upon personal jurisdiction over the defendant," and then proceeding to state "that custody of an illegitimate child may be based upon service by publication, apparent!), failing to notice that this statement was quite inconsistent with May v. Anderson. Id.).

52. See Kay, supra note 43, at 739-40.

53. See E.A. v. State (State ex. rel. W.A.), No. 20000461-CA, 2002 Utah App. LEXIS 17 (Utah Ct. App. Mar. 7, 2002). Utah recently held that it lacked personal jurisdiction to terminate the parental rights of a man incarcerated in Oklahoma for a dependent child in Utah because its long arm statute did not enumerate conduct alleged in the termination petition against the father. Id, at **11. The court made a determination that the father had sufficient contacts with the forum State to make personal jurisdiction constitutional, id. at **7-**10, and nearly invited its legislature to amend the long arm statute to include such conduct. Id, at **11, **28. The court declined to apply the status exception to personal jurisdiction, which is available in some states to terminate parental rights, be-

Subject Matter Jurisdiction and the Relevance of the UCCJA

Whereas competing courts analyze who has jurisdiction over a father's rights, the UCCJA has come into play in determining subject matter jurisdiction, or jurisdiction over the child.[54] For example, during an Oregon adoption case, a putative father filed a paternity action in his home State of California but the Oregon court terminated the father's rights under its own putative father registry statute. Upon analysis, the Oregon court found that the child was born in Oregon, that his birth mother consented to his adoption in Oregon, and that the child had been living with his adoptive parents in Oregon. The court used those facts to assume jurisdiction over the child under the UCCJA.[55] In contrast, the May court held that the domicile of the children living in Ohio was unimportant to its analysis, because their domicile did not give either Wisconsin or Ohio personal jurisdiction to make orders affecting the parent living in the other State.[56] The drafters of the UCCJA and UAA decided that personal jurisdiction over the absent parent was unnecessary,[57] but the Uniform Paternity Act (UPA) requires personal jurisdiction.[58] Subject matter jurisdiction in termination of parental rights and paternity cases is now expressly controlled by the UCCJA for child custody and expressly not controlled in adoption.[59] That the UCCJA purports to determine subject matter jurisdiction over the child does not confer authority on the court to order termination of parental rights if doing so in the absence of personal jurisdiction over the parent is unconstitutional. Though, upon challenge, a court could determine that such jurisdiction over the child trumps personal jurisdiction over a parent in order to advance the child's best interests.

The Effect of a National Putative Father Registry on the Jurisdictional Analysis

Utilizing a national putative father registry database would obviate such interstate conflict because when a father registers in his State, that State would automatically transmit the registration to the national database. For example, the Oregon court in Hylland would have searched the national registry, found the California father, and served him with notice of the petition. Once served, however, Oregon's jurisdiction over the father would be suspect under May if the father defaults or makes a limited appearance to argue the court's lack of personal jurisdiction.

Utilizing a nationalized registry leads to mixed results for the absent father. The absent father who has not transformed his inchoate right into a constitutionally protected right by registering or assuming parental responsibilities does not even have the right to notice or an opportunity to be heard.[60] Searching the father's state registry and providing notice as per its law satisfies the father's notice requirement, but if the search is done by a second State, that State may not be able to establish personal jurisdiction over him. Thus, while the adoption State may have satisfied its own and/or the father's state requirement for notice, the adoption State may or may not have obtained personal jurisdiction over him and may or may not even need

cause parental rights are fundamental liberty interests. Id. at **16-**17. The court did not consider the UCCJA, which would dispense with personal jurisdiction, require that termination of parental rights be in the "home state," and provide notice to the father and opportunity to be heard. The dissenting judge argued that the status exception to personal jurisdiction should apply to sever a parent-child relationship as it does to sever spousal relationships. Id. at **32-**41 (Billings, J., dissenting). Importantly, the dissent asserted that if Utah could not obtain jurisdiction to conduct the termination proceeding in the case, then no State could because the father's State is unlikely to assert jurisdiction where the child is not present there, has not resided there for seven years, and was not abandoned there. Id. at **41-**42.

54. See id. at 729-31.

55. Hylland v. Doe, 867 P.2d 551 (Or. Ct. App. 1994).

56. May v. Anderson, 345 U.S. 528, 533-34 (1953).

57. See Kay, supra note 43, at 736 (explaining that the drafters assumed the controlling opinion in May was Frartkfurter's concurrence, which held that personal jurisdiction is not required).

58. UNIF. PARENTAGE ACT [section] 405 (amended 2000), 9B U.L.A. 324 (2001).

59. Such policy controverts those commentators who argued that the original UCCJA was intended for modifiable post dissolution custody orders and not final adoption orders.

60. See generally Stanley v. Illinois, 405 U.S. 645 (1972).

personal jurisdiction over him to terminate his rights.

National Registry Must Be Accompanied by Amendment of State Long-Arm Statutes

The putative father registry database would not resolve these jurisdictional issues. A determination of the need for notice will not resolve whether a court needs personal jurisdiction over a non-resident father who fails to file with the registry in the State of the adoption if conception occurred in another State. Resolution of this problem requires each State to amend its long arm statutes so that it may assert jurisdiction over a nonresident father when the State searches the national registry database and provide him with notice and an opportunity to be heard that satisfies its own and/or his State's statutory notice requirement. This paradigm assumes that the adoption State has subject matter jurisdiction over the father's child and essentially incorporates a reciprocal arrangement between the father's State and the State of the adoption. If the registered father responds to notice and proves that he has filed a paternity action in his State prior to the filing of the adoption petition, then the two judges should confer and resolve jurisdiction under the UCCJA.

Existing Model Registry Legislation

The putative father registry statutes and surrounding case law reveal that an increasing number of States are enacting such statutes and refining the mechanics that allow an unwed father to protect his rights. The overarching goal is to establish procedures that advance the best interests of the child by quickly providing her a stable and permanent home and by avoiding disruption of an adoptive placement because a father untimely asserts his paternity.[61] The putative father registries provide the birth father with the opportunity to protect his parental rights without having to rely upon either the adoptive parents or the birth mother for information about the child. Registries provide a more effective system of notifying the father of adoption than publishing notice in a newspaper, and place responsibility upon the father to promptly assume parental responsibility.[62] Additionally, the putative father registry protects the privacy and safety of the birth mother, for three reasons. First, she is not compelled to name the man or men with whom she has had sexual intercourse. Second, no newspaper will publish notice to a birth father listing her name.

Finally, she is not compelled to name a father who is abusive toward her and threatens her and/or the child's safety. Additionally, adoptive parents can rely upon putative father registries to increase the security of their adoption.

The Uniform Adoption Act, the Uniform Parentage Act (UPA), and the Statute Clarifying the Rights of Unwed Fathers in Newborn Adoptions (SCRUFNA) offer model legislation for paternity registries.[63] The Uniform Adoption Act contains a registry and prohibits compelling a birth mother to reveal the name of the father, although the court must admonish her on the dangers of delay and detriment to the child that could result from her failure to name the father.[64] The Act also provides a civil penalty to the birth mother who knowingly names the wrong father.

SCRUFNA, which was proposed by commentator Scott Resnik, does not require the birth mother to name the father and provides notice to every man who registers within thirty days of a birth.[65] SCRUFNA, which is intended

61. Courts have uniformly held that the timeliness of a father's efforts to assert paternity are the "'most significant' element in determining whether an unwed father has created a liberty interest" in his child, because of the state's legitimate interest in the child's need for early permanence and stability. Robert O. v. Russell K., 604 N.E.2d 99, 103 (N.Y. 1992). "To conclude that petitioner acted promptly once he became aware of the child is to fundamentally misconstrue whose timetable is relevant. Promptness is measured in terms of the baby's life not by the onset of the father's awareness." Id.

62. Steve Kirsch, Adoption Briefs (Fall 1995) (on file with author).

63. UNIF. ADOPTION ACT [section] 3-304 (amended 1994), 9 U.L.A. 74-75 (1999); UNIF. PARENTAGE ACT [section] 401-23 (amended 2000), 9B U.L.A. 321-27 (2001); Scott A. Resnik, supra note 3, at 380 (proposing SCRUFNA).

64. UNIF. ADOPTION ACT [section] 3-304, supra note 63.

65. See Resnik, supra note 3, at 424-25.

to override or replace state law, provides that sexual intercourse constitutes notice of a possible pregnancy and requires that men must file a paternity action to secure paternal rights.[66] SCRUFNA requires placement of a newborn whose parents do not both consent to the adoption in foster care for thirty days.[67]

The Uniform Parentage Act contains a paternity registration requirement and requires notice of an adoption to the man who registers prior to or within thirty days of birth.[68] Adoptive petitioners are required to search the registry for the child under one year of age whose father has not established a relationship with her.[69] The same section requires the adoptive petitioner to search a second State's registry if the child's conception occurred or may have occurred in a second State. The effect of the non-registration upon a putative father is that his parental rights may be terminated without notice to him if the child is under one year of age. He is not required to register if, prior to the court's termination of his parental rights, he has established a relationship with the child under the UPA or he has filed a paternity action for the child.[70] The UPA provides a model for state registries but does not contemplate a linking national database.

Burdens and Benefits of Putative Father Registries

Notice is actually two part—disclosure of the pregnancy differs from notice of the adoption. Consequently, men may fail to register because they do not know 1) that they have conceived a child, 2) that the registry requirement exists, or 3) that an adoption is planned. Critics of registries argue that few men know of registries or the need to file to protect their rights. Some States have enacted laws requiring greater publicizing of their registries.[71] Also, women may conceal their pregnancy from men or otherwise misrepresent the situation.

Additionally, filing with the paternity registry in State A does not entitle a man to notice of an adoption petition filed in State B, where the mother may have moved with her child or to deliver her baby.

These critiques raise certain legal, social, and civil rights questions. First, whether ignorance of the putative father registry requirement excuses a man's failure to register. Second, whether sexual intercourse constitutes adequate notice to a man that he may have conceived a child. Third, whether compelling a woman to name the father of her child invades her privacy. Fourth, whether a father's prebirth abandonment of the mother or physical abuse of the mother during pregnancy provides constitutional grounds for foreclosing or limiting his parental rights. Finally, whether filing with the registry is too burdensome, and whether States should compel fathers to file a paternity action in addition to filing with the registry. Because the Supreme Court has declined to review contested infant adoption cases, diverse state laws

66. SCRUFNA also proposes new grounds for termination of paternal rights in newborn adoptions: physical abuse of the mother during her pregnancy, conviction for a violent felony within the last ten years, and spurning the birth mother's request for assistance during the pregnancy. See id. at 426.

67. Countless articles and books are devoted to analysis of the bonding process between infants and their parents between birth and one month of age. See, e.g., Lawrence B. Smith, Bonding and Attachment—When It Goes Right, WASHINGTON PARENT MAGAZINE, http://www.washingtonparent.com/articles/9711/bonding. htm (last visited April 23, 2002). Child development specialists also describe the acquisition of many skills in infants from birth to one month of age. See The Child Development Web, at http://www.childdevelopmentweb.com/Milestones/milestones.asp (last visited April 23, 2002). Scholars appear to agree that bonding and the acquisition of child development skills between birth and one month are important. SCRUFNA's proposal to place children in foster care for one month awaiting putative father registration does not advance the infant's bonding with her parents and transferring her custody to an adoptive home at one month interrupts the acquisition of skills.

68. UNIF. PARENTAGE ACT, [subsection] 402(a), 415.

69. Id. at [section] 421.

70. Id. at [subsection] 404, 402.

71. GA. CODE ANN. [section] 19-11-9(d)(5) (2001); IND. CODE [section] 31-19-5-14 (2000); MINN. STAT. [section] 259.52 (1998); MO. REV. STAT. [section] 192.016(7)(2)(3) (2001); MONT. CODE ANN. [section] 42-2-202 (1999); NEB. REV. STAT. [section] 43-104.01 (1999); OHIO REV. CODE. ANN. [section] 3107.062 (2000); OKLA. STAT. tit. 10, [section] 7506-1.10)(2) (2001). See infra Chart of State Statutes Describing Paternity Registries.

and cases have determined the answers to most of these questions.[72]

The most litigated civil rights issues raised by putative father registries relate to the putative father's ignorance of the conception, the birth, or of the registry requirement, and the burdens of the registry requirement. In Lehr v. Robertson,[73] the Supreme Court ruled that the possibility that a putative father may fail to register because of his ignorance of the registry requirement did not make New York's putative father registry law unconstitutional or apparently suffice to excuse the father's inaction. The Court reasoned that a more open-ended notice requirement would burden adoptions, threaten the unwed birth mother's privacy, and impair the finality of adoptions.[74] State decisions have dealt with similar issues and echo Lehr.[75] States have begun to assume the theory that sexual intercourse in itself fairly serves as constructive notice of the possibility of a pregnancy and some state statutes now provide that sexual intercourse serves as notice of a conception or the possibility thereof.[76] In other States, courts have developed case law to the same effect—that sexual intercourse serves as constructive notice of a pregnancy.[77] Some States provide a good faith exception such that a man is entitled to additional notice over and above sexual intercourse itself if he is actively deceived in his efforts to investigate whether he conceived a child.[78]

The question of the burdens imposed by putative father registry requirements was discussed by an Alabama court, which upheld a putative father registry and quoted favorably the description of a commentator:

> The burden placed on putative fathers under Illinois's [putative father registry] legislation is not necessarily out of step with modern mores or the realities of contemporary heterosexual relationships. Neither is it completely unrealistic. To meet the burden which the new legislation places on a putative father, he need neither remain in contact with a woman with whom he has had sexual intercourse, nor turn to other sources of information to determine whether he has conceived a child with her. Under the new legislation, a putative father need only file with the putative father registry based on his knowledge that he has had intercourse with a woman and commence a parentage action within thirty days of that filing. His interests will not be jeopard-

72. See Resnik, supra note 3, at 388-89.

73. 463 U.S. 248 (1983).

74. See id. at 265 (cited in Wells v. Children's Aid Soc'y of Utah, 681 P.2d 199, 207 (Utah 1984)).

75. Michigan held that the mother had no duty to inform the unwed father of the birth of the child. In re TMK, 617 N.W.2d 925, 926-27 (Mich. Ct. App. 2000). Nebraska held that ignorance of the five day putative father registry requirement did not excuse the failure to register even where the mother initially hid her pregnancy and later misrepresented her intentions to relinquish the infant to adoption to the putative father, because the father knew of the birth. Friehe v. Schaad, 545 N.W.2d 740, 747 (Neb. 1996).

76. ARIZ. REV. STAT. [section] 8-106.01(F) (1997); GA. CODE ANN. [section] 19-8-12(a)(6) (2001); MONT. CODE ANN. [section] 42-2-204(1) (1999); 750 ILL. COMP. STAT. 50/12.1(g) (2001); OHIO REV. CODE ANN. [section] 3107.061 (2000); MINN. STAT. [section] 259.52(8) (1999); TEX. FAM. CODE ANN. [section] 160.254 (2001); IDAHO CODE [section] 16-1505(0(2) (1999); UTAH CODE ANN. [section] 78-30-4.13(1) (2000). New Jersey has no putative father registry but provides that an act of sexual intercourse constitutes constructive notice (for due process purposes) that a man may have conceived a child as a result of his acts-unless the mother actively deceives him and thwarts his efforts to find her thereby activating the statutory fraud protections. N.J. STAT. ANN. [section] 9:3-46 (West 2000). An Ohio dissent discussed extensively that state's statute providing that sexual intercourse with a woman puts a man on notice that if a child is born as a result and the putative father fails to file with the registry, the child may be adopted without his consent pursuant to law. In re Adoption of Baby Boy Brooks, 737 N.E.2d 1062 (Ohio Ct. App. 2000).

77. See In re Paternity of Baby Doe, 734 N.E.2d 281, 287 (Ind. Ct. App. 2000); Robert O. v. Russell K., 604 N.E.2d 99 (N.Y. 1992); In re Adoption of S.J.B, 745 S.W.2d 606 (Ark. 1988). In Michigan Supreme Court Justice Levin's dissent in the Baby Jessica case, he indicated that putative fathers know that sexual intercourse may result in pregnancy and thus of the opportunity to establish a family and the need to protect that opportunity. See In re Clausen, 502 N.W.2d 649, 687 (Mich. 1993) (Levin, J., dissenting).

78. See infra notes 142-48 and accompanying text.

ized if he ends relations with her, and his social habits are not, therefore, greatly affected. By simply mailing a postcard to the registry and commencing a parentage action, tasks which can hardly be labeled a burden, a putative father can preserve his rights to notice and consent.[79]

Hussaini examines the putative father registry requirement in the context of modern sexual mores and suggests they do not unduly burden the unmarried father. Whatever burden putative father registries impose on unmarried fathers is offset by the protections offered to them. In an Arkansas contested adoption opinion, a justice on the State's Supreme Court actually called for the development of a registry so that the State's putative fathers would have the procedural due process safeguards that New York laws afforded Lehr.[80]

While most registries guarantee notice to the father who registers and not to the father who fails to register, an increasing number of States compel the unwed father to legally establish paternity or risk losing rights to contest an adoption.[81] Failure to establish paternity may result in automatic termination of parental rights or the loss of the right to consent to an adoption.[82] In Quilloin v. Walcott,[83] the Supreme Court held constitutional a Georgia statue requiring an unmarried father to legitimate the child in order to have veto rights over the adoption. Ohio has held that a father preserved his right to consent to an adoption where he established paternity prior to the filing of an adoption petition even though he failed to file with the putative father registry within thirty days of birth.[84] A considerably greater burden is involved in requiring the registering father to file a paternity action as well. This burden is offset by its advancement of the best interests of the child, because such requirements result in orders of child support, custody, and visitation and do not permit the father to thwart the adoption without assuming paternal obligations.

Putative father registries also raise issues with respect to the rights of birth mothers, including the privacy right of a woman in not naming the man or men who have or could have fathered her child:[85] in not naming the man who has raped her, and the safety right of a woman in not naming the abusive father who may jeopardize her safety or the safety of her child.[86] A woman's right to keep private the

79. Mahrukh S. Hussaini, Incorporating Thwarted Putative Fathers into the Adoption Scheme: Illinois Proposes a Solution After the "Baby Richard" Case, 1996 U. ILL. L. REV. 189, 220 (1996), quoted in M.V.S. v. V.M.D., 776 So.2d 142, 151 (Ala. Civ. App. 1999).

80. In re Adoption of S.J.B., 745 S.W.2d 606, 612 (Ark. 1988).

81. See infra Chart of State Statutes Describing Paternity Registries.

82. IND. CODE [subsection] 31-19-5, 31-19-12 (2000), provides that a man must register with the putative father registry within thirty days of notice of a planned adoption or suffer automatic loss of parental rights. Cf. MO. REV. STAT. [section] 453.030 (2000) (holding that a man who does not register loses his rights to consent to an adoption).

83. Quilloin v. Walcott, 434 U.S. 246 (1978).

84. In re Adoption of Baby Boy Brooks, 737 N.E.2d 1062 (Ohio Ct. App. 2000).

85. The privacy interest of an unwed mother not to name the father of her child was affirmed in Lehr v. Robertson, 463 U.S. 248, 248, 265-65 (1983), and in Robert O. v. Russell K., 604 N.E.2d 99,104 (N.Y. 1992).

86. Studies on the prevalence of domestic violence "suggest that from one-fifth to one-third of all women will be physically assaulted by a partner or ex-partner during their lifetime." AMA COUNCIL ON SCIENTIFIC AFFAIRS, VIOLENCE AGAINST WOMEN 7 (1991), reprinted in BATTERED WOMEN AND THE LAW 5, 5 (Clare Dalton & Elizabeth M. Schnider eds., 2001). Coerced pregnancy is commonplace in abusive relationships. See Joan Meier, Domestic Violence, Character, and Social Change in the Welfare Reform Debate, 19 L. & POL'Y 205, 215-17 (1997). Perpetrators of domestic violence seek control over their victims. See Karla Fischer et al., The Culture of Battering and the Role of Mediation in Domestic Violence Cases, 146 SMU L. REV. 2117 (1993), reprinted in BATTERED WOMEN AND THE LAW, supra, at 57. "[Seventy-one percent of babies born to teen mothers] are fathered by men over the age of twenty. Many of these pregnancies result from abuse. . . . 'Consensual' sex between an underage youth and an adult presents a high risk of abuse." Maria L. Imperial, Self-sufficiency and Safety: Welfare Reform for Victims of Domestic Violence, 5 GEO. J. ON FIGHTING POVERTY 3, 12 (1997). A mother of young children is a dependent woman and an easy target for abusive control. Relinquishment is likely to threaten his control and thus aggravate an abusive man. Identifying such a man as a father poses a safety threat to relinquishing mothers.

identities of the man or men with whom she has had sexual intercourse is disregarded by some judges who coerce her to name the father.[87] Such a requirement is faulty because it tramples the mother's right to privacy, assumes that a mother can accurately name the father, and induces potential fathers to rely upon the mother's accuracy or honesty.[88]

A child's rights are affected by the putative father registry requirement, in that her opportunity to be parented by her biological father may be foreclosed by his failure to register.[89] A line of Supreme Court cases protects a father's rights to a child with whom he has established a relationship.[90] However, these cases deal with children, not newborns, and putative father registries affect paternal rights to newborn children as well to older children. The registry's ability to foreclose rights of men to newborns raises questions of exactly what constitutes a relationship with a newborn. Questions include whether failure to register is the same as failure to establish a relationship; whether failure to establish a relationship with an unborn child is equivalent to failure to establish a relationship with a newborn; and whether such failure is in fact pre-birth abandonment.[91] Some state statutes, case law, and SCRUFNA provide that pre-birth abandonment is grounds to foreclose the father's rights.[92] Some States provide that failure

87. Judges who insist that the mother reveal the name of the father (even a seriously abusive father) or refuse to approve the mother's consent to adoption or transfer of custody of the infant create a particularly coercive situation; forcing the judge's hand in such a case requires a writ of mandamus to the appellate court, which is time consuming at a point where time is of the essence (i.e., the newborn adoptee may remain in the hospital or with a foster family during the writ). Such delay causes anguish in a relinquishing mother who is typically anxious to know her child is in the loving arms of her intended parents. Under challenge, state courtsprotect a woman's right to privacy in not naming or notifying the father of the pregnancy, while upholding the putative father registry requirements. In re Adoption of S.J.B., 745 S.W.2d 606, 609 (Ark. 1988); In re Paternity of Baby Doe, 734 N.E.2d 281, 287 (Ind. Ct. App. 2000); In re T.M.K., 617 N.W.2d 925, 927 (Mich. Ct. App. 302).

88. A relinquishing mother who has been under the influence of alcohol or date rape drugs at the time of conception is unable to name the man or men who may have fathered her children. Additionally, her knowledge of biology may be poor, with the result that she misnames a man as the father because she has had intercourse with him more frequently, she cannot remember the date of her last menses, or she likes him better.

89. But see Michael H. v. Gerald D., 491 U.S. 110 (1989). In this case, the Supreme Court noted that it had never decided whether a child has a liberty interest in maintaining her filial relationship and declined to do so where a child claimed a due process right to maintain two fathers (one biological and one the husband of her mother) in California where a statute created a presumption that a child's father is the man who is both married to and living with the mother at the time of the child's birth. Id. at 130-31.

90. See infra Part III.A.

91. New York cases have defined what conduct constitutes a relationship with a newborn, including pre-birth activities. Determining whether a man formed a relationship with a newborn may include such factors as whether he paid the medical bills related to the pregnancy, whether he held himself out as the father, and perhaps most significantly whether his manifestations of willingness took place promptly. Robert O. v. Russell K., 604 N.E.2d 99, 102 (N.Y. 1992). To establish a relationship with a newborn that merits constitutional protection, the father must come forward to immediately assume parental responsibilities and he must do so in a prompt and substantial manner, including public acknowledgment of paternity, payment of pregnancy and birth expenses, steps taken to establish legal responsibility for the child, and other factors evincing a commitment to the child. In re Raquel Marie X., 559 N.E.2d 418, 425-26 (N.Y. 1990).

92. Alabama codified that pre-birth abandonment is implied consent to adoption and includes the failure of the father, with reasonable knowledge of pregnancy, to offer financial assistance and/or emotional support. ALA. CODE [section] 26-10A-9 (2001). Idaho codified that an unmarried biological father is not a necessary party if he had actual knowledge of pregnancy but did not pay a fair and reasonable amount of the expenses incurred in the pregnancy and the birth, in accordance with his means. IDAHO CODE [section] 16-1504-2(b)(iii) (1999). Kansas codified that pre-birth abandonment is grounds for termination of parental rights where the father had knowledge of the pregnancy but failed to provide support for the mother during the six months prior to the child's birth. KAN. STAT. ANN. [section] 59-2136(h)(4) (2001). Nebraska codified that consent of the father is not necessary where he had knowledge of the pregnancy, but failed to provide reasonable support for the mother during the pregnancy. NEB. REV. STAT. [section] 43-104.22(5) (2001). Ohio law states that pre-birth abandonment forecloses a putative father's right to object to the adoption. OHIO REV. CODE ANN. [section] 3107.06 (Anderson 2000). Texas codified pre-birth abandonment as abandonment of the mother during the pregnancy, and continuing through the birth, by a father's failure to provide adequate support or medical care for the mother and remaining apart from the child or failing to support the child after the birth. TEX. FAM. CODE ANN. [section] 161.001(1)(H) (Vernon 2001). Utah statutory law also provides that payment of expenses related to pregnancy and birth in accordance with the father's means is a requirement to establish the necessity of his consent to adoption. UTAH CODE ANN. [section] 78-30-4.14(2)(b)(iii) (2001). Utah case law also provides that pre-birth abandonment can be evidenced by a failure to provide medical care and financial support

to register with the putative father registry is the same as pre-birth abandonment.[93]

Foreclosing a biological father's opportunity to parent a child has advantages and disadvantages to a child, who has the presumed need for a father. The disadvantage is the loss of a relationship with a biological father. The advantage is the establishment of a legally secure relationship with a committed father. The assumption is that the man who fails to register signals the likelihood that he will also fail to assume legal responsibility for the child. The man who does not establish paternity may pay child support regularly, may pay when it is convenient, or may not pay at all, cannot add the child to his health insurance (without proof of paternity), has no legal right to authorize health care, and may or may not exercise custody or visitation rights. In enacting putative father registries, States indicate their preference for the adoptive father who assumes legal responsibility for the child over the biological father who fails to formally establish paternity and whose relationship to the child is a casual or intermittent one.[94]

Putative Father Registry—Applicable Case Law

Case Law on the Rights of Unwed Fathers

The Supreme Court has decided several cases defining the constitutional rights of unwed fathers. In Stanley v. Illinois,[95] the Supreme Court held in 1972 that the State could not remove children from the custody of an unwed father in a dependency case, after their mother's death, absent a hearing and a particularized finding that the father was an unfit parent. In Stanley, the several children had lived with their father over a period of time as long as eighteen years since birth.[96]

In Quilloin v. Walcott,[97] the Court held in 1978 that a Georgia court did not violate an unwed father's substantive rights when it applied a 'best interests of the child' standard where the father had not legitimated the child, had never taken custody of the child, and had not shouldered any significant responsibility for the child's rearing.[98] The child in Quilloin was eleven years of age.[99]

In Caban v. Mohammed,[100] the Court held that an unwed father only acquires substantial protection under the Due Process Clause when he demonstrates a full commitment to the responsibilities of parenthood by actively rearing his child. The children in Caban were four and six-years-old.[101] In Caban, as in Quilloin, the State's statutory law provided that only the mother's consent, and not the father's, was necessary for an adoption of a child born out of wedlock. The Caban Court struck down the New York statute on equal protection

and not establishing paternity. In re Adoption of B.B.D., 984 P.2d 967, 970 (Utah 1999). (2001). Wisconsin set out the following factors to determine if a man had not established a liberty interest in his unborn child: a father's physical assault upon the mother during her pregnancy, neglect to provide care and support during the pregnancy even though the father had the opportunity to do so, failure to attempt to contact the child, write to persons caring for her, or send cards or gifts, and failure to contribute financially toward medical expenses or delivery. Christopher C. v. Lori C., No. 92-2782-FT, 1993 WL 138160, at ***4 (Wis. Ct. App. 1993). Additional factors evincing pre-birth abandonment might include the failure to provide emotional and physical support to the mother during the pregnancy, the failure to purchase items necessitated by the pregnancy, such as maternity clothing, and the failure to pay for prenatal medical care or to provide transportation to and from medical care. See Resnik, supra note 3, at 426-27.

93. Utah provides that failure to register constitutes abandonment and a waiver and surrender of any right to notice of, or to a hearing in any judicial proceeding for, the adoption of a child. In such cases the consent of such father to the adoption is not required. UTAH CODE ANN. [section] 4.14(2)(b) (2001).

94. A Utah court described the state's interest in speedily identifying those persons who will assume parental roles over children and discussed policy implications that must limit the rights of biological fathers. See Wells v. Children's Aid Soc'y of Utah, 681 P.2d 199, 203 (Utah 1984). See also UNIF. PARENTAGE ACT [subsection] 402, 404, 9 U.L.A. 322-23 (2000).

95. 405 U.S. 645, 649 (1972).

96. Id. at 646.

97. 434 U.S. 246 (1978).

98. Id. at 255-56.

99. Id. at 249.

100. 441 U.S. 380, 392 (1979).

101. Lehr v. Robertson, 463 U.S. 248, 267 (1983) (referring to Caban).

grounds,[102] whereas the Quilloin Court expressly did not consider the gender based distinction vis-a-vis the equal protection claim because it was not presented.[103]

These decisions hold that unwed fathers have an inchoate interest in their children which they can transform into a constitutionally protected interest only if they assume substantial parental responsibilities.[104] All the children considered in these Supreme Court unwed-father cases were beyond infancy. The Caban Court specifically withheld judgment as to whether newborn adoptions would justify "setting forth more stringent requirements concerning the acknowledgment of paternity or a stricter definition of abandonment."[105] State legislatures subsequently revised their adoption statutes to comply with these cases as predicted by Justice Stevens in the Caban dissent.[106]

Putative Father Registry Case Law

Four years later, in 1983, the Court reviewed the next unwed father case that is the leading case analyzing putative father registries. In Lehr v. Robertson,[107] the Court addressed the constitutionality of New York's putative father registry in the context of an adoption proceeding. The New York statute provided notice to certain categories of men, including men who had filed with the putative father registry, and excluded those men who had not filed and did not fall into any other category of presumed father.[108] The Court held that where the putative father had not filed with the putative father registry nor established a substantial relationship with his child, the State's failure to give him notice of a pending step-parent adoption proceeding did not deny him due process or equal protection. The rationale was that the statutes afforded him the opportunity to develop a protected relationship and guaranteed him notice of the adoption by filing with New York's registry.[109] The child in Lehr was over two years of age.[110] Other relevant facts include that the state authority knew the father's whereabouts; the father had never supported the child and rarely visited her; and the father filed a paternity action after the ultimately successful step-parent adoption was filed.[111]

The putative father alleged two grounds upon which the trial court's action in finalizing the adoption without notice to him was unconstitutional. First, he advanced a due process challenge premised upon his allegation that his actual or potential relationship with the child was an interest in liberty that could not be destroyed without due process of law and that the statute's failure to provide him notice and an opportunity to be heard deprived him of that liberty interest without due process.[112] Second, the father argued that the putative father registry statute denied him the right to consent to the adoption and accorded him fewer procedural rights than the mother and that this gender-based classification violated the Equal Protection Clause.[113]

The Court held that the New York putative father registry law did not violate an unwed father's liberty interest in developing a relationship with his child in that it required notice to seven categories of putative fathers who are likely to have assumed some responsibility for the care of their natural children.[114] "[T]he right

102. Caban, 441 U.S. at 393.

103. Quilloin, 434 U.S. at 253 n.13.

104. See also Michael H. v. Gerald D., 491 U.S. 110, 131-32 (1989) (holding that California's statutory presumption of paternity in the man married to and living with a child's mother-at the time of birth may prevent a biological father from asserting his paternity and establishing a relationship with his biological child).

105. Caban, 441 U.S. at 392 n.11.

106. Id. at 416 (Stevens, J., dissenting).

107. Lehr v. Robertson, 463 U.S. 248, 249-50 (1983).

108. Id. at 251. The other categories of men entitled to notice included: those who had been adjudicated to be the father, those who had been identified as the father on the child's birth certificate, those who had lived openly with the child and the child's mother and who had held themselves out to be the father, those who had been identified as the father by the mother in a sworn written statement, and those who had married the child's mother before the child was six months old. Id.

109. See id. at 264.

110. Id. at 248.

111. Id.

112. Lehr v. Robertson, 463 U.S. 248, 255 (1983).

113. Id.

114. See id. at 263-65.

to receive notice was completely within appellant's control."[115] The Court reiterated that a biological connection alone does not trigger full constitutional protection, and that only when an unwed father demonstrates a full commitment to the responsibilities of parenthood by participating in the rearing of his child does his interest in personal contact with his child acquire substantial protection under the Due Process Clause.[116] Lehr had not demonstrated a commitment adequate to transform his inchoate interest into a constitutionally protected interest and so his due process challenge failed. The trial court could rely upon the statutory notice requirement even though Lehr had subsequently filed a paternity action in another court, because the State's legitimate interests in facilitating the adoption of children justified strict compliance with the procedural requirements of the statute.[117] The Lehr court indicated that the possibility that a putative father may fail to register because of his ignorance of the registry requirement did not make the law unconstitutional or suffice to excuse the father's inaction, because a more open-ended notice requirement would burden adoptions, threaten the unwed birth mother's privacy, and impair the finality of adoptions.[118] State decisions have echoed Lehr's holding as to ignorance of the law. The Nebraska Supreme Court held that a five-day limitation imposed by that State's putative father registry was constitutional despite the father's excuse that he did not know of the limitation, because all citizens are presumed to know the law and "[s]tatutes of limitation bar evenly the claims of the wary and the unwary and the just and the unjust."[119]

Lehr's equal protection challenge was based upon gender in that he alleged the New York registry scheme impermissibly treated mothers and fathers differently.[120] The legislation guaranteed certain classes of people the right to veto an adoption, but even though all mothers fell within the favored class, only some fathers did. The Court observed that laws "may not subject men and women to disparate treatment when there is no substantial relation between the disparity and an important state purpose."[121] It went on to hold, however, that the registry legislation was intended to establish adoption procedures that promote the interests of children and that such legislation could treat unwed mothers and fathers disparately if the father had either abandoned the child or never established a relationship with her.[122] Lehr's challenge failed because it was his own failure to establish a substantial relationship that removed him from the protected class. Where the mother and father are similarly situated, the statute must treat them equally, but where the father fails to assume parental responsibilities, putative father registry notice provisions legitimately do not offend equal protection.[123]

State cases challenging due process in putative father registries allege constitutional violations. All courts to date have found registries constitutional, although courts have found the application of registry requirements unconstitutional with reference to certain fact patterns.[124]

State cases have held that notice is not required to unwed fathers who have not established a relationship with the child nor filed with a putative father registry, without regard for the length of time permitted by the deadline. Nebraska courts have found that notice was not

115. Id. at 264.

116. Id. at 261.

117. See id. at 264-65.

118. Lehr v. Robertson, 463 U.S. 248, 265 (1983). The Lehr court's concern for the birth mother's privacy was later cited in Wells v. Children's Aid Society of Utah, 681 P.2d 199, 207 (Utah 1984).

119. Shoecraft v. Catholic Soc. Servs. Bureau, 385 N.W.2d 448, 452 (Neb. 1986).

120. See Lehr, 463 U.S. at 266.

121. Id. at 266 (citing Craig v. Boren, 429 U.S. 190,197-99 (1976)).

122. Id. at 267-68.

123. See id. at 266-67.

124. See, e.g., In re S.R.S., 408 N.W.2d 272, 272 (Neb. 1987) (holding putative father registry requirement unconstitutional where unmarried father had daily contact with the child for the first nineteen months of child's first twenty-four months); In re Paternity of Baby Girl P.D., 661 N.E.2nd 873, 874-75 (Ind. Ct. App. 1996) (holding inapplicable statute requiring registration within thirty days where statutorily required notice was not provided).

required for fathers who had exceeded the five day registry period if they knew of the pregnancy/birth, had not indicated any intention to assert their rights, and had not provided support during the pregnancy or natal period.[125] The Utah Supreme Court upheld the constitutionality of a putative father registry where the notice of paternity had to be filed prior to the date the child was released to the adoption agency, which was two days after birth.[126] The Indiana Court of Appeals recently held the Indiana putative father registry scheme constitutional against a due process challenge where a father filed twenty-three days after the birth.[127] The Indiana statute provides a thirty day registration limit after the father has been served with notice of the putative father registry requirement.[128] The father was served seven weeks prior to the birth, so his time had run before the baby's birth.[129] Finally, the Oregon Court of Appeals held that a California resident's failure to file a notice of paternity in Oregon barred him from receiving notice and removed his right to consent to the adoption, even though he had filed a paternity action in California.[130]

Courts have also upheld the constitutionality of the termination of rights when there is a failure to register regardless of the mother's identification and notification of the father. The Oklahoma Supreme Court upheld a putative father registry notice provision where the mother failed to name the father, even though she apparently knew his identity and whereabouts.[131] The Illinois Appellate Court held that a putative father was not excused from the ten-day putative father registry requirement, given he had knowledge of the pregnancy and the possibility that he could be the father.[132] Louisiana provided a hearing for an Indiana putative father to prove his fitness and commitment to parental responsibilities despite filing late for a child born in Louisiana to an Indiana birth mother where the father executed an authentic "Act of Acknowledgment" in Louisiana, filed an opposition to the adoption, and filed with the putative father registry in Louisiana.[133]

Putative father registries have also withstood constitutional challenges based on the Equal Protection Clause. In M.V.S. v. V.M.D.,[134] the father alleged a statute violated the Equal Protection Clause because men who registered with the putative father registry were treated differently than those who did not register. The Alabama court applied rational basis scrutiny and held that treating these fathers differently was permissible because it reasonably advanced a legitimate government interest: the provision of

125. See Shoecraft v. Catholic Soc. Servs. Bureau, 385 N.W.2d 448, 452 (Neb. 1986); see also Friehe v. Schaad, 545 N.W.2d 740, 747 (Neb. 1996) (upholding the constitutionality of the five day registration period).

126. See Wells v. Children's Aid Soc'y of Utah, 681 P.2d 199, 204 (Utah 1984).

127. Wachowski v. Beke (In re M.G.S), 756 N.E.2d 990 (Ind. 2001).

128. IND. CODE ANN. [section] 31-19-9-15(a) (Michie 2001).

129. Wachowski, 756 N.E.2d at 996. The father did not register until over two months after receiving notice. Id. at 995-96. The father testified that he delayed registering because of the birth mother's statements that adoption was just one option she was considering. Id. The court was not persuaded because the registry requirement notice contained a statement that "nothing that the mother of the child or anyone else may [say] about her intentions regarding a possible adoption of the child can relieve [the father] of the obligations imposed upon [the father] having received . . . notice." Id, at 995. The opinion contains an invitation to the General Assembly to amend the law to avoid the strict statutory interpretation that the court felt constrained to deliver. Id. at 1000. The legislature has not yet responded. Adoption attorney Steve Kirsh, who is closely involved in Indiana adoption legislation, expects no legislative response to the court's invitation. Interview with Steven M. Kirsh, Treasurer, American Academy of Adoption Attorneys (May 1, 2002).

130. See Hylland v. Doe, 867 P.2d 551, 555-56 (Or. App. 1994).

131. In re C.J.S., 903 P.2d 304, 305 (Okla. 1995).

132. In re K.J.R., 687 N.E.2d 113,118 (Ill. App. Ct. 1997).

133. In re R.E., 642 So.2d 889, 892 (La. Ct. App. 1994). Interestingly, the opinion noted that the Louisiana Children's Code [section] 1138 provided that if the trial court establishes the putative father's parental rights and he refuses to consent to the adoption, the trial court shall order him to reimburse the department or the licensed private adoption agency of all medical expenses incurred for the mother and the child in connection with the birth. Id. The Children's Code was amended in 2001 to make such an order discretionary for the trial judge. 2001 La. Acts 910.

134. 776 So.2d 142,145 (Ala. App. 1999).

"a legal means to ascertain within a short time of a child's birth whether the biological father is going to assert his rights and perform his corresponding duties."[135]

Applying a strict scrutiny analysis, the Nebraska Supreme Court similarly upheld the differential treatment afforded unwed mothers versus unwed fathers under registry laws.[136] The court analyzed the effect of birth upon a mother, the effect of the five-day limit imposed by that State's putative father registry, and the effect of a rapid determination of parental rights upon the best interests of the child. The court concluded that the legislation accomplished related goals and addressed legitimate concerns.[137] Thus, the statute was constitutionally applied.

Impossibility Exception Case Law

A number of state courts have established impossibility exceptions for the father whose efforts to parent the child were affirmatively thwarted. These exceptions cover situations including: (1) where the father did not know the mother was pregnant; (2) where the mother misrepresented the situation to the father such that she indicated falsely that she was not pregnant or that he was not the father; and (3) where the mother moved from the State of conception to a second State for delivery.

Where fathers have requested impossibility exceptions due to lack of knowledge of the pregnancy, courts have denied them if the father made no attempt to investigate the possibility of pregnancy. For example, South Dakota withheld an impossibility exception for a father's failure to assert paternity within sixty days of the birth, despite lack of notice by the mother, where the father did not investigate to see if conception occurred, did not support the mother during her pregnancy, and did not take immediate action when he learned of the child.[138] New York also withheld the impossibility exception from a man where he took no "steps to discover the pregnancy or the birth of the child before first asserting his parental interest ten months after the adoption became final."[139] New York specifically denied the father's claim that the mother had a duty to ensure he knew of the birth given that the mother made no attempts to conceal her whereabouts or her pregnancy.[140] Utah codified a similar rule, whereby a man is deemed to be on notice that a pregnancy and adoption proceeding may occur simply by virtue of having engaged in a sexual relationship with a woman.[141]

Fathers have also requested impossibility exceptions where they knew the locations of the mothers but the mothers had misrepresented the identity of the father to either the father or to some third party. For example, Arkansas held a father to its registry requirement where the mother falsely swore in her petition for stepparent adoption that the father was unknown.[142] In a slightly different situation, Illinois provided no impossibility exception where the father knew of the existence of the eighteen-month-old child but took no action to pursue the possibility of his own paternity because the mother and her family told him that another man was the father.[143] Under similar circumstances and in the same year, Illinois again denied the impossibility exception even though the mother falsely indicated that the father was another

135. Id. at 153.

136. See Shoecraft v. Catholic Soc. Servs. Bureau, 385 N.W.2d 448, 451 (Neb. 1986).

137. See id. at 452. Although the court describes its reasoning as strict scrutiny, the section of the opinion that focused on the 'narrow tailoring' aspect of heightened scrutiny in fact seems to operate more like a rational basis test, or at best, intermediate scrutiny. Id.

138. See In re Baby Boy K., 546 N.W.2d 86, 99-100 (S.D. 1996). The court noted that the mother misrepresented to the court that she did not know the identity of the father and that the father and mother's relationship lasted only 2 weeks after which father did not attempt to contact the mother to determine if she was pregnant. See id.

139. Robert O. v. Russell K., 604 N.E.2d 99, 100 (N.Y. 1992) ("Inasmuch as petitioner failed to take any steps to discover the pregnancy or the birth of the child before first asserting his parental interest ten months after the adoption became final, we conclude he was neither entitled to notice nor was his consent to the adoption required.").

140. See id. at 101.

141. See UTAH CODE ANN. [section] 78-30-4.13(1) (2001).

142. See In re Adoption of Reeves, 831 S.W.2d 607, 609-10 (1992).

143. See In re A.S.B., 688 N.E.2d 1215, 1222 (Ill. App. Ct. 1997).

man, because the putative father knew of the pregnancy and the possibility of his own paternity but did not file with the registry.[144] The K.J.R. court articulated the statutory elements of the Illinois impossibility exception to include when: (1) registration with the putative father registry within the time period specified by the State was not possible; (2) failure to register was through no fault of the father; and (3) the father registered within ten days after it became possible for him to file.[145] The K.J.R. court specifically reiterated the Illinois statutory language that a lack of knowledge of the pregnancy or birth does not constitute an acceptable reason for failing to register.[146] Minnesota denied an exception to the registry requirement where the mother wrote the father that she was planning to terminate her pregnancy and he did not learn of the child until after the mother gave birth and relinquished him to adoption.[147] In another instance, Nebraska disregarded a mother's misrepresentation to the adoption agency that the father's identity was unknown and held that a certificate from the putative father registry could substitute for the father's consent.[148]

Fathers have also requested impossibility exceptions because mothers traveled among States and therefore made it difficult for them to know in which jurisdiction to assert their paternity. In 1980, Utah held in Ellis v. Social Services Department of the Church of Jesus Christ of Latter-Day Saints[149] that "due process requires that an [unwed father] be permitted to show that he was not afforded reasonable opportunity to comply with the [registry requirement]."[150] The court hinted that two elements must exist for such an exception to apply: (1) timely filing with the registry was impossible for the father; and (2) the father's failure to file was through no fault of his own.[151] In Ellis, a couple conceived in California and the mother moved to Utah for the birth of the child without notifying father of where she would give birth. Under these circumstances, Utah held that an impossibility exception may be warranted and remanded to the lower court to allow the father the opportunity to prove he could not have reasonably expected the baby to be born in Utah. Fourteen years later, Oregon reached a contrary decision under nearly identical facts. In Hylland v. Doe (In re Adoption of Baby Boy Hylland/Ohnemus),[152] a couple conceived in California and the mother moved to Oregon without notifying the father of where she would give birth. The Hylland court did not afford the father an impossibility exception, even though the father had filed a paternity action in California, because he failed to file with the Oregon registry and did not present demonstrative evidence that he had supported or attempted to support the child.[153]

A Minnesota appeals court recently denied an impossibility exception to a father who lived with the birth mother in Iowa and conceived the child in Iowa before the mother moved to Illinois and later to Minnesota, where she lived with her grandparents and later in a home for pregnant teens and where she relinquished the child.[154] The mother did not inform the father of her whereabouts after they parted even though they communicated by email.[155] The birth father

144. In re K.J.R., 687 N.E.2d 113,117-18 (Ill. App. Ct. 1997).

145. Id at 117.

146. Id.

147. See In re Paternity of J.A.V., 547 N.W.2d 374, 375-77 (Minn. 1996). While denying the father future notice of the adoption proceedings because of his failure to file with the registry, the court permitted him to establish paternity. See id. at 375.

148. See In re Adoption of Kassandra B., 540 N.W.2d 554, 555, 560 (Neb. 1995). Although the court stated a certificate from the putative father registry could have substituted for the father's consent, no such certificate was filed in this case. See id.

149. 615 P.2d 1250 (Utah 1980).

150. Id. at 1256 (holding that an unwed father was denied due process because the court did not afford him the opportunity to show that he could not have reasonably expected his baby to be born in Utah).

151. See id.

152. 867 P.2d 551, 553 (Or. Ct. App. 1994).

153. Id. at 556-57.

154. Heidbreder v. Carton, 636 N.W.2d 833 (Minn. Ct. App. 2001), review granted, 2002 Minn. Lexis 87 (Feb. 19, 2002) (No. C0-01-739).

155. Id. at 836.

asked the mother's parents and friends where she was, but they did not inform him either.[156] The birth father was aware that the birth mother's mother and sisters moved to Minnesota.[157] The Minnesota statute provides notice to the father who files with the putative father registry within thirty days after birth and provides that the father who fails to register within thirty days loses his right to assert any interest in the proceeding and is considered to have abandoned the child.[158] The father registered with the Minnesota registry on the thirty-first day, which was one day after learning the mother had given birth in Minnesota.[159] The court grounded its denial of an impossibility exception on the father's knowledge of the three States, Iowa, Illinois, and Minnesota, to which the mother had recent ties, that the mother was carrying his child during the pregnancy, that she planned to give birth, the due date, that he and the mother would not marry, and that she did not wish to share her whereabouts with him.[160] The court also commented that the father had nine months to register but did not do so, did not retain a lawyer, did not commence a paternity action, did not register as a putative father in any State, and did not otherwise arrange to become a parent.[161] A distillation of the key variables in Minnesota's decision are that the father had enough information about mother's whereabouts to protect or make a showing of protecting his parental rights in any of three States and did not attempt to establish a legal relationship with his child in any way.

Utah granted no impossibility exception where the mother notified the father that she was moving to Utah from California to give birth and to place the child for adoption, and the father failed to file with the Utah registry.[162] In that case, the putative father filed a paternity action in California but neither filed with the Utah putative father registry nor filed a paternity action in Utah, even though he was aware that the mother and baby were in Utah.[163] Under nearly identical facts, Utah again withheld an impossibility exception where the putative father was a resident of Washington State and was informed by the mother of her move to Utah to live with the prospective adoptive parents.[164] Although he telephoned the birth mother in Utah and attempted to establish paternity by registration in Washington, he did not file with the Utah putative father registry or file any paternity actions in either Washington or Utah.[165] The key variable in these cases was father's knowledge of mother's whereabouts.

In a slightly different situation Utah allowed an impossibility exception for a California putative father where the birth mother notified him of her move to Utah and her plan to relinquish the child for adoption but subsequently misrepresented to him that she would marry him and raise the child with him.[166] The father did not file with the Utah registry nor file a paternity action but was in the process of moving their belongings to a new home when the child was born prematurely and the mother relinquished him to adoption.[167] Additionally, the birth mother's family also misled the putative father.[168] The key variable in this case was that, even though the father knew of mother's whereabouts, she induced his reliance upon her mis-

156. Id.

157. Id.

158. MINN. STAT. [section] 259-52 (2001). The court held that the mother and father's living together openly did not entitle the father to notice because it occurred before the birth and not after. Id. at 837.

159. Heidbreder, 636 N.W.2d at 836.

160. Id. at 838.

161. Id. The father claimed that the mother fraudulently concealed her whereabouts, but this argument did not persuade the court because Minnesota's explicit impossibility exception does not include an express or implied fraud exception. Id. at 838-39.

162. See Belt-ran v. Allan, 926 P.2d 892, 894, 898 (Utah Ct. App. 1996).

163. Id. at 894-95.

164. See C.F. v. D.D. (In re Adoption of B.B.D), 984 P.2d 967, 969, 974-75 (Utah 1999).

165. See id. at 969.

166. See In re Adoption of Baby Boy Doe, 717 P.2d 686, 691 (Utah 1986).

167. See id. at 687.

168. See id. at 688.

representation that she would marry him and they would raise the child together.

In yet another moderately different situation, Utah did not allow an impossibility exception where an Indiana putative father filed a paternity action in Indiana one day after the child's birth in Nevada, and, on the same day, the adoptive couple filed their adoption petition in Utah.[169] The putative father did not, however, file with the putative father registry in Utah until eight months after learning of the child's birth and the Utah adoption proceedings.[170] At that time, Utah statutorily required a putative father to file a notice of paternity within ten days after it became possible for him to file.[171] The key variable in this case was the father's delayed filing after acquiring knowledge of the child's whereabouts.

The elements of an impossibility exception vary by State. A mother's fraudulent misrepresentation to the father that she is either not pregnant, or has aborted or miscarried the baby and a mother's concealed move to a second State have warranted impossibility exceptions in some but not all cases. A national putative father registry database would provide a means for fathers to protect their rights despite the whereabouts of the mother or her representations to the father in any participating State.

Tortious Interference with Parental Rights Case Law

In 1998, the Mississippi Supreme Court decided Smith v. Malouf,[172] and the West Virginia Supreme Court decided Kessel v. Leavitt.[173] Both cases were tort actions for intentional interference with parental relationships or custody in interstate adoptions. The intentional interference with parental relationships tort is not reserved to adoption situations and is not recognized in all jurisdictions.[174] Smith and Kessel are important to a discussion of putative father registries because individual state registries can not and did not protect the parties in these cases, but a national putative father registry theoretically would have protected the fathers' rights in both of these cases where the mothers used interstate travel to thwart the fathers' rights.[175]

The father in Smith sued the mother and her family for civil conspiracies to effect an illegal adoption of his child born out of wedlock and to prevent him from exercising his parental rights and for intentional infliction of emotional distress.[176] The court framed the "pivotal question" as "whether [a birth mother] and her parents owe damages [to a birth father] for interfering with his right to attempt to gain custody of the child by exercising her own right to terminate her relationship with the child."[177] In comparison, the father in Kessel sued for fraudulent concealment, civil conspiracy for fraudulent concealment of information regarding the location and adoption of the child, and tortious interference with parental relationship.[178] The court held that:

> [T]o make out a prima facie claim for tortious interference with parental relationship, the complaining parent must demonstrate: (1) the complaining parent has a right to establish or maintain a parental or custodial relationship . . .;

169. See In re Adoption of W, 904 P.2d 1113,1115,1120-21 (Utah Ct. App. 1995).

170. See id. at 1115,1120.

171. See id. at 1118-19 (quoting UTAH CODE ANN. [section] 78-30-4.8 (Supp. 1990)).

172. 722 So. 2d 490 (Miss. 1998), implied overruling on other grounds recognized in Adams v. Homecrafters, Inc., 744 So. 2d 736 (Miss. 1999). The more stringent test for recovery of damages under a theory of intentional infliction of emotional distress, announced in Smith, was expanded in Adams, but this has no bearing on the analysis for this Article.

173. 511 S.E.2d 720 (W. Va. 1998).

174. See Stone v. Wall, 734 So. 2d 1038, 1047 (Fla. 1999) (holding that a cause of action for intentional interference with the parent-child relationship party non-parent existed in Florida). But cf. Lapides v. trabbic, 758 A.2d 1114, third 1121 (Md. Ct. Spec. App. 2000) (finding facts did not warrant recognition of new tort for intentional interference with parental custody).

175. See Smith, 722 So. 2d at 492; Kessel, 511 S.E.2d at 734-36.

176. Smith, 722 So. 2d at 491-92.

177. Id. at 498.

178. Kessel, 511 S.E.2d at 739.

> (2) a party outside of the relationship between the complaining parent and his/her child intentionally interfered with the . . . relationship; (3) the outside party's intentional interference caused harm to the . . . relationship; and (4) damages resulted from such interference.[179]

The remarkable commonalities between Smith and Kessel satisfy the requirements of Kessel and the similar holdings answer Smith's pivotal question.

Smith was a teenager and Kessel was a medical student completing his residency requirement.[180] Both fathers were unmarried, established their rights to develop a parental relationship with their unborn children by filing paternity actions that they won by default, and obtained temporary restraining orders to halt potential adoptions of their unborn children.[181] Accordingly, the fathers clearly had rights to establish parental relationships, which in turn satisfied the first element required by the Kessel court.

In both cases, multiple parties, including the birth mothers, their parents, siblings, and attorneys, concealed information about the mothers' whereabouts despite persistent and substantial efforts of the fathers to locate them.[182] Both mothers used interstate travel to overcome the investigative and legal efforts of the fathers. The combinations of people concealing information constituted conspiracies in each case. The conspiracies operated to interfere with the rights of the fathers to establish a relationship with each child, which satisfied the second element in Kessel, that there must be an outside party that interferes in the relationship.

The concealment conspiracies and the interstate travel of the birth mothers, as well as the failure to heed the temporary restraining orders, worked to prevent the fathers from intervening in the adoptions. Ultimately, Smith's daughter and Kessel's son were relinquished by their respective mothers in California and adopted by Canadian couples.[183] The Canadian courts did not permit the fathers to disrupt the adoptions,[184] whereas courts in the United States might have provided impossibility exceptions and interrupted the adoptions. The interference of outside parties prevented fathers from vetoing adoptions which in turn satisfied Kessel's third element of harm to the relationship.

Mississippi and West Virginia held that the fathers lost their opportunities to establish relationships with their infants as a result of the information concealed by multiple persons and that the lost parental relationships constituted the fourth element, damages.[185] The holdings answered the pivotal question set out in Smith in the affirmative—that the birth mothers' families owed damages to the birth fathers. Smith's pivotal question, however, is wrongly worded. It is not the mothers exercising their rights to terminate their relationships with their children that caused the damages, but rather the mothers' and their families' conspiracies to conceal the States of the birth and the States and countries of the adoptions and their refusal to honor the temporary restraining orders that caused the harm that resulted in the damages.[186]

The only solution to the losses suffered by these fathers lies in the erection of a national putative father registry. Had one existed, the

179. Id. at 765-66.

180. See Smith, 722 So. 2d at 492; Kessel, 511 S.E.2d at 734 n.4.

181. See Smith, 722 So. 2d at 492; Kessel, 511 S.E.2d at 734-37.

182. See Smith, 722 So. 2d at 492-93; Kessel, 511 S.E.2d at 734-39.

183. See Smith, 722 So. 2d at 492; Kessel, 511 S.E.2d at 736.

184. See Smith, 722 So. 2d at 492-93; Kessel, 511 S.E.2d at 738.

185. See Smith, 722 So. 2d at 498; Kessel, 511 S.E.2d at 768.

186. Justice Smith's separate opinion in Smith raises, three compelling but unavailing arguments: (1) that protecting putative fathers rights will vitiate birth mothers' reproductive liberty interests; (2) that gender differences justify a rule that gives the mother the exclusive right to consent to adoption; and (3) that the majority's holding therefore encourages mothers to choose abortion, the only reproductive liberty interest of which they have complete control. Smith, 722 So.2d at 502-05 (Smith, J., concurring in part and dissenting in part).

attorneys representing the Smith and Kessel birth mothers or adoptive parents would have searched the national putative father registry and subsequently served notice upon the fathers. The fathers could have intervened in the adoptions promptly, and the adoptions either would or would not have happened, but courts would have been able to promptly decide whether the fathers had the rights to intervene and whether intervention was in the best interest of the children. The fathers would not have been forced to sue for tortious interference with parental relationship. In sum, a national registry would better protect children like those in Smith and Kessel.

Toward a National Putative Father Registry

The federal government should erect and maintain a putative father database to which each State may contribute data and from which authorized attorneys and agencies in each State may access data. Each State's law should continue to control adoption practice in its State and the use (or non-use) of the national putative father registry databank. Only a federal source can solve the problems present in a society where interstate travel of men and women operates to thwart the rights of fathers in adoptions. Fathers lose control of adoptive situations because they cannot locate their children within the United States; adoptive couples choose international adoptions to avoid the late assertion of birth fathers' rights; and women without means undertake to raise children while remaining unsure of participation by birth fathers. Only a national putative father registry can solve these problems for the nation's children.

The purpose of the registry advances the interests of all three parties. A nationally-linked putative father registry can promote the speedy and secure placement of children with natural parents or with adoptive parents by resolving birth-parent rights issues quickly and finally. Such a system would advance a secure and speedy placement of a child with adoptive parents where a biological father fails to register. This conforms with the notion that quick and efficient placement serves society and the child best.[187]

A national putative father databank advances putative fathers' interests, in that it provides them with a means of enforcing their rights to their children, particularly newborns. The national registry provides absolute notice of a pending adoption in participating States and this in turn affords much greater protection to the putative father than is currently available. Currently, mothers may not identify the father by name, and States routinely publish service in obscure newspapers—often under the name of John Doe. The national registry, on the other hand, provides meaningful notice to putative fathers at the addresses they provide the registry. Additionally, the registry correctly proclaims to putative fathers that responsibility to assert and protect their rights is theirs and that reliance upon birth mothers is misplaced.

A national putative father registry advances the privacy and safety interests of mothers as well as assisting their adoption decision by clarifying the intentions and rights of birth fathers. The erection of a national registry provides States with the ability to relieve women of naming unwed fathers of their children. This protects the privacy right of a woman not to name the man or men with whom she has had sexual intercourse and relieves the woman of the need to accurately identify the father when she may or may not know his identity. Importantly, protecting mothers' privacy rights also protects their safety from abusive men with whom they have fathered a child, because the registry does not need to disclose the mother's address or location. For example, a woman may conceive her child in Alabama, deliver and relinquish her child for adoption in Kansas, and ultimately decide to settle in Missouri. The

187. For a discussion of three historical models for evaluating biological fathers' rights, see Diane S. Kaplan, Why Truth Is Not a Defense in Paternity Actions, 10 TEX. J. WOMEN & L. 69 (2000).

registry only needs to provide information about the adoption proceeding in Kansas, so the woman's actual location is concealed. State law would control whether the father's right to consent is affected by his abuse and/or rape. Women could forum shop for the State providing them the most safety.

Additionally, a national registry provides pregnant women with information with which to make their adoption decisions. Women who are not able to raise a child may consider adoption but find their decision impeded by the unknown or at least the unpredictable intentions of the father. A registry notifies a woman of a father's intentions to assert his paternity. State law should require the registering father to file a paternity action. Information concerning fathers' intentions and paternity actions substantially affect mothers' adoption decisions. With this information, a mother may be able to determine how much paternal financial and custodial assistance she can rely upon.

Lastly, a national putative father registry advances the interests of adoptive parents who want to share their lives with a child but fear disruption of the relationship by the late assertion of a birth father's rights.

Federal Participation in National Putative Father Registry

Congress is the appropriate legislative body for putative father registry legislation because adoption has a federal aspect, in that a woman may conceive a child in one State, reside in a second State, give birth in a third State, and relinquish for adoption in a fourth State. It is in this situation, where the biological mother, biological father, the adoptive parent(s), and the child have connections to two or more States, that the individual state putative father registries can neither protect the rights of putative fathers nor advance the interests of children. Only federal legislation providing a national database, linking all participating state registries, can effectively address this family-law problem, even though family law, including adoption, is traditionally reserved to the States. This precise rationale underlies other federal statutes, including most notably the Child Support Recovery Act.[188]

Congress may enact a federal putative father registry database under the commerce power. Adoption is not traditionally considered commerce because nothing is bought or sold. Interstate adoption substantially affects interstate commerce, however, because of the aggregate transaction costs involved. Adoptive parents may incur large legal debts, ranging between zero and $30,000,[189] across at least two States. Part of that debt derives from the interstate nature of the adoption, which necessarily involves interstate travel. These burdens, plus an increased likelihood of litigation resulting from incompatible and unconnected state registries, increase the expense

188. Child Support Recovery Act of 1992, 18 U.S.C. [section] 228 (2001). "Every federal circuit that has considered the issues has determined that the CSRA [Child Support Recovery Act] is a valid exercise of congressional power under the Commerce Clause." Laura W. Morgan, A Federal Hand In Child Support, 23 FAM. ADVOC. 10, 14 (2001). Morgan goes on to list cases from each circuit which held the CSRA constitutional. Id.

189. See Nat'l Adoption Info. Clearinghouse, Costs of Adopting, at http://www.calib.com/naic/pubs/s_cost, htm (last modified Aug. 2, 2000). Domestic private-agency adoption costs range between $4,000 to $30,000; domestic independent adoption costs range between $8,000 and $30,000; and domestic public agency fees range from zero to $2,500. See id. These costa may include: court costs, adoptive home investigations (including physical examinations for each prospective parent), post-placement studies, agency fees, attorney fees, birth mother medical and counseling expenses, and birth parent living expenses. See id; see also Melinda Lucas, Adoption: Distinguishing Between Gray Market and Black Market Activities, 34 FAM. L.Q. 553 (2000). Lucas's cost comparison between independent and public agency adoption is misleading, in that she omits much information on domestic private agency adoptions, i.e., she does not indicate that private agency adoptions (like independent adoptions) reimburse birth mother living expenses. Furthermore, comparing independent and public agency adoption costs is not illustrative because many, if not most, public agencies arrange adoptions of children who have been made wards of the court and placed in foster care; such adoptions are commonly subsidized by the state. Domestic private agency adoptions and domestic independent adoptions are more likely to arrange adoptions of similarly placed infants or children and comparing them yields a truer analysis. Lucas also reports other misinformation, including statements that home studies are not required in domestic independent adoptions. Id. at 555.

incurred in interstate commerce. A federal registry statute, therefore, will regulate an area "substantially affect[ing] interstate commerce."[190] The commerce power, then, will allow Congress to erect and operate a national putative father registry database.[191]

A secure authority for securing state participation, and providing funding to States, is the spending power. The Supreme Court has adopted the view that Congress has broad authority to tax and spend for the general welfare.[192] A nationally linked putative father database would both advance children's rights to stable and permanent homes and protect the liberty interest unmarried fathers have in developing relationships with their children. These two benefits demonstrate that a national registry database would serve the general welfare of the nation.

The Supreme Court has explained that Congress may permissibly set conditions for the receipt of federal funds even as to areas that Congress might otherwise not be able to regulate.[193] Such an arrangement is particularly applicable to a congressional grant of funds to the States for family law purposes, i.e., the erection of state registries compatible with a national database. Specifically, the Court wrote, "[w]hile the United States is not concerned with, and has no power to regulate, local political activities as such of state officials, it does have power to fix the terms upon which its money allotments to States shall be disbursed."[194] The Court continued this reasoning in South Dakota v. Dole,[195] where Congress sought to create a minimum drinking age by withholding a portion of federal highway funds from States that failed to impose such a minimum drinking age.[196] The Court permitted this conditioning of federal funds, because it served the general welfare by providing for safer interstate travel and it could be characterized as a permissible economic inducement as opposed to coercion.[197] Congress may therefore provide money to States to erect state-level putative father registries and condition this and other federal monies on compliance with national putative father registry guidelines.

In summary, the rationale for such federal intervention into family law, which is traditionally reserved to the States, are the facts that individual States cannot effectively address the problems typically associated with contested interstate adoptions and that only a federally established nationally linked putative father database can solve the problems. A national database may be erected by Congress under the commerce power, and state funding and cooperation may be secured through the spending power.

Recommendations for Congressional Legislation for a National Putative Father Database

This Article recommends that Congress enact legislation that establishes a national database for putative fathers who have registered in any of the individual States and provide grants to each State tied to the development of a putative father registry compatible with the national database. The federal legislation should also tie

190. United States v. Lopez, 514 U.S. 549, 558-59 (1995).

191. See id. ("Congress' commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce, i.e., those activities that substantially affect interstate commerce.") (citations omitted).

192. See, e.g., United States v. Butler, 297 U.S. 1 (1936). Certain limitations, however, attach to Congress's ability to enact a registry under its taxing Power. The Supreme Court has held that Congress may tax and spend for the general welfare under the taxing and spending power so long as it does not violate other constitutional provisions, see id. at 66, and so long as Congress's choice is neither clearly wrong nor a display of arbitrary power versus an exercise of judgment, see Helvering v. Davis, 301 U.S. 619, 640-41 (1937). The Supreme Court has also required Congress to expressly state the conditions for receipt of federal grants to state governments. See Pennhurst State Sch. and Hosp. v. Halderman, 451 U.S. 1, 17 (1981).

193. Oklahoma v. United States Civil Serv. Comm'n, 330 U.S. 127,143 (1947).

194. See id.

195. 483 U.S. 203 (1987).

196. ERWIN CHEMERINSKY, CONSTITUTIONAL LAW: PRINCIPLES AND POLICIES 203 (1997).

197. Dole, 483 U.S. at 211. See also New York v. United States, 505 U.S. 144, 16667 (1992) (holding that Congress may induce behavior by putting conditions on grants but may not compel state legislative action).

the grants to state development of enabling legislation that sets a finite registration deadline, inside of which a father's registration guarantees him notice of a planned or pending adoption. Congress should require such enabling legislation in order to induce a nationwide effort to insure the rights of unwed fathers and secure the stable placement of children for adoption. Because the federal government's contribution would be limited to the erection of a registry database to which States would both contribute information and access information, and because state law would continue to determine adoption procedure, any litigation surrounding the use of the registry would remain in state courts or at least rely upon state law.

The national database should register the following data for any father: name, date of birth, social security number, driver's license number, home address, telephone number, place and address of employment, name and last known address of the mother, location of possible conception, month(s) and/or years of possible conception, birth date of child or expected delivery date, name and gender and birth date of the child if known, and the identification of any court action involving the child.

Congress should limit those who may register a claim to two classes: (1) the States relaying their own state registry information; and (2) the putative fathers themselves or their attorneys. Congress should limit those who may access information to four classes: (1) public agencies and licensed-private agencies accessing information for an adoption; (2) licensed attorneys planning or executing an adoption; (3) mothers who wish to search for their own names; and (4) state vital-statistics agencies maintaining putative father registries. Congress should permit state vital-statistics agencies maintaining registries to search in the event that state law entitles only that agency to make a national database search.

Congress should set fees for registration and for searches of the national database and establish a mechanism for indigent putative fathers to register without cost. The fees should be set at levels that reflect the cost of maintaining the database.

Congress should establish mechanisms to protect the integrity of the database and the privacy of women named by requiring verified and notarized registrations from state agencies and putative fathers or their representatives and verified and notarized search requests from agencies, adoption attorneys, state vital statistics departments, and mothers themselves. Congress should criminalize attempted or actual false filings as well as searches made or attempted to be made in the absence of a planned adoption—with the exception of mothers, who should be able to search their own name at any time.

Congress should establish minimal protocols for the processes of registering and searching that insure the timeliness of both electronic filing of registrations and electronic search responses. Registration in the national registry should occur the same day as the registration is received and the national database should be able to process a proper search and send the results within twenty-four hours.

Conclusion

A full thirty-three percent of children are born to unmarried mothers. Children born to unmarried mothers are adopted at a higher rate than children born to married women. Contemporary dating relationships, where couples do not maintain an association after sexual intercourse, are commonplace. The high birth rate to unmarried women and the unsteady nature of today's dating relationships create a quandary of how best to protect the rights of unmarried fathers. Protection of these fathers' rights is further confounded by ever amplifying globalization, which increases interstate and intercontinental travel and results in adoptions affecting the rights of residents of multiple States or even multiple countries.[198] The Supreme Court has held that unmarried men have an inchoate right to develop a relationship with their children and that putative father registries are a constitutional means of protecting those unwed fathers' rights

198. See, e.g., Alexandra Maravel, Intercountry Adoption and the Flight from Unwed Fathers' Rights: Whose Right is it Anyway?, 48 S.C.L. REV. 497 (1997).

while advancing the prompt and secure placement of children in adoptive homes.

Developing a national database for putative father registries and ultimately making it available to men of other countries who conceive in the United States is the only means of protecting the rights of unmarried men in adoptions where the rights of residents of two or more States are involved.

Chart of State Statutes Describing Paternity Registries

State	Cite	Time
1. Alabama	ALA. CODE [section] 26-10C-1 (2001)	Within 30 days of or before birth ([section] 26-10C-1(i))
2. Arizona	ARIZ. REV. STAT. [section] 8-106.01 (2001)	Within 30 days of or before birth ([section] 8-106.01(B))
3. Arkansas	ARK. CODE ANN. [section] 20-18-702 (Michie 2001)	Before birth or adoption Petition ([section] 20-18-702(c))
4. Colorado	COLO. REV. STAT. [section] 19-5-105 (2001): by filing with court or registrar of vital statistics or by informally acknowledging or declaring his possible paternity ([section] 19-4-105(c)-(e))	Does not state
5. Connecticut	CONN. GEN. STAT. [section] 45A-716(B) (2001) putative father who has acknowledged paternity in writing shall be given notice	Does not state
6. Florida	FLA. STAT. CH. 88.2011 (2001) Jurisdiction extended to an individual asserting parent-age in a tribunal or in a putative father registry maintained in this state	
7. Georgia	GA. CODE ANN. [section] 19-11-9 (2001)	No later than period beginning two years immediately prior to the child's birth ([section] 19-8-12(b)(3))
8. Hawaii	HAW. REV. STAT. [section] 578-2(D)(5) (2000) if file in writing, then treated as presumed father and entitled to notice	May bring action within 30 days of child's birth or before mother gives consent to adoption ([section] 584-6(a))
9. Idaho	IDAHO CODE [section] 16-1513 (Michie 1999)	Before birth, placement for adoption in home of prospective parents, or termination of parental rights of birth mother, whichever occurs first ([section] 16-1513(2))
10. Illinois	750 ILL. COMP. STAT. 50/12.1 (2001)	Before or within 30 days of birth (750 ILCS 50/12.1(b))
11. Indiana	IND. CODE. ANN. [section] 31-19-5-12 (Michie 2001)	1) Before the child's birth; 2) Within 30 days of birth; or 3) Prior to the date of filing a petition for the child's adoption, whichever occurs later ([section] 31-19-5-12 (a))
12. Iowa	Iowa CODE [section] 144.12A (2002)	Before birth, but not later than filing of petition for termination of rights ([section] 144.12A (2)(a))
13. Louisiana	LA. REV. STAT. ANN. [section] 9:400 (West 2002)	Before or after birth ([section] 9:400(2))

continues

Chart of State Statutes Describing Paternity Registries *Continues*

State	Cite	Time
14. Massachusetts	MASS. GEN. LAWS ch. 210, [section] 4A (2002)	Before termination of mother's parental rights or before surrender of child for adoption (210 [section] 4A)
15. Michigan	MICH. COMP. LAWS [section] 710.33 (2001)	Before birth ([section] 710.33(1))
16. Minnesota	MINN. STAT. [section] 259.52 (2001)	Before or within 30 days of birth ([section] 259.52(7))
17. Missouri	MO. REV. STAT. [section] 192.016 (2001)	Before or within 15 days of birth ([section] 453.030(3))
18. Montana	MONT. CODE ANN. [section] 42-2-202 (2001)	Before birth or within 72 hours of birth; knowledge of pregnancy not required ([section] 42-2-206(1)-(2))
19. Nebraska	NEB. REV. STAT. [section] 43-104.01 (2001)	Within 5 business days after the birth or within five days of notice contemplated in [section] 43-104.12 or within 5 days after the last date of any published notice, whichever is later ([section] 43-104.02)
20. New Hampshire	N.H. REV STAT. ANN. [section] 170-B:5-a(I)(c) (2001)	Before birth but must be before mother's rights are voluntarily relinquished, the mother consents to adoption, or the mother's rights are involuntarily terminated ([section] 170-B:5-a(I)(c))
21. New Mexico	N.M. STAT. ANN. [section] 32A-5-20 (Michie 2001)	Within 10 days of birth ([section] 32A-5-19(E))
22. New York	N.Y. Soc. SERV. [section] 372-C (2000)	Does not specifically state
23. Ohio	OHIO REV. CODE ANN. [section] 3107.062 (Anderson 2001)	Within 30 days after birth ([section]) 3107.07(B)(1)
24. Oklahoma	OKLA. STAT. tit. 10, [section] 7506-1.1 (2000)	No specific time given
25. Oregon	OR. REV. STAT. [section] 109.096 (1999)	Must be on file at the time of placement of child in physical custody for purpose of adoption ([section] 109.096(3))
26. Pennsylvania	23 PA. CONS. STAT. [section] 5103(n) (2001)—putative father entitled to notice of any proceeding brought to terminate any parental rights	
27. Tennessee	TENN. CODE ANN. [section] 36-2-318 (2001)	Before or within 30 days after birth ([section] 36-2-318(e)(3))
28. Texas	TEX. FAM. CODE [section] 160.256 (2002)	Before birth or within 30 days of birth ([section] 160.256(c))
29. Utah	UTAH CODE ANN. [section] 78-30-4.14 (2001)	Before mother consents to adoption or relinquishes child to placement agency ([section] 78-30-4.14(1)(e))
30. Vermont	VT. STAT. ANN. tit. 15A, [section] 1-110 (2001)	Any time ([section] 1-110(a))
31. Wisconsin	WIS. STAT. [section] 48.025 (2001)	Anytimer before termination of the father's rights ([section] 48.025(2))
32. Wyoming	WYO. STAT. ANN. [section] 1-22-117 (Michie 2001)	Before or after birth of child out of wedlock ([section] 1-22-117(a)(ii) or if father has acknowledged paternity prior to an interlocutory hearing ([section] 1-22-108(d))

continues

Chart of State Statutes Describing Paternity Registries *Continues*

State	Consequence For Failure to File
1. Alabama	Irrevocable implied consent to adoption ([section] 26-10c-1(i))
2. Arizona	No notice; consent to adoption not required ([section] 8-106.01(E))
3. Arkansas	No notice ([section] 9-9-224)
4. Colorado	No notice
5. Connecticut	No longer an interested party in adoption [section] 46b-172a(h)
6. Florida	
7. Georgia	Still entitled to notice if: identity is known to the petitioner, etc., or if biological father has performed certain acts ([section] 19-8-12)
8. Hawaii	Consent not required (RULE HAW. ST. FAM. CT. 104(D)(5))
9. Idaho	Barred from bringing or maintaining any action to establish paternity ([section] 16-1513(4))
10. Illinois	No notice; prima facie evidence of sufficient grounds for termination of parental rights 50/12.1(h)
11. Indiana	No notice; irrevocable implied consent to adoption ([section] 31-19-5-18)
12. Iowa	Entitled to notice as "necessary party" under [section] 600A.6(1) if register; unclear if no filing
13. Louisiana	Filing creates a rebuttable presumption of the father. But that filing does not require the consent of the putative father for adoption ([section] 400.1)
14. Massachusetts	No notice (implicit in 210 [section] 4A)
15. Michigan	Does not address
16. Minnesota	1) Cannot assert interest during pending adoption; 2) No notice; 3) Considered to have abandoned child ([section] 259.52(8)). Prima facie evidence of sufficient grounds for termination of parental rights
17. Missouri	Implied consent to adoption ([section] 453.030(3))
18. Montana	No notice ([section] 42-2-203(204)(205))
19. Nebraska	No notice; implied consent; termination of parental rights ([section] 43-104.04 & [section] 43-104.05)
20. New Hampshire	No notice; abandonment of child; bars paternity action; ([section] 170-B:5-a(I)(c))
21. New Mexico	Implied consent; relinquishment not required ([section] 32A-5-19)
22. New York	No notice (N.Y. DOM. REL. 111-A(2)(B))
23. Ohio	Implied consent ([section] 3107.07(B)(1))
24. Oklahoma	No notice
25. Oregon	Barred from contesting adoption ([section] 109.096(3) & [section] 109.098(2)-(3))
26. Pennsylvania	
27. Tennessee	Normal requirements to terminate parental rights must be met (see [section] 36-1-117), even if not registered ([section] 36-2-318(d)(2))
28. Texas	Cannot assert interest in child other than by filing paternity suit before termination of his parental rights ([section] 160.258)
29. Utah	Waiver and surrender of any right in relation to the child ([section] 78-30-4.14(5)
30. Vermont	None
31. Wisconsin	If paternity has not been acknowledged court may or may not order notice by publication ([section] 48.42(4)(b)(2)-(4))
32. Wyoming	If father unknown, court may be approve adoption without his consent ([section] 1-22-110(a))

continues

Chart of State Statutes Describing Paternity Registries *Continues*

State	Paternity Action Requirement
1. Alabama	No
2. Arizona	Yes, ([section] 8-106.01(G))
3. Arkansas	No
4. Colorado	Yes, ([section] 19-5-105(5)) failure to file action within 30 days of notice will likely result in termination of parental rights
5. Connecticut	Yes, within 60 days after notice must file a claim for paternity ([section] 46b-172a(a))
6. Florida	
7. Georgia	Yes, must file within 30 days a petition to legitimate child ([section] 19-8-12((f)(1)-(3))
8. Hawaii	No
9. Idaho	Yes, ([section] 16-1513(4))
10. Illinois	Yes, 30 days after receipt of notice must file a declaration of paternity or request to be notified of any further proceedings (50/12a(2))
11. Indiana	Yes, within 30 days of notice ([section] 31-19-9-12 (1)(B))
12. Iowa	No
13. Louisiana	No
14. Massachusetts	Yes, persons claiming paternity may within 90 days from the date of the mailing of the notice file a petition for adoption or custody (210 [section] 4A)
15. Michigan	No
16. Minnesota	Yes, ([section] 259.52(10)) within 30 days of notice must file a completed intent to claim parental rights form stating that he intends to initiate a paternity action within 30 days of notice
17. Missouri	Yes, ([section] 453.030(3)(2)(c))
18. Montana	No, but must appear at hearing held on the petition to terminate parental rights ([section] 42-2-208)
19. Nebraska	Yes, ([section] 43-104.05) within 30 days of filing
20. New Hampshire	Yes, within 30 days of notice must request a hearing at which he will have the burden of proving that he is the father of the child ([section] 170-B:5-(a)(II))
21. New Mexico	No
22. New York	No
23. Ohio	No
24. Oklahoma	No ([section] 7503-3.1(B)(2)(a))
25. Oregon	No
26. Pennsylvania	
27. Tennessee	Yes, within 30 days of notice must file suit or intervene in adoption, otherwise sufficient cause to terminate parental rights ([section] 36-2-318(j))
28. Texas	
29. Utah	Yes, if child is under the age of 6 months ([section] 78-30-4.14(2)(b)(i))
30. Vermont	No
31. Wisconsin	No
32. Wyoming	Yes, within 30 days of notice must advise of his interest in or responsibility for the child or his declaration of paternity ([section] 1-22-110(a)(vi))

continues

Chart of State Statutes Describing Paternity Registries *Continues*

State	Impossibility Exception
1. Alabama	No
2. Arizona	Yes, if: (1) impossible to register within time specified; and (2) notice of claim of paternity file within 30 days after possible to file ([section] (8-106.01(E))
3. Arkansas	No
4. Colorado	No
5. Connecticut	No, but exception if father has shown a reasonable degree of interest, concern, or responsibility for the child's welfare ([section] 46b-172a(h))
6. Florida	
7. Georgia	No
8. Hawaii	No
9. Idaho	No
10. Illinois	Yes, if 1) impossible to register within time; 2) failure not his fault; and 3) he registered within 10 days after possible for him to file; lack of knowledge of pregnancy or birth is no excuse (50/12.1(g)(1)-(3))
11. Indiana	No
12. Iowa	No
13. Louisiana	No
14. Massachusetts	No
15. Michigan	No
16. Minnesota	Yes, ([section] 259.52(8)) if clear and convincing evidence i) impossible to register in time ii) failure was not his fault; iii) registered within 10 days after if became possible to file ([section] 259.52(10))—with regard to paternity action: not bar to receiving notice if good cause shown. Then father must be allowed more time to initiate paternity action
17. Missouri	No
18. Montana	Yes, with four part test, including concealment of location by the mother and reasonable efforts by the father ([section] 42-2-230(4))
19. Nebraska	No
20. New Hampshire	No
21. New Mexico	No
22. New York	No
23. Ohio	No
24. Oklahoma	Yes, if by clear and convincing evidence can show failure to appear due to unavoidable circumstances; must file application within 10 days of failure to appear ([section] 7505-2.1(G))
25. Oregon	Yes, if within 1 year after entry of final decree or order proves in court fraud by petitioner ([section] 109.096(8))
26. Pennsylvania	
27. Tennessee	No
28. Texas	Yes, if father's identity and location are known, even if failed to register ([section] 161.002(b)(2))
29. Utah	No
30. Vermont	N/A
31. Wisconsin	No
32. Wyoming	No, unless he is identified by the mother or agency or has lived with or married the mother after the birth of the child before adoption petition and if before interlocutory hearing of he has acknowledged the child as his own ([section] 1-22-108(d))

continues

Chart of State Statutes Describing Paternity Registries *Continues*

State	Publication Requirement
1. Alabama	No
2. Arizona	No
3. Arkansas	
4. Colorado	No
5. Connecticut	No
6. Florida	
7. Georgia	Yes, ([section] 19-11-9(d)(5))
8. Hawaii	No
9. Idaho	No
10. Illinois	No
11. Indiana	Yes, each 1) clerk of circuit court 2) branch file of motor vehicles, etc., . . . shall post in a conspicuous place a notice that informs the public about the purpose and operation of the registry ([section] 31-19-5-14 (a))
12. Iowa	No
13. Louisiana	No
14. Massachusetts	No
15. Michigan	No
16. Minnesota	Yes, ([section] 259.52(1)(a)) may establish information material and public service announcements as necessary
17. Missouri	Yes, ([section] 192.016(7)(2)-(3))
18. Montana	Yes, A notice provided by department that informs the public must be posted in conspicuous places ([section] 42-2-214(2)-(3))
19. Nebraska	Optional, the department may develop information about the registry and distribute such information through their existing publications, to the news media and the public ([section] 43-104.01(5))
20. New Hampshire	No.
21. New Mexico	No
22. New York	No
23. Ohio	Yes, ([section] 3107.065(B))
24. Oklahoma	Yes, ([section] 7506-1.1(J)(2))
25. Oregon	No
26. Pennsylvania	
27. Tennessee	No
28. Texas	No
29. Utah	No
30. Vermont	No
31. Wisconsin	No
32. Wyoming	No

13 | Presenting the Adoption Option in America's Schools

By Melissa M. Clement†

America's school systems often do not teach students about adoption. When presented in the classroom—whether as part of lessons on family structure or in the context of solutions for unplanned pregnancy—the value of adoption is barely acknowledged. Yet schools are a logical and appropriate place to teach children and teenagers about adoption, as part of health, family life, and sex education courses. Schools already offer lessons on parenting, family environment and structure, human sexuality and reproduction, pregnancy prevention through contraceptive use and abstinence, and the risk of becoming pregnant or contracting a sexually transmitted disease. Noticeably absent have been meaningful discussions of adoption.

When presented with positive, accurate information about adoption from an early age, in elementary school, children begin to understand that adoptive families are, indeed, families—just like biological ones. They learn appropriate "adoption vocabulary," and are less likely to treat their adopted friends insensitively. Similarly, when older youth learn about adoption in the context of human sexuality, family, and parenting, and as a loving option to an unplanned pregnancy, they are more likely to appreciate its value and consider adoption in the future.

All too often, adoption instruction in schools is either limited or stigmatizing. Now, however, the tide is beginning to turn, as some state legislatures and school systems are taking steps that will make it possible to discuss adoption in a useful and constructive way. Presented below are descriptions of adoption curricula initiatives being tested in Virginia, Utah, Nebraska, Michigan, and Louisiana.

Virginia

In 2002, the Commonwealth of Virginia enacted legislation requiring its family life education curriculum to provide instruction on "the benefits of adoption as a positive choice in the event of an unwanted pregnancy."[1] Guidelines have since been written and provided to schools. The curriculum includes adoption instruction for younger students in the context of lessons on family structure, as well as instruction for adolescents that presents adoption as a positive option for students facing unplanned pregnancy.

While Virginia's law is a model for other states, it is not applied statewide, because the law applies only to schools that offer family life education curriculum. Virginia school systems have the ability to choose whether or not family life education will be provided to students.[2] Schools that choose to do so must present on all

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1. *Michie's Code of Virginia*, § 22.1-207.1 (LexisNexis 2004), available at http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-207.1.

2. Local boards of education make decisions regarding school curricula, with the assistance of an advisory committee that is composed of school administrators, parents, physicians, and other interested community members. The local school boards are given wide latitude in developing the curriculum, both as to content and ages taught.

topics specified by state law and in the Virginia Board of Education guidelines, including adoption.[3]

To date, the Commonwealth has not formally collected data on the participating schools. However, according to the Virginia Department of Education, a majority of its 132 school divisions offer a family life education program.[4] Consequently, many Virginia students are being educated about adoption.

Utah

Utah students receive instruction on adoption in both elementary and secondary school, through a combination of executive and legislative initiatives. Established by the Utah Department of Education, elementary school "core curricula" require lessons on adoption, which include information on adoptive families as well as accurate adoption vocabulary.

Utah's legislature amended its statutory code in 2002 to add a provision similar to the Virginia law, by which students learn about adoption as a positive option to an unplanned pregnancy.[5] According to the amended section, "Each [Utah] school board must ensure that an annual presentation on adoption is given to its secondary students in grades 7-12, so that each student receives the presentation at least once during grades 7-9 and at least once during grades 10-12."[6]

Licensed teachers present on adoption topics, as part of the health education core curriculum, in week-long units in both middle school and high school. Utah also requires new educators to attend a state-sponsored in-service workshop on the human sexuality curriculum, during which they receive training on the required adoption instruction criteria.

3. The Commonwealth of Virginia Board of Education, *Family Life Education Board of Education Guidelines and Standards of Learning for Virginia Public Schools*, July 2004. The guidelines are available at http://www.pen.k12.va.us/VDOE/studentsrvcs/familylifeguidelines.pdf.

4. This unofficial, anecdotal information was provided by Muriel Azria-Evans, Ph.D., CFLE, Comprehensive School Health Specialist, Office of Student Services, Virginia Department of Education. (May 2005).

5. *Utah Code Ann.*, § 53A-13-107 (LexisNexis 2002), available at http://www.le.state.ut.us/~code/TITLE53A/htm/53A0E013. htm.

6. Ibid.

Unlike Virginia's law, Utah's statute is mandatory throughout the public school system. However, parents may choose to have their children opt out of receiving the health education instruction.[7]

Nebraska

Nebraska has taken steps toward integrating adoption instruction into the classroom. The state department of education allows, but does not require schools to present on adoption, using the *Adoption University* program that was developed by the Nebraska Children's Home Society.[8] Many Nebraska schools present the *Adoption University* program as part of a family and consumer science curriculum.

Born out of educators' interest in teaching students about adoption and their requests for classroom presenters, *Adoption University* is a comprehensive program to provide positive, ethical adoption information to students. The middle school curriculum follows a two-day syllabus, and teaches students that families are created in a variety of ways—among them, adoption. Students watch videos that share real-life stories told by adopted children, receive accurate information about adoption, and learn appropriate adoption vocabulary. The high school curriculum follows a week-long agenda, and includes role-playing exercises to portray real-life situations. Students explore parenting and adoption options, and participate in exercises that require them to reflect on family values and their own life goals.

The *Adoption University* program has been made available to teachers statewide, and is currently being used by 250 teachers in 180 of Nebraska's middle and high schools.[9] The program is being used in all of the larger school systems—including those in Omaha and Lincoln—as well as in rural communities. *Adoption University* staff members train instructors and make themselves available to answer questions and provide speakers upon request.

some state legislatures and school systems are taking steps that will make it possible to discuss adoption in a useful and constructive way.

The program continues to generate significant interest across Nebraska and in other states. However, budget constraints have made it impossible for the Nebraska Children's Home Society to respond to all educators' requests. The success of the program is a testament to the interest in providing students with the positive message of adoption, and should be a call-to-action for the Nebraska legislature to mandate and fund adoption instruction in all schools statewide.

Michigan

In January 2004, Michigan passed a law that impacted the state's sex education curriculum. The statute requires, in part, that schools "provide information to pupils about how young parents can learn more about adoption services."[10] As in Virginia, only school districts that teach reproductive health and/or sex education are bound by the law. According to an estimate by the state department of education, 80 percent of the state's 750 public school districts teach sex education, and therefore must also provide students with information about adoption.[11]

The law's effectiveness remains to be seen. According to the statute, schools must "provide"

7. *Utah Code Ann.*, § 53A-13-101 (LexisNexis 2002), available at http://www.le.state.ut.us/~code/TITLE53A/htm/53A0E002. htm.

8. The Nebraska Children's Home Society (NCHS) is a Nebraska-licensed 501(c)(3) child welfare agency that provides adoption services. NCHS is a member agency of the National Council For Adoption.

9. This statistic was provided by Bobbi Richard, outreach and education coordinator for Nebraska Children's Home Society (June 2005).

10. *Michigan Compile Laws, The Revised School Code*, Act 451 of 1976, Section 380.1507b(2)(j) (2004), available at http://www.legislature.mi.gov/(iv5op455trkszz45vc55zm25)/mileg.aspx?page=GetMCLDocument&objectname=mcl-380-1507b.

11. This statistic was provided by Laurie Bechhofer, HIV/sex education consultant, Coordinated School Health and Safety Programs Unit, Michigan Department of Education (June 2005).

information on adoption to students. It does not specify the teaching methodology. Written instruction, even a brief section in a pamphlet, could arguably satisfy the law's requirements. The law's success will depend, therefore, on how school districts and educators design and deliver the adoption information. There has been speculation that school districts will decide, for practical reasons, not to use a lecture or other dialogue format. Michigan law prohibits the discussion of abortion in an academic setting, and some schools may elect to present adoption information in a way that reduces the likelihood of questions about the range of options available to women facing unplanned pregnancy.

The Michigan Department of Education began making necessary changes to the existing sex education curriculum in October 2004, intended for use in the classroom beginning with the 2005-2006 school year. The department plans to survey the school districts about their programs, including their teaching methodologies and the grade levels receiving instruction. The department is also compiling data on the number of schools and school districts affected by the new legislation.

Louisiana

Louisiana's legislature passed unanimously an adoption curricula bill during the 2005 legislative session, which the governor signed into law. The statute applies to all public elementary and secondary schools. Under the law, school curricula must include "adoption awareness" instruction as a part of the family life program, including but not limited to the Family Life and Consumer Science Education curriculum. "Adoption awareness" is defined as "specific instruction on the benefits of adoption for families wishing to add a child, for potential adoptees, and for persons who are pregnant or who have a child for whom they are unable to care."[12]

There are two particularly positive components to Louisiana's law. First, the new law applies to all public schools, mirroring Utah's statute, which maximizes the impact adoption education may have upon students in Louisiana. Second, while the curriculum discusses the positive option of adoption in the event of pregnancy, it also sends the message of the overall benefits of adoption—not only with regard to pregnant teenagers, but also for parents who adopt and children who are in need of a family to call their own. The statute's language advances a healthy pro-adoption policy that is beneficial to all parties to adoption.

Data and Program Evaluation

There is not yet solid evidence as to whether or not these described programs *effectively* communicate positive messages about adoption. Data on the five initiatives remains to be collected, as all of the programs are relatively new. Three of the five programs are not used in all public schools. Some programs are more prescriptive and comprehensive than others. Nonetheless, there is a sense among education administrators in all five states that a majority of their school systems are including adoption instruction in their health, family life, or sex education curriculum, to the benefit of students.

Further data collection and analysis is needed. How many schools in a given state currently offer family life or sex education programs that include adoption? What percentage of students attend schools that provide instruction on adoption? Are the programs described in this article influencing student attitudes about adoption? Are students with unplanned pregnancies choosing adoption; and, if so, what factors helped them to make that decision? These and many other questions deserve consideration.

Conclusion

Each of the above initiatives reflects that more lawmakers, government officials, and communities understand the value of providing children and adolescents with positive, accurate information about adoption. These states are to be commended for beginning this conversation in their schools, and for taking concrete action to promote the best interests of children. Other jurisdictions can learn from their efforts. Educa-

12. *Louisiana Revised Statutes* §17:7(13)(b) (2005), available at http://www.legis.state.la.us/lss/lss.asp?doc=81172.

tors and students in Virginia, Utah, Nebraska, Michigan, and Louisiana will gain new insights from their own experiences, which can, and should, shape future adoption curricula policy in other states.

With a heightened awareness of adoption and its value, students not only gain accurate information, they also benefit from an enhanced understanding of adoption as a loving and life-giving decision. It is incumbent that legislatures and governors across the nation demonstrate leadership in the coming years to continue the education trends discussed in this article, so that many more students across the nation can learn about adoption in the classroom.

14 | Providing Safe Havens as a Compassionate Alternative to Infanticide and Abandonment

By Kodie Ruzicka†

In February, 2005, Christine Bednar gave birth to a perfectly healthy baby boy in the bathroom of her mobile home in Highland Township, Michigan. She then wrapped the newborn in a pair of sweatpants, put him in a shoe box, and placed him under the bathroom sink. Several hours later, Ms. Bednar was admitted to the hospital for excessive bleeding. Medical personnel discovered that she had very recently given birth. Authorities recovered the body of her baby, and Ms. Bednar was arrested, tried, convicted of second degree murder, and sentenced to 17–25 years in prison.[1]

This horrific and tragic story is not uncommon. Every year, hundreds of babies are killed or discarded by their desperate parents who believe they have no other options for dealing with an unplanned pregnancy. In the late 1990s, in response to the increasing awareness of the problem of unsafe newborn abandonment and neonaticide (the murder of a newborn within the first 24 hours of life), the first safe haven program was started in Mobile, Alabama, by Mobile County District Attorney John Tyson.[2] The program's message was simple: safely relinquish your unharmed newborn to the designated authorities, and you will not be asked any questions or prosecuted for child abandonment. The safe haven message quickly spread across the country, and state legislatures soon passed safe haven laws that codified the program.

The safe haven movement

It has been over six years since the first safe haven bill was signed into law by then Texas governor George W. Bush. Since then, 46 states have passed safe haven laws. The legislatures of Hawaii and Alaska are currently considering similar legislation, and Nebraska has commissioned a task force to study the safe haven issue to determine the need to pass its own statute. Several states have passed additional safe haven legislation to supplement or amend existing statutes, in some cases resulting in improved laws that reflect best practices. Even though there is no formal governmental or other tracking of safe haven relinquishments, there is documentation of more than babies known to have been safely relinquished through the safe haven option.[3]

Despite the amazing success that safe haven programs have seen thus far, the safe haven option is still relatively unknown, and not just to women experiencing a crisis pregnancy. Few states mandate that the safe haven option be publicized through public awareness campaigns, and even in those that do, the mandate is largely unfunded. In many cases, social service

† Kodie Ruzicka was the first executive director of the National Safe Haven Alliance, which is located in Alexandria, Virginia.

1. The account is based on various media reports, including a story reported by the *Detroit News* on February 3, 2005. See http://www.detnews.com/2005/oakland/0502/08/C04-76955.htm.

2. An article by Mobile County District Attorney John Tyson, discussing the county's safe haven program, appears in the *Adoption Factbook IV*.

3. The above number is based on news accounts from around the country. This leads safe haven experts to believe that the number of relinquishments is actually much higher than those reported.

workers, crisis center personnel, and school health officials—all of whom are pivotal in reaching those most likely to experience a crisis pregnancy—do not know of, or do not fully understand, the safe haven law in their state. Because of this ignorance, tragedies, such as Christine Bednar's abandonment of her baby, continue to occur at an alarming and devastating rate.

Given this lack of state- or federally-sponsored public awareness, several state-based safe haven organizations have taken the lead in providing education and awareness of the safe haven option within their states. In 2004, several of the state-based safe haven organizations and those sympathetic to their cause formed the National Safe Haven Alliance.[4] The Alliance is a national voice for the safe haven movement, dedicated to serving the individual state safe haven organizations and providing them with resources, ideas, and support in their efforts to spread the message of safe havens in their respective states. The Alliance also serves as a clearinghouse of information for lawmakers and the media. Most important, it offers birthmothers in crisis a national, 24-hour crisis line (888-510-BABY) to learn about the safe haven option and to provide them with essential information about medical and social services, support mechanisms, and their rights under the law, so that they can make safe, legal, and responsible choices for themselves and their newborns.

Best practices and guidelines

While the safe haven option is almost universally accepted as one of the most important programs for preventing unsafe newborn abandonment and neonaticide, each state's law differs from the next, some in significant ways. Given the many differences among state statutes, it is important to establish guidelines and best practices for states to use in amending current safe haven laws or passing new ones. Differences based on individual state laws addressing issues such as putative father registries and termination of parental rights will remain, but the fundamental provisions of the safe haven option—age of the child, location, anonymity, and immunity—should remain consistent, regardless of location.

Age of newborn

The age at which a parent may relinquish a newborn varies greatly throughout the country. Several states allow relinquishment of newborns only within the first twenty-four hours after birth. The majority of states allow relinquishments within either 48 or 72 hours after birth. In an extreme case, North Dakota allows relinquishments up to one year of age. This timeframe is clearly inappropriate for accomplishing the goals of safe haven programs. Safe havens are intended to provide an alternative to unsafe newborn abandonment and neonaticide for desperate mothers who are concealing their pregnancies from family and friends. In the case of a child several months old, this does not apply. The Alliance advocates 72 hours to seven days as the ideal time frame to relinquish a newborn under a safe haven statute. This provides the birthmother with adequate time to consider her options and does not fall outside the intended purview of the safe haven program.

Safe haven locations

There are three main locations that serve as safe havens—hospitals, police stations, and fire stations. Within these locations, however, state laws vary dramatically. With regard to relinquishments at a hospital, for example, some states allow safe haven relinquishments only to emergency room staff, while other states allow relinquishments to any licensed medical provider. New York allows birthmothers to dial 911 and have an emergency medical technician (EMT) meet them at any location, but few states are so progressive. Particularly in rural areas, where police and fire stations may not be staffed at all times and hospitals may be great distances away, allowing the birthmother to dial 911 and arrange for an EMT to come to her location serves the best interests of both mother and child. Particularly in the case of a woman who conceals her pregnancy, does not seek appro-

4. The National Safe Haven Alliance Web site is http://www.nationalsafehavenalliance.org.

priate prenatal medical services, and delivers her child in secret, this option provides not only a safe relinquishment option for the newborn, but also puts the woman in the physical presence of a medical professional. Other examples of safe haven locations used by one or more states include doctors' offices, adoption agencies, human services departments, and, in a few instances, "any responsible adult."

This last option does not reflect best practice. While the motivation for such a provision is to allow the birthmother as much opportunity as possible to choose a safe alternative to unsafe abandonment or neonaticide, there are risks to relinquishing a newborn in an uncontrolled environment that lacks established protocol or accountability. Ideally, locations designated as safe havens provide training to their employees for the receipt of a safe haven newborn. By allowing relinquishments to any responsible adult, there are no guarantees that the child will receive immediate medical attention or be placed with child protective services or a private adoption agency. There is also virtually no chance that the mother will be informed of her rights under the law. Without this information, should she change her mind and decide to parent, the mother will have received no guidance on the necessary steps to regain custody of her child. This poses a different kind of threat to the welfare of the child. Judges may overrule decisions made at termination or adoption hearings if, after the waiting period has expired, a birthmother or father challenges the proceedings, based on the fact that they were not informed of their rights. This will possibly lead to delayed permanence for the newborn.

Anonymity versus confidentiality

The words "anonymity" and "confidentiality" are often used interchangeably when discussing the safe haven option, but the difference between the terms with regard to the expectations and rights of the relinquishing parent could not be more important. If a state ensures anonymity, a birthmother cannot be required to provide her name, address, or any other identifying information as a condition of relinquishing a child under the law. However, if the law provides only for confidentiality, the state may compel the birthmother to provide any information, with the understanding that the information will remain confidential.

Key to the success of a safe haven program is providing not only a safe place for the newborn, but also providing a safe and reassuring environment for the relinquishing parent. In cases where the birthmother conceals her pregnancy from her family, boyfriend, or husband, the fear of discovery will often discourage her from seeking much-needed medical attention, even during labor and delivery. For the safe haven law to be effective, the birthmother must feel completely secure in her ability to remain anonymous.

Safe havens may not be a long-term solution to a much deeper societal problem, but they are the solution for the newborn in jeopardy today, tomorrow, next week, and next year.

A recent Texas case illustrates the importance of this distinction. Texas' safe haven law, which passed in 1999, provides only for confidentiality during a safe haven relinquishment. After giving birth in the hospital, the mother chose to relinquish her child under the safe haven law, following which, the hospital appropriately notified Texas' Department of Child Protective Services (CPS). Adhering to two CPS procedures that require CPS case workers to attempt to identify parents who have abandoned their children, the case worker acquired the name and address of the birthmother from hospital staff. A judge subsequently required the birthmother to appear in court, resulting in the realization of her greatest fear—family and friends learned of her pregnancy.[5] Had Texas' safe haven law provided for anonymity, as opposed to confidentiality, CPS would not have been able to access any identifying information,

5. The account is based on a conversation with Texas Child Protective Services after publication of the story in several local and national newspapers.

even in the event that the birthmother provided it to hospital staff.

Immunity from prosecution versus affirmative defense

Immunity from prosecution allows a woman to relinquish her child without fear of prosecution for abandonment, so long as she does so in accordance with the law. In states that provide only an affirmative defense, prosecutors may charge a mother for abandonment, but the mother will be allowed to present the safe haven law as a defense to the charge—a justification for her actions—at trial.

Immunity from prosecution is superior to the right to an affirmative defense. Leaving open the option to prosecute a birthmother for exercising her right under the safe haven statute serves only to cause further confusion and fear. It takes only one well-publicized case of a birthmother being tried for abandonment to destroy all trust in a process that relies on trust for its success. If the birthmother does not feel safe and protected in her decision to use the safe haven option, she will take other steps to protect her secret.

Conclusion

Safe haven critics dismiss the safe haven option as merely a "band-aid" for a much larger societal wound. They argue that only systemic, societal change, aimed at eliminating unsafe abandonment and neonaticide, will eliminate the problem. Safe haven advocates do not disagree. There is a much larger question at work here that asks why some parents, spanning all races and socio-economic classes, could ever decide to harm their own children. Where has society failed in providing those who unsafely abandon a newborn with the ability to see the horrific nature of their actions?

What opponents of safe haven laws ignore, however, is that the answer to these questions—let alone the solutions—will not be discovered tomorrow, in one year, or even ten. While communities search for answers, babies are dying at a rate unthinkable to ignore. Safe havens may not be a long-term solution to a much deeper societal problem, but they are the solution for the newborn in jeopardy today, tomorrow, next week, and next year. It is the saving grace for a birthmother who feels she has no other choice. Safe haven advocates long for the day when safe haven programs will be unnecessary, because the problem of unsafe abandonment and neonaticide has been eradicated. Until that time, if the safe haven option saves the life of only one innocent newborn, these programs will have proved their worth.

15 | Secret Safe Place for Newborns:

How an Alabama Tragedy Sparked Infant Safe Haven Programs

By John M. Tyson, Jr.†

Mobile County's "A Secret Safe Place for Newborns" program was born from tragedy. In 1998, our office convicted a newborn's mother and grandmother of murder for drowning the one hour-old child in a toilet. The mother and grandmother were both sentenced to 25 years in prison. These women were not destitute—they were fairly affluent. The baby was an inconvenience, and they resorted to murder in an effort to cover up an embarrassing out-of-wedlock pregnancy.

After the prosecution, Jodi Brooks, then a local television reporter, approached me with a question that suggested there might be a way to encourage desperate mothers not to harm their newborns: Would the Mobile County District Attorney's Office waive prosecution of new mothers for child abandonment if they brought their babies unharmed to a safe location, such as a hospital emergency room? With the assistance of Ms. Brooks, area hospitals, the media, and a host of volunteers, Mobile County founded "A Secret Safe Place for Newborns" in November, 1998.

Need for and impact of "A Secret Safe Place for Newborns" program

The Mobile County District Attorney's Office promotes effective crime prevention policies and practices, in addition to aggressive prosecution of criminals, so we were receptive to any idea that might save the lives of newborn infants at risk for unsafe abandonment. Mobile County experienced an alarming number of infant abandonment-related deaths in the early 1990s. We believed that these incidents would only continue, and that such a program had potential for saving the lives of newborns and the futures of their mothers. We were correct on both counts.

A 1998 survey of newspaper reports conducted by the U.S. Department of Health and Human Services (HHS) found that 105 babies were abandoned in public places, 33 of whom were found dead.[1] This was certainly an underestimation of the incidence of infanticide, as the number counted only deaths covered by the media. Additional HHS data underscored the significant risk of infanticide. In 1998, of the estimated 1,400 child abuse or neglect child fatalities, more than 33 percent were children under one year of age. Of these, parents were the perpetrators in more than eighty percent of cases. Nationwide, anecdotal evidence proved consistent with Mobile County's experience—that unsafe infant abandonment was a problem. In 1999, 13 infants were abandoned in Houston, Texas, three of whom died. Over this same period of time, 13 abandoned infants were found deceased in the New York City area. These profile only two cities' experiences.

† Mobile County District Attorney John M. Tyson, Jr., introduced the first infant Safe Haven program in the United States. He serves as a national spokesman, trainer, and advocate for Safe Haven programs and laws. Mr. Tyson has served as Mobile County's district attorney since 1994, and was named the 2004 Alabama District Attorney of the Year.

1. National Crime Prevention Council, "Strategy: Establishing Safe Drop-off Points for Abandoned Infants," *Topics in Crime Prevention*, http://www.ncpc.org/ncpc/ncpc/?pa=resCenter&sa=searchResults&topicId=222&pageNum=1.

Since announcement of "A Secret Safe Place for Newborns" in November 1998, the program has saved the lives of 12 newborns—and, arguably, their mothers' futures—in Mobile County alone. Mirrored across the country, the model has saved the lives of hundreds of other infants. Mobile County's "A Secret Safe Place for Newborns" was the first infant Safe Haven program in the United States. Texas enacted the first state statute in 1999.[2] Alabama passed its infant safe haven law in 2000.[3] Safe Haven policy has caught fire nationally. Forty-seven states have enacted legislation along the lines of Mobile County's program.

Nationwide, anecdotal evidence proved consistent with Mobile County's experience—that unsafe infant abandonment was a problem

How "A Secret Safe Place for Newborns" works

"Secret Safe Place" is a collaborative effort among prosecutors, law enforcement, social services, medical professionals, and the media. The program saves the lives of infants by giving mothers in crisis a safe, legal alternative to abandonment, or even murder. Under a special "infant safe haven" arrangement, a mother in crisis may surrender her newborn to a hospital emergency room, without fear of prosecution and in complete confidence. Upon the mother doing so, appropriate hospital staff inform the Mobile County District Attorney's Office and the state Department of Human Resources.

To receive the protections of the program, a mother must bring her newborn unharmed to a hospital within 72 hours of birth. In exchange, the Mobile County District Attorney's office makes the following promises to her:

- No identification of the mother.
- Protection from prosecution for abandonment.
- Right to change mind about relinquishing newborn, under certain circumstances.
- Health exam for newborn.
- Newborn placement in a foster or adoptive home.

Keys to secret safe place for newborn's success

All of "Secret Safe Place's" program components contribute to its effectiveness. However, the keys to its success are a mother's freedom from prosecution and her right to anonymity.

The power not to prosecute these mothers derives from specific statutes that delegate to district attorneys the authority to charge a crime or not. The justification for the district attorney to promise not to ask a mother questions—and so allow her anonymity—finds its basis in the Constitutional Fifth Amendment privilege against self-incrimination. Typically, the Fifth Amendment acts as a limitation on the state's prosecutorial discretion, which may be invoked by an accused. "A Secret Safe Place for Newborns" applies the privilege against self-incrimination differently. It does not require mothers to raise the Fifth Amendment to receive its protection; rather, it promises affirmatively that the state will not even ask related questions. This Constitutional guarantee overrides any contradictory statutory law.

The leadership and commitment of the Mobile County District Attorney's office and local district attorneys have been integral to the success of the program in the following ways:

- Involvement of local district attorneys attracts and maintains the cooperation of area hospitals, as well as other safe locations when there are few or no area hospitals.
- District attorney existing relationships with local media facilitate effective partnerships and coordination, which enhance public awareness efforts.
- A district attorney's role as the chief law enforcement officer in a jurisdiction encourages involvement and support from

2. *Vernon's Texas Codes Annotated*, sec. 262.301 through sec. 262.307; sec. 22.041(h) (West Group 2002).

3. *The Code of Alabama 1975*, sec.26-25-1 through sec. 26-25-5 (Thomson West 2001).

law enforcement agencies. Law enforcement officials are in a position to communicate information about the program through outreach, and to provide law enforcement services if needed.

Signs of success

It is clear that "A Secret Safe Place for Newborns" is the right idea for protecting newborns in Mobile County, and is a good model for jurisdictions across the United States. Signs of the program's success and importance include:

- Safe placement of 12 newborns in Mobile County.
- Safe placement of hundreds of newborns in programs elsewhere in the nation.
- Passage of state safe haven laws similar to Mobile County's program, of which there are now 47.
- Unanimous endorsement of the program by the National District Attorneys Association board of directors in 2001, as a model for Association members.
- 2001 finalist for Innovations in American Government Award, awarded by Harvard University's John F. Kennedy School of Government. In conjunction with the award, "Secret Safe Places" received a $20,000 grant to replicate the model nationwide.
- 2002 Alabama Innovations award, bestowed by Alabama state child advocacy and social services agencies.
- Congressional support of infant safe haven policy and practice, as evidenced by appropriation of funds to states for infant safe haven program development and operation, as part of the 2002 reauthorization of the federal "Promoting Safe and Stable Families" initiative.
- Reference to "A Secret Safe Place for Newborns" in the 2002 National Safety Council's 50 Strategies to Combat Domestic Violence.

There has also been increased media attention to the problem of infanticide and need for infant safe haven programs. Two examples include:

- 2003 episode of CBS's "Joan of Arcadia" in which a character—a popular cheerleader at Joan's school — abandons a baby in a dumpster.
- 2003 "Dear Abby" column in which "Abby"—advice maven Jeanne Phillips—advocates her support of infant safe haven programs and laws, promotes better publicity, and admonishes lawmakers in states without safe haven protections.

Next steps—Better public education and resource coordination

Public awareness is a barrier to the effectiveness of infant safe haven laws. Public awareness is key to use of designated safe havens. If parents in crisis are unfamiliar with their availability, there is a significantly higher likelihood of harm to their newborns. States must allocate sufficient resources for effective public education, and communities must undertake public awareness efforts.

In addition, while states and other jurisdictions have made great strides with respect to infant safe haven policy and practice, there lacks a coordinated, nationwide approach, which would improve the effectiveness of programs. The newly formed National Safe Haven Alliance (the Alliance) will help immensely in this regard.[4] Formed in late 2004, the Alliance is a national network of state-based infant safe haven foundations, whose purpose is to support states' efforts to prevent infanticide and newborn abandonment. The Alliance will serve as an information clearinghouse and assist with development of safe haven models and resources. It will also provide the invaluable function of acting as a national voice for infant safe haven programs.

It is only through the commitment and dedication of all child welfare stakeholders—citizens, the media, lawmakers and other government officials, public and private child welfare services, law enforcement, and businesses—

4. The National Safe Haven Alliance is a 50(c)(3) nonprofit organization, and is located in Alexandria, Virginia. Kodie Ruzicka serves as its executive director.

that communities can make a difference in the lives of their children, infants included. Newborn safe haven programs are an integral part of child welfare and safety. With the current legislative support of these programs, now is the time to broaden public support and improve infant safe haven effectiveness.

For more information about "A Secret Safe Place for Newborns," visit the Mobile County District Attorney's Office Website, http://www.mobile-da.org/secretsafeplacefornewborns/index.htm, *for a free copy of a program manual. The document addresses training, policies, procedures, and protocols for use by district attorneys, hospital and other emergency staff, and law enforcement. It provides outreach suggestions, including models for news releases.*

Part 3

Adoption and Foster Care

16 | Fostering the Future:

Safety, Permanence and Well-Being for Children in Foster Care

By The Pew Commission on Children in Foster Care†

So, this is how it is in foster care, you always have to move from foster home to foster home and you don't have any say in this and you're always having to adapt to new people and new kids and new schools. Sometimes you just feel like you are going crazy inside. And another thing, in foster care you grow up not knowing that you can really be somebody. When I was in foster care, it didn't seem like I had any choices or any future. All kids deserve families. They need a family, to have someone, this is father, this is mother—they need a family so they can believe in themselves and grow up to be somebody. This is a big deal that people don't realize. I wish everyone could understand.

—Former Foster Youth

A call for change

All children need safe, permanent families that love, nurture, protect, and guide them. This was the starting point for the work of the Pew Commission on Children in Foster Care and a steady compass throughout our deliberations.

Foster care protects children who are not safe in their own homes. For some children, it is literally life-saving. But for too many children, what should be a short-term refuge becomes a long-term saga, involving multiple moves from one foster home to another. None of us would want this for our own children.

Children in foster care cannot count on things that all children should be able to take for granted—that they have constant, loving parents; that their home will always be their home; that their brothers and sisters will always be near; and that their neighborhoods and schools are familiar places. Some children in foster care don't understand why they were removed from their birth parents and blame themselves. Most don't know whether or when they will rejoin their parents or become part of a new, permanent family.

Childhood should not be this way. Yet on any given day in the United States, half a million children and youth are in foster care, removed from their homes because of abuse or neglect. Almost half of these children spend at least two years in care, waiting for the safe, permanent family that should be their birthright. Almost 20 percent wait five or more years.[1] In fiscal year (FY) 2001, nearly 39,000 infants under the age of one entered foster care,[2] where they may lack the stability that promotes attachment and early brain development. That same year,

† Editor's note: Excerpted selections from "Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care" (reprinted here with permission). For more information on the Pew Commission on Children in Foster Care or to obtain a copy of the full report, please visit http://www.pewfostercare.org/ or call 202-687-0948.

1. Based on the latest federal statistics on foster care supplied by the states for the Adoption and Foster Care Analysis and Reporting System (AFCARS). See U.S. Department of Health and Human Services. *The AFCARS Report: Preliminary FY 2001 Estimates as of March 2003.* Washington, DC: DHHS, 2003. Available online at http://www.acf.hhs.gov/programs/cb/publications/afcars/report8.htm.

2. U.S. Department of Health and Human Services, 2003.

about 19,000 older youth "aged out" of foster care without a permanent family to support them in the transition to adulthood.[3]

On average, children have three different foster care placements.[4] Frequent moves in and out of the homes of strangers can be profoundly unsettling for children, particularly when they do not know how long they will stay and where they will go next. One young man told us that, as a child growing up in foster care, he checked every day to see if his belongings had been packed in anticipation of another move.

This kind of turbulence and uncertainty in childhood can have lasting consequences. Children who spend many years in multiple foster homes are substantially more likely than other children to face emotional, behavioral, and academic challenges. As adults, they are more likely to experience homelessness, unemployment, and other problems.[5] While some of these problems likely have their roots in the underlying abuse or neglect that led a child into foster care in the first place, long and uncertain periods in foster care also contribute to these poor outcomes.[6]

When children languish in foster care, caseloads rise to untenable levels, and even the most dedicated case workers cannot provide the attention and support that children need. Case workers burn out and leave the profession in very high numbers. The *annual* turnover rate in the child welfare workforce is 20 percent for public agencies and 40 percent for private agencies.[7] As the cadre of experienced case workers shrinks, the quality of care that children receive diminishes as well.

The shortage of licensed family foster homes further exacerbates the situation. Case workers scramble to find appropriate placements, often to little avail. Adolescents, in particular, can end up in group homes or institutions that offer few of the advantages of a family, while posing much higher costs to states and the federal government. A shortage of treatment options for parents, particularly substance abuse treatment and mental health services, also contributes to children staying longer in foster care.

The problem of children languishing in foster care is hardly new. But most of the time, it is a quiet crisis, below the radar of most citizens—until a child in foster care dies, or is abused, or is lost and cannot be accounted for. Even then, discussions of how to respond can quickly bog down in the intricacies of the system and the complexities of the families involved. Where, for example, would reform begin? With workforce improvements and lower caseloads? More and better substance abuse treatment? Less crowded court dockets? Or all of the above, all at the same time?

This seemingly endless list of urgent problems confronted the Pew Commission on Children in Foster Care when we began our work in May 2003. Indeed, we might have directed our efforts to any of these problems. Instead, we focused on reform of two key issues that underlie many of the problems in child welfare today: a federal financing structure that encourages an over-reliance on placement of children in foster care, and a court system that lacks sufficient tools, information, and accountability necessary to move children swiftly out of foster care and into permanent homes. Reform in these two areas is a critical first step to solving many other problems that plague the child welfare system.

We began our work by developing a set of guiding principles that articulate what we want for children in the child welfare system. We then considered various policy options in light of these principles. The principles were an important touchstone throughout our year of deliberations, focusing us consistently on the children at the heart of the child welfare system.

3. Ibid.

4. Ibid.

5. Courtney, M.E. and Piliavin, I. *Foster Youths Transitions to Adulthood: Outcomes 12 to 18 Months After Leaving Out-of-Home Care*. Madison, WI: School of Social Work, University of Wisconsin-Madison, 1998.

6. Barbell, K. and Freundlich, M. *Foster Care Today*. Casey Family Programs: Washington, DC, 2001.

7. The Annie E. Casey Foundation. *The Unsolved Challenge of System Reform: The Conditions of the Frontline Human Services Workforce*. Baltimore, MD: The Annie E. Casey Foundation, 2003.

Our work built on a solid base of federal statutes that emphasize safety for children and support for families. These laws also establish the shared responsibility of the federal government, the states, and the courts to protect abused and neglected children and secure safe, permanent homes for them. The nation's first significant child welfare legislation, the Adoption Assistance and Child Welfare Act of 1980[8] set forth the twin goals of preserving families and securing permanence for children, and it gave new responsibilities to the courts for overseeing child welfare cases. Subsequent legislation in 1993[9] and 1994[10] provided new funding for prevention of child abuse and neglect, family preservation, and court improvements. The Adoption and Safe Families Act (ASFA) of 1997[11] established the goals of safety, permanence, and well-being for children in foster care, with a very deliberate emphasis on permanence. This bipartisan legislation also focused attention on measuring states' performance toward national goals and further increased the role of the courts in overseeing child welfare cases.

These landmark pieces of legislation reflected lawmakers' concern over growing numbers of children in foster care and the long periods of time that so many children stayed in care. These laws and others have made important and lasting improvements in the ability of child welfare agencies and the courts to meet the needs of children who have been abused and neglected.

But more remains to be done. The number of children in foster care appears to be stabilizing, but at a very high level. There were 534,000 children in foster care in 2002, almost double the number in care in the early 1980s.[12] Moreover, children continue to stay in foster care for longer periods than may be necessary, and to

move frequently from placement to placement. While in care, many children still do not receive appropriate services, whether they are infants suffering the effects of trauma or older adolescents about to leave foster care to live on their own. Interwoven with all of these challenges is the over-representation of minority children in foster care—especially African-American children, who enter foster care at the fastest rate and leave at the slowest.

The Pew Commission's recommendations identify "next steps" on the road to reducing the number of children in foster care, shortening the amount of time children have to spend there, and responding better to the needs of *all* children in care. The steps we recommend are in the direction of reforming federal financing of child welfare service and court oversight of child welfare cases, for reasons we discuss below.

The role of federal financing

Simply put, current federal funding mechanisms for child welfare encourage an over-reliance on foster care at the expense of other services to keep families safely together and to

8. Public Law 96-272.

9. Omnibus Budget Reconciliation Act, Public Law 103-66, 1993.

10. Social Security Amendments, Public Law 103-432, 1994.

11. Public Law 105-89.

12. U.S. House of Representatives, Committee on Ways and Means. *2000 Green Book*. Washington, D.C.: U.S. Government Printing Office, 2000.

move children swiftly and safely from foster care to permanent families, whether their birth families or a new adoptive family or legal guardian.

This conundrum stems from the structure of the two major federal sources of child welfare funding, Titles IV-E and IV-B of the Social Security Act.[13]

Title IV-E is the largest source of federal funding for child welfare, accounting for 48 percent of federal child welfare spending in state fiscal year (SFY) 2000.[14] Title IV-E is a permanently authorized and open-ended entitlement program that guarantees federal reimbursement to states for a portion of the cost of maintaining an eligible child in foster care. Specifically, states may claim a federal reimbursement on behalf of every income-eligible child they place in a licensed foster home or institution.[15] In FY 2004, federal IV-E foster care expenditures are estimated to be $4.8 billion.[16]

Title IV-B provides flexible funds that can be used by states for a broad array of child welfare services. There are no federal income eligibility or other requirements. Title IV-B funds may be used for family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services. These funds, however, represent a relatively small pot of money, accounting for just five percent of all federal spending on child welfare in SFY 2000.[17] Furthermore, unlike IV-E, IV-B funding is not an open-ended entitlement, but rather a mixture of capped entitlement dollars and discretionary funding—meaning that the overall funding level is subject to the annual appropriations process. Title IV-B accounted for only $693 million in federal child welfare spending in FY 2004, compared to the $4.8 billion for Title IV-E foster care.

Such a disparity in these two funding sources hampers states' ability to invest in strategies that limit the time children need to spend in foster care. The result is a discouraging and frustrating cycle: Foster care rolls are swelled by children who might have been able to stay at home safely or leave placement sooner had states been able to use more federal dollars for prevention, treatment and post-permanency services. As the number of children in care increases, so, too, do social workers' caseloads, limiting their ability to visit children, assess safety, and respond appropriately to the needs of the children and their families. This in turn contributes to longer stays in foster care and limits the time available to workers for oversight of the children in their care. Such a sequence of Catch-22s is clearly not in the best interest of children, their families, or the professionals charged with their oversight.

The role of the courts

For years, the courts have been the unseen partners in child welfare—yet they are vested with enormous responsibility. Along with child welfare agencies, the courts have an obligation to ensure that children are protected from harm. Courts make the formal determination on whether abuse or neglect has occurred and whether a child should be removed from the home.

13. In recent years, states have also used three non-dedicated federal funding streams to support child welfare services—the Social Services Block Grant (representing 17 percent of all federal child welfare spending in SFY 2000), the Temporary Assistance for Needy Families block grant (15 percent), and Medicaid (10 percent). Bess, R., Andrews, C., Jantz , A., et al. *The Cost of Protecting Vulnerable Children III: What Factors Affect States' Fiscal Decisions?* Occasional paper No. 61. Washington, DC: The Urban Institute, 2002.

14. Bess, R., et al, 2002.

15. Income eligibility is based on the 1996 eligibility standards of the Aid to Families with Dependent Children program, which was replaced by the Temporary Assistance for Needy Families block grant.

16. Title IV-E also provides a federal reimbursement to states for expenses related to supporting adoptions from foster care ($1.6 billion [estimated] in FY 2004) and a capped entitlement for the Chafee Foster Care Independence Program for youth aging out of foster care (the FY 2004 appropriation was $185 million, which includes $45 million in funding for education and training vouchers). The FY 2004 estimated expenditures and appropriation figures presented here are from the Congressional Budget Office. [See http://www.cbo.gov/factsheets/2004b/FosterCare.pdf.]

17. Bess, R., et al, 2002.

Courts review cases to decide if parents and the child welfare agencies are meeting their legal obligations to a child. Courts are charged with ensuring that children are moved from foster care and placed in a safe and permanent home within statutory timeframes. And courts determine if and when a parent's rights should be terminated and whether a child should be adopted or placed with a permanent guardian.

Frequent moves in and out of the homes of strangers can be profoundly unsettling for children, particularly when they do not know how long they will stay and where they will go next.

The Adoption and Safe Families Act placed new obligations and greater pressure on the courts by requiring them to expedite termination of parental rights and finalize adoption or guardianship arrangements when it is found that children cannot be returned to their birth parents. The law is a positive one for children who might otherwise languish in foster care, and many courts have embraced this charge. But longstanding structural issues in the judicial system limit the ability of the courts to play the important role in protecting children that ASFA assigns to them. For example:

- Many courts do not track and analyze their overall caseloads, making it difficult for them to spot emerging trends in the cases that come before them, eliminate the major causes of delays in court proceedings, and identify groups of children who may be entering or reentering foster care at very high rates, or staying in care the longest. This can contribute to large caseloads and limit judges' ability to give each child the time he or she deserves.
- Institutional barriers discourage courts and child welfare agencies from working together to improve outcomes for children in foster care.
- Many judges come to this work without sufficient training in child development or knowledge of effective dependency court practices—information that could help them make appropriate and timely decisions that move children out of foster care to safe, permanent homes.
- Children and parents often lack a strong and effective voice in court decisions that affect their lives.

Court reforms directed at these structural issues could lessen children's time in foster care and help children get the services and assistance they need while in foster care. For example, case tracking might highlight rapid growth in the number of infants entering foster care in a particular court. (Indeed, nationwide, infants are the fastest growing portion of the foster care population.[18]) This information could and should prompt a judge to inquire of caseworkers whether services are readily available to meet the urgent developmental needs of very young children. Case tracking might also identify problems in the legal representation of children and parents as a cause of frequent continuances that prolong children's time in foster care. This is important information for state courts, which are responsible for ensuring that parties in court proceedings are adequately represented by legal counsel. Aggregate data on the progress of children through the foster care system—and specifically on compliance with the timelines specified in the Adoption and Safe Families Act—can be a very useful starting point for collaboration between the courts and the child welfare agency.

When decision makers and the public are unaware of the role of the courts in child welfare, and when they lack information on court performance as it affects children, there may be little public will to provide dependency courts with adequate financial resources. The results are crowded courts, overworked and often under-trained judges and attorneys, and decisions made without sufficient information or insight. In the end, children and families pay

18. Wulczyn, F. and Hislop, K. B. Babies and Foster Care: The Numbers Call for Action. Zero to Three, 2003. (22) 5.

the price when courts lack the tools and resources to do their job well.

Changing the future

The Pew Commission met intensively for a year. We were acutely aware of the context in which we worked—a mounting federal deficit and severe fiscal constraints at the state level; deeply held philosophical and political views that threaten to divide people of good will on both sides of the aisle; and the fear in all quarters of unanticipated events—an upsurge in drug use, for example—that could send large numbers of children into foster care.

The number of children in foster care appears to be stabilizing, but at a very high level.

But we were also aware that in many instances, the system works—when caseworkers quickly secure help for children and families; when children's ties to extended family, schools, and communities are maintained while they are in foster care; when children and their families participate in their own case plans and decisions; when courts and agencies act well and efficiently together; when children are returned home or moved to another permanent home without unnecessary delays. With countless examples in mind, we sought recommendations that would turn "best practices" into "common practices" across the country.

Finally, we were aware of the strong and abiding bipartisan desire to take better care of children who have suffered abuse and neglect. This bipartisanship was evident in the passage of ASFA in 1997 and in many of the state and local reforms that have improved outcomes for thousands of children in foster care. It was also apparent in the many expressions of encouragement and good will the Commission received in the course of our work.

Our recommendations offer an achievable plan for improving outcomes for children in foster care and those at risk of entering care. Case workers, agency administrators, and judges want to do the best for the children in their care. It is well within our nation's reach to help them do their best.

The recommendations will require some new funding. But just as important, they will require redirection of current funding and stronger accountability for how public dollars are used to protect and support children who have suffered abuse and neglect.

Children deserve more from our child welfare system than they are getting now. For this to happen, those on the front lines of care—caseworkers, foster parents, judges—need the support necessary to do their jobs more effectively. And the public needs to know that, with this support, every part of the chain of care—from the federal government to the states to the courts—can reasonably be held to high standards of accountability for the well-being of children.

We offer these recommendations to decision makers at the federal, state, and local levels and in the courts. They are designed to work together. No one recommendation satisfies all of our principles or holds as much promise for children as the recommendations as a whole. We hope that policy makers will give them thoughtful consideration and take deliberate action. Half a million children have waited long enough.

A former foster child who talked at length with members of the Commission stated the urgency most eloquently: "I just think everybody deserves a family when they're young."

Recommendations of the Pew Commission on Children in Foster Care

All children must have safe, permanent families in which their physical, emotional, and social needs are met. Together, the Pew Commission's recommendations focus on what states and courts need to help children get safe and permanent homes. Our recommendations would give states a flexible and reliable source of federal funding as well as new options and incentives to seek safe permanence for children in foster care. They would help dependency courts secure the management tools, information, and

training necessary to fulfill their responsibilities to children, and they would help children and parents have a strong and informed voice in court proceedings. Finally, they call for greater accountability by both child welfare agencies and courts.

Financing child welfare

1. Because every child needs a safe, permanent family, the Commission recommends:

   - Providing federal adoption assistance to all children adopted from foster care;
   - Providing federal guardianship assistance to all children who leave foster care tolive with a permanent, legal guardian.[19]

2. Because every child needs to be protected from abuse and neglect, the Commission recommends that the federal government join states in paying for foster care for every child who needs this protection:[20]

   - Regardless of family income;[21]
   - Including children who are members of Indian tribes; and
   - Including children who live in the U.S. territories.

3. Because every child needs a permanent family, the Commission recommends allowing states to "reinvest" federal dollars that would have been expended on foster care into other child welfare services if they safely reduce the use of foster care. States could use these funds for any service to keep children out of foster care or to leave foster care safely.
4. Children need skillful help to safely return home to their families, join a new family, or avoid entering foster care in the first place. For caseworkers to provide this help, states need flexible, sufficient, and reliable funding from the federal government. The Commission recommends an indexed Safe Children, Strong Families Grant that combines federal funding for Title IV-B, Title IV-E Administration, and Title IV-E Training into a flexible source of funding. The Commission further recommends that additional funding be provided in the first year, and that the grant be indexed in future years.

   - Each state's grant amount would be based on its historical spending for Title IV-B and Title IV-E Administration and Training;
   - In addition, the total base funding level would be enhanced by $200 million in the first year of implementation;
   - In subsequent years, each state's allocation would grow by 2 percent plus the inflation rate, as measured by the Consumer Price Index; and
   - States would be required to match the federal grant funds, just as they currently are required to match federal IV-B and IV-E dollars.

5. To guarantee that public funds are used effectively to meet the needs of children who have been abused or neglected and to increase public accountability, the Commission recommends improvements to the federal Child and Family Services Reviews (CFSRs).

   - The CFSRs should include more and better measures of child well-being, use longitudinal data to yield more accurate assessments of performance over time, and HHS should direct that a portion of any penalties resulting from the review process be reinvested into a state's Program Improvement Plan;
   - The federal government should continue to help states build their accountability systems by maintaining the federal match for State Automated Child Welfare Information Systems; and
   - Congress should direct the National Academy of Sciences, through its Board on Children, Youth, and Families, to con-

19. Federal eligibility for adoption or guardianship assistance would not be based on the income of the child's birth family.

20. Currently, the federal government pays a portion of the costs of foster care for children whose family income is below the 1996 Aid to Families with Dependent Children (AFDC) income standards. States, in contrast, pay the cost of foster care for every child who needs this protection.

21. Family income refers to the income of the family from which the child is removed.

vene a foster care expert panel to recommend the best outcomes and measures to use in data collection.

6. To promote innovation and constant exploration of the best ways to help children who have been abused and neglected, the Commission recommends that the federal government:

   - Expand and improve its successful child welfare waiver program;
   - Continue to reserve funds for research, evaluation, and sharing of best practices; and
   - Provide bonuses to states that make workforce improvements and increase all forms of safe permanence for children in foster care.

Strengthening courts

1. Courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings.

   - Every dependency court should adopt the court performance measures developed by the nation's leading legal associations[22] and use this information to improve their oversight of children in foster care;
   - State judicial leadership should use these data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system; and
   - Congress should appropriate $10 million in start-up funds and such sums as necessary in later years, to build capacity to track and analyze caseloads.

2. To protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children.

   - The Department of Health and Human Services (HHS) should require that state IV-E plans, Program Improvement Plans, and Court Improvement Program plans demonstrate effective collaboration;[23]
   - HHS should require states to establish broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice;
   - Congress should appropriate $10 million to train court personnel, a portion of which should be designated for joint training of court personnel, child welfare agency staff, and others involved in protecting and caring for children; and
   - Courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information which can lead to better decisions and outcomes for children.

3. To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them.

   - Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings;
   - Congress should appropriate $5 million to expand the Court Appointed Special Advocates program;
   - States should adopt standards of practice, preparation, education, and compensation for attorneys in dependency practice;

22. See Appendix B for a more detailed description of the court performance measures. The American Bar Association's Center on Children and the Law, National Center for State Courts, and National Council of Juvenile and Family Court Judges. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases.* Los Altos, CA: The David and Lucile Packard Foundation, 2004.

23. Tribal courts and service agencies should be included in the development and implementation of all plans.

- To attract and retain attorneys who practice in dependency court, Congress should support efforts such as loan forgiveness and other demonstration programs; and
- Law schools, bar associations, and law firms should help build the pool of qualified attorneys available to children and parents in dependency courts.[24]

4. Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.

   - Chief Justices should embed oversight responsibility and assistance for dependency courts within their Administrative Office of the Courts;
   - State court leadership and state court administrators should organize courts so that dependency cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues;
   - State judicial leadership should actively promote: (1) resource, workload and training standards for dependency courts, judges, and attorneys; (2) standards of practice for dependency judges; and (3) codes of judicial conduct that support the practices of problem-solving courts; and
   - State court procedures should enable and encourage judges who have demonstrated competence in the dependency courts to build careers on the dependency bench.

About the Pew Commission

The nonpartisan Pew Commission on Children and Foster Care was launched in May 2003. Supported by a grant from The Pew Charitable Trusts to the Georgetown University Public Policy Institute, the Commission's charge was to develop recommendations to improve outcomes for children in the foster care system—particularly to expedite the movement of children from foster care into safe, permanent, nurturing families, and prevent unnecessary placements in foster care.

The Commission is chaired by Bill Frenzel, former Republican Congressman and currently Guest Scholar at the Brookings Institution. The Vice Chair is William Gray, III, former Democratic Congressman and currently President and CEO of the United Negro College Fund. Mr. Frenzel and Mr. Gray are well known for their expertise in the federal budgeting process and for their ability to forge consensus across party lines. The Commission includes some of the nation's leading child welfare experts, administrators of child welfare agencies, judges, social workers, a state legislator, a child psychologist, foster and adoptive parents, a former foster youth, and others. These are people who know the system well—both its assets and its limitations.

All children must have safe, permanent families in which their physical, emotional, and social needs are met.

The Commission met intensively, exploring a broad range of key issues in child welfare. It listened to judges who oversee dependency cases, managers who administer child welfare systems, and caseworkers with daily, frontline responsibility for children. It also listened to other professionals, scholars, and advocates; to foster, adoptive, and birth parents; and to young people themselves. It closely examined critical problems and promising approaches.

The Commission focused its work on two targeted areas:

- Improving existing federal financing mechanisms to facilitate faster movement of children from foster care into safe, permanent families and to reduce the need to place children in foster care in the first place.
- Improving court oversight of child welfare cases to facilitate better and more

24. Court performance measures, discussed earlier in the chapter and presented in Appendix B, will assist courts in the initial development and subsequent tracking of compliance with these measures.

timely decisions related to children's safety, permanence, and well-being.

Informed by the breadth of stakeholder input and its own expertise, the Commission first agreed on five principles that articulate what children in the child welfare system need. With these principles always in mind, the Commission then undertook an extensive review of policy options, ultimately reaching consensus on a set of policy recommendations that are presented in this report. These thoughtfully considered recommendations from a diverse group of experts are intended to give Congress, federal agencies, states, courts, and communities a framework for strengthening the ability of child welfare agencies and courts to secure safe, permanent families for children in foster care and at risk of entering care.

The Pew Commission on Children in Foster Care

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The Honorable William H. Gray, III, Vice Chairman
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17 | Judicial Leadership to Ensure Sound Permanency Decisions for Children in Foster Care:

Practical Guidelines for Juvenile and Family Courts

By Thomas C. Atwood, Nicole Ficere Callahan, and Virginia C. Ravenel†

Juvenile and family courts play the leading role in ensuring right and timely placements of foster children with loving, permanent families. Many judges have responded to this challenge to lead with strength and conviction. In September 2005, more than 350 judicial leaders attended a national summit on this topic, "Justice for Children: Changing Lives by Changing Systems," sponsored by the National Center for State Courts. Participants included delegations from all fifty states, except hurricane-ravaged Louisiana, with state chief justices heading more than twenty of the delegations.

America's vulnerable foster children, who number more than a half-million, have been removed from their families for their own protection, through no fault of their own. They deserve America's best efforts to ensure their safety, permanence, and well-being in loving families. As the legal authorities overseeing the process that decides the placement of these children, juvenile and family court judges have the key responsibility for ensuring that America fulfills its obligations to these young citizens in need.

To begin with, juvenile and family court judges must in their own hearts and minds have compassion towards the children in their charge, a strong sense of urgency to meet their family needs in a timely way, and a relentless insistence that all involved in the process serve the children well. The juvenile and family court judge's role is more comprehensive than that of other judges. She must promote collaboration and cooperation throughout the state child welfare and court systems, and create and oversee a plan of action that ensures each child's safety, permanence, and well-being.

In 2003, The Pew Charitable Trusts formed a commission, the Pew Commission on Children in Foster Care, to study the problem of children languishing in foster care and to make related recommendations. The Commission issued its report in 2004, Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care, which highlighted, in part, the need for judicial leadership in order to improve court performance and decrease the amount of time children spend in foster care. The Commission stated:

> Courts are responsible for ensuring that children's rights to safety, permanence, and well-being are met in a timely and complete manner. . . . State judicial leadership should ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system. . . . If the top people in the system model collaboration with executive branch agencies, then there is an expectation that productive ties between local courts and child welfare agencies will be the norm, not the exception. Court leadership can send a powerful message re-

† All three co-authors serve on the staff of the National Council For Adoption. Thomas C. Atwood is president and chief executive officer, Nicole Ficere Callahan is assistant editor, and Virginia C. Ravenel is research associate.

garding the court system's accountability for children in public custody."[1]

Judges must in their own hearts and minds have compassion towards the children in their charge, a strong sense of urgency to meet their family needs in a timely way, and a relentless insistence that all involved in the process serve the children well.

Children in foster care deserve dedicated judicial leadership throughout the state court system, from supreme court chief justice to individual juvenile and family court judges. This brief focuses on the leadership role of juvenile and family court judges in providing right and timely placements for foster children. NCFA interviewed three experienced judges, who have boldly and compassionately led their courtrooms to produce positive results for foster children. NCFA is indebted to the Honorable Nancy Salyers, the Honorable Stephen Rideout, and the Honorable Richard FitzGerald for their invaluable insights and contributions to this brief and for their being models of juvenile and family court leadership in serving foster children.[2]

Judicial leadership in setting case goals and in permanency planning

Perhaps the most important decision the juvenile and family court judge makes is the determination of the appropriate case goal and permanency plan for any given child—reunification, adoption, or guardianship.[3] Constitutional protections for parents justly require judges to be very careful in terminating parental rights, but the child's right to safety, permanence, and well-being is even more important. The federal Adoption and Safe Families Act of 1997 (ASFA), as well as state laws, have established appropriate exceptions to the assumption of family reunification as the case goal of first resort.[4] In the interests of children, judges should be realistic and timely in their assessments of parents' ability to rehabilitate themselves sufficiently to parent their children. More so in the past, prior to ASFA, but still a problem today, is an excessive commitment to family preservation, on the part of some judges, even when there is no real family to preserve. Parental rights must be highly respected, but judges should not allow them to doom children to unsafe and abusive homes.

Every state has enacted statutes that establish criteria for removing a child from his or her parents and the conditions that must be met before terminating parental rights. Congress has also enacted laws relevant to establishing a permanency plan, including circumstances in which reunification efforts are not required. For

1. The Pew Commission on Children in Foster Care, Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care (2004): 17, 34, 46. The report can be found at http://pewfostercare.org/docs/index.php?DocID=41.

2. The Honorable Nancy Salyers served as presiding judge of Illinois' Cook County Juvenile Court Child Protection Division from 1995-2000, and was the 1999 National Court Appointed Special Advocate Association (NCASA) Judge of the Year. Judge Salyers is currently co-director of Fostering Results, a national education and outreach initiative funded by The Pew Charitable Trusts. The Honorable Stephen Rideout served as chief judge of the Alexandria Juvenile and Domestic Relations District Court in Alexandria, Virginia, from 1989-2004, and was the 2004 NCASA Judge of the Year. Judge Rideout is currently a consultant to the American Bar Association, the National Drug Court Institute, and the National Council of Juvenile and Family Court Judges (NCJFCJ). The Honorable Richard FitzGerald is a senior judge of the Commonwealth of Kentucky, and has served as a district judge and special circuit judge since assuming the bench in 1975. Judge FitzGerald has also served as adjunct faculty for the University of Louisville School of Law and for the NCJFCJ, and has been a visiting professor at the Child Law Center at Loyola University. He currently serves as a judicial educator and consultant to court improvement projects. Additional information about these judges and their accomplishments is included at the end of this article.

3. Under federal law, there are two additional permanency options: placement with a fit and willing relative and placement in another permanent planned living arrangement." This article does not discuss issues pertaining to these two ways to find permanency other than to say that, with respect to "placement in another permanent planned living arrangement," the state must document to the court a compelling reason why none of the other permanency options is in the child's best interest. (Adoption and Safe Families Act of 1997 (ASFA), Public Law 89, 105th Cong., 1st sess. (November 19, 1997): §302).

4. Adoption and Safe Families Act of 1997 (ASFA), Public Law 89, 105th Cong., 1st sess. (November 19, 1997).

this reason, judges must be well-versed in relevant statutes to understand the matters over which state legislatures and Congress have prescribed decisions and results, and those over which judges may exercise their own discretion.

When determining case goals and permanency plans, a family court judge must always engage in "child-focused decision-making" and weigh the potential harms and benefits to the child. He must consider the nature of the abuse or neglect, the capacity of the child's parents to change their behavior, and the likelihood that parents will make the prescribed changes in a timely fashion. What is the parents' overall attitude toward demonstrating fitness to parent? Are they taking the problem seriously? Are they amenable to treatment? If a parent is amenable to treatment, and there is realistic hope that the parent can be sufficiently rehabilitated within one year to provide the child safety, permanence, and well-being, then reunification should be attempted.

In the majority of cases, reunification will likely be the initial case goal, and parents will be allowed time to address the reasons that the state removed their child from their care. According to the U.S. Department of Health and Human Services, the case goals for children in foster care nationwide, as of September 2003, were:

- Reunification 48%
- Adoption 20%
- Living With Other Relative 5%
- Guardianship 3%
- Long Term Foster Care 8%
- Emancipation 6%
- Case Goal Not Established 10%[5]

There are, however, egregious cases in which efforts to reunify are not required. In these cases, courts should take immediate steps to terminate parental rights and find another permanent placement for the child, preferably adoption, perhaps by relatives. These situations, as prescribed by ASFA, include:

- When the child has suffered chronic abuse, sexual abuse, torture, or abandonment by the parent.
- When the parent has committed the murder or voluntary manslaughter of another child of the parent, or assisted someone in the act.
- When the parent has seriously injured the child or another child of the parent.
- When the parent's parental rights to another child have been terminated involuntarily.[6]

Perhaps the most important decision the juvenile and family court judge makes is the determination of the appropriate case goal and permanency plan for any given child—reunification, adoption, or guardianship.

In general, judges may exercise their discretion if and when not to pursue reunification of a child with his parents. However, ASFA places limits on the ability of courts to continue to pursue reunification, based on the length of time a child has been in foster care. If a child has remained in foster care 15 out of the most recent 22 months, reunification efforts should, in most cases, be discontinued, termination of parental rights initiated, and steps be taken to place the child in an adoptive home.[7] ASFA identifies three exceptions to this "15/22 rule": when the child is being cared for by a relative, when the state has failed to provide services to the parent to facilitate the safe return of the child to the home, and for a "compelling reason" that makes termination of parental rights contrary to the best interests of the child.[8]

5. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, The AFCARS Report: Preliminary AFCARS FY 2003 Estimates as of April 2005 (10), available at http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report10.pdf.

6. ASFA, §101(a)(15)(D).

7. ASFA, §103(a)(3)(E).

8. Ibid.

In order to use the "compelling reason" exception, the state must document in the case plan the exact nature of the circumstances that make termination of parental rights not in the child's best interests. Similarly, judges should document in the court findings the precise nature of the "compelling circumstances" that make it appropriate not to pursue termination of parental rights and how these circumstances apply to the particular child whose case is under review. Judges should apply this last exception narrowly. Unfortunately, some judges, driven by an excessive commitment to preserving the biological family, may make inappropriate exceptions to the 15/22 rule and allow the child to languish too long in foster care with an unrealistic and perhaps unsafe plan for reunification.

Parental rights must be highly respected, but judges should not allow them to doom children to unsafe and abusive homes.

Because adoption provides children permanent parents and family, adoption should be the preferred permanency plan to be considered after reunification. Before considering guardianship, the court should make a specific determination that neither reunification nor adoption is possible or preferable for a particular child. Guardianship is clearly better for children than long-term foster care; and many guardians either treat their wards as long-term family members, or are actual relatives of the child. But unlike adoption, which establishes parent-child relationships that have no end, guardianship generally ends at age 18 and does not give the child a legally recognized "mom" or "dad."

Judges should prepare for the possibility of adoption or another permanent placement besides reunification by requiring the state to engage in concurrent planning. The practice of concurrent planning allows the child welfare system to identify alternatives to reunification and take preliminary steps to enable swift permanency for the child should reunification be eliminated as a possibility. Caseworkers can do this by placing a child with a foster family willing to adopt him should reunification fail, for example, or by educating the child, parents, and relatives about the possibility of adoption. This ensures that the permanency process will be well underway if the court rejects reunification as the case goal.

There are limited scenarios in which adoption is not the appropriate permanency plan and legal guardianship may be preferable for foster children. As found by the Pew Commission, these include instances of older children who do not wish to be adopted and whose consent is required under state law; children whose relatives would like to care for them but will not consider adoption, because adoption requires termination of their relative's—the child's biological parent's—parental rights; children belonging to cultures that disapprove of termination of parental rights, as is the case with Native American cultures; and children whose biological parents want to maintain parental rights and are fit to parent but for physical, emotional, or cognitive limitations.[9] Only in these relatively uncommon circumstances should guardianship be preferred to adoption.

Timeline and pivotal points in the permanency decision-making process

The length of time that a child remains in foster care and the rightness of the permanent placement depend largely on how efficiently and effectively courts facilitate case review, which is largely a function of the timeliness and appropriateness of judicial decisions. While there is no step in this process that is without significance, there are some stages that are pivotal in determining how soon a child will exit foster care. Judicial leadership is the key to ensuring that sound and timely decisions are made throughout this process. It is vital that those who care about foster children are familiar with how the permanency decision-making process

9. The Pew Commission on Children in Foster Care, Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care (2004): 21-22. The report can be found at http://pewfostercare.org/docs/index.php?DocID=41

should work, so they can monitor the system's performance and fulfill their roles as advocates for children.

Removal or emergency custody hearing: In general, to remove a child from his or her parents' care, the state must first file a petition for removal and request an emergency custody hearing.[10] There are exceptions when there is a risk of immediate harm to the child, in which case the child will be removed before the state seeks court approval. An emergency custody hearing should be held promptly in all cases. Best practice dictates that it occur within 72 hours following the child's removal.[11] In most jurisdictions, the emergency custody hearing must be held within 48 to 72 hours after removal.

During this initial proceeding, the judge must determine whether removal from the home was justified and if there is an urgent and immediate necessity that prevents the child from returning home during the interim period before the adjudicatory hearing.[12] Typically this requires a finding that the removal was not due simply to financial circumstances, but to some specific and present threat to the child's safety or well-being.

At the removal or emergency custody hearing, judges should document whether the state has made reasonable efforts to avoid separation of the child and family to no avail, or that there are no steps that can be taken at that precise moment that would enable the child to remain safely in the home.[13] If a judge decides that the child cannot remain safely in his home during the interim period, he should consider the possibility of parent and sibling visitation, and document related parameters, such as the frequency, location, and supervision.

It is also important that judges take immediate steps to ensure early identification of and notice to any missing parents, putative fathers, or any other individuals who may be entitled to notice of or input in future hearings. Failure to provide proper notice leads to court hearing delays and unnecessary appeals, which can be major impediments to timely permanency. Judges should encourage parents and any other respondents to obtain legal representation. In all cases, family court judges should ensure appointment of legal counsel for those parties who qualify for pro bono representation.

Because adoption provides children permanent parents and family, adoption should be the preferred permanency plan to be considered after reunification.

Adjudicatory hearing: The adjudicatory hearing, which is similar to a trial, is the first real fact-finding opportunity for the judge. The burden of proof at the adjudicatory hearing is higher than it was at the emergency custody hearing. At the adjudicatory hearing, the state must build its case and prove, in accordance with the standard of proof, that the abuse or neglect of the child has in fact occurred.

State law dictates how soon the adjudicatory hearing must be held once a child has been removed from the home. Best practice requires that it be held within 60 days of removal.[14] In setting a hearing date, judges need to allow sufficient time for the parties to gather pertinent information, but not delay the hearing date

10. States may call the initial hearing by other names, such as a "shelter hearing," depending on the legislature's choice of language.

11. Publication Development Committee, Victims Abuse Project, Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases (Reno, Nevada: National Council of Juvenile and Family Court Judges, 1995), 30.

12. A child's removal from the home requires a judicial determination that it would be "contrary to the welfare" of the child to remain in the home. The "contrary to the welfare" finding must be made at the initial hearing (45 C.F.R. §1356.21(c)). Failure to do so makes the child ineligible for Title IV-E foster care payments for the duration of that stay in foster care.

13. Within 60 days of the child's removal from the home, a judge must issue an order as to whether reasonable efforts have been undertaken to prevent removal and separation of the child (45 C.F.R. §1356.21(b)(1)). Failure to do so makes the child ineligible for Title IV-E foster care payments for the duration of that stay in foster care.

14. Publication Development Committee, Victims Abuse Project, Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases, 47.

longer than necessary. Following this hearing, the child will likely be either returned to the home or temporarily placed elsewhere while the parent or parents work toward reunification. In either case, slow adjudication results in delayed permanency for the child, and 60 days from removal ought to be the upper limit for conducting this hearing.

It is vital that those who care about foster children are familiar with how the permanency decision-making process should work, so they can monitor the system's performance and fulfill their roles as advocates for children.

Disposition hearing: At the disposition hearing, the judge formally establishes the case goal for the child. Barring the exceptions specified by ASFA, the case goal determination at this stage is usually reunification, and appropriately so, when there is a realistic likelihood that the parent(s) can responsibly parent, given some training, rehabilitation, and/or counseling. But when the dangerous circumstances specified by ASFA exist, courts should move directly to termination of parental rights and the case goal of adoption.

If the judge determines the appropriate case goal to be reunification, she will order at this hearing a plan to address the specific problems that necessitated state intervention, including services to be provided to the parents, such as substance abuse rehabilitation and testing, parenting classes, anger management training, or other counseling or instruction. The court should set strict participation requirements that have a realistic prospect of enabling parents to achieve successful reunification. The judge should make clear to the parents that participation in ordered programs is mandatory, and that failure to cooperate will jeopardize reunification and lead to the termination of their parental rights.

The disposition hearing is also the stage at which the court decides who will have custody and control over the child until permanency is finalized.[15] For children who remain in an out-of-home placement, judicial leaders address matters pertaining to their well-being, such as the appropriateness of continuing parent and sibling visitation, or the possibility of allowing these visitations if they were not approved or permitted by the judge at the removal hearing. Judges should continually revisit the appropriateness of parent and sibling visitation while the child is in foster care in order to help the child maintain ties with the biological family, so long as contact promotes the child's well-being.

Judges should schedule the disposition hearing at the adjudicatory hearing to ensure prompt setting of case goals. In some cases, the disposition hearing immediately follows the adjudicatory hearing. Best practice dictates that the disposition hearing occur within no more than 30 days of adjudication, as appropriate case planning often cannot take place until disposition.[16] The federal requirement that the initial permanency hearing be held within 12 months of state intervention makes it critical to establish case goals early, so that parents have time to make progress in their rehabilitation efforts toward reunification, or so that the state agency can identify other permanent placement possibilities as soon as possible.

Review hearing(s): Regular review hearings should take place following the disposition hearing to determine whether the parties are adhering to the court's orders. If a judge does not monitor the parties through periodic pre-permanency hearings, it is more likely that case-

15. While the adjudicatory hearing's purpose is restricted to a ruling regarding whether abuse or neglect occurred, and not to the implications of the finding, judges must sometimes make preliminary decisions about the "next steps" at the adjudicatory hearing, and not wait until disposition of the case. For instance, courts may need to decide where the child will stay in the interim between adjudication and disposition.

16. Publication Development Committee, Victims Abuse Project, Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases, 55.

workers will delay referring the parents to needed services, or fail to make other required, reasonable efforts in a timely manner that would facilitate reunification. It is also more likely that problems with the foster care placement will go unnoticed or that the parents will delay utilizing needed, available services.

Within six months of the removal of the child, the parents should be able to demonstrate that clear progress has been made. Post-disposition review hearings help courts to determine earlier the likelihood of parents achieving reunification. For example, if a review hearing reveals that a drug-dependent mother does not participate in mandated substance abuse counseling or tests positive for ongoing drug use, the court should reconsider the appropriateness of reunification as the case goal.

The court should set strict participation requirements that have a realistic prospect of enabling parents to achieve successful reunification.

Permanency hearing: At the permanency hearing, the court must determine the permanency plan: reunification, adoption, guardianship, or some other permanent placement. In accordance with ASFA, courts must hold this hearing within 12 months of the child's removal from the home.[17] Judges are not required, however, to wait the full year to make the permanency decision. They should be open to making an earlier determination if the child's interests in a particular permanency decision are clear. In the interests of timely permanence for foster children, some state laws require the permanency decision within six months of the child's removal. With rare exceptions, the 12 months allowed by ASFA should be the upper limit for determining the permanency plan.

When judges decide reunification is appropriate, they should document in detail how the parents' actions or behaviors that resulted in removal of the child have changed, including the services utilized, and why there is no longer a concern for the child's health, safety, and well-being. When adoption is the permanency decision, the judge should include in his court order the reasons why reunification is not possible in this case. Similarly, if legal guardianship is the permanency decision, the judge should make findings, which he documents in the court order, as to why neither reunification nor adoption is appropriate. A judge cannot approve permanency through another "permanent planned living arrangement," unless the state documents to the court a compelling reason why none of the other permanency options is in the child's best interests.[18] The judge's order should reflect the unique circumstances that make it impossible to achieve a more permanent and stable solution.

Although a judge will make the permanency decision at the permanency hearing, the actual placement is often not "finalized" at the hearing. When a court approves reunification, there may be stipulations or preconditions to finalizing the decision, such as requiring a father to complete an anger management class or the agreement of a mother to continue periodic drug screening following the child's return. Similarly, when a court decides that adoption is in a child's best interests, the child will often remain in foster care while the state files for termination of parental rights, identifies an adoptive family, or takes other necessary steps to finalize the adoption.

Permanency review hearings: Once a permanency decision has been made, there should be review hearings scheduled regularly and promptly, until permanency is accomplished. These follow-up hearings are often pivotal to seeing the permanency decision through to completion. Like disposition review hearings, permanency review hearings allow judges to monitor and ensure overall compliance with the permanency plan.

17. ASFA, §302

18. Ibid.

It is during permanency review hearings that judges should strictly apply ASFA's 15/22 rule. If parents cannot prove themselves capable of safe, responsible, permanent parenting within this timeframe, then child-focused decision-making in the interests of the child require enforcement of the rule.

If reunification was the permanency decision, clear parental progress should have been made to return the child to the home before the first review hearing. If such progress is lacking, the court should seriously consider changing the permanency decision. Similarly, if adoption was the permanency decision, the court should determine at the first review hearing whether the state has filed a petition for termination of parental rights, whether a termination of parental rights hearing has been scheduled, and whether the petition for adoption has been filed. If the state has not taken these steps, the court should order the caseworker to follow through with these child welfare system responsibilities, and the court should schedule another review hearing to be held within a matter of weeks.

With rare exceptions, the 12 months allowed by ASFA should be the upper limit for determining the permanency plan.

The judge should also determine whether efforts are underway to identify an adoptive home for the child and whether appropriate training, screening, and paperwork completion has occurred. The court can and should take steps to promote efficient communication between the state foster care and adoption units, which are usually separate and distinct, to avoid unnecessary delays and expedite the adoption process.

Challenges to judicial leadership

Courts face challenges to their efforts to ensure timely and safe permanency for foster children, including incomplete case details; inaccurate data; insufficient collaboration among stakeholders; crowded dockets without adequate time to devote to each case; insufficiently trained court staff, judges, and guardians ad litem;[19] and a lack of qualified attorneys for both parents and children. Judicial leaders constantly monitor how well their court system is operating and diagnose causes of delay and dysfunction in order to promote the most effective reforms.

Incomplete and inaccurate information is less likely to be a concern for courts that use efficient data systems, which share information within the child welfare system. Judges can advocate for better data capabilities by partnering with child welfare officials and urging legislatures and executive branch officials to invest in modern and efficient information systems. Courts can also minimize the opportunity for inaccurate and incomplete court records by documenting pertinent case details upon receipt of information from parties and by recording judicial decisions at the time they are made.

The best case goal for a child will not be achieved without effective collaboration among child welfare caseworkers and managers, attorneys for all parties, guardians ad litem, families, and the courts. Regular meetings are a vital way to raise issues of concern before they become serious problems. Judges can spearhead a spirit of collaboration and the efforts needed to find permanency for children by ordering pre-trial conferences to be attended by the family, caseworker, attorneys, and guardian ad litem. Discussion and cooperation are crucial to the smooth operation of the court as well as to the solving of practical problems, which can often be identified and solved at an early stage.

Finding adequate time to devote to each case will always be a challenge. The effective judge will impress upon all participants that deadlines

19. Guardians ad litem are appointed by the court to make recommendations to the judge about what is in the child's best interests. The guardian ad litem is not the child's attorney. One type of guardian ad litem is the Court Appointed Special Advocate (CASA). There are more than 900 CASA offices operating in 45 states, and a National CASA Association that supports state CASA programs and establishes standards that must be met for membership. The Pew Commission on Children in Foster Care recommends expansion of the CASA program.

Judicial steps to permanency for children in foster care

Juvenile and family court judges lead the following process in making permanency decisions for children in foster care:

- *Removal or emergency custody hearing:* Held immediately prior to removal, or within 72 hours of removal, to determine whether there is sufficient cause for removing the child from the home and where the child will reside until the adjudicatory hearing.
- *Adjudicatory hearing:* Held as soon as possible after removal, no later than 60 days after removal, to decide whether the state has proved that abuse or neglect of the child has occurred.
- *Disposition hearing:* Held no more than 30 days after the adjudicatory hearing, to establish the case goal, assign temporary custody of the child, and plan ways to eliminate the abuse or neglect, such as through programs for parents.
- *Review hearing(s):* Held regularly after disposition, to determine whether the parties are following court orders and how parents are progressing toward possible reunification.
- *Permanency hearing:* By federal standards held no later than 12 months after removal, sooner when possible or required as in some states, to decide the permanency plan for the child: reunification, adoption, guardianship, or long-term foster care.
- *Permanency review hearings:* Held regularly after the permanency decision, until permanency is finalized, to monitor and ensure overall compliance with the permanency plan.

and schedules are taken seriously. He will not grant continuances without serious cause. Judges can also require caseworkers, attorneys, and guardians ad litem to submit written reports sufficiently in advance of the hearing for review, which include a summary of the case progress with any recommendations about next steps, and additional detail as appropriate. This helps prepare the judge and bring her up-to-date before the hearing begins, which will expedite the process. Pre-trial conferences and similar pre-hearing, problem-solving efforts will facilitate a more efficient and effective hearing.

Court rules should adopt the "one judge-one family" model, according to which the same judge oversees a case from beginning to end. More time may be made on the docket by establishing a staggered courtroom schedule, and establishing the standard that each case has a set amount of time devoted to it.

Caseworkers, attorneys, guardians ad litem, judges, and court personnel need to receive comprehensive, ongoing training so they can perform their functions competently. Abuse and neglect cases are complicated matters that require an understanding of complex issues, such as healthy child development, the challenges of substance abuse, and constitutional guarantees. Court systems should establish and offer interdisciplinary workshops to instruct participants on a wide range of issues, including the most common causes of child abuse or neglect, recidivism, effective social services, and various challenges to the timely and permanent placement of children in foster care.

Ensuring adequate legal representation for the child welfare system, the parents or other caretakers from whom the child was removed, and guardians ad litem is also a challenge. Family courts and state bar associations are often unable to recruit and retain effective child abuse and neglect lawyers: expectations are high, case loads are excessive, and compensation is minimal. While there are national standards pertaining to adequate legal representation in child abuse and neglect cases that have been established by both the American Bar Association and the National Association of Counsel for Children, compliance is inconsistent.

The judges NCFA interviewed felt that chief justices and other influential judges should advocate for additional financial resources and

other supports to enable attorneys to receive fair compensation and have more manageable caseloads. At the same time, judges should promulgate court rules that require the regular training, testing, and certification of family court attorneys. Judges must take into account an attorney's experience and qualifications before appointing him to represent a child or parent in a particular case. Does this lawyer pursue continuing education in an area specific to family and child welfare cases? Does he or she attend trainings held at the court for child welfare specialists, caseworkers, and family court attorneys?

It is important to note that no amount of collaboration between the court and other stakeholders can or should impact the impartiality of the judge in his role as the decision-maker. Judges must evaluate every case individually and make the final determination as to what is in the child's best interests, in accordance with the law. However, a judge cannot feel confident in these decisions without access to accurate information, confidence in the quality of legal and other representation afforded to children and parents, and the cooperation and coordination of the various parties involved.

Notwithstanding all these challenges, the effective judge makes no excuses, either for herself or for others in the system who are responsible for serving vulnerable children in foster care. As the legal authorities and superintendents of the child placement process, it is up to judicial leaders to produce excellent results for the children, no matter what the challenges.

Essential information for sound decision-making

To be an effective judicial leader, the juvenile and family court judge should routinely collect and evaluate information about case details and about all involved parties. Critical information is contained in the court file, the child welfare case plan, and reports of the parties. Judges should, of course, review the court file before each hearing. Depending on the stage of the case, the file may include petitions filed by one or more parties; court-required reports from the parties; previous court orders; relevant procedural documents, including hearing notices and service of process affidavits; and reports from physicians, psychologists, counselors, and teachers, as appropriate.

At the emergency removal hearing, the only information will likely be the emergency custody petition that identifies the reasons for removal. By the time of the adjudicatory hearing, the file should include additional documentation about the allegations of abuse or neglect, identification of all necessary parties, and documentation about efforts to locate and ensure representation of any missing parties who may have rights in the case.

Before making any decisions regarding case goals or permanency planning, judges should know the history and circumstances of the child and family, vis-à-vis court involvement. There may be prior court orders involving the child and family, whether abuse-related, neglect-related, or otherwise. A child may have a history of truancy, which is recorded in a separate court file. The information could be relevant to sound disposition and permanency planning, but the court might be unaware of the history if the only information provided is the circumstances of the removal. Judges should also be aware of prior efforts to keep the family together, what was accomplished, and what is still to be carried out, some of which may appear in past petitions and orders.

Juvenile and family court judges should have ready access to the state agency's child welfare case plan before making any decisions about the best case goal, appropriate steps to realize the case goal, whether to change the case goal when determining or reviewing the permanency plan, and how to finalize permanency. The case plan should include social, psychological, and medical screening and/or evaluations of the parents and child, as appropriate; a list both of needed services to achieve reunification and of available community resources to provide the needed services; documentation of services actually offered to the parents and other details about the state's efforts to facilitate reuni-

fication; and evidence of early concurrent planning, in the event that reunification is not successful.

The child welfare case plan should outline the progress toward achieving the case goal and permanency plan, particularly with regard to the parents' progress. Are the parents attending the necessary parenting and anger management classes? Has the parent tested positive for drug use? Is the father visiting the child, as provided for in the court-approved case plan?

A judge also needs to be updated regularly on how the case plan is being implemented with respect to the child's well-being. How is the child adjusting to the foster family? How is the child doing in school? Has the child been permitted to visit her siblings? If visitation is not an option, what is this child's capacity to thrive without the attachments of the biological family? All of these factors could be relevant to the permanency decision. In the case of a child who is not adjusting to a foster-to-adopt family, an alternative foster family may be sought. In the case of a child with significant ties to his siblings, the information may help guide the judge in choosing the appropriate permanency option.

It is during permanency review hearings that judges should strictly apply ASFA's 15/22 rule.

Unless the judge knows how the child is doing psychologically, medically, and academically, it will be difficult to ascertain whether the child's needs would be best served by the biological parent(s), or in an adoptive, or other, placement. It can be difficult to obtain precise and accurate information about the child's well-being. A judge must be relentless in asking about the child's well-being at every single hearing, with every single case, and not rely solely on the child welfare file or court record.

Valuable Sources of information

A child, especially an older child who has achieved a certain level of maturity, will be a primary source of information for a judge, and the judge should make a point of speaking to the child at every opportunity. In addition to the child, judges should gather information from a variety of sources in making decisions that affect children in foster care, particularly permanency decisions. Judges benefit immensely from the information provided by the guardian ad litem, attorneys, foster family, and parents.

The role of a guardian ad litem is to make recommendations to the judge about what is in the best interests of the child. The competent guardian ad litem will not only know the child well, and have gained his or her confidence, she will have taken the time to interview the parents, other relatives, foster parents, teachers, doctors, and any other adults who have a significant relationship with the child. She will have visited the child's home, school, and foster placement setting on multiple occasions. Guardians ad litem can help articulate to the court the child's wishes as to permanency and provide the judges with valuable "context" to consider in making permanency decisions. In most cases, the child will want to return home. The information gathered by the child's guardian ad litem through interviews, home visits, and school documentation will help the judge weigh the child's wishes against factors that affect his or her safety and well-being.

Of all participants in a child abuse or neglect matter, attorneys are in an influential position to affect case progress, for better or worse. When attorneys make arguments to the court, provide written reports, and respond to a judge's questions, they will, if they have been trained and understand their duties, do so in a more informed and sophisticated manner than will the parties themselves. Attorneys can educate clients about relevant considerations and encourage appropriate collaboration with the other participants.

Though attorneys represent a particular party, their professional obligations and training require that they know the perspectives of all parties and the reasons behind these points of view. For example, attorneys for the state agency know and advocate for the caseworker's

and case manager's wishes. But in doing so, the attorney should communicate with the parents' attorneys and the child's guardian ad litem. The judicial leader sorts through the various interests in play and makes her determinations based on the child's best interests.

Finally, a child's foster parents can provide valuable information to the court, information that should be taken into account in the judge's decision-making. The foster parents live with, observe, and interact with the child on a daily basis. They are the adults who spend the most time around the child during the permanency process. Foster parents will have a sense of the child's emotional well-being at school, at home, and before and after his visits with his biological parents. They can provide a wealth of information about the child, if asked to participate in the legal process.

Notwithstanding all these challenges, the effective judge makes no excuses, either for herself or for others in the system who are responsible for serving vulnerable children in foster care.

Importance of Judicial Decorum

The overall tone of the courtroom can be affected by a number of factors, including the judge's timeliness, consistency and ritual, high expectations, insistence on preparedness, and close, personal examination of all important issues. First and foremost, judges must afford all participants the same dignity and respect. At review and permanency hearings, when decisions must be made, a judge should be welcoming and offer all parties, including the children, the opportunity to speak and answer questions.

The judge should be clear and consistent in articulating her requirements and deadlines, and can set the expectation of practice by establishing local court rules. When there is more than one judge in a jurisdiction, it is important to maintain consistency among the judges. Attorneys and other advocates will become confused or miss deadlines if there is no uniformity of expectations among the members of the judiciary.

If a judge appoints a guardian ad litem or an attorney for any party, she should clearly explain that she expects excellence and initiative; she does not want them simply to "rubber-stamp" the agency's recommendations. They should appear in her court only after they have familiarized themselves with the child's history, done the necessary research, and gathered all relevant information about the case.

Judicial leaders should require attorneys representing the parents and the state to hold pre-trial conferences in which the guardian ad litem and family participate. They should insist that attorneys enter the courtroom fully prepared to make arguments on their client's behalf. And they should expect guardians ad litem to be prepared to make recommendations as to what they believe is in the child's best interests, based on evidence they have gathered firsthand. To facilitate these preparations, the judicial leader should require all parties to provide written case updates in advance of the hearing.

Conclusion

In the Deficit Reduction Act of 2005, Congress recently enacted three positive initiatives to promote judicial leadership and improved court performance. These measures, which are supported by the National Council For Adoption and the Pew Commission on Children in Foster Care, are: $50-million in new grants over five years for the establishment and use of performance measures for juvenile and family courts; $50-million in new grants over five years to provide for training of judges, attorneys, and other personnel in child welfare proceedings; and new requirements that courts, agencies, and tribes demonstrate "substantial, ongoing, and meaningful collaboration" in administering child welfare services.

During the last decade, policies implemented at the state and federal levels have ushered in positive changes for children residing in foster care. However, with more than half a million children in foster care, with an average

age of ten, there is clearly much more work to be done. As the legal superintendents and authorities over the child placement process, juvenile and family court judges are entrusted with the vital leadership responsibility of ensuring right and timely placements for children in foster care.

Judicial leadership is absolutely crucial to provide foster children with appropriate case goals and permanency plans, and to ensure a just and timely permanency process that incorporates all the necessary information for sound permanency decisions. It is encouraging to see the growing enthusiasm and sense of urgency among many dedicated judges to serve this cause, as exemplified by Judges Salyers, Rideout, and FitzGerald.

About the judges

The Honorable Nancy Sidote Salyers has spent her entire legal career working on behalf of children and families in crisis. During her five years as presiding judge of the child protection division in Cook County, Illinois, she initiated and led an unprecedented model of collaboration and innovation with the Illinois Department of Children and Family Services. Her passion and hands on style are evident in her work as a nationally recognized speaker on the topic of system reform and collaboration. Judge Salyers has received numerous awards for her results-oriented leadership, including the Jane Addams Award, National CASA Judge of the Year Award, and the Adoption 2002 Award for Judicial Excellence. She has served as trustee and as faculty for the National Council of Juvenile and Family Court Judges. Now retired from the bench, she co-directs Fostering Results, a national, nonpartisan education and outreach initiative funded by The Pew Charitable Trusts.

The Honorable Stephen Rideout retired from the bench in July 2004, after fifteen years as chief judge of the Juvenile and Domestic Relations District Court in Alexandria, Virginia. He was lead judge for the Alexandria Model Court, which was established in 1995 as part of the Child Victims Act Model Courts Project. Judge Rideout served on the National Council of Juvenile and Family Court Judges' board of trustees for three years. Judge Rideout has received several national awards for his service on the bench, including the 2004 National CASA Judge of the Year, the 2003 U.S. Department of Health and Human Services' Award of Excellence for Adoption, and the 2005 Mitch Windell Jurist Award from the AAICPC for his work on the Interstate Compact on the Placement of Children. Currently he is a consultant to a number of national organizations on juvenile and family court matters, including the American Bar Association, the National Drug Court Institute, and NCJFCJ.

The Honorable Richard FitzGerald is a senior judge of the Commonwealth of Kentucky, and has served as a district judge and special circuit judge since assuming the bench in 1975. He was assigned to the Kentucky Family Court Project in 1991, and served as chief judge of the project from 1995 to 2000. Judge FitzGerald has advised the National Association of Counsel for Children, the National Council of Juvenile and Family Court Judges' family violence department, and the Child Welfare League Committee on Child Protective Service Standards. He has served on NCJFCJ's board of trustees, and is the past chairman of NCJFCJ's permanency planning committee. Judge FitzGerald has also served as adjunct faculty for the University of Louisville School of Law and for the NCJFCJ, and has been a visiting professor at the Child Law Center at Loyola University. He currently serves as a judicial educator and consultant to court improvement projects.

Acknowledgement

The National Council of Juvenile and Family Court Judges (NCJFCJ) published the referenced Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases, cited above for best practices vis-à-vis the timing of hearings. NCJFCJ was founded in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts. The organization's mission is to "improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our na-

tion's children and families." NJCFCJ publishes many "best practice" guidelines, bulletins, and manuals, and regularly provides technical assistance to court systems. NCJFCJ often collaborates with other juvenile and family court experts, such as the American Bar Association's Center on Children and the Law and the National Center for State Courts, to compile and disseminate useful research and publications.

18 | Performance Measures for Courts:

The Next Step in Foster Care Reform

By Thomas C. Atwood and Virginia C. Ravenel†

Working with the public child welfare system, it is the responsibility of juvenile and family courts to ensure right and timely placements of foster children with loving, permanent families. With more than a half-million children in foster care, this is a daunting task. The legal issues are complex, the caseloads enormous, and the resources limited. The interests of children in foster care can also at times be compromised by high turnover and lack of training of judges and court administrators, by a lack of judicial understanding and urgency regarding the interests of foster children, and by intransigence in adhering to the goal of family reunification, even when there is no real family to preserve. Despite the good intentions and diligent efforts of many family court judges and administrators, courts are often not living up to their responsibility to ensure foster children's safety, permanence, and well-being. Performance measures for juvenile and family courts can help provide both the understanding and the accountability necessary to promote court improvement.

Since 1997, the Children's Bureau of the Department of Health and Human Services (HHS) has collected nationwide data on children living in foster care through its Adoption and Foster Care Analysis and Reporting System (AFCARS). According to FY02 data, 532,000 children resided in foster care on September 30, 2002. Of these youth, 126,000 were waiting to be adopted. Additional AFCARS data paint a bleak picture for these children who have been victims of abuse or neglect. What is a system meant to provide temporary care has evolved into one in which hundreds of thousands of children languish for two, three, and even four or more years. The FY02 data reflect that:

- Of the children in foster care on September 30, 2002, 87,964 had been there for five years or more.
- Of the children available for adoption in FY02, i.e., those whose parents' rights had been terminated, 25 percent—almost 31,000—had resided there continuously for five years or more.
- 19,509 children "aged out" of the system in FY02, never finding a permanent home.
- Of the children exiting foster care in FY02, 24,434 had resided in state care for 60 months or more, while 28,302 had been there between three and four years.

Family and juvenile courts make daily decisions about whether a child is safe where the child resides; the necessary services to facilitate family reunification; and how long to allow caregivers to resolve parenting shortcomings before determining that the best interests of a child dictate another permanent setting. Courts should seize these opportunities to improve outcomes for foster children. Because the public has a stake in the welfare of all citizens, particularly those without the benefit of stable home environments, it has the right, and the need,

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to know how well court systems are performing their duties.

Performance measures are fundamental to promoting and spearheading court improvement. In the first instance, they are essential to enabling judges to identify the barriers facing their courts so as to design effective system changes. They serve also the valuable purpose of informing and empowering policymakers, the media, communities, and families to hold family courts accountable for their performance in serving children in foster care. It is a basic management principle that "one can only expect what one inspects." The fair exercise of accountability improves everyone's performance, including family court judges and administrators.

Performance measures for juvenile and family courts can help provide both the understanding and the accountability necessary to promote court improvement.

Historically, neither courts nor child welfare systems were held accountable for how well they served children. Beginning in the 1990s, Congress and state legislatures saw fit to evaluate the effectiveness of state child welfare systems, as a way to promote accountability and improve performance. The Children's Bureau instituted the AFCARS in the mid-1990s. Then, Congress passed, and President Clinton signed, the Adoption and Safe Families Act (ASFA) in 1997, which introduced deadlines for permanency decisions and established financial incentives for states based on the number of finalized adoptions in a given year. States enacted legislation consistent with ASFA. The Children's Bureau published the ASFA-mandated national child welfare outcomes. More recently, HHS has begun to evaluate state child welfare systems through Child and Family Service Reviews (CFSR).

Common to all of the above are performance measures. For example, AFCARS requires states to collect data on the average length of stay in foster care, while ASFA mandates there be a permanency hearing within 12 months of entry into care. The last decade has seen positive changes within the child welfare system. Adoptions have increased since ASFA's enactment, rising from 31,000 in 1997, to an average of 51,000 per year from 2000 to 2003. The first series of CFSRs have identified shortcomings in state child welfare systems. While it is too soon to evaluate the effectiveness of the state Program Improvement Plans (PIP), required to address noted weaknesses, the CFSRs have provided guidance to states on priorities for system changes.

Performance measures have also shed light on the reality that the challenges facing foster care reform require real collaboration between, among others, foster care agencies and the judiciary. Neither system has the capacity to solve, on its own, all problems. For example, the CFSR measures pertaining to time in care until adoption and time in care until reunification reflect on the performance of both the public foster care system and the courts.

Performance measures for family and juvenile courts is an idea whose time has come. Thanks to ASFA and AFCARS, performance measures have proven effective in promoting better performance by state foster care agencies. Performance measures are as important to court improvement as they have been to child welfare system improvements. In its important May 2004 report, Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care, the Pew Commission on Children in Foster Care identified court performance as one of two key factors that unnecessarily delay the time that children live in state care. As was and continues to be the case for child welfare agencies, effective reform begins with attention to current practice. Performance measures enable courts to determine objectively their strengths and weaknesses, and provide the public information with which to ascertain how well their judiciaries are meeting the needs of children in foster care.

Court performance measures will:

- Raise public awareness of how well courts are doing in finding right and timely permanency for children in foster care.

- Inform policymakers, legislators, and the judiciary about needed reforms.
- Guide judges and court systems regarding key performance indicators.
- Guide judges and court systems regarding priorities for system changes.
- Provide data that judges and courts can use to demonstrate the effectiveness of system changes.

Models for court improvement

A significant amount of experience has been obtained since the early 1990s about effective models for court improvement in providing right and timely permanence for children in foster care through the Model Courts, managed by the National Council for Juvenile and Family Court Judges (NCJFCJ), and the Court Improvement Program (CIP), managed by the Children's Bureau. NCJFCJ coordinates 25 Model Courts in 21 states and the District of Columbia. Every state, as well as Puerto Rico and the District of Columbia, has at least one CIP.

The Model Courts and CIPs have enabled courts to test reform efforts. Key to models for change is an in-depth analysis of how well systems and processes are already serving children. Participating courts have allocated resources for thorough self-studies in order to identify factors affecting the time children spend in state care. According to these studies, effective strategies for court improvement require:

- Judicial leadership
- Efficient case management
- Information systems
- Collaboration with the child welfare system and other stakeholders.

Following is a discussion of these strategies, with examples of reform efforts that have employed them.

Judicial leadership: Successful court reform requires leadership from the top. Consider the Model Courts. These projects structure themselves around a Lead Judge who coordinates with a NCJFCJ Model Court liaison. It is the Lead Judges who facilitate, in large part, the annual National Council Model Court "all-sites" conference, at which judicial leaders from across the country learn from one another's experiences.

Model Courts that face challenges to reform implementation have cited judicial leadership as a factor. The Charlotte, North Carolina Model Court noted recently that transitions in judicial leadership were a recurring challenge. Appointed in January 2003, the current Charlotte Model Court Chief Judge, the Honorable Louis A. Trosch, Jr., is now leading the court forward on previously established initiatives, such as evaluations of judicial workload and court performance. Judge Joseph Lauria, Administrative Judge of the New York City Family Court and Model Court Lead Judge, has embraced the need for change. Under his direction, the New York City Model Court formalized training in 2003, to address a wide variety of issues, including the "Babies Can't Wait" initiative. As part of the initiative, county specialists trained judges and court personnel on the medical and psychological needs of infants. That same year, Judge Lauria unrolled mediation training, borrowing from the experiences of the Buffalo, New York Model Court.

CIP initiatives, too, have paved the way for successful reform, for example, in the states of Virginia and Oregon. Virginia's CIP uses Best Practice courts to promote statewide reform, while the Oregon Juvenile CIP has instituted a judicial mentorship program. After beginning in 2002 with one court, the Alexandria Model Court, Virginia's initiative has expanded to 25 courts, as of November 2004. Judicial leadership has been key to its success. The CIP uses Best Practice Courts judges to grow the program. The CIP hosts meetings attended by Best Practice Courts judges, along with other courts interested in learning more about the program. Two 2003 trainings focused on: (1) how to find permanency for older adolescents; and (2) ways to improve and expedite the courts' consideration of child abuse, neglect, and foster care cases.

Recognizing the central role of judges for successful court reform, the Oregon Juvenile CIP has begun a judge mentorship program,

where a champion judge supports new judges or those who infrequently hear child abuse and neglect cases. While the CIP has not yet formally evaluated the mentorship program, which is in its nascent stages, participant feedback has been encouraging.

Outside the context of the Model Court and Court Improvement Project systems, New York's Chief Judge Judith Kaye has orchestrated the "Adopt Now" initiative statewide, which focuses urgency on the job of making adoptive placements for the children who are free to be adopted. The initiative requires the collaboration of local child protection services, the state Office of Children and Family Services, and family courts across the state. As a result of these efforts, New York State has decreased by 38 percent the number of children in foster care waiting to be adopted, over the past ten years. In the past two years, this population has been reduced by 17 percent. According to its Administration for Children's Services, New York City alone finalized 1,299 adoptions in 2004, and 1,618 in 2003. There are currently 4,970 children eligible for adoption in the state of New York.

Case management: Efficient case management is essential to avoiding protracted review processes and ensuring foster children right and timely placements. When a court is self-disciplined in its case management, child welfare workers, attorneys, court-appointed special advocates, and court personnel understand expectations and tend to be more cooperative in performing their responsibilities. The failure to establish case management protocols, or to adhere to the same, makes it difficult to monitor cases with regularity. Cases are overlooked, the efforts of biological parents or legal caretakers go unnoticed, families do not receive needed services, statutory deadlines are missed, and children languish in foster care.

Courts have undertaken a variety of strategies to promote efficient case management. Prepared by the American Bar Association's Center on Children and the Law, in collaboration with the US Children's Bureau, the current National Court Improvement Progress Report and Catalogue reports the use of case managers, court coordinators, attorney advisors, mediators, and other court staff to help processes operate more smoothly and expeditiously. For example, an Ohio CIP uses court improvement funds for a Family Law Education Manager. This manager trains court personnel on issues such as ASFA compliance and serves as a liaison to the state's child welfare agency.

The One Family-One Judge concept—that a single judge is assigned to hear all matters pertaining to a particular child—is another way to facilitate better case management. The judge is already familiar with the case history and aware of any relevant family circumstances. With one judge, there is more efficient use of court time and resources; continuity in decision-making; the opportunity for families to get to know the judge, and vice versa, making for a more facilitative process; and a greater sense of judicial ownership, which heightens diligence and accountability.

Information systems: Accurate and complete data are necessary to ensure safety, permanence, and well-being for each child, because information is essential to all aspects of case management and performance measurement. Courts must be able to track and access a variety of data, including hearing dates, time in care, number of continuances, and more. Without this information, the courts cannot identify their problem areas, develop strategies for improvement, or ascertain whether reform strategies are working.

The State of Utah provides a useful example. Responding to the mandates of federal statutes, including ASFA, and also to a federal consent decree that ensued child welfare litigation against the state, the Utah court system undertook intensive reform efforts. Among the improvements, Utah established a number of data management systems—within the courts, the child welfare system, and the attorney general's office. It was only with these capacities that Utah could measure empirically the quality of court performance, as it did in its 2002 report: An Evaluation of Utah Court Improvement Project Reforms and Best Practices: Results and Recommendations.

Written to evaluate court systems statewide, the report answered eight evaluative questions, comprising more than 20 measures. Many of the measures drew on empirical case data. For example, to answer the question of how timely courts were completing the steps in child welfare cases from preliminary protective hearings through permanence, the report presented, among other data: (1) the percentage of cases that met the statutory deadline of a preliminary protective hearing occurring within 72 hours of removal; and (2) the percentage of cases for which the court continued the original preliminary protective hearing to a later date. Utah could not have done this without intelligent data management practices.

Data management is also central to Kentucky's efforts to decrease the time children spend in foster care. Pursuant to state law and with CIP funding, Kentucky uses Citizen Foster Care Review Boards (CFCRB) to facilitate data collection and reporting. Comprised of citizen volunteers, these boards review cases regularly until a child exits state care, and gathers information from the reviews, which is housed in a tracking system. This data forms the basis for a mandated annual report. The FY2001 CFCRB report, published in 2004, presented a wide range of information, including average length of stay; length of stay by age; permanent placements, by type; and number of cases with changing placements more than three times within a six month period. Also, according to the report, data quality and content improved dramatically in recent years, due to coordination with the child welfare system, whose own data management system allows access by the court system.

Collaboration: Healthy collaboration among the courts and other key stakeholders is a precondition to successful foster care court reform. Family and juvenile courts cannot effectively perform their child welfare duties in isolation. They must collaborate with, and engage the participation of, many stakeholders, especially state foster care managers and workers. Reforms to information management capacity and case management practices require relationships built on trust and cooperation. Courts must, of course, maintain impartiality, but they need to do so while working with the child welfare system to achieve timely permanence for children in state care. It is the child welfare system that has access to many facts of the case, such as the circumstances of a child's environment. And it is the courts that review the facts to make decisions about where and with whom a child should reside.

It is a basic management principle that "one can only expect what one inspects."

The Los Angeles, California Model Court, which serves a population of approximately 10 million, provides a model for judges trying to enhance effective collaboration. Beginning with the opening of the Edmund D. Edelman Children's Court in 1992, Los Angeles has placed importance on operating a child-sensitive facility. Collaboration with key stakeholders has been an important part of the Model Court's substantial progress in achieving this objective. The court collaborates with others to offer numerous services within its walls, including: CASA, the Juvenile Court Mental Health Unit, the Children's Law Center, and the Los Angeles Unified School District Liaison. In addition, the Juvenile Court has attorneys dedicated to specific courtrooms; advocates usually represent a child for the entire life of the case; and counsel for the state welfare system assigns attorneys to

dependency courts, as does the Children's Law Center, which represents the child. All of these efforts require cooperation and collaboration.

The Chicago, Illinois Model Court is another example worth considering. Illinois' Cook County Circuit Court is the world's largest court system. Nevertheless, its Model Court has had amazing success, which can be attributed, in part, to better collaboration of key stakeholders. Like Los Angeles', Chicago's Model Court relies on the cooperation of the major stakeholders, namely the Illinois Department of Children and Family Services, the Public Guardian, the State Attorney, and the Public Defender. In 1995, 58,000 children were under the protection of the Cook County child protection services. In 2003, the caseload had decreased to 13,000. While part of the decrease is attributable to fewer children entering state care, the downward tend is also reflective of better collaboration.

Courts must be able to track and access a variety of data, including hearing dates, time in care, number of continuances, and more.

Other examples of Model Courts and CIPs that are tackling court reform through enhanced collaboration include the Ohio Hamilton County and Miami, Florida Model Courts, and the New York Erie County CIP. The Miami Model Court used interdisciplinary training and other team building exercises to build better collaboration. Ohio's Hamilton County Model Court instituted multi-system collaboration by expanding the availability of substance abuse and related services to working parents to help them access needed support and treatment. Such collaboration is a way to "front-load" services—that is, to make services available from the outset of a child's removal from the home—to enhance the likelihood of timely reunification, and, if not possible, timely placement into another permanent setting. On the other hand, New York's Erie County CIP created staff positions for two project coordinators, one in the court and one in the state foster care agency, who serve as liaisons to enhance collaboration and communication between the two systems.

Recommended court performance measures

NCFA's proposed performance measures for juvenile and family courts are similar to and consistent with those advanced by judges' professional associations, including the National Council of Juvenile and Family Court Judges (NCJFCJ), the ABA Center on Children and the Law, and the National Center of State Courts (NCSC). The following performance measures would assess the timeliness and rightness of family court placement decisions on behalf of children in foster care. While there are many measures relevant to these outcomes, NCFA has selected combinations that are appropriate whatever the challenges facing any particular family court. These should enable judiciaries to evaluate court performance, identify areas needing improvement, and evaluate effectiveness of system changes. Their application will facilitate adherence to federal and state performance requirements.

NCFA's proposed measures will provide useful data for measuring court performance in the areas of timeliness, permanence, safety, and due process. All four of these priorities are vital to effective reform. It is important to note that the truly effective court should score well on all four types of measures. The best interests of children do not allow one of these priorities to be sacrificed for another. Each must be addressed if children are to be well served.

For example, while a court should strive to make timely decisions, it must not do so at the expense of safety, permanence, or due process. Imagine a judge who reunifies a child at the adjudication hearing, despite a prior finding of neglect and a history of substance abuse. While the decision would reflect well on "time in care," its quickness has likely occurred at the expense of the child's safety or the placement's permanence. On the other hand, a court that initiates termination of parental rights (TPR) at the adju-