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Adoption Bills (HB 1526, HB 1529, HB 1524)

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Testimony

Honorable Chairwoman Watson, Chairman Conklin, Children and Youth Committee members,

I am a licensed social worker, a child and family therapist, an adoption educator, and a contributor to nearly one dozen books on adoption. I work clinically in large part on adoption issues with all members of the adoption constellation throughout various stages of the lifespan. My writing and educating work focuses on adoptee empowerment and movement toward child-centered adoption practice that is heavily informed by those who live out the adoption experience. I am a third generation adoptee and have lived the post-adoption experience for over 29 years. I thank you for inviting me to testify on bills HB 1526, HB 1529, and HB 1524.

HB 1526

HB 1526 would reduce the time frame given to new parents considering adoption to revoke consent to adoption, from 30 days to 5 days. The expressed goal of the bill is to allow adoptive parents to proceed with the adoption process with greater ease. In infant adoption, potential birth parents and hopeful adoptive parents have long been viewed as opposing forces with competing interests in providing for the permanency of infants. As a result, time frames for signing relinquishment documents and revoking relinquishment have become shorter in favor of adoption for these children. However, re-centering the dialogue on existing children's rights frameworks provides a better answer.

According to Principle 6 of the Declaration of the Rights of the Child, all children have a right to preservation of their original family, if and whenever possible, as well as the express right not to be separated from their mothers if it can be avoided¹. Adoption is an incredibly complex life experience than can be a positive option for children, but *only* when it is warranted. Postpartum is a stressful time for new parents, and mothers may be particularly vulnerable. Adequate waiting periods before relinquishment documents can be signed and revoked are necessary to ensure new parents can make an informed decision; to greater rid adoption of coercive practices; and to begin lifelong relationships between birth and adoptive parents based on trust and mutual love for the child.

It is for this reason that I advise, in line with recommendations by The Donaldson Adoption Institute², that relinquishment documents not be signed until 4-7 days after birth and that the revocation period for a consent to adoption last several weeks. Therefore, the current legally required revocation period should be lengthened, not shortened, or it should remain unchanged.

¹ UN General Assembly (1959, November 20). Declaration of the rights of the child. Retrieved from <http://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf> [accessed 23 January 2016]

²Smith, S. (2006, November). Safeguarding the rights and well-being of birth parents in the adoption process. Retrieved from <http://adoptioninstitute.org/publications/safeguarding-the-rights-and-well-being-of-birthparents-in-the-adoption-process/> [accessed 23 January 2016]



HB 1529

HB 1529 seeks to expand the living expenses for which expectant parents can receive reimbursement from hopeful adoptive parents. Many pregnant people consider adoption due to poverty or limited connections to community support. It is natural and admirable to want to help a struggling person. This is especially true for hopeful adoptive parents given the possibility that they and the expectant parent may sojourn together in the future life of the child, should adoption be chosen. However, ensuring a child-centered adoption based on children's rights frameworks and beginning adoptive relationships for these children based on an expectant parent's informed decision advises a critical look at this practice.

Although there is only one state that requires new parents to re-pay expenses if they do not choose adoption for their baby, agencies and policies failing to expressly address expectations for repayment may make new parents feel obligated to make an adoption plan. Even when a new/expectant parent is informed of no obligation to re-pay expenses, they may still feel obligated to relinquish—particularly if they developed a relationship with the hopeful adoptive parents during the pregnancy. Any practice in adoption that does not best support Principal 6, such as practices that add unnecessary influence to an expectant parent's decision-making process, should be eliminated.

Therefore, I make the following recommendations. Rather than expanding reimbursement for expectant parents considering adoption, we should expand access to food, personal care, housing vouchers, and Medicaid for any pregnant person. Promoting healthy pregnancies and confident parenting decisions for all benefits everyone. All aid from agencies to expectant parents must be presented with an official statement in writing, and approved by the court, that the recipient is under no legal or moral obligation to provide repayment. Above all, the state should eliminate adoption practices that allow one set of clients of an agency (e.g. adoptive parents) to pay for the services the agency provides to another set of clients (e.g. expectant parents) to avoid ethical and interpersonal conflicts.

HB 1524

HB seeks to expand the availability of counseling to expectant parents considering adoption by requiring each county to provide funds for counseling and requiring adoption agencies to make referrals to approved counseling providers. The decision-making process expectant parents experience when considering adoption cannot be taken lightly. Expectant parents experiencing an unplanned pregnancy may approach adoption in a difficult time of life, and cannot foresee what some birth parents discover in retrospect—that adoption is often a “permanent solution to a temporary problem,” as the common phrase in adoption reform goes.

Being a birth parent is an incredibly complex human experience. Although there are many birth parents who were confident in their adoption decision, even those in fully open adoptions with loving connections to their child and the adoptive family, this does not preclude the inherent grief and loss post-adoption. An unwanted pregnancy rarely yields an unwanted child; placing a child into the care of another is a traumatic experience for many birth parents and is hypothesized to influence a secondary infertility trend observed among this population³. It is not uncommon for birth mothers to experience

³ Andrews, I. (2010). Secondary infertility and birth mothers. *Psychoanalytic Inquiry*, 30(1), 80-93



an overwhelming sense of disenfranchised grief⁴ which may be intensified if the birth mother was coerced or misinformed during the adoption process⁵.

All expectant parents considering adoption should have access to qualified, unbiased counseling to help them safely process the issues that led them to consider adoption in the first place, and to gain an understanding of the complex lived experiences of birth parents as vital to the informed consent process. To avoid ethical conflicts of interest, counseling should be provided by a professional not employed by, reimbursed by, or affiliated with any adoption agency that could potentially facilitate the placement of the infant. Centering adoptions on a child's Principal 6 rights means working to enhance the ability of potential birth parents to make a full informed decision.

Summary

These three bills before the committee today each involve the rights of expectant parents considering adoption, the professional practices engaging these parents, and their potential relationships with hopeful adoptive parents. Little research has been done on the experiences on this underserved and often disenfranchised group of people. A shifting paradigm towards a stronger child-centric adoption demands we place an intense lens on how parents of potentially adoptable children are regarded both legally and professionally in the pre-adoption process. Even our language about these parents must change. This includes our common tendency to refer to expectant parents as "birth parents" before relinquishment documents have been signed which ultimately suggests we have preemptively decided their role in their child's life even before they have.

I have spent the past 29 year living the post-adoption experience and the past 7 years researching it and working with others who live it. Everything that occurs in the pre-adoption process establishes a trajectory that adoptees, birth parents, and adoptive parents must live out for the rest of their lives. Adoption reform is no small undertaking. However those that take up the difficult but necessary task of adoption reform do so out of recognition that adoption cannot serve children as it ought without dynamically shifting and changing with the ways society and family systems change. I commend the committee for prioritizing the changing, complex needs of children and families in legislative matters.

Respectfully Submitted,

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⁴ (2009). Nursing the disenfranchised: women who have relinquished an infant for adoption. *Journal Of Psychiatric & Mental Health Nursing*, 16(1), 27-31. doi:10.1111/j.1365-2850.2008.01324.x

⁵ De Simone, M. (1996). Birth mother loss: Contributing factors to unresolved grief. *Clinical Social Work Journal*, 24(1), 65-76.