

Does Future Contact with Her Child Affect a Birthmother's Choice for Adoption?

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Abstract

This paper examines whether laws which regulate either the amount of information provided to the adoptee or the post-adoption contact rights of the adoptee influences the birthmother's decision to relinquish her child for adoption. At the present time, the debate over opening adoption records continues in many states. Individuals who oppose the opening of records argue that taking away the anonymity of adoption threatens the institution itself. Supporters of open adoption records assert that it is a fundamental right of the adult adoptee to have access to information regarding their origins. Laws regarding open adoption records differ from state to state and this paper attempts to discern the impact of those laws on adoption rates using state-level data. Access to adoption records in each state is classified into active or passive registries for the birthparent, the adoptee, or both. Active registries require one party to register with a public or private agency, and a third party contacts the person being sought for their consent to be contacted or have information released. Passive registries require both parties to register with a public or private agency in order for the match to be made. In addition, abortion rates per state will also be included in the model since it is a substitute choice for adoption.

Introduction

Adoption is an ancient arrangement that has not only been mentioned in the Bible, but also dates back to the Greeks, Romans, Egyptians, and Babylonians. All of these ancient cultures had some form of adoption system to provide parents for parent-less children, or for children whose parents were unable to provide for their care. While the idea of adoption has been around for centuries, adoption only became part of American law in the late nineteenth and early twentieth centuries. It is estimated that between two and four percent of the North American population is adopted, and that one in five persons is linked to adoption in some way (Miall 1987).

While adoption is widespread in the US, controversies over the rights of adopted children, birth parents, and adoptive parents persist. One important debate is the issue of sealing birth records from examination by adult adoptees (Samuels 2001). At the present time, the debate over opening adoption records continues in many states. Individuals who oppose the opening of records argue that it would damage the institution of adoption itself, and claim that fewer pregnant women will choose to give up their children for adoption because anonymity will not be guaranteed (Geissenger 1984). Supporters to open adoption records assert that it is a fundamental right of the adult adoptee to have access to information regarding their origins. It is also often contended that information about the adoptees family medical and genetic history is important to both adoptees and to their future children particularly with the increased success through early diagnosis in the treatment of hereditary diseases.

In addition, “many birth parents continue to be interested in the welfare of the children they released for adoption and favor legislation which would provide the

adoptees the opportunity to seek information about their birth parents” (Geissenger 1984). Laws regarding open adoption records differ from state to state, and this paper attempts to discern the impact of these laws on adoption rates using state-level data. In particular, we wish to examine whether the amount of information an adoptee has the right to access about their birthmother influences the birthmother’s decision for adoption. This paper attempts to uncover the possible link between the extent of an adoptees right to birth record information and contact with respect to a birthmother’s decision to relinquish her child for adoption. A birthmother’s choice for adoption due to inability or unwillingness to care for her child will also be looked at with respect to the choice for abortion, which is a more permanent method of giving up parental rights.

Background

During the early years of American society, no formal procedures existed for recording births. This facilitated an informal ability for adoptive arrangements. During this time, most adoptions were economically motivated and perpetuated by the persistent need for child labor on family farms. With the advent of the industrialization in the United States, massive migrations to urban centers often resulted in a family’s inability to support or care for their children, which often led to adoption. Early adoption statutes made no provision for confidentiality or the maintenance of birth records. As a result, adoptive families and biological parents had no legal protection with respect to intrusions upon each others lives following an adoption.

Most adoptions prior to the mid nineteenth century were privately arranged by the parties involved, and the degree of contact between the birthmother and adoptee was

mutually agreed upon. Some of the first adoption laws implemented included secrecy clauses sealing the adopted child's original birth records and restricting the release of their biological background information. The first significant benchmark in adoption in the United States was a Massachusetts law in 1851 that required no contact between the adopted child and the biological family (<http://library.adoption.com>) but did not, however, restrict contact either. During the early twentieth century, states began moving toward protecting the privacy of participants in the adoption process and began closing court records to public inspection. In the 1930s and 1940s, adopting parents and birth parents identities were typically unknown to each other and would remain unknown under most state laws (Samuels 2001). Most states proceeded more slowly with secrecy clauses regarding adult adoptees access to original birth records. In fact, as late as 1960 "some forty percent of states still had laws on the books recognizing an unrestricted right of adult adoptees to inspect their original birth certificates" (Samuels 2001). It was not until the 1980s that all but three of those states changed their laws to restrict adult adoptees access to original birth certificates (Digest of Statutory Provisions and Administrative Procedures for Adoption as Related to Birth Certificates, Samuels 2001).

In the past few decades, these secrecy clauses have been challenged. A growing national advocacy for greater openness in adoption has encouraged many states to begin "passive and active registries" (Samuels 2001) through which adoptees and birth parents can establish contact if so desired. In addition, with the increase in private adoptions- those not conducted through a public agency- have led to more open communication to and often face-to-face contact between adoptive and birth parents (March 1995). The strongest challengers to the secrecy clauses come from adult adoptees seeking out contact

with their birth parents who express a sense of self completion from their deficient knowledge about their biological origins.

A mother's decision to give up her child for adoption is one that takes significant care and consideration. Through the historic stigma surrounding the adoption concept, open versus closed birth records, and abortion as a substitution for adoption in an unwanted pregnancy, the influencing factors on a birthmother's decision for adoption can be further analyzed.

The Adoption Stigma

Wegar (2000) claims women who have given birth to illegitimate babies have been "poorly treated and marginalized both in society at large and in the adoption process". For many decades, adoption in the United States has been an alternative for mothers unable or unwilling to care for their children. Whether it be monetary reasons or because of a child born out of wedlock, choosing the adoption alternative has not always carried a positive connotation. The mass media has been notorious for creating harmful and biased images of adoption and of adoptees to enthrall its audiences (Wegar 2000). Adoption in the US has in the past held a sort of negative stigma in regards to participants involved, especially for the birthmother. In the 1930's and 1940's most adoptions in the US were illegitimate white children born to teenage mothers. Unwed teenage mothers were often sent off to special birthing facilities to have their babies, usually a fair distance from the woman's home, and then re-entered society once the child had been born and given away. Adoption during that time was usually looked upon as a shameful event, and thus perpetuated the support of closed birth records. In these circumstances thought

pervaded that the birthmothers were shameful about the situation, and that by keeping their identities a secret they would better be able to cope with their decision to give their children up for adoption.

The Open v. Closed Record Debate

Confidentiality has been the rule for adoptions carried out by social agencies. Throughout the historical record of closed adoption records, the reasons most often used to support confidentiality and secrecy clauses focus mainly on protecting adoptees from embarrassing disclosure of the circumstances of their births, and protecting adoptive parents and their adoptive children from being interfered with by the birth parents. By the mid twentieth century, most states had passed legislation sealing adoption records. The main reason surrounding the sealing focused on issues surrounding the stigma of illegitimacy. March (1995) notes that family practitioners in North America used to practice under that idea that it was essential for all biological family ties be disconnected for a successful adoption outcome. Currently, the debate over opening adoption records in many states remains controversial. Supporters of keeping the records sealed argue that opening the records would be unethical exposure for birthmothers who were previously promised anonymity.

“Many birth parents continue to be interested in the welfare of the children they released for adoption and favor legislation which would provide adoptees the opportunity to seek information about their birth parents” Geissenger (1984). Kallen et al. (1990) explored the extent to which the support of open adoption records can be associated with the views of pregnant adolescents. Kallen et al. (1990) suggests that “it may well be that

open adoption policies, which provide birth mothers with more choices and information, can result in greater consideration of adoption by some adolescents who currently decide to keep and raise their babies” (311). Barth (1987) found that pregnant adolescents were supportive of the concept of open adoption and were concerned about not knowing the fate of the adopted child. According to March (1995), birth mothers often exhibit chronic anxiety over the fate of their birth children many years after adoption. Limited information provided at the time of adoptive placement and lack of knowledge of the child’s adoptive family can create “feelings of unworthiness, diminished self esteem and depression” (March 1995).

Often birthmothers find that contact with their biological children helps relieve anxiety and guilt associated with giving up their children for adoption. The study conducted in the article was constructed to consider the birth mother’s perspective on adoptee contact and consisted of a sample of six birthmother interviews. According to the article, the six birth mothers fit the typical birthmother characteristics of Caucasian, single, between the 15 and 19 years of age, attending high school and living at home with her parents (March 1995). All six birthmothers interviewed expressed an unresolved grief over the loss of their child, and a continued interest in the life of the child that they had chosen to give up. Once contact had been established, the birthmothers expressed that in regard to their biological children they were “glad to have met, and were pleased with their contact relationship” (March 1995).

Abortion: An Adoption Substitute

Abortion and adoption are very different legal paths to the same outcome of forfeiting the role of parenting a child. The 1973 *Roe v. Wade* Supreme Court decision made abortion a legal alternative for an unwanted pregnancy. Prior to the ruling relinquishing children for adoption was one of the few options for mothers with unwanted or mistimed pregnancies. A study conducted by Bitler and Zavodny (2002) examined the possible correlation of abortion legalization and adoption rates. According to the article, the decline in the number of adoptions in the early 1970s coincided with the legalization of abortion and that “unmarried white women were much less likely to place their children for adoption in the 1980s than in the early 1970s,” (Bitler and Zavodny 2002) suggesting an increased reliance on abortion. Frasch et al. (2000) also confers that a the number of couples seeking to adopt has increased disproportionately to the number of infants available for adoption due to the greater accessibility to abort pregnancies, and to the shift toward open adoption relationships between birthmother and child. In contrast, Hansen (1980) suggests that despite their greater access to abortion, more unmarried women are choosing to raise their own children which can be seen in the decline of white infants available for adoption. The recent increase in the number of couples willing to adopt in comparison to the decreasing number of infants available for adoption, due to the greater acceptability of abortion and single parenting, Frasch et al. (2000) argues has contributed to the preference of open adoption among mothers who place their children up for adoption.

This paper does not attempt to examine a causal relationship between adoption and abortion, as seen from numerous examples presented that these studies have already

been conducted. It does, however, attempt to examine whether a birthmother's choice to give up her child for adoption or choose an abortion is determined by openness of adoption records and potential contact with the child.

Empirical Model and Data

The data contains observations across the 50 U.S. states for the years 1992 and 1996. Unrelated domestic infant adoptions per state, as well as the total number of unrelated domestic adoptions per state were obtained from the National Council for Adoption's *Adoption Factbook III*. Unrelated adoptions pertain to adoptees who are adopted by non relatives. Next, each state's adoption laws were collected and are classified based on four categories: Active Registry, Passive Registry, Waiver of Confidentiality, and Contact Veto (<http://www.bastards.org/activism/access.htm>). The Active Registry entails one party, either the adoptee or the birthmother, to register with a public or private agency which then contacts the third party for his/her consent to be contacted. The Passive Registry is more confidential such that it involves both the adoptee and the birthmother to register with a public or private agency in order for the match to be made. The Contact Veto category allows a birthmother to register a legal refusal of contact by the adoptee, and can sometimes extend to all lineal relatives and descendents. A Waiver of Confidentiality is the opposite of the Veto, giving the adoptee permission to access adoption information, yet it is a less formal document and is not always honored by the state or agency.

States have the option of having all or none of the four categories listed available to its birthmother/adoptee residents. A series of dummy variables were used for the

qualitative data. Each state received a one if it had an Active Registry for the adoptee, and zero otherwise; same procedure was used to code for the Passive Registry. Some states had both options available to the adoptee, while others did not. Waiver and Veto were scored with a one for any state that had either choice in its statutes, and zero otherwise. Three states have zeros for all four categories, thus they have no provisions over State Adoption Disclosure Laws.

As a comparative substitute, adoption statistics are included for each state in the two designated years gathered from the Center for Disease Control and Prevention's *Morbidity and Mortality Weekly Report*. Other variables included in the study are from *The Statistical Abstract of the U.S.* (percent white and unemployment rates), and the Bureau of Economic Analysis' *Economic Regional Accounts* (per-capita personal income). The percent of the white population is included because white babies are adopted more often than black babies, and may contribute to and/or increase the adoption rate if more white babies are available to be put up for adoption. Unemployment rates are incorporated into the model because they may help explain an increase in children given up for adoption due to a mother's inability to provide for her child. An increase in unemployment rates may increase the number of children put up for adoption, regardless of a state's adoption laws. Likewise, per-capita personal income is added to the model in order to account for another reason why mothers may give their children up for adoption. Decreases in personal per-capita income may increase the number of adoptions as well due to a mother's limited resources to care for her child.

Regression modeling was performed in six separate tests using STATA Statistical Software. Based on the discussion above, infant adoption rates (InfadpPCA) and

abortion rates (AbortPCA) were regressed on Active Registry for adoptees (active), Passive Registry for adoptees (passive), Waiver of Confidentiality (waiver), Contact Veto (veto), percentage of population that is white per state (white), per-capita personal income per state (inc), and unemployment rates per state (unemp). Robust estimators were used in order to correct for heteroskedasticity.

Tables 1a, 1b report means and standard deviations for the dependent and independent variables. Regression results appear in Table 2a, 2b.

Results

Regressions performed showed no significant correlation between variables included. The results show do not show evidence that a birthmother's choice for adoption is affected by State Adoption Disclosure Laws. In 1992, adoptions per 10,000 in population were highest in Alaska (4.3%), Idaho (3.6%), and Kansas (2.6%) and the lowest in Massachusetts (0.15%), Iowa (0.21%), and Colorado (0.22%). However, with the laws regarding adoption disclosure remaining constant, there were three different states with the highest and lowest adoption rates in 1996. Arkansas (3.4%), Utah (2.3%), and Wyoming (2.1%) were the leading states for adoption in 1996, with South Dakota (0.08%), Delaware (0.27%), and Virginia (0.27%) being the lowest. In 1992, the Active Registry for adoptees was significant yet it was not significant in 1996. The Passive Registry did not significantly explain adoptions in either year. Per-capita personal income was significant in 1992 ($t = -1.72$) along with percent white ($t = 1.35$), only when the Passive Registry was not included in the regression. This differential may be explained by the fact some states have both registry options available to residents. In

1996, percent white was again significant, however income was not. State unemployment rates did not significantly explain adoption rates in either year. The results and significance of certain variables concerning adoption rates need to be considered with caution. While some variables were significant, the regressions themselves were not. F-values for each of the four regressions ($F= 1.47$, $F= 1.51$, $F= 0.97$, $F= 0.93$, respectively) performed on the adoption data are too low for any significant conclusions to be made.

States with the highest and lowest abortion rates were the same for both 1992 and 1996. California, New York, and Delaware had the highest rates for both years, and Wyoming, Idaho, and South Dakota had the lowest, respectively. Abortion results found a significant positive relation to income in both years ($t=3.42$, $t=3.12$ respectively) however showed no significant relation to adoption laws, neither Active nor Passive. A one-thousand dollar increase in per-capita income raises the abortion rate by about 15%. F-values for the two regressions on abortions were low and minimally significant, thus results should also be interpreted with caution.

Conclusion

For the years 1992 and 1996, there is no indication that State Adoption Disclosure Laws influence a birthmother's choice to relinquish her child for adoption. While the Active Registry provided a relatively significant explanation in 1992, it failed to do so in 1996, with the same disclosure laws available to expecting mothers. Neither the Active Registry nor the Passive Registry are significant in explaining adoption rates in 1996. The variation of the results could be attributed the regression models themselves not being

significant. While State Adoption Disclosure Laws pose an interesting possibility of having an effect on a birthmother's choice for adoption, there is not significant evidence from this study supporting that assertion.

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Table1a. Means and Standard Deviations 1992

Variable	Observations	Mean	Standard Deviation	Minimum	Maximum
Abort92PCA	50	39.69737	19.35653	6.365592	109.6294
Infadp92PCA	50	1.222305	0.8395855	0.1518438	4.829932
Active	50	0.52	0.504672	0	1
Passive	50	0.44	0.5014265	0	1
Waiver	50	0.16	0.370328	0	1
Veto	50	0.14	0.3505098	0	1
White92	50	85.55	11.59402	34.3	98.8
Inc92	50	2.0033	3.012327	14.559	28.362
Unemp92	50	6.766	1.591253	3	11.3

Abortion Rate: total number abortions/ per 10,000 population 1992

Infant Adoption Rate: total number unrelated infant adoptions/ per 10,000 population 1992

Active: Active Registry for adoptee

Passive: Passive Registry for adoptee

Waiver: Waiver of Confidentiality

Veto: Contact Veto

White: Percentage of the population white per state 1992

Income92: per capita personal income/1000 per state 1992

Unemp92: Unemployment rate per state 1992

Table1b. Means and Standard Deviations 1996

Variables	Observations	Mean	Standard Deviation	Minimum	Maximum
Abort96PCA	50	33.62461	16.8202	4.333333	89.27525
Infadp96PCA	50	1.002815	0.5535994	0.0813008	3.399015
Active	50	0.52	0.504672	0	1
Passive	50	0.44	0.5014265	0	1
Waiver	50	0.16	0.370328	0	1
Veto	50	0.14	0.3505098	0	1
White96	50	84.904	11.72092	33.4	98.4
Inc96	50	23.17952	3.181542	17.702	32.424
Unemp96	50	5.146	1.159558	2.9	8.1

Abprt96PCA: total number abortions/ per 10,000 population 1996

Infadp96PCA: total number unrelated infant adoptions/ per 10,000 population 1996

Active: Active Registry for adoptee

Passive: Passive Registry for adoptee

Waiver: Waiver of Confidentiality

Veto: Contact Veto

White96: Percentage of the population white per state 1996

Income96: per capita personal income/1000 per state 1996

Unemp96: Unemployment rate per state 1996

Table 2a. Effects of State Adoption Disclosure Laws on Infant Adoption Rates

Regression	(1)	(2)	(3)	(4)
Variable				
Active	-1.78** (.330)	-2.05** (0.224)	-0.91 (4.50)	-1.25 (0.155)
Passive	-0.77 (0.378)		0.16 (5.87)	
Waiver	-0.99 (0.320)	-0.78 (0.227)	-0.06 (8.41)	-0.18 (0.173)
Veto	-0.86 (0.216)	-0.7 (0.232)	0.51 (5.44)	0.51 (0.176)
White92	1.35* (0.009)	1.02 (0.009)		
Inc92	-1.72** (0.035)	-1.26 (0.040)		
Unemp92	-0.22 (0.083)	-0.24 (0.083)		
White96			1.70* (0.186)	1.91* (0.006)
Inc96			-0.56 (0.819)	-0.56 (0.023)
Unemp96			1.00 (2.33)	0.92 (0.116)
	n=50	n=50	n=50	n=50
	R ² =0.1586	R ² =0.1410	R ² =0.1044	R ² =0.1039
	F=1.47	F=1.51	F=0.97	F=0.93
	Prob >F =0.2050	Prob >F =0.1993	Prob >F =0.4632	Prob >F =0.4828

Standard Errors in parenthesis

***= significant at 0.01

**= significant at 0.05

*= significant at 0.10

Table 2b. Effects of State Adoption Disclosure Laws on Abortion Rates

Regression Variable	(5)	(6)
Active	-0.79 (5.18)	-0.46 (4.50)
Passive	-0.40 (5.46)	0.24 (5.87)
Waiver	0.53 (9.77)	0.67 (8.41)
Veto	1.00 (6.47)	0.23 (5.44)
White92	-1.38 (0.212)	
Inc92	3.42*** (0.786)	
Unemp92	1.51 (1.76)	
White96		-1.02 (0.187)
Inc96		3.12*** (0.819)
Unemp96		1.63 (2.33)
	n=50	n=50
	R ² =0.4083	R ² =0.3778
	F=3.22	F=2.60
	Prob >F =0.0080	Prob >F =0.0252

Standard Errors in parenthesis

***= significant at 0.01

**= significant at 0.05

*= significant at 0.10