

FINDING KINSHIP IN THE TWENTY-FIRST CENTURY: MATCHING GAY NEW
YORKERS WITH CHILDREN THROUGH ADOPTION AND FOSTERING

by

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Abstract

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by

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This dissertation focuses on how gay New Yorkers go about building families and finding kinship through the adoption and fostering of children. Since the 1990s, the U.S. child welfare system has become increasingly privatized. This has had a dramatic impact on who can adopt and who gets adopted. This research pays special attention to the history of “matching” in American adoption practices and how some gays and lesbians have emerged as suitable adopters despite continuing struggles to gain recognition on other gay rights issues such as marriage. I argue that gay and lesbian New Yorkers who adopt, like their heterosexual counterparts, benefit greatly from the neoliberalization of child welfare services in ways that both positively and negatively affect children in need of care.

Gays and lesbians, particularly white gays and lesbians, have been placed with children through fostering and adoption for the past twenty years, riding a wave of

increasing mainstream tolerance and visibility. This trend marks a tremendous achievement for some gays and lesbians still struggling to gain rights equal to their heterosexual peers. As this dissertation shows, however, matching practices leave legacies of race, class, and gender inequalities intact.

Fieldwork for this dissertation was conducted from 2002 to 2008 in New York City and in Guatemala during the summer of 2003. New York City is known for its overcrowded foster care system and open attitude toward gay family forms. Guatemala became a “hot spot” for gay adopters from the United States for a short period in the early 2000s. Research in these two locales allows for a rich description of the many factors influencing contemporary American adoption practices. Data was collected through recorded interviews with gay adopters and adoption professionals in New York City as well as participation in gay adoption support groups, foster-to-adopt training settings, and numerous adoption-related information events, academic and professional conferences.

Drawing on these experiences, this dissertation shows how some gay New Yorkers have managed to gain recognition as qualified parents to children in need of families, and how they negotiate their identities toward successful adoption placements. It also shows the wide spectrum of possibilities for gay New Yorkers as they approach the adoption of non-biological children, from the adoption of newborns to the fostering of gay teenage youth.

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Chapter 1: Introduction

*Your children are not your children.
They are the sons and daughters of Life's longing for itself.
They come through you but not from you,
And though they are with you, yet they belong not to you.
(The Prophet, Gibran, 1923:8)*

Project Description and Background

This ethnographic study of gay adoption in New York City was inspired by my attendance at two information sessions at the Spence Chapin adoption agency on the Upper East Side of Manhattan. Though I had not planned on focusing on kinship and family research, these meetings piqued my interest as both an individual and as a researcher. Gay family forms are confusing even for professionals in the business of making families. Adoption practices, steeped as they are in the social categories of gender, race, sexuality, and class, shed light on the social reproduction of racism and homophobia in contemporary American society.

With one of the longest histories in adoption and children's placement services in the country, I assumed Spence Chapin would have experience matching gay and lesbian adopters with children in need of parents. Prior to the meetings, I had called to ask about options for gay adopters and was encouraged to attend. Yet the responses to my inquiries at their information meetings led me in circles. I used these early experiences as data for an early exploration of what would become the topic of my dissertation.

Interested in social networking and the Internet, I saw great potential for merging those ideas with my more personal interests in gay family forms. The amount of social and professional networking through information technology utilized in American adoption practices today is remarkable. Throughout the dissertation, I pay close attention

to the role such innovations play in contemporary adoption practices in the U.S., and the ways in which different informational technologies are used to screen and categorize all members of the adoption triad: birth parents, adoptees, and adopters. The Internet and user-friendly computer programs have helped streamline and speed up many aspects of adoption and fostering practices, from on-line photo listings of children available for adoption and foster care, to list-serves for specific social categories of people (gay adopters, single adopters, people adopting internationally), and computer-generated “Dear Birth Mother” profiles created by waiting adopters.

This research looks at how gay adopters in New York City experience the process of adopting as well as the expectations they bring to the creation of family built around the adoption of *non-biological children*.^{1, 2} As I sat in those meetings at Spence Chapin in the spring of 2002, I thought about anthropologist Kath Weston’s *Families We Choose* (1991). Contrary to the flexibility her gay participants experienced in choosing kin, I felt constrained. At the first “domestic” meeting I was told about new trends in “open” adoption and how birth mothers rarely choose gay people to parent their children, and that my chances would be better in the “international” program. At the international meeting I was told that the Guatemalan program had the “least restrictive” criteria for adoption applicants. With the requirement that I apply as a single heterosexual, that program would be my best bet. When I heard the price, in excess of \$35,000 and possibly more once I arrived in Guatemala, I asked what the money was for and to whom it went,

¹ *Non-biological children*, in the context of this study, refers to children not biologically related to their caregivers. This was the phrase most commonly used in the adoption communities I studied.

² This focus on processes and expectations defines the boundaries of my inquiries. Issues related to the experiences of adoptive parenting and fostering post child placement are marginally addressed. Topics such as biological attachment and breast feeding, for example, do not fall within the scope of the present study. This limited focus allows for a more nuanced examination of gay adoption from the perspectives of gay adopters as they negotiate various cultural assumptions.

and no one could answer me. I was also told that as a single lesbian applicant, I should think about their domestic program. And so my research began.

Methodology and Data

I have been actively engaged in the New York City gay adoption community since 2002. As a gay researcher and potential adopter, I consider myself a “native anthropologist” (Narayan 1993) with an insider/outsider status that has served me well in the LGBTQ adoption community.³ Anthropological research on adoption in the US is often carried out by white feminist scholars, many of whom are international adoptive parents. As Toby Alice Volkman points out (2005:18), critical analyses of class, racism, and white privilege may suffer when scholars focus on broad strokes of “culture,” usually the adoptee’s culture, at the nexus of identity and transnational flows. This research takes a more critical view of specific adoption practices, namely, matching adopters and children.

I started my research by looking at adoptions from Guatemala to the United States. By 2003 Guatemala had gained popularity among the gay adoption community in New York City as a promising sending country for international adoptions, especially for lesbians who could pass as single heterosexuals. However, this wave of popularity did not result in any significant number of Guatemalan children placed with gay New Yorkers. Many of them sought other options after hearing about experiences of corruption and reports from other gay applicants that they were being asked for psychiatric documentation proving their heterosexuality in order to adopt.⁴

³ Despite the training I received during this research, I have yet to adopt a child.

⁴ American agencies asked for this documentation on behalf of Guatemalan lawyers facilitating adoptions through the courts. Though the Central Adoption Authority of Guatemala is explicit about their “married

As international adoption programs became less reliable for gay New Yorkers, they began to look locally. From 2004 to 2008, I spent much of my time doing the same. The data for this study come from recorded observations of my experiences participating in gay family and adoption events, monitoring adoption list serves, as well as participating in a gay adoption support group, adoption information meetings, adoption conferences, a foster-to-adopt training course, and numerous casual conversations about adoption over the past six years.

I conducted open-ended interviews with thirty-five participants who fell into three categories: 1) twenty gay direct placement open adopters (some as couples), 2) five gay foster-to-adopt parents (one as a couple), and 3) ten professionals/experts with extensive experience in gay adoption – social workers, adoption professionals, therapists, and various activists. I will present participants’ backgrounds when I introduce their data within the dissertation. However, some important characteristics that helped shape my analysis should be considered from the outset.

The majority of participants in my biggest sample, gay direct placement open adopters, are white European American, middle-to-upper class, and male (14/20).⁵

couples” only criterion, I cannot locate this specific requirement in any written documentation. It would be interesting to know how and why this practice came into effect.

⁵ I use *direct placement open adoption* to refer to informally negotiated adoption agreements facilitated by lawyers in which a pregnant woman agrees to relinquish her child to an adopter(s) upon delivery. After a set time period of one to two months (depending on state laws), legal custody is granted to at least one adopter. No money may be legally exchanged between parties. Adopters may furnish the birth mother with living expenses and pregnancy-related health care via arrangements with lawyers. The degree to which an adoption is “open” depends upon legally documented agreements between birth parent(s) and adopter(s) outlining the frequency and kind of information to be exchanged between parties about the child’s development post-adoption placement. More research is needed to determine how birth mothers benefit from these arrangements and what motivates their decisions to participate in this form of adoption.

Lesbians do not seem to adopt as often as gay men⁶. Generally, lesbians are more likely to give birth themselves, and to participate in second-parent adoptions so that their partners may legally parent their children. This pattern of biological parenting among lesbians supports Lewin's (1993) earlier work which found that lesbian women with children had more in common with straight women with children than with other child-free members of the gay community, and gives context to my suggestion that the ability to reproduce biologically lends lesbian women a purchase on mainstream social acceptance that does not come as easily to gay men.⁷ However, men have other privileges that make them more likely to have access to economic advantages that do not come as easily to lesbians, which lends them a different form of social acceptance. More research comparing male and female privilege with regard to acceptance and parenting is needed to help elucidate these points.

A limited sample size of thirty-five participants follows Andrew Schrank's call for case-based research that reflects "a preinferential attempt to develop the conceptual underpinnings of further social scientific inquiry (2006:23)." In conjunction with extensive time spent in numerous field settings related to gay adoption (see below), this approach pushes the research beyond existing theoretical debates regarding the legitimacy, morality, or exclusion of gay family forms toward a more descriptive task of contemporary gay family forms built through adoption and fostering. Future researchers

⁶ Unlike adoptees, there is no data available on specific characteristics of adopters. This lack of information about who is and who is not adopting makes it difficult for workers in the field to develop effective strategies in order to build and recruit a greater pool of potential adopters.

⁷ I use the term "child-free" to emphasize a woman's decision *not* to have children in contrast to the term "childless". Some feminists perceive "childless" as emphasizing a perceived lack of personhood wrapped up in cultural assumptions tying female identity to motherhood.

will benefit from this approach by building upon this groundwork as they dig deeper into the conceptual topics explored in the present study.

Participant Observation

In order to understand how gay New Yorkers approach, think, and talk about adoption, I became very involved in the gay adoption community. My study reached out to many groups, such as Center Kids and the Wannabe Dads and Moms group at the Lesbian, Gay, Bisexual and Transgender Community Center of New York City (the Gay Center); Family Ties Adoption Agency (a pseudonym); You Gotta Believe!, the Older Child Adoption and Permanency Movement, Inc.; the Bronx Community Pride Center, and various list serves.

I was a participant observer, however, in three main settings: 1) the Wannabe Dads and Moms group for hopeful gay adopters hosted by the Gay Center, 2) a certification course for hopeful foster-to-adopt parents hosted by a small private gay-friendly adoption agency, Family Ties (FT), in Queens, and 3) numerous academic, professional, and community conferences and meetings devoted to adoption and fostering. The participant observation aspect of this research stretched from spring 2002 to fall 2008, with the bulk of recorded interviews occurring during the last year of that period. Over time I have presented my work in both public and academic settings as the subject of interviews for journalists, a presenter at conferences, and a writer for the CUNY Graduate Center's student paper, *The Advocate*. I have also volunteered at many gay family events throughout Brooklyn, Queens, Manhattan, and the Bronx. My engagement with this network of disparate non-profits and activists has heavily

influenced my thinking on the topic of gay adoption in many ways, which I will indicate throughout the text. Due to the high rates of children currently languishing in foster care, more than fifteen thousand, New York City is the east coast hub for scholarly and activist work around issues of adoption and fostering.⁸

In 2003 I received funding from the CUNY Graduate Center Anthropology Department to research international adoption practices in Guatemala. That early fieldwork greatly influenced the later research. At first unsure exactly which aspects of gay adoption to focus on, I considered many perspectives: Guatemalan birth mothers, lesbian adopters waiting to bring their adopted children back to the United States, and American adoption facilitators in Guatemala. I had hoped to document the perspectives of different players from the international adoption sector of gay adopters in the United States. Once in Guatemala, however, I realized that the topic of adoption was so volatile, and the practices so corrupt, that the questions I wanted to ask were lost in the more pressing issues of local poverty and inequality, political instability, and everyday violence. People were interested in my work, though, and I was able to visit secular American-run foster care homes and Catholic orphanages and residential campuses for homeless youth. I found myself welcome there as a white American female precisely because I was also seen as a potential parent to homeless children – despite my stated research intentions. Once directors and facilitators realized that I was not going to adopt, however, they fell silent.

⁸ Unless otherwise noted, adoption and foster care statistics used in this text are taken from the U.S. Health Department's Administration for Children and Families' *Adoption and Foster Care Reporting and Analysis System* (http://www.afterschool.ed.gov/programs/cb/stats_research/).

My other intended target populations, Guatemalan birthmothers and lesbian adopters, were equally hard to access. Guatemalan birthmothers of babies available for U.S. adoption come primarily from indigenous groups – representing some twenty-two different communities with their own discrete languages. Women from all over Guatemala go to Guatemala City hospitals to legally “abandon” babies and “release” them for adoption. From there, babies are often taken to the colonial city of Antigua where Americans can lodge comfortably during the required length of stay – at least two weeks but sometimes several months depending on the court case – before officially bringing home their newly adopted children. The mothers of the babies are not present during this waiting period. They quickly disappear back to their hometowns.

Since 2008 however, due to the enactment of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Treaty) and attempts to curb corruption, birth mothers are called upon to participate more in the adoption process by providing DNA evidence of their status as biological mothers and/or by being present at the final handing over of the baby to the adoptive parents. Both of these measures are intended to ensure that birth mothers are not being coerced into relinquishing their children – a fear of great concern to activists calling for an end to international adoption practices by groups such as Casa Alianza (Covenant House) and UNICEF in favor of local-based solutions to child abandonment and homelessness. The sudden drop in adoptions from Guatemala to the United States since Guatemala’s accession to the Hague Treaty speaks to the high levels of corruption related to the exchange that make it so difficult for Guatemala to meet basic standards for participation in regulated intercountry adoption practices.

It is important to note that adoption from Guatemala occurs strictly between Guatemala and the United States. Finally, after the long-awaited signing of the 1996 Guatemalan Peace Accords, President Clinton sent the UN-backed Hague Treaty to congress in 1998. At this point, due to worldwide concerns about corruption and child trafficking, receiving countries outside the United States, particularly Canada and countries in Western Europe, were already bypassing Guatemala as a potential sending country. A powerful pro-Guatemalan adoption lobbying campaign in the United States helped stall the enactment of the Hague Treaty for ten years. These lobbyists represent what Christine Ward Gailey (2000:43) refers to as “the ‘new’ international adopters”:

The adopters in the sample fit the financial profile of the “new” international adopters – wealthier, nonacademic professionals working through private agencies specializing in international adoption, or lawyers with similarly focused practices. This group was all white and had the highest income levels of any the people [*sic*] I interviewed. [Gailey 2000:43]

This lobbying contingent helped increase adoptions from Guatemala to the United States to nearly 5,000 children a year from a country with an infant mortality rate of 29 deaths per 1,000 births annually.⁹ Though the civil conflict in Guatemala has been officially over for more than a decade, CAFTA, maquiladoras, and forced land evictions have resulted in the intensification of urban poverty, violence, and a full-fledged femicide.¹⁰ Evidence of the exploitation of women in the form of baby trafficking has been clearly documented for some time (Calcetas-Santos 2000).

The CIA’s longstanding involvement with Guatemala has also left its imprint on Guatemalan adoption to the United States. This involvement stretches from the CIA’s

⁹ For the sake of comparison, the World Health Organization’s Global Health Observatory reports that the U.S. has an infant mortality rate of 7/1000 and Haiti at 54/1000 for 2008.

¹⁰ Victoria Sanford (2008) traces the state’s role in perpetuating a legacy of power by terror and the normalizing of gender-based violence rooted in the impunity from the genocide of the 1980s and continuing into the present.

orchestration of the overthrow of President Árbenz in 1954 to continued military and intelligence training throughout thirty-six years of civil conflict and during dictator Ríos Montt's "dirty wars" in the 1980s – in which over 200,000 people were tortured, disappeared, and killed (Schirmer 1998). The alliance between an entrenched U.S. cold war military presence and a deeply repressive Guatemalan military regime helped create both a supply and demand for orphaned babies. Early adoptions of "war orphans" by American military officers, CIA members, and their families during the dirty wars occurred without oversight and were generally seen as an act of humanitarian rescue. More importantly, they served as the foundation for a growing market in babies exported from Guatemala exclusively to the United States (Briggs 2005).

I came across many American adopters in Antigua during the summer of 2003 who were waiting while their adoption court cases were being processed in neighboring Guatemala City. Most were women who had traveled alone leaving their husbands temporarily back home in the United States. I spoke with them primarily at foster care homes where they could visit their soon-to-be-adopted babies and toddlers. Volunteers like me were welcome to drop by to play with children and to help feed the infants.

The foster homes were serene and welcoming, located in the sleepy colonial town of Antigua. Antigua is a tourist destination and depends upon wealthy international travelers for its exceptional economic success relative to the rest of the country. The business of international adoption is important to that success and is openly acknowledged, but closely protected. The directors of the foster care homes I visited, all Americans with adopted children from Guatemala, were well known in the community, and they provided jobs for many local women as child care workers. Although I was

welcome to spend time at three different foster care homes, all three directors asked not to be involved in my study. They feared that whatever I wrote could be used against them in the context of all the negative attention Guatemalan adoptions were receiving internationally.

Eager to speak to a fellow American, waiting adopters were also anxious and hesitant to give details about their adoption experiences while their cases were still in court. Generally speaking, they shared a sense of dread and bewilderment about how they had ended up stranded in such a far away place waiting for a baby.¹¹ Furthermore, adoption cases were being stalled in court throughout the spring and early summer of 2003 on the heels of increased activism against baby trafficking spearheaded by local Casa Alianza director, Bruce Harris. While local newspaper accounts covered the more sensational aspects of the story, from legends of baby organ theft to stories about prostitution and unfit mothers as baby sellers, the legal drama was unfolding on American list serves for Guatemalan adoptions. Waiting adoptive mothers were not immune to surrounding tensions and many of them started to question their own roles in the growing international dilemma. Eventually their adoptions, and any adoptions that had been entered into court before the debates began, did successfully make it through. This pattern of debate, stalling, and eventual approval continued until 2008 when the Hague Treaty was officially enacted. In April 2010, adoptions from Guatemala were stopped altogether due to failure to comply with Hague Treaty protocol.

¹¹ John Sayles, an American film director, made a fictional film depicting the experiences of six American women waiting for their adoptions to finalize in an undisclosed Central American location. *Casa de los Babys* (2003), as the title suggests, is a somewhat derisive account of the naiveté of Americans who enter into complex relationships of global exchange.

Guatemala's Procuraduría General de la Nación (PGN), the country's judicial processing office and Central Adoption Authority for intercountry adoptions, made "proof of heterosexuality" an official requirement for overseas adopters in 2005. I had already been looking more closely at gay and lesbian adopters who adopted domestically, when the PGN made heterosexuality compulsory for overseas adopters, wondering why people were adopting internationally in the first place. Building upon my interest in overlooked children languishing in the American foster care system, I decided to focus on a form of domestic adoption that also bypassed the foster care system, independent open adoptions arranged with pregnant women – what I am calling *direct placement open adoptions*.

Based on my experience attending a gay adoption support group, I found that this particular form of adoption promised potential parents the most control in terms of specifying desired characteristics such as skin color, access to medical histories, and knowledge of the birth parents. This level of control with regard to the specific characteristics adopters hoped to see in their children cannot be achieved through domestic foster care adoptions. Children in foster care are older and identified as having undesirable physical, mental, and emotional conditions, or are infants born to women in various states of crisis, often related to substance abuse. Many adopters imagine foster care children's futures to be unpredictable and potentially negative as a result of their natal and/or institutional backgrounds. People who adopt outside the foster care system seem to believe that their children will fare better.

Amanda, a single white female New Yorker adopting from Guatemala, summed up some of these ideas in a conversation we had leaving an adoption conference at New

York University in 2003. I asked if she had considered foster care, and she replied, “Well, the open adoption programs did not look like a realistic option and the state programs couldn’t match me up.” She was right that it would be difficult, though not impossible, to find a birth mother willing to give her child to a single mother, but I asked her to clarify what she meant by “match me up.”

Amanda: You know, with a healthy white child...I have to be realistic. It’s hard for me to adopt *any* way. The only children they could match me up with would probably be black or Latino.

LH: But you’re choosing Guatemala. Aren’t kids from Guatemala “Latino”?

Amanda: But that’s different...I don’t want my kids to end up like *them* (she pointed to a group of young teens on a corner, presumably Latino). I’m afraid if I adopt here, they’ll end up hanging out with the wrong kids. But if I get my child from Guatemala, it’ll be like a blank slate. They won’t want to hang out with kids like that.

In the space of just a few sentences, Amanda summed up some of the amazingly complex ideologies, fantasies, and fears that drive choices concerning the creation of family. This kind of “blank slate” thinking is just one of many possible reasons American adopters decide to adopt children internationally. Other international adopters may feel motivated by an affinity for a particular country through travel or ancestry, and still others feel that it is a humanitarian act of global charity or obligation for comparatively wealthy Americans to take in the world’s poor. Amanda’s perspective is particularly interesting because it is rooted in cultural beliefs steeped in the power of socialization on the one hand, and biologized notions of race on the other. As a white woman, she may fear that a child from the state system *down* the street will end up like the teenagers she sees *on* the street. Faced with the possibility of not being matched with a child, she assumes the “natural” impediment of skin color while privileging her own ability to

overcome what she also perceives to be a racial category in the case of a Guatemalan-born infant. Even though her child will be “of color,,” the child will come to her as a “blank slate” – somehow purer than the child she might adopt through local foster care. Perhaps her child’s origins will appear to be so foreign to her; she cannot imagine the blood ties visible to her on the streets and subways of New York City. The bureaucratic ties she creates through international adoption are less visible than those created locally precisely because it is so difficult for her to imagine the life of the Guatemalan woman who will give birth to her adopted child.

As I turned my attention to domestic adoption options for gays and lesbians, I found that this “blank slate” mentality also loomed large over every aspect of adoption practices. The degree to which adoptive parents believe they can or cannot influence a child’s life is closely related to their beliefs about nature versus nurture. Gay adoptive parents do not escape this conundrum and neither do the professionals who work with them. The matching that goes on in pairing children with parents is dependent upon the personal and society-wide beliefs of those who are coordinating the matches. This has been true throughout the history of adoption in the United States.

As adoption becomes more “open” and birth parents are more involved in placement decisions, potential adopters clamor to present themselves as ideal parents. Today’s gay adopters find themselves just as likely or unlikely to be chosen to parent other people’s children as straight adopters. This is a great indicator of the extent to which gays are now tolerated in American culture. Some hopeful gay parents take this as an opportunity to build families similar to biological families through the adoption of infants, and others take it as an opportunity to continue pushing the boundaries of

tolerance by taking in older youth rejected because of their gay identities. As they approach the idea of bringing children into their lives, most gay people have little idea what route they will take to build families in this new environment of tolerance for gay parenting. This is a pivotal moment for gay families in the United States as gay parents take advantage of these different opportunities. This study explores some of the complicated issues that arise for potential gay adopters in this new context of tolerance and change.

A Note On Terminology

Being “gay” was the one self-defining characteristic that I used to identify and recruit participants for open-ended interviews for my study. Throughout the dissertation, readers will see the many different ways of referring to being gay that I encountered in my research. None of the available labels for people who lead a non-heterosexual existence in New York City can fully capture every experience of “being gay.” Depending on the individual or the group I was engaging, I often found myself having to adjust my language. While the tag “LGBTQ” (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning) was criticized by some for being too academic, “gay” was criticized for being too masculine, and “queer” for being too political. “Non-heterosexual,” a term used by Aaron Goodfellow (2004) in his dissertation research on gay fathers, is a useful way to indicate any sexual identity outside heterosexuality, identities that this work seeks to address. However, in the interest of illustrating the diversity of self-labeling that goes on within this non-heterosexual population, I will use all of the labels actively used by participants in my study at different times and in different places. In this way, I hope to

chip away at the false binary set up by the construction of the all inclusive category, non-heterosexual, in opposition to a similarly constructed all inclusive category, heterosexual, which is itself experienced in different ways by different people.

In everyday discourse, the terms “adoption” and “fostering” are distinguished temporally. Adoption refers to *permanent* legal placements of children with people who are not their biological parents. Fostering refers to *temporary* placements of children with people who are not their biological parents, until a permanent placement becomes available for them. This distinction is captured in references to adoptable children as “forever” children. Through this research, it became clear that adoption practices in New York City were especially concerned with the needs of adults wanting to parent children and fostering practices were more concerned with the needs of children lacking adult care.

Adoption placements are at once permanent. A child is not placed with adoptive parents until plans for legal finalization in New York City Family Court are arranged. Once a child is placed in an adoptive home, he or she is expected to stay there. Foster placements are made with the intention of placing a child with a family in lieu of an institutional setting with the hopes that he or she will transfer to an adoptive home. It is well known that foster care children often cycle in and out of different settings repeatedly and that the more often they do, and the older they get, the more difficult it is for them to secure permanent placements through adoption.

“Foster-to-adopt” practices, which are less well known to the general public but commonly pursued, place children in need of care with families who intend to adopt them before children are officially deemed “adoptable”. Children are deemed adoptable once a

court terminates the birth mother's rights to her child, either voluntarily or involuntarily. Foster-to-adopt practices are often used to place adopters in search of newborns with children born to women deemed unfit to care for their child at birth. Other variations of foster-to-adopt practices, however, are beginning to emerge. Since the early 2000s, for example, New York City gay family advocates have helped ignite a relatively new trend in foster-to-adopt practices in which gay foster youth are matched with gay foster parents.

The term "non-biological child" is most commonly used in American adoption and fostering circles to refer to children separated from their families of origin. Accordingly, it will also be used in the present study. From a bio-political perspective, however, this term betrays the assumption that the child in need of care is something other than biological. It is as if his separation from his family of origin strips him of biological identity altogether thus leaving him helplessly subject to the state. As this study shows, the child in need of care *is* in many ways subject to the state. However, while alternative solutions to the categorization of children as "non-biological" are equally problematic, "biologically unrelated" for one example, this term demands further critical examination.

"Neoliberalism" is used here to signal the ideology underlying the increasing retreat of state involvement from social welfare and economic regulation responsibilities to be taken up and/or shared by private entities. It is at once cultural, political, and economic. Since the early 1980s, this retreat has inevitably encouraged the creation of private unregulated solutions. Contemporary adoption and fostering practices in the United States, especially in urban centers like New York City that house such a high

number of children in foster care, provide us with a concrete example of neoliberal ideology in action.

Where the state continues to cut social spending, privately run child placement agencies and actors in the legal and medical sectors scramble to pick up the slack. These disparate solutions, like neoliberalism itself, tend to cater to that part of the population wealthy enough to pay for services or be granted the support needed to participate in programs subsidizing the care of children. In the case of direct placement open adoption, for example, we see how some gay white Americans have benefitted from the neoliberalization of child welfare. At the same time, we see how the majority of families of color have failed to experience such gains. Racial and social inequalities continue to loom large in this era of domestic deregulation in ways similar to the era of economic globalization.¹²

Gay Adoption Trends in New York City

The turn of the twenty-first century ushered in an increase in intercountry adoption from countries outside the United States. This started in the mid-1990s, peaked in 2004, and is now in steady decline.¹³ This cycle is the most recent in a historical pattern of “waves” of intercountry adoption to the United States identified by Alstein and Simon (1991) and summarized by Toby Alice Volkman (2005:19 1n.). In her edited volume, *Cultures of Transnational Adoption*, Volkman identifies the present “fourth

¹² See the following for important perspectives on the history and effects of neoliberalism which have informed my use of the concept: Kingsfisher (2002), Katz (2006), Harvey (2007), and Foucault (2008).

¹³ The United States Department of State keeps on-line statistics of intercountry adoptions dating to 1999 (See http://adoption.state.gov/news/total_chart.html). The Evan B. Donaldson Adoption Institute published a detailed overview of statistics and trends in intercountry adoption that covers the previous decade, 1991 - 2001 (See <http://www.adoptioninstitute.org/FactOverview/international.html>).

wave” as having begun with the fall of Romania’s Ceausescu regime in 1989. The three previous waves correspond to other military conflicts and the geographic locations in which they were played out: 1) approximately 6,000 “war orphans” adopted by Americans from Europe (especially Germany and Greece) and twenty-five hundred from Asia (mostly Japan) post-World War II, 2) approximately one-hundred and twenty thousand Korean orphans since the 1950s, and 3) scores of adoptions from Central and South American civil conflicts, especially Guatemala, which have sent approximately thirty thousand children to the United States since 1981, over twenty thousand of them since 2001.

The start of the fourth wave of intercountry adoption from Romanian orphanages in the mid-1990s ended abruptly with a self-imposed ban initiated by the Romanian government in response to negative global attention on the inhumane treatment of abandoned children. At the same time, increased demand for healthy white babies by childless couples in the United States began to outpace the number of healthy white babies available domestically.¹⁴ Programs in China, Russia, and Guatemala emerged as leading sending countries to help satisfy this demand. Ever since the United States enacted The Hague Convention on the Protection of Children and Intercountry Adoption, approved in 1993 but only enacted in 2008, this most recent wave has started to decline. In April 2010, an American adopter sent a seven-year-old Russian adoptee back to Moscow alone on an airplane because she felt that he was “mentally unstable” and a threat to her friends and family (Belkin 2010). Media events like these, and the

¹⁴ Ortiz and Briggs (2003) argue that the “healthy white baby crisis” of the 1990s was culturally produced, based on perceptions of “resilient” overseas and “toxic” American childhoods. Despite the fact that nearly 40 percent of children in American foster care were white at the time, Americans rushed to Romania to adopt children at greater cost and unknown risk than they did domestically. For Ortiz and Briggs, this phenomenon is tied up in the “racialization and biologization of poverty”.

crackdown on intercountry adoption standards imposed by the enactment of the Hague Convention, may well bring this fourth wave to a screeching halt.

Gay Americans started adopting internationally during this fourth wave of intercountry adoption as part of the mid-1990s “gayby boom.” Gay intercountry adopters were especially drawn to China and Guatemala where qualifying criteria for adopters were comparatively looser than those for countries like South Korea, where evidence of heterosexual marriage has always been compulsory. While no sending countries explicitly accept gay international applicants, some do not make heterosexual marriage a requirement. This leaves a loophole open for gay applicants to apply as single, bring babies back to the United States, and create families in committed partnerships or as single parents as they wish.

The U.S. Immigration and Naturalization Service (INS) uses visa-processing documents to keep statistics on “orphans” coming into the country. Information on the number of children coming from specific sending countries, their gender, and basic age groupings is available through the U.S. Department of State website by decade (see footnote above). Demographers interested in intercountry adoption rates praise the United States for keeping such detailed information on international adoptees (Selman, 2000). However, there are no comparable statistics available for *adopters*. As such, there is no way to statistically examine the basic characteristics of those who are adopting internationally – or, for that matter, domestically. The ethnographic nature of my study provides a general idea of what the gay population of New York City adopters looks like and some of the issues that have affected trends in the past ten years.

Gay adopters in New York City who choose to adopt internationally must possess two important resources: finances and knowledge. Intercountry adoption competes with surrogacy as the most expensive way to bring a child into a family. In addition to standard processing fees, which can be anywhere from ten to thirty thousand U.S. dollars depending on the sending country, there are various travel prerequisites that adopters must be able to afford. In some cases, such as Guatemala, applicants are also warned that they may have to “pay extra” to “middle-men” once they arrive. These requirements are changing all the time and may or may not demand that applicants visit countries as far away as China on three separate occasions. All American adopters are eligible for a ten thousand dollar tax credit for the year in which adoptions are finalized to help offset costs.

When I started my research in 2003, China’s international adoption program was showing signs of saturation and rumors abound that qualification criteria for overseas adopters were being restructured. There were not enough healthy babies to satisfy overseas adopters’ demands and reports on the squalid conditions in Chinese orphanages began to proliferate. Overcrowded orphanages and strict population control policies prompted China to get involved in intercountry adoption in the mid-1990s (Human Rights Watch 1996). China’s family policy requires that 1) under the “one-child policy,” families can care for only one child, resulting in the abandonment of countless (usually) female infants, and 2) only childless couples can adopt (Johnson 2004).¹⁵ As a result, China has a waiting pool of infants available for adoption to other countries. Gay and

¹⁵ Johnson describes resistance to these population control regulations through her discussion of *chaobao* or “overquota adoption” practices in rural China. Johnson found that families temporarily adopt out first-born children, especially girls, to extended kin or neighbors while giving birth to another child. The goal is to hopefully give birth to a male, eventually bring the daughter back into the family, and escape fines and penalties when authorities come to inspect villages.

lesbian New York City adopters took full advantage of the steady stream of healthy babies from China available for them to adopt, and until the China program officially closed its doors to single adopters in 2007, gay and lesbian adoption from China was quite popular. In order to maintain the export of healthy newborns to meet international adoption demand, however, adoption experts in the United States suggested that the China program would likely begin reining in on the kinds of people they would accept as qualified adopters, with single applicants being the most likely to be disqualified. In this way, the China program could continue to send out healthy babies to a set number of qualified applicants and ward off growing accusations of baby farming. Gays and lesbians, adept at finding loopholes and predicting changes in adoption policy, began looking elsewhere.

Gay and lesbian Americans who adopt from other countries do so with the understanding that whether or not they are in potential parenting relationships, they must apply as “single” and keep quiet about their sexual identity. In New York, adoptive couples can file for second-parent adoptions once the child becomes a naturalized American citizen, thereby granting the second parent legal guardianship. Though most sending countries do not explicitly bar gays and lesbians from adopting, there is an implicit “don’t ask, don’t tell” policy that runs throughout the community. People who do not feel comfortable with this avoid intercountry adoption altogether. Many of the direct placement open adopters I spoke with cited this practice as one of the reasons they did not seek to adopt internationally.

In the early to mid 2000s, Guatemala emerged as the next go-to sending country for gays and lesbians fearing the change in China’s adoption policy. It too had flexible

guidelines in terms of who could adopt, and allowed for single status adopters.

Unfortunately, Guatemala's intercountry adoption program was notoriously corrupt, and savvy gay and lesbian adopters were suspicious of the fact that it was not compliant with the Hague Treaty because it did not have a U.N. – sanctioned Central Adoption Authority in place to process adoptions. Furthermore, some gay men found that once they arrived in Guatemala, their status as single prompted many questions about their potential for pedophilia. Single women were being asked to submit written evidence, provided by a psychiatrist, proving they were heterosexual.

News of these experiences spread quickly to the local gay adoption community in New York City and Guatemala's status as a top sending country for gay and lesbian adopters was short-lived. Once the United States ratified the Hague Treaty in 2008, all adoption from Guatemala to the United States plummeted. Only 756 children were adopted from Guatemala to the United States in 2009, a precipitous drop from its peak two years earlier in 2007 at 4,727. Indeed, the 2009 numbers fell below the first year for which annual statistics are available, with 1000 children in 1999. Finally, as I mentioned above, all international adoption from Guatemala was stopped in April 2010.

Russia, though open to single adopters, has never been particularly popular with gay adopters. Each sending country has its own set of rules concerning which children are eligible for adoption internationally. Russia's program requires children to be diagnosed with a medical condition in order to be "released" for the purposes of intercountry adoption. Adoptions from Russia therefore involve an extra step, and an extra leap of faith, which often involves rigorous examinations of children by American doctors to help guarantee adoptive parents that stated diagnoses are indeed invalid. Lisa

Cartwright explores this practice and describes the “impossible task of FAS analysis” (2003:84) with regard to fetal alcohol syndrome diagnoses based on the examination of internationally faxed images of infants’ facial images. Many gay adopters in New York City, immersed as they are in the most up-to-date information concerning adoption regulations and policies, steer clear of these kinds of questionable practices.

One psychotherapist, John W., who specializes in counseling gay couples considering children, described gay New Yorkers interested in adoption as “adoption experts” and warned against the possibility of this population putting too much emphasis on *how* to adopt and not enough on the long-term implications of their adoption decisions for their families:

I’m afraid that gay adopters are becoming *too* good at adoption, like adoption experts. Because they are so new to adoption, and so eager, and excited...and I’m not saying they shouldn’t be, it is exciting...but because this is all new to them and because the kind of people who come to me for guidance are so sophisticated and well-heeled, if you will, they want to make sure they get it right. It’s hard for them to believe, and this is mostly from stories they’ve heard from their older friends because they don’t actually experience the prejudice we had to face, it’s hard for them to believe that they even *can* adopt. Especially all the different options they have. So it’s exciting and overwhelming all at once. And they want to make sure they get it right. Straight people would be doing themselves a favor to sit in on a gay adoption group and learn everything we know about adoption. But so much is lost in the process. All this detective work and sharing of information about the pros and cons of this and that method...it’s great that we have this great community that we’ve always had to rely on to get information about gay rights and everything. But adoption is not a right. And it’s not just picking out a cute kid and crossing all the, the, right letters, or you know the saying. Adoption is about bringing children into your lives...caring for children who need care. I worry about these families’ futures. But I really try to focus on these issues in my therapy with these people. And I think we get somewhere.

Further research would be needed to determine whether or not gay adopters know more about adoption than their peers. I have heard the Russian program being suggested and then quickly rejected on numerous occasions at gay adoption gatherings to the point

where it is hardly a consideration. And yet in other settings, for example, at adoption information meetings open to everyone, Russia is considered a top sending country. Despite the acknowledged diagnosis hurdle, it is presently the third-highest sending country to the United States behind China with 1,586 adoptions to the United States recorded for 2009. While there are no statistics specific to gay adoptions, few gay adopters in New York City bring children over from Russia.

The “adoption expert” label for gay adopters is both a blessing and a curse. As John W. points out, an emphasis on how to adopt may overshadow the more emotional and practical aspects of permanent and long-term family shifts that come with the adoption of children. However, much of that sharing of information in community settings does address those issues as well. The Wanna Bees Dads and Moms monthly meetings I attended regularly alternated guest speakers so that professionals, new adopters, and seasoned adopters with older families all had opportunities to share information and experiences. I attended these meetings sporadically from 2003 to 2006 and then more regularly in 2007 and 2008. With an average attendance of about twenty people, two-thirds of which were always male, these meetings did not just provide information on how to adopt, but also on the experiences of raising adopted children as gay parents. And those experiences reveal a population of parents who care very much about the well-being of their children and the difficulties they face in heterosexual society. John W.’s observation, that gay adopters in New York City are in a sense, experts, is true. And as intercountry adoption channels become less available to them, this need to be well-informed and on top of shifting trends pushes them even more in that direction.

Dr. Jane Aronson, who refers to herself as the “Orphan Doctor,” has helped cultivate what I am suggesting is an overlapping fifth wave of intercountry adoption. This wave is rooted in geopolitical shifts spawned by intermittent constraints on local resources in countries experiencing different forms of civil conflict. In a public talk sponsored by the Wanna Bees Dads and Moms group in 2007, Dr. Aronson referred to these locales as “global hot spots” and encouraged hopeful gay and lesbian adopters to pay close attention to the ever-changing openings and closings of intercountry adoption programs. At the time of her talk, for example, many gays and lesbians were traveling to Vietnam to take advantage of an unexpected “opening” which allowed for quickly processed adoptions at a low cost with very little paperwork and/or scrutiny of qualifications. That opening lasted just a few months before the country was considered “closed” again to all intercountry adoptions because it did not fully comply with Hague Treaty standards.

In a 2007 *New York Magazine* article by Emily Nussbaum, Dr. Aronson describes this new wave of adoption as a form of “optional family making,” highly publicized by celebrity adoptions:

Now more than ever, there’s a huge wave of very different kinds of adoption: people with great wealth and education and an awareness of the globalization of life. People adopting children who don’t need to have any more children. Those people are waiving all kinds of social taboos, and the picture is being changed by your well-to-do, idealistic, more lefty-type people: black children into white homes, from Africa, Asia, Taiwan. This is optional family-making. By families who are not desperate. [Nussbaum 2007:91]

Woody Allen, Mia Farrow, Madonna, and Angelina Jolie, have all participated in this global adoption trend, for better or for worse. However, the fascination with celebrity adoptions obscures the many thousands of other adopters, especially middle- and upper-middle-class white Americans, who quietly follow suit. The costs of these adoptions are

not standardized and are often negotiated locally, once adopters are on the ground in the locale from which they are planning to adopt. Compared to domestic costs for surrogacy, which can be upwards of fifty thousand dollars, and the perceived emotional risk some adopters prefer to avoid in the case of open and foster-to-adopt cases, these costs may not seem particularly prohibitive.

This wave of adoption, which I refer to as *global adoption*, depends just as much on savvy and knowledge as it does on finances. People who engage in this form of adoption must be aware of what is going on a global level, politically, socially, and economically. Or they must have access to networks that can chart these shifts for them. Changes and opportunities occur at such a fast rate that yearly U.S. State Department statistics and reports are no longer useful in terms of evaluating different countries and their histories of adoption. These global hot spots are not expected to have histories of adoption. Instead, their adoption policies have a rag-tag quality to them that fly under the radar of Hague Treaty protocol and allow them to offer the utmost in flexibility for those who are willing to pay. Countries in crisis open and close their adoption programs as needed in response to Hague Treaty inquiries, and because they have yet to establish steady markets in the export of children, they are very willing to risk their reputations in the interest of quick financial gains. Importantly, they are some of the poorest and most politically unstable nations in the world.

Global adoption is a timely example of Naomi Klein's (2007) notion of "disaster capitalism" and the exploitation of local struggles for global free-market gains. The history of international adoption to the United States is riddled with local disasters caused by war, civil conflict, failing states, nationalist agendas, and so-called natural disasters.

All of which result in populations of poverty. Early instances of global adoption have been framed as disaster relief efforts, though in retrospect, some analysts label these practices as kidnapping (Dubinsky 2007). Put into each country's unique political economic context, global adoption falls somewhere in-between these two extreme characterizations. For example, in Korea, the desire for mixed-race babies fathered by American servicemen initiated the first phase of adoptions toward the end of the Korean War in the early 1950s (Kim 2007). Once those babies had been placed with families under the premise of being neglected by Korean society, the two countries continued to work together to facilitate adoptions for "unwanted" Korean babies. Operation Baby Lift from Vietnam to the United States and Operation Peter Pan from Cuba to Miami, also involved emergency efforts to remove and "save" children from disastrous circumstances in the wake of national upheavals (Dubinsky 2007).

The 1991 Romanian orphan surge was the first instance in which wealthy white Americans started traveling *to* countries in crisis to find babies to bring back home. Indeed, the conditions that American adopters witnessed in Romania helped human rights activists build their case against such adoptions and led to a continuous seesaw of future moratoriums and openings for the Romanian program. Since then, wealthy Americans have attempted to adopt babies wherever natural and/or man-made strife occurs: Cambodia, Thailand, and most recently, Haiti. Fortunately, the increased media attention that accompanies today's hyper-networked world has helped keep continuous exploitation of these countries' misfortunes at bay.

Dr. Aronson has been a long-time advocate for gay adopters in the United States and has spoken to the Wanna Bees Dads and Moms group regularly for the past ten years.

According to her website, www.orphandoctor.com, she is a pediatrician who does research and consulting work for her foundation, World Wide Orphans (WWO). She runs a program called “Orphan Rangers” that sends American medical students to work with abandoned children in orphanages she funds abroad. Her website refers to the program as a “peace corps for orphanages” and encourages other professionals with related skills to volunteer as well. She is from Brooklyn and has two adopted boys, one from Vietnam and one from Ethiopia.

Dr. Aronson strongly believes that global investment through international adoption will result in greater long-term stability for the communities from which children are adopted. She reports that the money adopters spend locally in terms of travel, lodging, adoption processing fees, and other related costs helps provide much needed resources for otherwise struggling populations. She also encourages global adopters to forge open adoption relationships with birth families and their communities.¹⁶ Because these practices are so new, it is hard to assess the effects they have or will have. For adopters who either do not want or cannot adopt elsewhere, however, global hot spot adoption looks promising.

Global adopters can hire Dr. Aronson as a medical specialist to sift through foreign medical histories, charts, and visual images. At the same time, she travels the world setting up orphanages and finding ways to keep families together. As a result, she is well connected in many different sending countries and has a wealth of up-to-the-minute information for adopters eager to take advantage of new country openings. Dr.

¹⁶ The Ethiopian adoption program to the United States has had tremendous success establishing intercountry “open adoptions” and was listed as the second-most popular sending country to the United States for 2009 behind China, outpacing Guatemala and Russia in 2008. However, Ethiopia is closed to gay adopters.

Aronson tells gay audiences that there is “no one more generous than the gay community” and encourages them to “demand the best” and remain “fiercely moral” in their adoption practices. She also tells them that “where there’s a will there’s a way” and that anyone can hire attorneys to facilitate adoptions anywhere, for a price. That being said, she also advises adopters to consult the American Association of Adoption Attorneys before making such arrangements. Dr. Aronson’s involvement in global adoption highlights its neoliberal underpinnings and recent trends in the privatization of social welfare on a global level.

The idea of “people adopting children who don’t need to have any more children” is highly subjective. In Nussbaum’s article on the so-called “explosion of the nuclear family,” she is particularly focused on “secondary infertility” which describes the situation in which parents have been able to give birth to one child, but then cannot have a second. Aronson’s push for gay adopters to participate in “global hot spot” adoption practices has not caught on with gay New Yorkers. Secondary infertility is rarely an issue for LGBTQ adopters. Most gay adopters struggle with not being able to conceive children within their same-sex relationships but feel that they will make good parents. Banned from most countries with highly regulated, stable, international adoption programs, it remains to be seen whether or not gay adopters will become major players in this new wave of international adoption. Meanwhile, gay adopters’ interest in domestic programs has surged.

Focus on Direct Placement Open Adoption, Gay Fostering, and Matching

The Evan B. Donaldson Adoption Institute's 2006 report on gay and lesbian adoption trends found that there was a profound lack of knowledge on the part of agencies throughout the United States with regard to the legality of gay and lesbian applicants for adoption. Though gays and lesbians are no longer explicitly banned from adopting children in any states, some states, such as Arizona, ban unmarried persons from adopting. This prohibits gays and lesbians from adopting in those states because they also prohibit gay marriage. Confusion among social workers and other adoption professionals prevents agencies from making concerted efforts to recruit gay adopters, especially for the adoption of infants for which there are already more qualified heterosexual married couples ready to adopt than there are healthy white babies available for adoption. The Adoption Institute's report strongly recommends that gay and lesbian activist groups organize to raise awareness about the positive legal status gay adopters do enjoy and the many positive outcome studies available to agencies regarding gay parenting and healthy child development. It is legal for gay people to adopt in New York. In fact, New York is one of the few states where gay people who are not married can adopt "jointly," meaning that they do not have to wait for the partner of an adopter to perform a second-parent adoption. Couples can adopt as couples even if they are not married by petitioning the court prior to the adoption.

As it stands, gays and lesbians are actively recruited to adopt only in instances where the pool of children available for adoption outweighs the pool of qualified applicants. In the case of the most sought after pool of adoptees, healthy white infants, gay adopters are at a disadvantage primarily because they are competing with such a

large pool of straight adopters. Some gay applicants are placed with healthy white infants, but their chances are limited by the fact that they are just one of many qualified applicants, most of whom are straight. As I mentioned earlier, there are no statistics tracking the sexual identities of adoptive parents, so it is difficult to draw definitive conclusions. However, gay parents do not feel unfairly discriminated against in the state system. Many, however, do feel that they have a better chance of being chosen by a birth mother through direct placement open adoption placements arranged outside the system.

As we will see in Chapter 4, direct placement open adoptions give birth mothers the opportunity to contribute to the matching process. In direct placement open adoptions, birth mothers screen waiting profiles of adoption applicants and then the applicants themselves. Once they find adoptive parents that they approve of and who want to work with them, matches are made and placement processes begin. This form of adoption, though it has been around since the early 1990s, coincides with a new generation of young gay adopters who are out, proud, and confident that they can connect with young birth mothers. In the state system, where birth mothers do not have a say in who raises their children, gay adopters cannot take advantage of the possibility that a birth mother might be seeking gay adopters. Or they may feel susceptible to unspoken biases of adoption workers making placements. Direct placement open adoptions allow gay adopters to approach the task of family-making as openly as possible. They also allow adopters to participate in their adopted children's lives from before they are even born. There are different advantages for all the participants involved.

Two disadvantages that cause gay adopters to shy away from direct placement open adoptions are 1) the unpredictability of related costs, and 2) the commitment to a

life-time of sharing information about their adopted children with their children's birth mothers. Other disadvantages, such as potential birth mother "scams" where women try to collect money for feigned pregnancies, infant health complications due to substance use during pregnancies, or the fear that birth mothers will back out of agreements once the baby is born, are more imagined than real. Because this form of adoption continues to provide gay adopters with healthy newborns, its popularity increases. However, the "leap of faith" it requires on the part of adopters can be too much to bear for those who prefer to know more about the characteristics of the child who will be placed with them.

New York City's foster youth placement program, You Gotta Believe, recruits and certifies gay foster parents to care for "hard-to-place" local youth and teenagers with the promise of swift transitions to permanent adoption placements. Anyone interested in hard-to-place youth will find that there are many children available for adoption. It is notoriously difficult to find suitable families for hard-to-place or "special needs" children. For some children, skin color and/or an extended length of stay in foster care is enough to determine their status as hard-to-place. For others, it can be a physical or emotional diagnosis. Regardless, labels such as "hard-to-place" or "special needs" scare potential adopters because they assume they are not capable of caring for children with such difficulties.

Some gay adopters, especially those who have put effort into learning about the foster care system, know that these labels can be vague and may exaggerate children's needs. Exposure to other families who have adopted hard-to-place children gives potential adopters the chance to see how successful such placements can be when they are properly negotiated. Successful placements always include a period of visits and

fostering prior to adoption finalizations to ensure that all parties are willing and able to make the sensitive transition to permanency work. As we will see in Chapter 5, gay adopters who choose this route get more training in parenting than any of the other forms of adoption.

Hard-to-place / special needs classifications are hotly debated among adoption professionals. Gay identity, thankfully, is not formally listed as a characteristic rendering an older child as hard-to-place / special needs. Unfortunately, as young people begin coming out at younger ages, their families sometimes reject them. Gay youth in foster care more often than not came out while *in* foster care. Sometimes gay youth end up in foster care because their biological parents rejected them for acting or seeming gay, but usually gay youth end up returning to foster care after their foster parents realize they are gay.

Gay youth are likely to experience alternating stints in foster care group homes and foster care families. Foster care children may be sexually abused in foster care family settings by other children or foster care parents and extended family members. Gay foster youth are especially vulnerable to sexual abuse in these settings by disapproving adults. New York City foster-to-adopt professionals have started to recruit gay adopters to take in these children in an effort to keep them out of the foster care system and provide them with stable families that positively reflect their own identities. This recent development in New York's foster care system sheds light on contemporary attitudes toward gay identity in the United States today. On the one hand, homophobia persists in its most ugly forms. On the other hand, American tolerance for gays and lesbians allows for an environment in which gay people can legally foster and adopt children in need of parents.

In a country that listed homosexuality as a mental health disorder as recently as 1973, this is an impressive indicator of cultural change in one of America's most influential, albeit progressive, cultural centers.

Each new population of adopters recruited to be matched to existing pools of adoptees parallels a cultural shift in attitudes regarding the legitimacy of that population as potential parents. Efforts to recruit New York gays and lesbians to foster gay youth, for example, shows that the New York child welfare system recognizes gay and lesbian adults as acceptable adopters. Gay New Yorkers' tendencies to seek adoptions outside the welfare system through privately arranged direct placement open adoptions, speaks to some disruption in the matching process. Gay New Yorkers do not believe they will fare as well as their heterosexual peers in competition for healthy newborns. Importantly, they have witnessed tremendous successes on the part of gay adopters in the private adoption sector. Gay New Yorkers have thus far been enthusiastically recruited to parent gay children only. This is an exciting development in the placement of gay foster youth with permanent families. As we will see, however, matching based on shared and/or selected characteristics such as sexual identity, religion, or skin color, threatens to limit, not expand, children's placement options.

Organization of Dissertation Chapters

This study focuses on the contemporary experiences of gay New Yorkers in the process of building families through the adoption of non-biological children. Chapter 2 provides an overview of the research on gay family forms to date and greater anthropological concerns regarding American kinship, family values and politics, and the commodification of people. Chapter 3 takes a historical view of three major periods of

matching trends in American adoption practices: 1) the first century starting in the 1850s, 2) post-World War II to the turn of the twenty-first century, and 3) the contemporary landscape. Together, Chapters 2 and 3 provide the theoretical and historical contexts for my argument that gay New Yorkers who adopt benefit greatly from the increasing privatization of state welfare services in ways that both positively and negatively affect children in need of care. Chapters 4 and 5 illustrate how the privatization of heretofore state-run child welfare services has emerged through the development of an unregulated newborn adoption market and grassroots advocacy efforts to place gay youth with gay adopters. Chapter 4 looks at data collected from gay and lesbian direct placement open adopters and the assumptions that go into their searches for the birth mothers who will deliver their newborn adoptees. Chapter 5 looks at gays and lesbians searching for children in need of adoption through foster care. Chapter 6 focuses on how biological assumptions drive the social exchange of children through the language of adoption and fostering. Chapter 7 concludes by situating findings within the existing literature, suggesting policy implications and further research, and demonstrating how studies on gay family forms enlighten our understanding of the American family at large.

Chapter 2: Literature Review

Gay Family Forms Research and American Kinship

The ethnographies of gay kinship by Kath Weston (1991) and Ellen Lewin (1993) differ from the experiences I witnessed in my research. Kath Weston was primarily concerned with the meaning of family to gays and lesbians in the wake of individual coming out experiences and the creation of social networks in response to the AIDS epidemic and subsequent experiences of rejection from biological kin. Her account of 1980s liberal-minded gays and lesbians in the San Francisco Bay area, and their “chosen” families, ushered in a new perspective on the American family in various contexts, taken up by other social scientists for the next decade (Susser 1993, Mullings 1996, Stacey 2001, and Weeks 2001).

Lewin’s work on lesbian motherhood explores the experiences of different sets of single mothers in the 1980s, especially the experiences of lesbians struggling for custody of children from previous heterosexual marriages. Lewin found that gay and straight women shared overlapping concerns as mothers that they would not have recognized in each other as women without children. She concluded that the experience of female parenting bridges presumed cultural differences such as sexual identity. For lesbian mothers, the added financial stress to their care giving role was made still more difficult by the burden of having to fight for custody of their children in the face of potentially homophobic family court judges. Lewin’s research was path-breaking in its normalizing of lesbian motherhood in academic discourse.

Though the judicial environment has become more favorable towards lesbian motherhood since Lewin's research in the 1980s, the importance of these earlier studies lies in their historical implications. Weston and Lewin's research represents the beginning of a shift in American cultural anthropology's treatment of sexuality and sexual identities, one that broadened its concerns and moved away from a focus on comparative ethnographic case studies of homosexual roles, rituals, and patterns of behavior (Kroeber 1925, Evans-Pritchard 1970, Herdt 1984, Blackwood 1984), toward ethnographies of sexual desire; the social construction of homosexuality; gay health, rights, family, and political economy; and everyday life outside the heterosexual experience (Wolf 1979, Rubin 1984, Kennedy 1993, Parker 2000, Lancaster 2003, Povinelli 2006, Valentine 2007). This shift in anthropological research on sexuality reflects an experiential shift for gay and lesbian Americans who, especially in the wake of the AIDS crisis, became decidedly more visible.

American anthropologists also started looking at kinship in contemporary America, a topic previously reserved for analyses of "other" societies in faraway places, or among the United States' own "primitives," Native Americans. In his study of American kinship, anthropologist David Schneider (1968) identified the metaphor of "blood" as the prevailing symbol of American family. In my study, as in Schneider's, the phrase "blood is thicker than water," is often invoked in reference to the many *misconceptions* Americans have about the meanings of family. Influenced by their positive experiences with non-biologically related families, adoption advocates understand family as expressions of love, affection, and responsibility. Schneider's understanding of American kinship as "culturally constructed" is complicated by his

focus on the blood metaphor as *the* signifier of American kinship. This complication also showed itself among this study's adopters, who felt strongly that their families were just as "real" as families formed through biological reproduction. Yet, many went to great lengths to adopt children who looked like them, thus reifying the fantasy of existing blood ties.

Many anthropologists have shown that love, affection, and responsibility are bestowed upon people in ways other than through bio-relatedness. Janet Carsten (1995) shows this through her study of Malay islanders who routinely determine personhood, kinship, and caretaking roles through the procuring of food and nourishment, or "substance." Similarly, Carole Stack (1974) traces "extended kinship" networks in urban Chicago where kinship is often based on necessity and available community caretakers – also procurers of food, nourishment, and everyday needs.

In Weston's research (1993), gay adults choose "kin" in the form of lovers and networks of friends to replace the compromised bonds of kinship to their biological relatives as a result of homophobic rejection. Generational equals are called upon to care for one another by way of acceptance and emotional support. During the AIDS crisis, these networks were called upon to develop "buddy" systems in which friends and fictive kin of HIV positive men helped take care of them, providing them also with material and physical assistance beyond blood ties (Chauncey 2004).

Contemporary gay family forms look much different from anthropological accounts of them during the last quarter of the twenty-first century. The "gayby boom" of the 1990s was accompanied by a rise in gay access to surrogacy and donor insemination options (Moore and Schmidt 1999). However, surrogacy and the IVF treatments often

needed to help “plant” semen in birthing parents is prohibitively expensive for many people today.¹⁷ The “gayby boom” represented a pioneering subset of the LGBTQ population who paralleled suburbanites in many ways except in their sexuality. Predominately white, educated, and middle- to upper-middle class, “gaby boomers” exhibited mainstream family values and helped create enclaves of gay life in suburbs throughout the United States.

The closest such enclave to New York City is in Maplewood, New Jersey. One foster-to-adopt agency in New Jersey visits the Wannabees Dads and Moms support group at the Gay Center regularly. They are explicit about trying to convince wealthy gay and lesbian parents to move from New York City to the suburbs of New Jersey where they can easily adopt healthy newborns of color. They are also forthright about the fact that it is hard for them to convince white adopters to take in newborns of color, regardless of the gay-friendly environment.

Suburban gay enclaves such as these are quite different from the urban gay enclaves Castells (1983) describes in his study of the gay gentrification of San Francisco’s Castro District in the 1970s. The Castro District was one of the first of many urban gay enclaves to arise in major U.S. cities. Gendered assumptions notwithstanding, Castells’ concept of the deliberate construction of a “liberated zone” by young single out gay men is useful in thinking about contemporary efforts to build similar spaces in suburban regions. Today’s mainstream gay parents, no longer isolated by their sexual identities like Weston’s and Lewin’s subjects in the late 1980s, are seeking

¹⁷ Julien Murphy (2001) argues that lesbians experience a kind of “social infertility” that goes unrecognized by heteronormative institutions that regulate pregnancy and birthing options, and that activists should push for this recognition and subsequent health insurance coverage in order to cover IVF treatments for women trying to conceive outside of marriage.

neighborhoods where they can be out as families - with playgrounds, good schools, and Parent-Teacher-Association boards that welcome their participation and understand their needs.

Mainstream gay parents seeking to live in suburban neighborhoods such as Maplewood represent a new generation of gays and lesbians who no longer have to leave the suburbs in search of gay-friendly networks in the city. That is, at least in some of the more liberal-minded coastal areas of the United States. Instead, they are moving *back* to the suburbs with enough resources, capital, and support to establish new liberated zones in a paradoxical trend of gay flight. This study recognizes visible shifts in American gay kinship patterns, such as the creation of gay enclaves in suburbs, as representing a kind of purchase on the privileges that come with whiteness, heteronormativity, and/or mainstream inclusion.¹⁸

The contemporary ideal American family, the nuclear family, consisting of two married heterosexual adults and their biological offspring, has never materialized (Coontz 1992). Instead, the United States has seen many different configurations of family each responding to its own social, political, and economic context. Extended family networks (Stack 1974), “kinship with strangers” through adoption (Modell 1994), reproduction through selected sperm donation (Modell 1974), households headed by women (Mullings 1995), and fostering (Wozniak 2002) are just a few of the different forms social scientists have identified as common expressions of American kinship. Gay family forms also vary according to context. There is no one defining characteristic common to all gay family

¹⁸ A recent *New York Times* article (2011) reports that gay parenting is more common in the South than anywhere else in the U. S. These parents are more racially diverse, and struggling economically, as well. Researchers examining census data suggest that this is because gays and lesbians of color are more likely to enter into relationships with children from previous heterosexual relationships – relationships they entered into due to a history of homophobia linked to a climate of religious conservatism.

forms beyond a vague notion of interdependence among non-heterosexual adults involved in intimate relationships with children. Indeed, couples without children are absent from American kinship literature. As more couples choose not to parent, however, this could be an informative next step for social scientists interested in the concept of family, likewise for cohabitating adults without intimate relationships sharing daily resources. Because gays and lesbians must be creative in order to bring children into their lives, they are often at the front lines of interesting experiments in family formations. Some of these experiments are mentioned above and others have yet to be explored. My study of gay adopters of non-biological children adds to this expanding literature on American gay family forms.

Gendered Gay Parenting

Much of the social scientific work on gay parenthood is gendered and focused on women and motherhood (Lewin 1993, Dalton 2000, Sullivan 2004). This may reflect the disproportionate amount of care-giving women continue to provide children globally (Colen 1995, Parreñas 2005, Jacobson 2008). It may also reflect a cultural reflex within academia that mirrors American understandings of parenting as being inherently female, or in anthropological terms, “women’s work.” Despite feminist reinterpretations of kinship through the lens of gender (Rubin 1975, MacCormack and Strathern 1980, and Collier and Yanagisako 1987) little research exists on men who parent without women.

The gay male parent offers us a unique perspective into a form of parenting that does not assume female predominance in child rearing. Goodfellow’s research (2004) on northeast coast gay fathers in the late 1990s is an important exception to this trend in gendered kinship research and inspires us to think about parenthood as a political act

when chosen within a hostile, homophobic, American context – a political act fraught with confusion over whether gay men’s desire to parent is rooted in a longing for heteronormative assimilation, resistance, or both. Judith Stacey’s more recent study in Los Angeles looks at gay men’s “passion to parent” along a continuum of desire (2006).

The ways in which gay adopters imagine their own potential for being chosen by a birth parent to raise her child is gendered, and those imaginings are a reflection of what they have been told by adoption professionals entrenched in heteronormative understandings of family. Lesbians and gay men contend with different social assumptions as they approach fostering and adoption. “Two mommies are better than one” suggests that birth mothers may prefer two women to parent their child since women are “natural caregivers.” The “replacement mommy” theory, rooted in psychoanalytic discourse, holds that birth mothers will shun lesbians because they may unconsciously feel threatened by any woman taking their place as mother. The homophobic assumption that “gay men are pedophiles” often excludes male applicants, and the “doting daddies” assumption speaks to the idea that two men are naturally inclined to act as double income providers. As this study shows, everyday understandings of gender, mixed with varying degrees of homophobia and acceptance, and reinforced by scholarly discourse, have a strong impact on how birth mothers, adoption professionals, and gay adopters engage adoption practices.¹⁹ Importantly, this study includes both male and female gay family forms to elucidate gendered differences and emphasizes gay male parenting in particular.

¹⁹ For scholarly contributions to some of these understandings, see Nancy Chodorow (1978) on motherhood, gender, and Oedipal attachment, and M.V. Badgett (2001) on myth and gay affluence.

Visibility and Gay Politics

Today's gay movement is fragmented. Even within the population represented by the catch-phrase "LGBTQ" (Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning), there are numerous factions of political and social identity. American second-wave feminism and the civil rights movement of the 1960s, 70s, and 80s inspired a notion of solidarity based on identity politics which helped gay and lesbian activists organize for social recognition around broad notions of identity such as sexual preference, gender, and eventually, race. At the height of the American AIDS crisis in the 1980s, gays and lesbians rallied against medical and legal institutions, ushering in the era of a queer movement that focused less on identity politics than it did on the protection of basic human rights. The use of the word "queer" signified an explicitly politicized extension of gay and lesbian concerns to include all non-heterosexual lifestyles. Finally, starting in the late 1990s and into the present, with the bittersweet waning of AIDS-related deaths in the LGBTQ community, third-wave feminism, queer politics, and what I am referring to as "mainstream gay politics," began steering LGBTQ Americans in different political directions (Epstein 1999, Bernstein and Reimann 2001, Chauncey 2004).

Same-sex marriage, gay and lesbian military participation, and hate crime legislation are the most publically debated gay and lesbian issues of the day and all involve potential increases in governmental/institutional regulation of gay people (Willse and Spade 2005). The desires for recognition around which these issues revolve parallel the desires of other groups who have had to struggle for political and social inclusion throughout American history, such as new immigrant groups, Native Americans, African

Americans, and people with disabilities (Kwong 1997, Brodtkin 1998, Roediger 2005). It is important to note, however, that this study does not conflate the struggles for recognition among racial and ethnic groups with that of the LGBTQ community. Importantly, the whiteness of today's mainstream gay political movement promises access to resources beyond politics and social recognition to include access to economic privileges continually denied people of color. Queer activists take issue with this oversight, recognizing that Americans of all races and ethnicities lead non-heterosexual lifestyles and that many of them are poor, under-employed, under-educated, and generally under-valued by the very institutions from which mainstream gay activists seek acceptance (Willse and Spade 2005, Polikoff 2008).

As a result of the fragmentation of the gay movement(s), academic research focused on gay issues is difficult to theorize. The role of visibility in gay life is especially unclear. Kath Weston (1993) argues for research that reaches beyond visibility and the closet and reworks "conventional approaches" to anthropological concerns such as power and kinship. Less than a decade later, queer scholars Bernstein and Reimann (2000) argue for a "politics of visibility" that will help garner mainstream support for legal protections lacking in queer family structures. The concept of visibility is central to the history of gay rights organizing and gay academic theorizing in the United States. However, as a means of understanding everyday life for gay Americans, the "visibility" lens limits our perspective to the level of political debate. A descriptive lens, guided by participants' expectations and representations of selves, allows for a more robust analysis that moves beyond political discourse.

Bourdieu (2001) describes the difficulties involved in shifting visibility/invisibility strategies employed by gay rights movements. Ironically, the quest for visibility on the part of mainstream society depends upon a prior strategy of *invisibility*, a “flying below the radar,” so as not to disturb prevailing heteronormative kinship expectations and gain some level of tolerance before asking for more. A tacit strategy of invisibility fails to address the potential pitfalls that come with attempts to both assimilate to and resist social norms at the same time. One such pitfall would be the erasure of gay fringe populations that continue to struggle for resources along and outside mainstream gay life.

Obstacles to effective organizing and theorizing can be seen in the tensions that exist between radical queer activists fighting for the civil rights of all people and mainstream gay marriage activists fighting for the civil rights of gay couples by way of same-sex marriage.²⁰ For radical queers, same-sex marriage seems like a form of assimilation to heteronormative society and an exclusive act that disregards the needs of countless other forms of economic and social intimacies. For gay marriage activists, many of whom also consider themselves queer, same-sex marriage seems like an obvious right for gay couples seeking the same legal benefits afforded their heterosexual counterparts. Mainstream gay marriage activists employ state-by-state political lobbying efforts to gain support for their cause. Their strategy focuses on the potential strength of a visibility campaign to help desensitize heterosexual Americans to non-heterosexual

²⁰ Willse and Spade (2005) use the powerful term “resource-rich” to refer to what I am identifying here as “mainstream” gays and lesbians. This is a conscious choice on my part to emphasize the cultural and networked, in addition to economic, privileges accompanying the right to marry. My use of “mainstream” points to an emulation of the ideal American family by some gays and lesbians.

family forms (Chauncey 2004).²¹ In states where gay marriage is legal, such as Massachusetts, heterosexual Americans are in a unique position to experience everyday life with legally married gays and lesbians in their midst. While it is true that the institution of marriage has managed to endure the inclusion of gay and lesbian couples since it became legal in Massachusetts in 2004, the mainstream gay marriage movement has not been so successful in most other states.

Encouraging polls showing that an increasing number of Americans under the age of forty support gay marriage do not hold up against the majority of Americans over the age of forty who are against it. The youngest and most “pro-gay” age cohort, 18 – 29 year olds, accounted for only 1% more of voters in the 2008 election at 18% than they did in 2004 at 17%. Likewise, despite past support for gay marriage, President Obama, like Presidents Bush and Clinton before him, continues to uphold the 1996 Defense of Marriage Act which reserves marriage for heterosexual couples only. The idea that “time is on gay marriage’s side” is hopeful (Cole 2009), but until politicians see real changes in polling data, they will not risk taking action to support it.

In July 2006, activists, scholars, and other concerned members of the LGBTQ community released a formal statement, *Beyond Same-Sex Marriage: A New Strategic Vision for All Our Families and Relationships*.²² Writers of the statement perceive efforts

²¹ Aaron Goodfellow employs the term “non-heterosexual” throughout his research on gay male parenting to include any identity other than heterosexual. I will use this term sparingly, preferring instead to emphasize the categories of “gay” and “lesbian” as both instituted by mainstream society and appropriated by gays and lesbians concerned with re-constructing themselves as “other” but acceptable. Where “non-heterosexual” conjures up sexual behavior, contemporary use of “gay” and “lesbian” conjures up lifestyle – a whitewashing of sexual behavior crucial to mainstream acceptance.

²² See full statement at www.beyondmarriage.org and note omission of the words “same-sex” in the website’s URL. Terry Boggis, one of its principle authors and founding director of LGBTCC’s Center Kids, Center Families, told me that this was a purposeful omission geared toward encouraging the formation of coalitions of support beyond those concerned exclusively with LGBTQ issues. (personal communication March 23, 2007)

to promote gay marriage as a necessarily limited task and seek to push for rights beyond those of gay couples:

The struggle for same-sex marriage rights is only one part of a larger effort to strengthen the security and stability of diverse households and families. LGBT communities have ample reason to recognize that families and relationships know no borders and will never slot narrowly into a single existing template.

All families, relationships, and households struggling for stability and economic security will be helped by separating basic forms of legal and economic recognition from the requirement of marital and conjugal relationship.

U.S. Census findings tell us that a majority of people, whatever their sexual and gender identities, do not live in traditional nuclear families. Recognizing the diverse households that already are the norm in this country is simply a matter of expanding upon the various forms of legal recognition that already are available. The LGBT movement has played an instrumental role in creating and advocating for domestic partnerships, second parent adoptions, reciprocal beneficiary arrangements, joint tenancy/home-ownership contracts, health care proxies, powers of attorney, and other mechanisms that help provide stability and security for lesbian, gay, bisexual, and heterosexual individuals and families. During the height of the AIDS epidemic, our communities formed support systems and constructed new kinds of families and partnerships in the face of devastating crisis and heartbreak. Both our communities and our HIV organizations recognized, respected, and fought for the rights of non-traditionally constructed families and non-conventional partnerships. Moreover, the transgender and bisexual movements, so often historically left behind or left out by the larger lesbian and gay movement, have powerfully challenged legal households, and families, which include members who shatter the narrow confines of gender conformity. [The April Working Group 2006]

The April Working Group's members, many of whom back New York City's non-profit queer activist organization, Queers for Economic Justice (QEJ), call for a separating out of "legal and economic recognition" from "marital and conjugal relationship." They propose extending existing marriage benefits such as health care, housing, Social Security, pension, disaster recovery assistance, unemployment, and welfare to a wider range of relationship configurations such as single parents, senior citizen co-habitants, blended families, children in multiple households, and adult child

and senior citizen caregivers. Despite the fact that “diverse households are already the norm,” this common-sense approach to the economic security of a greater spectrum of everyday Americans has gone largely unnoticed. Indeed, this radical call to action to move beyond the gay marriage debate forces us to consider the rights of people in poverty alongside the rights of the LGBTQ community, a population with whom the mainstream gay movement does not seek common cause.

The National Gay and Lesbian Task Force (NGLTF), the most recognized and well-resourced LGBTQ lobbying organization in the United States, does not explicitly push for the 2006 Beyond Same-Sex Marriage agenda, concerned as it is with a commitment to *gay* rights. However, I have heard NGLTF leaders give public support to QEJ and the Beyond Marriage Initiative (BMI) to gay audiences on more than one occasion. In the work they do with homeless populations, regardless of sexual orientation, QEJ recognizes the injuries caused by poverty and the ways in which the inability to access economic advantages offered to straight married couples renders other people invisible and cut off from numerous economic and social rights, resources, benefits, and privileges.

Second-parent adoption is one such advantage that comes easily to those who are permitted to marry.²³ For gays and lesbians, and this is especially common for lesbian couples in cases where one parent gives birth to a child and the other seeks to be recognized as its legal guardian, second-parent adoptions are extremely costly in both time and money. In all cases lawyers must be hired and court dates made, the legal certification of marriage makes the process that much easier, faster, and affordable. In

²³ *Second-parent adoption* allows unmarried partners as well as spouses in second marriages to adopt their partner’s children. Children may be biologically related or adopted by the presenting legal parent.

New York, same-sex second-parent adoptions can cost up to \$5,000 and can take up to three years to finalize. During that time, one parent does not have legal rights to the child he/she is raising. Legally married couples, on the other hand, can automatically acquire a “joint adoption” whereby both parents become legal adopters at the same time. Since same-sex marriage is not legal in New York, but marriages performed in other states where same-sex marriage is legal are recognized, savvy gay adopters who can afford to do so often get legally married in another state before adopting jointly in New York. The New York State Senate most recently voted down a gay marriage bill on December 2, 2009. Following a spate of similar results throughout the country, LGBTQ parents continue to search for and take advantage of such loopholes in order to establish legal status as parents.

The Value of Family in the United States

The value of family in the United States might be measured by the value American society assigns to different sectors of its population. Persistent racial and ethnic profiling, as in the continuing mistreatment of displaced Katrina survivors from the infamous 2005 hurricane in New Orleans, reveals the ways in which race and class combine to deem some Americans more “valuable” than others (Klein 2007). The AIDS epidemic of the 1980s reflects these prejudices as well.

The value of family in the U.S. is an important lens through which to start an inquiry into gay family forms. Gerald Creed’s 2000 review article, “‘Family Values’ and Domestic Economies” reframes the idiom “family values” and argues for an investigation into the value of family centered on family economic activity and an “interactive approach in which cultural commitments to the family influence economic and political

outcomes.” In the case of direct placement open adoption and the fostering of gay youth by gay New Yorkers, it is clear that gay family forms are enjoying a much greater level of tolerance than ever before. Gay adopters in the United States have won access to state adoption and foster care resources on a state-by-state, case-by-case basis. Until recently, Florida was the only state in which gay adoption was explicitly banned. The surprise October 2010 overturn of the Florida ban on gay adoption now makes gay adoption legal throughout the country. Following Creed’s argument that “the state’s pervasive engagement with the family is perhaps the definitive evidence of its value,” this recent gay activist “win” for the right to adopt children should represent a watershed moment in which gay family forms have achieved essential access to family welfare resources. And yet, the right to gay marriage remains unattainable in most states. Creed concludes,

Cultural commitments to particular family ideas can provide a basis for resistance to state and economic forces, but they also render activity championed by politicians and advertisers in the name of the family beyond reproach. This power is why politicians and corporations cannot get enough of “the family” and why anthropologists need to pay attention to it, even if we cannot define it. (Creed 349)

Creed’s emphasis on *cultural commitments* to particular family ideas helps direct research on family forms toward the nuances of family economics and politics in the United States. Broad state acceptance of gay adoption and fostering is based on a longstanding practice of removing children of poverty from their families and placing them with families of better economic standing, based on a cultural commitment to the notion of an undeserving poor. Politically, however, this win for gay adopters does little towards generating a concrete acceptance of gay family forms in the matter of legal benefits which would be rewarded through the right of gay marriage. Based on a cultural commitment to marriage as heterosexual union, gays can take care of poor and neglected

children. They cannot, however, enjoy the vast number of other benefits families through marriage enjoy.

Nevertheless, American gay family forms have enjoyed greater visibility because of gay activists' ability to organize in ways that other groups, such as the working poor, undocumented workers, and single mothers, have not. Gay activism, when it does succeed in securing access to state resources, benefits greatly from white affluence. Economic potential has a tremendous effect on the success or failure of organizing efforts and must be factored into any understanding of an increasing tolerance of homosexuality as being based upon homosexual assimilation to mainstream society. Though "gay society" is arguably "multi-cultural" in its inclusion of diverse populations of race and class, it is the white membership of the gay movement that has managed the greatest gains for its cause (Epstein 1999, Stone 2010). Homosexual assimilation to mainstream society assumes, rightfully so, that those gays and lesbians who choose to assimilate (through marriage for example), not only desire the same rights as their heterosexual counterparts but that they will actively participate in the economy of family life. Without the potential for positive economic contribution and political support, the value of gay family forms remains uncertain.

Gay family rights legal advocate, Robert Bernstein, argues that the family values discourse that was credited with having fueled the nationwide rejection of the 2004 gay marriage initiative was less about family values steeped in religiosity than it was about the "residue of cultural homophobia" of an older generation out of touch with today's younger mindset. "Those who continue to resist the tide typically phrase their opposition in religious terms. But the true divide is in fact probably not religious but generational"

(xvii). In a collection of essays about “pioneering” gay parents in the U.S., Bernstein points to numerous examples of young people’s, including Christian youth’s, endorsement of gay marriage and family forms and the ways in which older family values watchdogs harp on these otherwise hopeful signs of acceptance in the name of conservative Christianity. Bernstein points out Dick Cheney’s open support of his gay daughter’s “lifestyle” and his personal condemnation of Bush’s proposed federal constitutional ban on gay marriage during his tenure as Vice President. He labels Cheney’s surprising position as “‘the Cheney Syndrome’ – the condition where one’s belief is out of sync with one’s gut, and the gut rules” (215) and takes it as a sign that internalized homophobia will die out with the Cheney generation. He concludes, “in general, the rights movement is certain to further accelerate as today’s young people grow older, become a majority of our population, and spawn new national leaders with a fresh mindset” (210). It is important to note, however, that President Obama, whose presidential campaign was fueled by youthful enthusiasm and the concept of change, does not support same-sex marriage but rather the more politically acceptable concept of “civil unions.” A *New York Times* (April 17, 2010) report on Obama’s new directive requiring hospitals to allow same-sex partners’ visitation and health proxy rights illustrates the point:

ATLANTA — President Obama has found a way to support gay rights that least offends those who oppose them. Allowing same-sex partners the same rights as straight couples to visit and make medical decisions for their hospitalized loved ones enjoys broad public backing, even as the country remains polarized over the question of marriage rights for gay men and lesbians.

Contrary to what Bernstein espouses, “family values” remain institutionalized, and Americans living outside mainstream norms may not experience a difference in their

everyday lives anytime soon. California's 2010 failure to defeat Proposition 8 defining marriage as being between a man and a woman is a powerful reminder of the homophobia that persists in the U.S. today. Gay families may be no more valued today than they were under the Bush Administration.

Adoption, Commodification, and the Consumption of Family

The adoption of non-biological children has been analyzed by social scientists as a commodification of people, especially people in poverty. Debates about whether adoption practices represent acts of kidnap or rescue (Dubinsky 2007), gift or purchase (Modell 1999, Wosniak 2002), are often entwined with a focus on the body as property – enslaved (Roberts 2002, Kopytoff 2004), controlled (Petchesky 1995, Kligman 1998), and excluded (Agamben 1998). Anthropologists concerned with issues of biological reproduction have devoted volumes to consumption, material culture, and motherhood (Layne 2003, Taylor 2004, Ragoné 2000) in which adoption and fostering emerge as fruitful sites of investigation, practices within which to explore non-technological ways of bringing children into families through some manner of population redistribution (Rothman 2004).

International adoption research, rooted as it is in global exchanges of bodies and capital, serves as an interesting framework for understanding social phenomena such as “culture camps” for Chinese female adoptees in America (Anagnost 2000), and “return trips” to sending countries and feelings of “roots” and abandonment among adoptees and their adoptive families (Yngvesson 2003). Other studies of adoption practices at local and global levels such as Claudia Fonseca's (2003) work in Brazil and Ann Anagnost's (2004) and Kay Johnson's (2005) work in China, examine political economic

particularities in geopolitical contexts. Laura Briggs and Diana Marre (2009) also take a critical view of the history of international adoption practices by framing the exchange as one based on global inequalities and supply and demand chains. Very little work, however, considers the many children in the United States who are available for adoption through the foster care system but are passed over in favor of other pools of available adoptees derived from the private domestic adoption sector. The present work helps fill this gap in the anthropological literature.

Ortiz and Briggs (2003) investigate the counter-intuitive impulse of white adopters to travel overseas to adopt Romanian children during the orphanage crisis of the early 1990s instead of adopting children from the American foster care system. Despite trends in the lower pricing of “special needs” children to encourage placement out of the domestic foster care system, and despite the institutional support and government subsidies adopters would receive for adopting these children, Americans chose to adopt Romanian children with established developmental issues at great expense to themselves and with no government support. Ortiz and Briggs argue that a “genealogy of the racialization and biologization of poverty” concerning children’s exposure to turbulent environments in their early years inform adopters’ knowledge and shape their actions (40). Although 40 percent of children in American foster care at the time were white, hegemonic academic, political, and media-driven discourses around abandoned and special needs children – with “nonwhite” being a subcategory of special needs – convinced white American adopters that children in the domestic foster care system were without hope.

Popular understandings of “the culture of poverty” create cultural assumptions that deem poor American youth to be irreversibly damaged at an early age. Meanwhile, poor children from less developed countries are said to benefit from higher degrees of social cohesion and stronger family units, thereby making them more resilient to early exposures to turbulent environments. Moral panics focused on bad parenting, the so-called crack epidemic, and the social construction of a healthy white baby crisis laid the foundation for the beginning of a trend in transnational adoption that continues to cripple the chances for the adoption of foster care children into the present.

Open Adoption and the Gay Closet

This work considers open and closed adoptions alongside gay lifestyles and the opening of the so-called “closet.” This composite history sheds light on a relatively new landscape for American family forms – one in which the shame and secrecy of sealed adoption records and gay identity slowly give way to, if not exactly pride and openness, a general willingness to sharing information about selves. As this research shows, “openness” about a child’s origins, a birth mother’s medical history, or an adopter’s sexual orientation all carry different meanings and consequences, and leave the subjects in question open to different forms of scrutiny and judgment.

Advocates for open adoption in the United States are responding to an earlier period in which “sealed” adoptions were common. In *Family Matters: Secrecy and Disclosure in the History of Adoption (1998)*, historian E. Wayne Carp points out that openness in adoption is nothing new to the United States. Prior to the 1950s, open disclosure policies for both sets of parents in adoption were the rule. However, as the

concept of the nuclear family and its emphasis on biological relatedness solidified, infertility became a shameful indicator of biological inferiority and adoption its necessary solution. Adoption suddenly became a source of shame and secrecy for adoptive parents, an ironic twist to the shaming that had earlier been inflicted upon birth mothers as poor, irresponsible, and unscrupulous. As children from families who had their adoptions sealed started finding out about their true origins, many of these “adult adoptees” began to organize a powerful open adoption movement.

The echoes of shame from the closed adoption period lead adopters today to struggle with their own participation in child placement practices – a psychological struggle reflected in the many hesitations I encountered when speaking with adopters about their future open adoption arrangements. Added to that are the roles that the exchange in money and consuming behavior may play in shaping adopters’ sense of ownership over not only future adopted children, but children’s birth parents as well. Though open adoptions may not legally involve the direct exchange of money between adopters and birth parents, adopters can and do provide money to lawyers and/or agencies during birth mothers’ pregnancies for medical, legal, food and housing costs. Such funding for pregnancy-related costs sometimes gives them a confusing sense of ownership over birth mothers and may extend to the women’s family and the biological father of the child as well.

The tendency to think about birth parents as belonging to adoptive parents may also be rooted in the closed adoption period, which has also inspired birth mothers to organize around their rights to access previously sealed records. Distanced by law, birth parents were given no information on the families their children were placed with and

had no legal recourse lest they decided to track down birth children and impose upon adoptive families' daily lives. Depending on the placement agency, adoptive families may or may not have had some information about birth mothers available to them. This vacuum of information led many adult adoptees, birth parents, and even adoptive parents to question the value of secrecy around an individual's origins. As they grew older, many adoptive family members and birth parents experienced emotional suffering and anguish over the mystery surrounding adoption placements. Concerned United Birthparents, starting in the late 1970s, and other more recent adult adoptee activist groups such as Orphan Angels and Bastard Nation, have made great strides in pushing states to open sealed adoption records, establish birth parent and adoptee registries, and bring back open adoptions (Carp 2004).

New York City's rich LGBTQ subculture lends itself easily to a study of gay family forms. The overflowing foster care system and its desperate need for willing adopters has influenced child welfare professionals to expand their recruitment strategies into more and more diverse population groups. The recruitment of gay adopters and foster care parents by New York City public agencies encourages potential gay parents to be more open and therefore less closeted about their sexuality than ever before. This is not true, however, all over the United States or for other forms of adoption such as international or in some forms of private domestic adoption. Advocates for gay adoption in New York City welcome this opportunity to build upon city agencies' efforts to expand their recruitment efforts into more diverse populations.

Conclusion

It is tempting to understand these parallel shifts in a level of “openness” in adoption practices and gay parenting as a barometer of acceptance for conventionally vilified fringe populations such as birth mothers who give up their children for adoption or gay people wanting to parent. Indeed, these shifts do represent greater opportunities for both these populations than they have had in the past. However, a more interesting historical parallel lies just beneath the surface. As anthropologists, we recognize that “open” adoptions and gay relationships are nothing new. In the United States, the creation of “closed” adoptions and the gay closet parallel one another historically. They take greatest hold alongside the late 1930s economic collapse, followed by McCarthyism, and a developing trend toward a focus on the family as an indicator of stability in an otherwise dangerous world. In the context of similar national insecurities and a long-brewing backlash to conservative politics, the contemporary shift toward open adoptions and the increase in tolerance of LGBTQ identities may or may not be short-lived. However, as the next chapter on adoption matching practices will show, open adoptions and open gay parenting are less about acceptance and more about the immediate needs of a failing welfare state.

Chapter 3: Matching through the Generations – History of New York City Adoption Practices

An Overview of the Data

Matching practices have been driving American adoption placement trends since the legalization of adoption in 1851. However, it was not until the race matching debates of the 1970s that adoption professionals and other members of the adoption community started thinking about the cultural assumptions that underlie those practices. Matching involves pairing children in need of families with families who can care for them. In order to predict how these pairings might lead to successful permanent placements, people in the business of matching adoptable children to adoptive families assess these likelihoods according to different variables. The history of matching practices in American adoption lays bare the cultural assumptions underlying changing notions of the American family over time. Through this history, we can also come to understand how gays and lesbians have emerged as a relatively new group of American adopters.

Temporary foster care placements where reunification with birth families is the primary goal are handled much differently than permanency-oriented placements such as adoption. In adoption placements, professionals, potential adopters, and in the case of open adoptions, birth parents, consider the potential long-term effects such placements will have on the best interests of the child. This analysis focuses on adoption placements as an indicator of how Americans perceive ideal family forms with permanency being a prioritized goal. Despite the fact that there are so few households in the United States today that consist of married couples raising biological children, less than 25 percent, the

nuclear family ideal remains embedded in American thinking (Schmitt 2001) and greatly informs how adoption placements are made.

An early change in court doctrine regarding child welfare indicates a major shift in American thinking on children and their relationship to state and family. “*Parens patrie*,” or “parent of the nation,” refers to the state’s responsibility to intervene on behalf of children in need of protection from those deemed incapable of parenting their children. Until the early twentieth century, these policies were made in accordance with “tender years doctrine” which emphasized economic stability as the chief concern for children’s well-being. This meant that in cases of family separation, fathers were routinely granted custody of children. However, with the rise of psychoanalytic understandings of family dynamics and the importance of mothering in the 1930s and 40s, came a gradual shift toward “the best interests of the child” doctrine. By the 1970s, in the midst of second-wave feminism and a confusing invocation of women’s “natural” abilities to parent best, mothers started gaining custody of children more regularly than fathers.

New York’s role in American culture as one of the oldest and most diverse cities in the country makes it an important point of reference for the history of child welfare practices. Presently, there are about 15 thousand children in New York City foster care, which represents 64 percent of the roughly 25 thousand children in foster care throughout the state.²⁴ This number has remained steady for the last ten years. Los Angeles, which saw a peak of children in foster care in 1997 at 52 thousand, has significantly diminished that number by working to keep families together through aggressive family preservation

²⁴ I use the Adoption and Foster Care Analysis and Reporting System (AFCARS) throughout my analysis unless otherwise noted. AFCARS statistics and research can be found at http://www.acf.hhs.gov/programs/cb/stats_research/index.htm

and reunification efforts (Leonard 2007). The statistics for 2007 show that Los Angeles has about 25 thousand children in foster care. New York, Illinois, and Texas all have steady numbers of children languishing in their city systems. Presently, there are 510,000 children in foster care with 117,000 children available for adoption nationwide.

The present number of children in U.S. foster care is the result of frequent shifts in family preservation and adoption policies. The influx of children into the system is propelled by the number of parents deemed incapable of caring for their children. As Tina Lee demonstrates in her study of New York City family court practices, families of color are especially prone to government surveillance and judgments of neglect (2010). As a result, there are a disproportionate number of children of color who have been separated from their biological families and placed in foster care. The movement of children out of the system is propelled by the number of foster and adoptive parents deemed capable of caring for relinquished children. The number of biological parents deemed incapable of caring for their children and the number of children those parents must relinquish, far outweighs the number of willing foster parents and adopters deemed capable of caring for those children. This is especially true for permanent placements through adoption.

While most birth parents who relinquish their children do so under duress, adoptive parents come to the system in a position of power with the privilege of being able to accept or reject possible child placements. These different positions vis-à-vis the welfare system, as Dorothy Roberts (2002) demonstrates in her studies of urban welfare, often come down to race. Ideal adoption candidates with the finances and support available to take in a child in need of a home are often white, and the children available

to them in the foster care system are often of color. Historically, most white adopters have not been willing to adopt children of color, regardless of matching policies and efforts to encourage transracial adoption (Herman 2008).

The American Public Welfare Association (APWA) started operating the Voluntary Cooperative Information System (VCIS) with funding from the U.S. Department of Health and Human Services' Administration for Children and Families in 1982. The federal government had collected voluntary data from the 1940s to the mid-1970s prior to the initiative, but the VCIS marked the first time that a concerted, standardized effort was made to keep state-specific statistics. This system filled a crucial gap for state and federal policy makers concerned with adoption and foster care. Building upon its success, Congress amended the Social Security Act by establishing the Adoption and Foster Care Analysis and Reporting System (AFCARS) in 1986. The AFCARS is a mandated substitute care and adoption data collection system designed to provide standardized information on children in the child welfare system.

There are no statistical accounts of adoption and foster care trends prior to this period. However, there have been some successful attempts to collect data from before then, and these studies highlight pivotal moments in adoption placement policy. Historian Ellen Herman has been collecting and summarizing these data via The Adoption History Project website hosted by the University of Oregon (2003). The Evan B. Donaldson Adoption Institute also aggregates historical data and produces its own research on contemporary adoption practices (2007). These two resources help fill the gap of knowledge left by over a century of shoddy documentation and a general sense of disinterest in adoption and foster care statistics on the part of the government. I will use

these resources to help contextualize American adoption trends prior to the 1980s. I will then utilize VCIS and AFCARS data to shed light on the more contemporary quantitative information available and the qualitative interpretations that can be derived from them (2010).

Statistics from this period focus primarily on two aspects of adoption trends: 1) whether children are placed with “related” or “unrelated” adopters, and 2) whether or not adoptions are arranged through the “public foster care” system. There are no reliable statistics for age, gender, religion, ethnicity, and race, in adoption. There are some social histories, however, that give us important insights into these variables. These statistical priorities highlight the biological ideal in American kinship and the longstanding regulation of the family by the state.

Penelope L. Maza (1984) aggregated dispersed sources of data collected by the federal government for a thirty-year period from 1944 to 1975. Court documents signifying the finalizations of domestic adoptions to both related and unrelated adoptive parents show that placements went from a low of 50,000 in 1944 to a high of 175,000 in 1970. In the 1980s, these adoptions fell to 125,000 and have remained steady since. If we consider the 123,000 adoptable children currently languishing in foster care, we begin to realize the dire predicament of waiting adoptable children in the United States. How do the 125,000 domestic adoptions finalized in court relate to the 123,000 adoptable children in foster care nationwide?

Court-finalized adoptions account for all forms of adoption and these forms are not specified. For the sake of shedding light on the American foster care population, the most important distinction to be understood is that between public and private adoptions.

Public adoptions derive adoptees from the foster care system and private adoptions primarily derive adoptees from pregnant women who do not interact with the foster care system. Statistics for private adoptions are not available. However, we can make some guesses using the AFCARS reports on foster care. 2006 estimates show that out of 117,000 adoptable children in the public foster care system nationally, 50,000 adoptions were finalized. When compared to the national average of 125,000 domestic adoptions finalized in court, we can conclude that approximately 40 percent of domestic adoptions are derived from the public foster care system annually.

The First Century of American Adoption Trends

While adoptive parents have always been concerned with age, health, and gender, early matching practices were particularly focused on religion and ethnicity. From the mid-19th century until the early 20th century, when the care for homeless children shifted from religious organizations to the state, Catholic and Protestant placement workers from big urban centers such as New York City were adamant about matching children to parents of the same religion. Linda Gordon's (1999) social history of the orphan trains drives this point home in great detail. Against a backdrop of West Coast Mexican labor displacement and corporate mining industrialization, Gordon describes how Catholic nuns from the New York Foundling Hospital sent nineteen "white" children to Arizona to be adopted by "dark-skinned" Mexicans. Foundling Hospital placement workers put great effort into finding these orphans, the children of unmarried Irish and Polish Catholic women, appropriate placements with Catholic adopters. In New York City, Irish and Polish orphans would be considered "hard-to-place" in contemporary terms because of

their low class status as immigrants in poverty. The Foundling Hospital nuns communicated with priests and nuns in the mining town of Clifton-Morenci to arrange for a train to bring the unwanted children to their new families. Once they got there, however, “white” Anglo vigilantes “rescued” the children from the Mexican families they were intended for by stealing them from their new homes and redistributing them to white Anglo families. In a nod to the growing privileges and wealth of white “pioneers,” both the local and supreme court decided in favor of the vigilantes, and the children were raised by the Anglo families.

This story ended with far from ideal cross-religious placements. Christian placement workers strictly controlled early adoption matches until social workers began to work in maternity homes in the early 20th century. They sought out appropriate adopters according to religion. Gordon’s orphan train case shows how race and ethnicity were less important to Catholic placement workers than religion, even if race and class won out. Since most Catholics in the United States were in poverty, however, the Anglo-Protestants ran the majority of maternity homes and drove child placement efforts. Reformer Charles Loring Brace, founder of the New York Children’s Aid Society, originated the legendary “orphan trains” as a means of “Americanizing” innocent Catholics and Jews by sending them to Anglo-Protestant farming families (O’Connor 2001). Many of these placements ended up being temporary, however, as determined birth families tracked children down and reclaimed them. Brace’s attempts to “place out” children were a precursor to fostering in the sense that they were temporary. Most important, is the way in which religion was conceptualized as a gateway to ethnicity. If a Catholic or Jewish orphan was placed out of his “depraved” urban surroundings and

placed with an Anglo-Protestant farming family, he could be saved and turned into a full-fledged American.

Efforts to find adoptive families for homeless children have always depended upon the ability of child placement workers to match needy children for the characteristics most desired by available adopters. Early 20th century adopters felt they were at risk of taking in children who themselves were at risk of being physically disabled, developmentally delayed, or psychologically unstable. Unlike today, early adopters of unrelated children preferred older children so as to avoid these risks. Many of them were looking for additional sources of physical labor, both domestic and manual, which also put older demonstrably “fit” children at an advantage over their younger peers. In this sense, infants and young children were at risk of longer stays in almshouses and orphanages than their older peers who could demonstrate healthy states of body and mind with age.

During this time, Progressive Era reformers and social workers jockeyed for control over the plight of unmarried women and their children (Kunzel 1993). In an attempt to gain recognition as professionals in child and family welfare, social workers moved away from the moralizing rhetoric associated with the evangelicals’ maternity home movement by moving toward scientific methods of testing, diagnoses, and treatment. Adopters, in an effort to minimize their perceived risks, valued these “scientific” interpretations and began to seek them out when searching for adoptable children. Social workers trained to become scientific “experts” in order to assert their worth as predominately female professionals. By the end of the 1940s, religious convictions gave way to the rationale of science.

Social workers started using scientific understandings of mental and physical development to try and redefine the definition of the “adoptable child” and expand matching possibilities based on an increased emphasis on “nurture” over “nature.” However, any sign of physical or mental “pathology,” with mixed and non-white race understood as deficit, deemed otherwise adoptable children “hard-to-place.” As a result, the history of matching, primarily driven by adopter demand, shows a legacy of social workers and adoptive families committed to race matching (Balcom 2008).

Post-WWII to the Turn of the 21st Century

By the 1950s, social workers started abandoning IQ tests and mental functioning as matching criteria in adoption placement practices. Overshadowed by the use of eugenics in the genocide of European Jews, everyday Americans became wary of any form of testing that could potentially rank people according to genetic factors. In retrospect, it is easy to see how scientific studies reflected the social constructions of race at that time, “naturally” linking darker skin tones, larger cranial measurements, and undesirable social behaviors. Despite Americans’ sudden distaste for eugenics, the social categories upon which many of those studies were built remained intact. Transracial adoption was not yet an acceptable consideration for the American public because the racial divide in the United States was stronger than ever. War orphans brought home from overseas by World War II families were more easily accepted into the (white) American family than African Americans and other children of color.

The growing population of hard-to-place children presented a challenge to the existing matching system because there did not seem to be any inherent advantage to

raising a child with special needs. While religion and gender fulfilled specific desires for family, special needs children did not. As a result, placement workers started moving their matching efforts away from a focus on sameness and more on identifying adopters willing and able to care for children with special needs. Agencies had to put more effort into working with potential adopters to prepare them for the challenges associated with hard-to-place children. With this effort came closer professional supervision of adoption applicant procedures, home studies, and eventually training courses. Professionalization of adoption placement practices meant greater state surveillance not only of adoption applicants, but first and foremost of the families in poverty from which adoptable children are claimed.

In the late 1950s American and Canadian social workers created the Adoption Resource Exchange of North America (ARENA) to help locate adoptive families for hard-to-place children across state and national borders (Balcom 2008). For the first time, social workers systematically shared information on adoptable children outside their immediate geographic locations and across national boundaries. This was an important turning point in the history of American adoption and matching practices because in some cases, such as in the present-day New York City foster care system, the ability to fulfill local desires for some kinds of children with children imported from other places leaves local children with even fewer chances of being placed out of the foster care system. Interstate adoption practices, which have developed out of the adoption resource exchange program, help to reinforce existing hierarchies of desire and neglect for populations of children in foster care. This can be seen very clearly in the case of international adoption but seems less noticeable in direct placement open adoptions

where infants are almost always adopted across state boundaries. Likewise, state and city agencies are still engaged in interstate adoption placements through the “blue book” network, which refers to the constantly updated listings of children available for adoption nationwide.

ARENA was inspired by the Indian Adoption Project (IAP), which came out of a collaborative effort between the Child Welfare League of America (CWLA) and the U.S. Bureau of Indian Affairs to place Native American children in poverty with waiting adopters outside Native American reservations. Native American human rights activists saw this effort as a way of severing children’s ties to family and heritage, eventually leading to the demise of Native American culture and people altogether. Their activism led to the permanent dissolution of the IAP and the passing of the Indian Child Welfare Act of 1978 (ICWA), which emphasizes tribal control over child placements for Native American children. As “our first Americans” (Balcom 2008), the adoption of Native American children was seen as a “patriotic” act, much like the saving of war orphans from distant countries. This understanding of Native American children made them more desirable than African American children and more likely to achieve federal protections.

Steven Unger of the Association for Indian Affairs and Evelyn Blanchard, a Laguna-Yaqui social worker, led arguments leading up to the passing of the ICWA. Anthropologist Pauline Turner Strong’s description of their platform against the IAP strongly resembles contemporary scholars’ descriptions of racially informed separations of children from birth families of color (Lee 2010, Roberts 2002):

Children were removed for conditions that were not demonstrably harmful or before supportive services were extended to families experiencing problems. Few children were removed from their families because of physical abuse. Most often they were removed for “neglect,” “abandonment,” or “social deprivation.” These

might consist of simply living on a poverty-stricken reservation; being under the care of grandparents, siblings, or other members of an extended family; or being raised under less restrictive conditions than were tolerated in the dominant society. [Strong 2002]

Overlapping the IAP debates, the National Association of Black Social Workers (NABSW) was also grappling with its position on race, culture, and adoption.

Its view that the adoption of children of color by white parents is a form of racism was the impetus for continued public debate starting in the early 1970s. NABSW described transracial adoption as a form of “racial” and “cultural genocide” and issued a resolution in 1972 stating:

Black children should be placed only with Black families whether in foster care or adoption. Black children belong physically, psychologically and culturally in Black families in order that they receive the total sense of themselves and develop a sound projection of their future. Human beings are products of their environment and develop their sense of values, attitudes, and self-concepts within their own family structure. Black children in white homes are cut off from the healthy development of themselves as Black people. [Simon and Alstein 1977]

In the early 1970s, bolstered by the feminist movement, white women started approaching family and reproduction differently. They began raising more children out-of-wedlock, seeking legal abortions on the heels of *Roe v. Wade*, entering the workforce, and getting married at a later age. This confluence of factors amounted to a precipitous drop in healthy white babies available for adoption and a rise in older infertile white couples. Rather suddenly, white families interested in adoption were looking across previously hardened boundaries of race to form transracial families. At the same time, a disproportionate number of African American families remained in poverty and thus, in need of assistance in keeping families together. The NABSW was determined not to let these trends result in the creation of a pool of available black children for white adopters.

In addition to issues of heritage and psychological stability, transracial adoption would compromise attempts to organize for alternative solutions to adoption and foster care such as kinship care, community-based family preservation efforts, and the active recruitment of adoptive families of colors.

The drive for concrete laws addressing race-based matching was fueled by opposition to transracial adoption, understood by many black social workers as a form of institutionalized racism that unfairly stigmatized families of color. Since “transracial adoption” in the United States has always amounted to the raising of black children by white parents, the NABSW experienced transracial adoption as a throwback to black slave ownership that threatened to dilute African American heritage by effectively removing black children from poor black homes and placing them into white ones.

The 1994 enactment of the Multiethnic Placement Act (MEPA) was a pivotal moment in the history of American adoption. After two decades of debate about the ethics of transracial adoption, MEPA stated that federally funded adoption and foster care agencies could no longer take race into consideration when finding parents for adoptable children. This meant that adoption professionals working in any way associated with the public sector could no longer “match” adoptive parents with adoptable children according to race. Prior to this, building upon a long history of other forms of matching, children were routinely matched to parents by various physical traits associated with race and these practices were considered an important part of successful adoption placements.

In fact, these practices were so entrenched in the American welfare system that an amendment to the law was passed two years later to help clarify its scope and purpose:

In 1996, MEPA was amended by the provisions for Removal of Barriers to Interethnic Adoption (IEP) included in the Small Business Job Protection Act. As

explained in the Information Memoranda on IEP issued by HHS in June 1997, original provisions clarify that "discrimination is not to be tolerated," whether directed at children in need of appropriate, safe homes, at prospective parents, or at previously "underutilized" communities who could be resources for placing children. The IEP also strengthens compliance and enforcement procedures, including the withholding of federal funds and the right of any aggrieved individual to seek relief in federal court against a state or other entity alleged to be in violation of the Act. [American Bar Association 1998]

Unfortunately, MEPA-IEP was set up in such a way that it threatened to cut funding to agencies that participated in race matching without increasing funding to help recruit more adoptive families of color. Essentially, the new law did nothing to get at the real problem behind the African American child welfare crisis, which is poverty.

The enactment of MEPA went directly against the National Association of Black Social Workers' argument that transracial adoption is a form of racism. President Clinton's signing of MEPA added to the continuing trend started during the Reagan Administration which effectively dismantled major family welfare programs in response to racialized moral panics (Ortiz and Briggs 2003). In the case of MEPA, the lingering panic was concerned with the late 1980s' crack epidemic and the supposed increase in black infant mortality rates due to crack addiction. Though the crack epidemic was more severe among white males than any other segment of the population, black women, especially black mothers, were demonized by the media and mainstream culture. Research shows that babies of pregnant mothers who use crack are quite resilient to the drug (Frank 2001; Ackerman, Riggins, and Black 2010). Regardless, mothers both then and now are subject to immediate and permanent separations from their children. This complicated moment involving American family policy and the state led to an ever-increasing regulation of women of color and their families.

Separate, but alongside these continuing policy shifts, gay Americans began to emerge as adopters. Lesbians became the first gay Americans to seek legal adoptions in the 1970s. Closeted lesbians who had entered into heterosexual marriages started divorcing their husbands, coming out of the closet, and fighting difficult custody battles in the face of homophobic judges. The Lesbian Mothers National Defense Fund (LMND), created in Seattle, Washington in 1974, helped divorced lesbians finance court cases nationwide.²⁵ Local court decisions were and still are based on individual judge's assessments of the "best interests of the child." It was not until the early 1980s, based on increasing positive outcome studies for gay parents, that judges started regularly granting lesbian mothers custody of their children whether or not they were single or living with co-parenting partners. Courts in New York and New Jersey ruled that, "homosexuality itself is not a ground for denying a parent custody, but it would be considered in determining whether the home environment was in the best interests of the child" (Shipp 1980). "The best interests of the child" for lesbian mothers did not initially allow for romantic relationships or co-habitation with partners. Over time, however, influenced by the notion that mothers are naturally better parents, judges began to rule more regularly in favor of lesbian mothers.

The legality of gay parenting opened the door to gay men as well. In the 1980s, gay men started adopting children and created the "gayby boom". For some, especially Christian right lobbying groups like the Family Research Council, the gayby boom was an assault on the American family. For others this was seen as an opportunity for the expansion of gay family rights. Research shows that the children of gay parents, adopted

²⁵ For a history of LMND activism see, *Mom's Apple Pie: The Heart of the Lesbian Mothers National Defense Fund*.

and otherwise, grow up to be just as healthy and socially well adjusted as peers with heterosexual parents (James 2009). Still, homophobia pervades the social welfare system on many levels. As a result, gay adoption applicants are often placed with the most difficult children, leaving affluent gay adopters seeking private adoptions arranged by lawyers.

Nancy K. a “parent advocate” for You Gotta Believe, a Brooklyn-based homeless prevention / adoption placement organization, explains:

And when I, I did some things a couple of years ago in terms of talking to social workers about opening up to lesbian and gay families and stuff and one of the things that struck me was it was sad that they...they were open to um gay families, but in many cases, the gay families had taken the most challenging children that no one else would take. And so then it brings you back to the thing, is that the only reason they're welcome...because they're taking kids nobody else will take? Do they feel they need to do that? You know, like why do they need to do that more than anybody else? You know, why can't they just have the kids like everybody else has their kids? And when those kids, those regular kids are available, they don't get first choice. So you know, they go to the traditional kind of family, and they place them, and it's sort of the *leftover kids*. And they'll take it because that's what they can get.

The American Civil Liberties Union (ACLU) has been a strong supporter of gay and lesbian adoption. As early as 1999 the ACLU was working to educate the public on the need to open up adoption and foster care to a more inclusive pool of qualified applicants, and specifically gay and lesbian adopters:

In order to reach out and find more and better parents for children without homes adoption and foster care policies have become increasingly inclusive over the past two decades. While adoption and foster care were once viewed as services offered to infertile, middle-class, largely white couples seeking healthy same-race infants, these policies have modernized. In the past two decades, child welfare agencies have changed their policies to make adoption and foster care possible for a much broader range of adults, including minority families, older individuals, families who already have children, single parents (male and female), individuals with physical disabilities, and families across a broad economic range. These changes have often been controversial at the outset. According to the

CWLA, “at one time or another, the inclusion of each of these groups has caused controversy. Many well-intended individuals vigorously opposed including each new group as potential adopters and voiced concern that standards were being lowered in a way that could forever damage the field of adoption.”

Like other adults in this country, the majority of lesbians and gay men are in stable committed relationships. Of course some of these relationships have problems, as do some heterosexual relationships. The adoption and foster care screening process is very rigorous, including extensive home visits and interviews of prospective parents. It is designed to screen out those individuals who are not qualified to adopt or be foster parents, for whatever reason. All of the evidence shows that lesbians and gay men can and do make good parents. The American Psychological Association, in a recent report reviewing the research, observed that "not a single study has found children of gay or lesbian parents to be disadvantaged in any significant respect relative to children of heterosexual parents," and concluded that "home environments provided by gay and lesbian parents are as likely as those provided by heterosexual parents to support and enable children's psychosocial growth." That is why the Child Welfare League of America, the nation's oldest children's advocacy organization, and the North American Council on Adoptable Children say that gays and lesbians seeking to adopt should be evaluated just like other adoptive applicants. [ACLU 1999]

Despite the ACLU’s rightful claim that child welfare agencies have changed their policies to recruit a broader range of potential adopters, few new populations capable of taking on the financial burdens associated with raising a child have emerged. Based on my interactions at city child welfare recruitment events, there are many African American New Yorkers eager to parent.

New York City’s Administration for Children’s Services (ACS), the public central agency for fostering and adoption, hosts daylong recruitment events that are huge and celebratory. They are usually held in hotels or conference centers and are set up in such a way that people can attend breakout sessions of presentations on different topics. People are lined up at the doors waiting and enter the events in shifts. As a certain number of people leave, another group is allowed to enter. Meanwhile, ACS volunteers

are walking around handing out promotional gear such as refrigerator magnets, pens, and calendars.

Attendees are almost entirely “of color,” predominately African American, some Latino, and a small minority white, and sessions are geared toward how to adopt, not so much who can adopt or who can be adopted. There is no palpable focus on gay parenting. Attendees I have spoken to are mostly veteran foster care parents who, often accompanied by other family members, want the latest information on fostering and adoption in New York City.

These events dispel the myth that there are not enough African Americans willing to take in African American foster care children. The over-representation of African American children in foster care exists because not enough African American families qualify to foster financially and because a disproportionate number of African American children are removed from their biological families under charges of abuse and neglect. Child removal mandates such as the 1997 Adoption and Safe Families Act disproportionately affect families of color (Lee 2010).

Conclusion

The successes of the civil rights and second wave feminist movements led to increases in women in the work force, delays in childbearing, increases in legal abortions, divorce, and the advent of the “blended” family (Coontz 1992). The gay rights movement of the late 1960s led to an increase in gay visibility and the possibility of legal recognition for gay relationships. Together, these changes led to tremendous changes in American family structure in the last quarter of the twentieth century. These changes have not, however, had a significant effect on the increasing number of children in foster

care. Even as broader pools of adopters emerge, children in foster care, especially children of color, fail to be matched with permanent families.

Chapter 4: Finding Birthmothers in the Twenty-First Century

Direct Placement Open Adoption

The contemporary practice of direct placement open adoption focuses on available *adopters* instead of available *children*. While the history of matching shows that the desires of available adopters have always had an impact on which children in need of care are actually adopted, direct placement open adoption is explicitly driven by adopters seeking, specifically, infants. Indeed, infants placed through this practice are matched with adoptive parents before they are born. Direct placement open adoption also gives birthmothers a say in who will adopt their children. Since birthmothers have this say, hopeful adopters must present themselves as suitable parents. Building on the tradition of adoptive child listings, listings of waiting adopters have become the most popular means of providing information about their identities so that birthmothers can make informed choices when deciding with whom to place their children. Profiles are circulated by hand and/or through the Internet.

“Waiting profiles” are used for various purposes in adoption and foster care. Public and private agencies alike use waiting profiles to present information about different members of potential family configurations – foster children, foster-to-adopt children, children available for adoption, and waiting adopters. While foster children are available for temporary placements only, foster-to-adopt children are given a high likelihood of being “released” (from birthparents) for adoption, and children available for adoption have no hope of reunifying with their birth families. These distinctions are

important to potential foster and adoptive parents as they consider their future childcare responsibilities. Waiting adopters, who are seeking permanent child placements, have just recently begun to create waiting profiles for themselves in the hopes of increasing their chances of being placed with an adoptive child.

Children work with placement professionals to create their own profiles or may have their profiles created for them. For children, profiles need to be short and to the point – providing as much information as possible so that placement workers can circulate them through the nationwide “blue book” network in both hard and electronic copy. Children’s profiles typically consist of a portrait photograph; a short list of physical, mental, and emotional status; academic, health, and social development; recreational interests; and family background. Some waiting adopters mimic this style in the creation of their own on-line photo-listings so that pregnant birthmothers can peruse their profiles. There are several websites designed for this purpose. The direct placement open adopters I interviewed, however, created longer, more in-depth waiting profiles and worked with lawyers to help identify birthmothers off-line who could be pre-screened for openness to gay parents and any other characteristics important to adopters before considering matches.

The ways in which gay adopters choose to represent themselves through the construction of their waiting profiles may or may not be at odds with the ways in which they present themselves in everyday life. My research found that most gay adopters are “coached” through the direct placement open adoption process by lawyers and hired “facilitators” and often re-frame different aspects of their identities according to the assumed expectations and desires of waiting birthmothers. These re-presentations of

selves are believed to be crucial to the success of direct placement open adoptions and play an important role in the task of identifying a birthmother. The following analysis of the construction of waiting profiles and “Dear Birth Mother” letters shows two very different approaches to finding potential birthmothers. Excerpts from interviews and the texts of these letters have been divided into five general themes: 1) speaking to the birthmother, 2) representing gay identity and gender, 3) representing family, 4) representing place, and 5) representing class. First, I will introduce the two couples and provide a general overview of their everyday lives as I encountered them.

Two Case Studies: Constructing Waiting Profiles and “Dear Birth Mother” Letters

In Case 1, I interviewed Ned alone in his spacious apartment one weekday afternoon while he was taking care of his eight-month old adopted baby, Vincent. He and his husband, Eric, had moved to Forest Hills, Queens from Manhattan for the family-oriented neighborhood and affordable apartment space. The elevator-equipped building had nicely landscaped courtyards and play areas for children.

Eric was at work during our interview. After a one-hour interview regarding his experiences and expectations with direct placement open adoption, Ned agreed to let me see their waiting profile and spent another hour walking me through it. Ned emphasized the ease with which he and Eric were able to adopt and how quickly they were matched – three months from start to finish. He attributed their success to the independent lawyer they hired who they heard about from other successful gay male adopters. This lawyer took care of everything for them from hiring a “facilitator” to hiring a lawyer for the birth mother.

Ned reported that they created the profile very quickly and “shamelessly stole ideas” from fellow adopters. In this case, I did most of the reading, looking, and asking questions. The profile consisted of sixteen yellow pages including forty-three color images of photographs. It was neatly bound in a clear plastic sleeve. The words “Eric and Ned – Our Family” were printed in blue font on a yellow title page with computerized images of playing blocks, a rocking horse, and a teddy bear. Ned had many copies of their profile left over as “souvenirs” of their “journey” and was happy to let me take one for my research.²⁶

In Case 2, I interviewed Lena and Marie together in their four-story walk-up. They have been living in a cramped but comfortable apartment on the Lower East Side of Manhattan for many years. They had already been searching for a baby through the foster care system for the past three years and had experienced many potential matches and disappointments. Finally, they heard about Adoption Advocates through an acquaintance, a private consulting group of psychotherapists and attorneys who cater to those interested in direct placement open adoptions. They put together their profile and had encouraging offers on babies for the past six months, though none of them actually worked out once all sides started sharing information. When I arrived in early July, they had just recently been put in touch with a black woman who told them she was two months pregnant with a bi-racial child. They were very excited about the possibility of adopting a baby that matched their criteria.

They reported feeling overwhelmed by the process of picking out photos and writing the text for their waiting profile and procrastinated for months before actually

²⁶ See Appendix 1 for complete text and photo captions contained in Ned and Eric’s waiting profile.

finishing it, but they were proud of the results. Marie enthusiastically read through the profile aloud to me, and they both commented along the way. Theirs was much shorter in length than Ned and Eric's at eight pages with ten photographs. Lena and Marie's profile consisted of a few white photocopied pages with color images of photographs stapled together with their "Dear Birth Mother" text in black font serving as the cover page. They used this copy to make other copies as needed and did not have any extras to give to me.²⁷

The two profiles are markedly different in presentation and content. Most obvious is the level of care that seems to have gone into their creation. Clearly, Ned and Eric did more research than Lena and Marie did before working on their profiles. Even though Ned and Eric claimed they put theirs together quickly, the ideas they got by looking at other adopters' profiles made for a much fuller textual description of their daily lives and a much more vivid and slick visual representation. Lena and Marie's appeared directionless and confusing in comparison. As we will see, the extent to which these couples believed they should be open about their sexual identities influenced how much they shared with potential birth mothers and the enthusiasm with which they shared it. In this sense, the overall tone of each of the profiles seems deeply influenced by the willingness of these couples to share as much or as little of their lives with potential birth mothers as possible.

As a relatively new and unregulated practice, the preparations and logistics that go along with direct placement open adoption are constantly being reinterpreted. When it comes to waiting profiles, adopters determine the levels of creativity and openness they

²⁷ See Appendix 2 for complete text and photo captions contained in Lena and Marie's waiting profile and "Dear Birth Mother" letter.

want to put into them. I have seen numerous waiting profiles passed around adoption meetings and have noticed a steady shift towards more technologically enhanced efforts making for more “slick” presentations of material. Apple’s user-friendly content-formatting programs have become very popular tools to help consolidate photos, text, and design. Some people, however, stick to a basic photocopy style. Regardless of design, there seem to be some standard “must haves” included in a waiting profile. Most important are introductions of adopters with basic information about their jobs, relationship status, living situation, family background, education, interests, and motivations to adopt. These topics are generally covered through the use of photos and text.

In a long tradition of thanking birth mothers for the privilege of taking in their children, “Dear Birth Mother” letters also have a long history in adoption practices. In the case of direct placement open adoption, the “Dear Birth Mother” letter is also unique in its being written before a placement has been made, before a child is born. The purpose of this letter is to speak directly to the birth mother, to appeal to her desires for her child’s future and convince her that the people writing the letter will do the best possible job as parents. The cadence of the “Dear Birth Mother” letter has also changed over time. In the past, it was meant as a token of thanks. Today, in the context of direct placement open adoption, it is meant to convince.

Speaking to Birthmother

The most noticeable thing about the two profiles I have collected is the way in which the waiting adopters “speak” to the potential birth mothers. Lena and Marie

address the birth mother directly through their “Dear Birth Mother” letter at the beginning of their profile:

Dear Birth Mother,

We know the decision you are making is one full of sacrifice, and one that is motivated by love. It is our promise to you that your baby will be cherished. As a result of your loving and sacrifice, your baby will be the light of so many people’s lives. May it ease your heart to know how much happiness we will provide and unconditional love.

With our deepest admiration and gratitude,

Lena and Marie

They then proceed to describe their lives in the remainder of the profile in a third-person narrative style, which has the effect of maintaining some emotional distance between the adopters and the birth mother, “Marie was born in New York City to a close-knit Italian-American family.” [Appendix 2]

Lena and Marie were not yet sure about the level of contact they wanted to engage in with the birth mother and that is reflected in the lack of details they provide about their lives:

Marie: And yesterday we had a possible...we were possibly matched!

Lena: She’s just a couple of months pregnant, from Phoenix, Arizona. She said that she wants to meet us. That maybe we can go out there and meet her. It’s all a little strange. But at least it’s an encouraging sign.

Marie: And at least it fits all our requirements. Like for race and everything. I have no problem with it.

Lena: She already has kids, and she just doesn’t want to do it again, but she doesn’t want to have an abortion. I get that. I can respect that.

Marie: So we’ve started talking about possible sparse contact with her. I mean with siblings and everything. It could get confusing.

Lena: But I want more than that. Not for myself though. Selfishly, I probably wouldn't want any contact at all. But for the kid. I'm not sure yet. It really depends on the situation...on her situation. You decide that stuff with your lawyer and their lawyer. One party cannot dictate it for the other. Both have to decide. Do you want visits? Do you want photographs? For me it really depends on her situation. I mean, it doesn't mean that they don't still think about this baby, just because they give it up. And I think it's possible to do a semi-open thing. I'd like the child to know they're loved. That baby will be healthier for it. The child will not grow up feeling so rejected. Yeah, I would like it to be open...more open than semi-open.

Marie: Biological siblings though. That scares me. It'll be okay when he's eighteen but that'll be too confusing for everyone.

Lena: They told us she has a thirteen-year-old boy, and we're not sure if there are other ones. But it's not like they're three or four years old. I don't want to take that away from him either.

Marie: The constant contact thing. It's why we decided to use an independent lawyer. All the foster adoptions make you agree to have constant contact. And I just didn't feel comfortable with that.

Lena: It's still hard though, like making those decisions about how open is open. Like if we do the open thing, of course if the situation is really bad, you're not gonna want tons of contact there. But there's all different levels like semi-open adoption, open adoption, completely open adoption, and then closed adoption is just what it is.

Marie: I also feel good about being across the country.

Lena: And who knows? She seems like a really strong woman. So she may very well be a woman who knows how confusing open adoption could be.

Marie: Yeah, she seems really thoughtful.

Lena: Just the fact that she read our book....

Ned and Eric, on the other hand, forgo the separate "Dear Birth Mother" letter and address her directly throughout the profile text. As such, Ned and Eric's profile feels like an extended open letter, minus the typical letter format greeting and salutation. This gives their profile a more personal feel from the outset:

We are Ned and Eric. We are a committed couple and are ready and eager to be parents. We have both dreamed of having children since we were young. We made this book so that you can learn about who we are and begin to get to know us. We hope that it gives you a sense of what we believe is important in life.
[Appendix 1]

Ned and Eric use a first-person narrative style and even shift pronouns from plural when speaking as a couple, to singular when commenting on each other:

We both love teaching because we get to help educate young people. We are both middle school teachers and advisors and love getting to know our students every year.

Ned even keeps in touch with some students he taught in his first job almost a decade ago! [Appendix 1]

Ned felt that he and Eric were in agreement about wanting to have an open adoption based on experiences with adoption in their own families.

I have a sister-in-law whose mom had given up a kid to a paternity home. And you know she basically didn't have any choice in it and had a really rough time with that, and it impacted the whole family. So she had told us about this, and that sort of informed our decision that doing it, that doing an open adoption would be the best for everyone involved.

I think we were both a little nervous about what that meant. I sort of thought that we would be drawing up contracts like, oh this is how much you want to see the child, this is how much we want to let you see the child, you know things like that. That it would be a formal arrangement. And as we were going through the process we sort of realized how much more homespun it was. We did the adoption independently. We didn't do it through an agency. So there wasn't an agency, you know, sort of helping us negotiate that whole process.

And um his, his birth mom is relatively young, and she, I think, hadn't given a lot of thought to what she was expecting after the process. And it kind of...he was born early so we didn't have as much time to discuss everything in advance as we were expecting. So you know, he was born, and we saw them for the next couple of days, and had some short conversations about what their expectation was.

The birth mom and birth dad, they're still together, and she wasn't sure. She was afraid she might feel too much guilt to be able to meet him, the idea of meeting

him, and so on. And we, you know at the same time, I don't...I guess we were just sort of trying to keep ourselves open to whatever would happen. And then about a month ago, she called, and wanted to know how he was doing and asked for some photos.

We had sort of been...maintaining some distance to let her have some space. We weren't sure if she needed space. We didn't really know what to do, but we definitely were needing a little bit of space. So we were thinking at six months, you know, we'd probably send something. So shortly before six months, when he was about five months old, she called and asked for pictures and said that she'd like to meet him some time. And so we're planning to try to do a visit over the summer. And we're nervous about it, you know, but we're also sort of excited about it. I think it'll be a good thing for him to just sort of add to the story that um, you know, he got to see them when he was really young. And hopefully we'll continue to see them regularly as he grows up.

Because Ned and Eric felt it was so important for their child to know his birth mother, they are very direct in their profile and open about their lives. However, the reality of the terms of their open adoption, or lack of terms, has made that part of the adoption difficult. Lena and Marie's concerns about "confusion" prior to a placement are not that different from Ned and Eric's post-placement. The "homespun" nature of open adoption makes it difficult to know what to expect.

The way in which waiting adopters address birth mothers may have a tremendous effect on how quickly adopters are chosen, and especially on *who* chooses them. Gut reactions may play just as big a part in choosing adopters as what is actually presented on the page. I certainly felt that way when I was asked to identify children from the waiting lists in my adoption training exercises (see chapter 5). Associations can be every bit as powerful as facts.

National Public Radio's "This American Life" producer, Nancy Updike, spoke with a pregnant woman going through this process in the summer of 2008:

Nancy: Kim, from Seattle, Washington...seven months pregnant and faces dozens of one-page letters from couples who want to adopt her baby. Individually each letter seems like not enough information, and collectively they are way way too much. The first time she went through them...they melted into a mass of indistinguishable intelligent, fun-loving, mutually supportive...

Kim: Lots of hikers...northwest...I guess that makes sense.

Nancy: Open adoption is like a super high-stakes on-line dating...judging people is required. Kim goes back and forth between practical considerations and pure gut checks.

Kim: This couple uses child talk ...something about “kissing his boo-boos” you know that kind of, you know... I don’t know. I don’t like that very much.

Nancy: She weeds out a family that seems to her too religious and later she frowns upon a high-powered couple who write about their jobs at length. She wonders if they’d be home enough for the baby.

Kim: I could see them working 50-60 hours a week.

Nancy: She makes a face when a couple says they’re “relational people.”

Kim: There’s like this whole package of information, and I’ll focus in on like one sentence...and that makes me feel like I’m judgmental. I do this and sometimes it doesn’t make me feel you know, good, see and this is something really small but for some reason (laughs) it’s um...it says “opportunity to have a relationship with the child’s biological...heritage is very important including medical history”...I just, that feels kind of weird to me...

The “gut checks” Kim refers to may be based more on feelings than on facts, but they are responding to what the reader, the birth mother, believes to be true about who the adopters are as people – too touchy-feely, too religious, too work-oriented, too “weird.” And she bases her “judgments” on what she reads into their presentations. It is with this perspective in mind, that of the birth mother’s, that we turn to the remainder of the waiting profile analyses.²⁸

²⁸ Research that captures birth mothers’ perspectives on adoption, whether it is open, closed, international, or domestic, is lacking. However, anthropologist Tina Lee (2010) has shed some light on their experiences by documenting the crippling effects of the New York City family court system on families in poverty. Hosu Kim (2007) has also researched Korean media(ted) representations of Korean birthmothers to children adopted internationally to the United States.

Representing Gay Identity and Gender

Most gay adopters I came in contact with made reference to how “open” they were about their gay identities in approaching the adoption process. Some made their decisions based on what their lawyers or other adoption professionals suggested, and others made up their own minds. Gay adopters have different ideas about how they should represent themselves in terms of their sexual identities, and these ideas are influenced by many factors: political commitments, psychological beliefs, and perhaps most importantly, how they believe potential birth mothers will perceive them as potential parents. There was no overriding consensus among adopters or professionals about the effect of being openly gay in the direct placement open adoption process in terms of finding a birthmother.

Ned and Eric and Lena and Marie approached the issue of gay representation very differently. Ned and Eric were explicit about their gay identity, and Lena and Marie downplayed their gay identity as much as possible, though they were not entirely closeted. Ned and Eric make reference to being a “committed couple” on the first page of their waiting profile, whereas Lena and Marie make passing reference to each other as “partners” twice throughout.

Indeed, Ned and Eric’s profile highlights their gay identity with constant reference to their relationship in the form of photographs and text. They end their profile by calling the potential birth mother’s attention to their future identities as gay parents:

We understand that choosing two fathers may not be something you’ve considered before. As a couple, we have thought long and hard about the challenges that will face us as parents. But after speaking with so many other parents, we realize that all parents face many challenges. It is how those challenges are met that is important. With the support of our friends and family,

and with the love we have for each other, we feel more than ready to unconditionally open our arms, home and hearts to your child. [Appendix 1]

Ned and Eric used different tactics to find a birthmother and were not as open in other contexts. In our interview, Ned told me about how their “adoption facilitator” helped them place ads in national papers and coached them on screening birth mothers’ responses:

The ad was in the papers; people would respond. And when they responded to the ad, they would actually call this woman Iona, who was our adoption facilitator. We never met her she’s actually up in Connecticut, and she would collect information from them and then she would also break it to them that it was a gay couple, and I think that there’s a couple of psychological things going on there. One was that it is important for a woman to answer the phone when these women answer the ad because they might respond differently if they found out right away that it was a gay couple. Which is a little, maybe insidious, but um we do what we had to do....

Gay adopters’ level of openness about their gay identities seemed more practical than personal. In fact, people’s personal politics often seemed at odds with how they presented themselves at different stages throughout the process. As a black lesbian, Lena felt discriminated against by a private adoption agency early on in their search for a birth mother and decided to take her business elsewhere:

We went there because we realized that we couldn’t do it by ourselves right away. Like there were too many laws and...but they outright said that “because you’re a lesbian.” Well, not outright, but it felt that way. And then they said we’d be better off in the Latino program... like I was Latino or something. And like my politics are a little bit more rigid than Marie’s. I just wanted to get out of there and work with people who would accept us. And we did.

The consultants Lena and Marie ended up working with, however, advised against their being too open about their relationship up front. As Lena explains, this is one reason why their waiting profile is so vague:

They said not to focus too much on our relationship...more on the communities we are in. Which was hard. The letter was hard to write. It took a few days. Not

talking about our relationship was hard. Like that's the whole point, right? We want a family with us as the parents, a lesbian couple. Our communities are like us. It made it hard to write about that part.

And yet they felt optimistic that a birth mother would choose them as gay parents:

Marie: If a birth mother is going to accept a gay couple, she might accept a lesbian couple. Even if Lena and I have the same combined income as one rich gay man. And it may look, well exterior things and whatever, we don't have much. I do think we are in competition with rich gay men. We are factoring that in to our chances....

Lena: But gay men have it harder. They can't adopt as single men in some countries. It's always the pedophile thing. They have it harder everywhere. Except maybe in the private adoption world where what we are...

Marie: I think they told us that gay women adopt less because...I think maybe birth mothers think, "Well why don't they just have their own babies"?

There is no consensus among gay adopters about the advantages and disadvantages of being out during the adoption process or about the perceived gender binary. And this may speak to the very individualized nature of direct placement open adoption practices. Eventually, birth mothers and adopters find each other, and it is hard to know what motivates birth mothers to choose the parents they choose.

Representing Family, Place, and Class

Waiting adopters try to assure birth mothers that their children will become a part not only of their own lives as parents, but part of their family and friend communities as well. Sensitive to the fact that same-sex parents are not considered ideal in mainstream society, gay adopters are often advised to emphasize their relations with people of the opposite gender. Many times this comes in the form of aunts and uncles as gendered role models, who represent an extra level of family acceptance and commitment to the gay couple's choice to adopt as well. Ned and Eric, whose families are very present throughout their profile, present a more conventional concept of family that emphasizes

blood ties than Lena and Marie, who express a more modern urban-oriented concept of family that emphasizes community ties.

When Lena and Marie write about their families of origin, they take the opportunity to identify their ethnic backgrounds by contextualizing references with phrases like “close-knit Italian American family,” “mixed race identity,” and “large and diverse extended family.” Here they talk about Lena’s mixed-race identity:

Lena: You have to think on so many strategies – word choices, what’s going to draw people in? It’s an interesting way to think...how am I going to be perceived?

Marie: Even this, like if we want to meet this birthmother, can you please not cut your hair?

Lena: Yeah, like we know she’s black. And I’m bi-racial, but you know, really I’m black. And I know the challenges of that, and I’d want my child to know that in my family – we have many bi-racial children in our family. And I want this mother to know that too. Like we can relate to her experience. And I guess Marie thinks that my afro can do that. But I don’t think that that’s so important. She’ll get it anyway when we talk to her.

Like many adopters in this study, Lena and Marie are looking for a baby who will look like them. In this case, as Lena describes, bi-racial means black and white with the expectation that the child will be perceived as black. Though Marie’s Italian heritage is mentioned in the text, it never came up in the interview. In many ways their profile does not do justice to the complex realities of their identities, which might be attractive to potential birthmothers carrying bi-racial children, for example.

As a white married couple, Ned and Eric do not mention race or ethnicity in their profile or in person. Their facilitator coached them to emphasize their own relationship and their relationship to their family. Ned and Eric got married in Massachusetts before they started their adoption search. Another male couple I interviewed did the same thing. Legally married couples in New York State, gay and straight, can adopt children jointly

so as to avoid having to wait for one or the other parent to petition the court for a second-parent adoption. Even though same-sex couples cannot yet legally marry in New York, same-sex marriages from other states are legally recognized. Ned and Eric's wedding is featured prominently throughout their profile making their profile similar to many of the waiting profiles for straight couples, where photos and references to marriage are front and center.²⁹

Even though Ned and Eric do have supportive families, Ned feels uneasy about the process of writing about them:

We just wanted to...so we, you know, we just wanted to show ourselves with our families. We both have big, well not big, but relatively big supportive pretty loving families that we spend a lot of time with, and so you know it was hard in trying to find a way to convey that honestly. It was hard because we were making a brochure about ourselves. You know like it feels so weird like you know we're selling ourselves here. So like, you know, we'd like tell people about what we we're doing and sometimes we'd show this to people and they'd be like it's so nice, and we'd be like yeah but it's a little weird, right?

Ned seems uncomfortable with the marketing, consumer-oriented quality attached to the creation of their profile, as if they are "selling" themselves, making a "brochure."

New Yorkers recognize New York City as a unique environment in which to raise a child when compared to the environments from which birthmothers are usually from – smaller struggling regions in upstate New York, the Midwest, on the West Coast, and in the South. Some see this as an attractive aspect of their search and others see it as a detriment. Again, different birthmothers have different perspectives. Ned and Eric

²⁹ See <http://www.parentprofiles.com/> for one of the top websites dedicated to matching adopters to birthmothers. The site does not work with gay adopters and represents only legally married couples. Parentprofiles.com was sued in 2004 by a gay couple in California for rejecting their application. The couple won the suit in federal civil rights court in 2007. As a result, the site no longer accepts applicants from California so as to maintain their stance against same-sex parenting and uphold their "freedom of speech" (Lee 2007).

highlight the abundance of opportunities for learning and exploring in the city while offering weekend escapes to nature in the form of an upstate cabin. Lena and Marie provide a more ambiguous even confusing sense of place by writing about the diversity of their urban community but including unidentified photographs of suburban settings.

Lena: You have to make New York look good. I can't even get my family to visit me, and I've been here for almost ten years! They don't ride the subway...they're totally afraid.

Marie: Even with all the gentrification, people still don't think it's nice. It is a beautiful neighborhood, yes, but it's all we can afford. I've lived in this place forever. I like it cuz it's artsy without being hipster, yes. But, you know, we did a little lie here (pointing to a photograph of a big white colonial house). All those gay men and their Hampton summer homes...we can't compete with that. So this is a picture of my parent's house.

Lena and Marie's apartment is small, but cozy. They live on a tree-lined street near a local playground and elementary school. Lena's family's response to her life in the city has influenced the way in which she thinks birthmothers will respond to them as potential parents. In fact, their profile does not include one photograph specific to New York City. Their "little lie" about the colonial house is no different from the many exaggerations and omissions other adopters talk about when presenting themselves as potential parents. However, the lack of context makes it confusing for the reader.

Anyone looking at Ned and Eric's profile would have a clear sense that they live in New York City. They dedicate a page to the city and promote the many opportunities for families living in an urban hub:

We live and teach in New York City, a vibrant and exciting city with so much to do – museums, libraries, theaters, and every sports complex imaginable. It is a culturally diverse city; our neighborhood alone has delicious restaurants representing over a dozen ethnicities. We live in a very family-oriented neighborhood with lots of outdoor spaces and frequent community festivals and block parties. [Text accompanied by photo of Eric and female friend standing in front of snow-covered Grand Army Plaza entrance to Prospect Park, Brooklyn; caption, "Eric with our friend A in Brooklyn]. [Appendix 1]

Class plays an important role in the differences between these profiles. Clearly, Ned and Eric have the financial means necessary to own a cabin in the Catskills, for example. Lena and Marie live more frugally and mentioned finances as a concern for them in terms of where they can afford to live. Christine Ward Gailey (2000) suggests that single female adopters and birthmothers may feel an affinity for each other as they imagine each other parenting alone. Since most birthmothers look for adopters to parent their children due to finances, Gailey's argument might be understood more generally to include a possible desire for less privileged adopters on the part of some birthmothers – financial struggle being something with which they can relate.

Class is represented throughout the profiles through references to professional roles and access to education, travel opportunities, and healthy living through fitness and the outdoors. Access to these different resources necessarily requires a certain level of privilege that adopters hope will impress birthmothers and convince them that their children will benefit greatly from the environment they plan on providing.

Ned and Eric are very upfront about their privilege. There are numerous references in their profile to their country house, their traveling experiences, and their ability to have one parent stay home to raise a child. For Ned, the process of creating the profile helped him recognize their privilege and seemed to bolster their excitement about adopting:

So, you know...I mean it was actually really cool to do this cuz it, it made us reflect a lot about our relationship and about our families and about, you know all the important things in our lives that would that, that would be important as fathers. So um, it sort of, you know, just to recognize how lucky we are. So you know trying to sell the fact that we had a nice life with traveling (laughs) and things like that. We have a nice little cabin up in the Catskills so...

Lena and Marie's profile also shows them traveling, engaging in political protests, graduating from college, and running a dance studio. Though their presentation might not be as slick as Ned and Eric's, there is no question that they too enjoy certain privileges and are eager to share them with a child.

There is no sure-fire way to guarantee that a birthmother will choose one particular couple over another to raise their child. While parenting in the United States is typically thought of as "women's work," the success gay men have had with direct placement open adoption shows that birth mothers can imagine otherwise. At the same time, there are aspects of being female that allow lesbians to navigate direct placement open adoption more independently, without the need to hire female professionals to represent their desires to parent to potential birthmothers during the matching process. Gender, it seems, is not a strong indicator of successful adoptions for gay couples. In the case of these two couples, the men were matched with a healthy white newborn in less than six months. The women, however, decided to put their adoption plans on hold after experiencing repeated disappointments with potential matches.

Financial resources may play a bigger role in this form of adoption than in other forms because the ability to pay a lawyer and/or a facilitator to help locate birthmothers and devote their time to specific cases is invaluable. Every case is unique, and adoption lawyers and facilitators use their experience in the field to coach waiting adopters toward successful placements. To the extent that this particular gay couple seemed better off than this particular lesbian couple, a gendered inequity in wealth seems to apply. However, this was not true for all the couples in the study. Birthmothers' "gut checks" probably

play the biggest role in how they choose adoptive parents, and in a sense, this levels the playing field for all gay adopters.

Screening and Waiting

Once a birthmother expresses interest in a waiting adopters' profile, usually through the adopters' lawyer or facilitator, both sides are encouraged to speak directly to one another on the phone. If that conversation goes well, more phone calls transpire between the two parties until everyone agrees they are a good match for open adoption. Ideally, the birthmother and the waiting adopters will meet in person. More often, due to the limitations of time and distance, the parties do not meet until shortly before the birthmother delivers. This means that birthmothers verbally agree to hand over their children to adopters they have never met in person. There are no legal documents accompanying these agreements and hence no guarantees that both parties will follow through on their commitments. Savvy adopters who can afford attorneys with experience in direct placement open adoption can be matched quickly and successfully. Many direct placement open adopters refer to the whole process as a "leap of faith."

The "screening" process, as it is commonly referred to in direct placement open adoption circles, works in both directions. Both parties are generally looking for emotionally and physically stable allies in the joint project of birthing a healthy child and transferring that child's care to capable adoptive parents. Lawyers and facilitators play a big role in weeding through information on both ends so as to suggest promising matches. By the time birthmothers and waiting adopters are actually having a conversation, potential deal-breakers such as the race of the child, the health of the

birthmother, or the sexual identity of the waiting adopters, have already been considered. As in other forms of adoption, preferences for the infant's race and potential health and development issues are usually top priority for adopters, and the more open they are to accepting bi-racial infants or infants with potential medical conditions, the more quickly placements occur.

Waiting adopters who hire adoption attorneys early on in their searches can be placed with a baby within a year. Danny, an HIV counselor, and Gil, a lawyer, are white Jews in their late twenties living on the Lower East Side. Danny and Gil were placed the most quickly out of everyone in the study, in three months. Their son, Ely, is bi-racial.

Gil: Right before Christmas...a week before Christmas

Danny: Yeah, and it was like yeah, I have a birthmother, do you want to speak to her?

Gil: It was the first woman we spoke to...first and only woman we spoke to, yeah.

Danny: The only.

Gil: Yeah, and and, she was due in mid-February. And it was December so we were like...I was on the...I was driving back to my office from a client...um, I used to work up in Westchester...and when I got the call I was like holy shit...I have to pull over.

It was our lawyer. And I pulled over to the side, I pulled over into like a random parking lot, and I was beside myself. I mean I was starting to cry. It was just such a bizarre thing to suddenly happen. We weren't even going to start speaking to people until February, and I was just totally unprepared and excited especially when she said that she was due in February in just a couple months. And then we quickly, as quickly as possible, tried to get all our stuff together

Yeah, we like scrambled to get our "dear birth mother" letter together, all our photos. We had to do it for her...but we just, we only sent it to one person. She didn't...she didn't really know much. She didn't really know anything about us but this was sort of well, you know, connected. She had a family that decided not to continue...

Danny: Decided not to work with her...

Gil: Yeah she had a had a...you know, she um, you know so she was in a fragile state, and she said there's this couple but we needed a way to introduce ourselves so we did the letter. It was just frantic it was like I stayed up we stayed up all night...like we both were up. I don't remember what happened ... you were working that night.

Danny: I think I was working...I used to work nights.

Gil: Yeah, so like I stayed up all night...I mean I hadn't pulled an all-nighter since college. And ... I put this thing together and went back and forth with the lawyer and getting some comments and yeah...

I mean we had we had you know retained one of these adoption consultants ... the people who screen all the calls...like we were ready to do the old fashioned way like you know... and advertise and do the whole thing like you know...and it was just totally out of left field to get a phone call that was like, you need your birth mother letter in two days.

So then we just waited. We thought... we were so neurotic. You know, it was a process. I mean you don't hear from the birth mother. They couldn't get in touch with her. I mean you know...they have their lives, and there are things going on for them. And it's common, you know, we were told that they can drop off out of communication for a while and uh, and she did. And so it was like we started to sort of give up, but we couldn't cuz it was like so perfect. And then one day we were at our friend's house...

Gil: Yeah, and um, we spoke to her, and it was like. Yeah, I mean we talked to her for like 20 minutes, I mean it wasn't that long but it was it was great, it was great, like immediately.

Danny: Yeah like very clear from the beginning that we had similar senses of humor, similar hopes for what Ely's life would be like and all that. Like we were on the same page.

Gil: Her only concerns were...education...which is very important to us so that was no problem, and that if he grows up and and decides he wants to (laughs) marry a woman...that we'd be okay with that (both giggling). You know, she was fine with the fact that we were gay, but like uh...

Danny: She didn't want us to force Ely to be gay too if he didn't want to be...or be upset if he wasn't. But it's interesting cuz she kind of made a jump there where she was like, obviously you are going to raise this kid to be kind of gay, but if he decides that...

Gil: Yeah, right, right (both laughing)...

Danny: Which is interesting because it sort of gave us permission to raise him, you know, sort of gay, which was the amazing thing. She was just assuming it. Like, that's cool...

Because she, you know, we come from two very different worlds for many reasons but one of them was like, you know, inter-racial couples are not uncommon here. But for her and her family it was very, you know...she's white, but you know at the time her boyfriend was black, and that's Ely's birthfather. Um, and her family was just really, really mad about it. So whenever we were like, is it okay with us being gay? She'd be like, well yeah, of course, who am I to judge? I had sex with...I had a baby with a black man.

Danny and Gil's speedy adoption is exceptional. Theirs might have been a case of being in the right place at the right time. Ely's birthmother may have been desperate to find adoptive parents following the disruption in arrangements with previous adopters. Being open to accepting a black child, however, helped. They were also the only white couple in the study to have adopted a bi-racial child. In this case, the rejection this birthmother felt from her family was strong enough not to risk raising the child in a potentially hostile environment. As Danny points out, her concern about whether or not the child will be allowed to marry a woman reveals an assumption on her part that Ely will be raised to be gay. While many gay adopters believe that their chances of finding a birthmother willing to work with them is hindered by their sexual identity, this case shows that for some, it is not a serious issue.

Most people who choose direct placement open adoption do so because they want to adopt healthy infants at birth. They may also want a specific match for race or gender, characteristics they cannot legally be matched for through foster care. Birthmothers who choose to work with lawyers have direct contact with waiting adopters and can screen them for their own personal preferences as well. That level of contact cannot be

established in agency settings where caseloads are high and resources scarce. Moreover, many of these women are outsiders to the welfare system and find themselves in a unique crisis in their life. By turning to lawyers, they can by-pass the foster care system, and its bureaucratic hoops, entirely.

The waiting period leading up to the delivery is fraught with tension. Both parties stand so much to gain and lose in the transaction of an infant's life. Though it is illegal to exchange money for adopted children, waiting adopters who are matched with pregnant birthmothers are often expected to pay for various needs for the birthmother during her pregnancy through the adopters' attorney. Depending on the birthmother's situation, expenses may include pre-natal care and/or health insurance, rent, food, medicine, phone bills, and anything else deemed relevant to the well being of the unborn child and by extension, its birthmother.

The cost of direct placement open adoption varies greatly depending upon the particular circumstances surrounding matches. Because they are facilitated through lawyers, there are no regulated standards. Lawyers charge for their own services and coordinate adjunct services when needed. Adjunct services may include the hiring of facilitators to help screen birthmothers, social workers to help birthmothers access pre-natal and mental health services, and the locating of other lawyers to represent birthmothers in the relinquishment process. Travel costs also vary depending upon where the birthmother lives. People pay anywhere from ten to forty thousand dollars for direct placement open adoptions.

Costs increase the longer a woman is pregnant, and some adopters have been caught in "scams" when a potential birth mother uses the money supplied to her by

waiting adopters, but does not end up providing them with a baby. In gay adoption support settings, such as the Wanna Bees Dads and Moms meetings, people share their experiences trying to negotiate monetary issues with birthmothers and warn against working with women early on in their pregnancies. In fact, women in their third trimesters are considered the most promising matches, so as to avoid the emotional disappointment and money lost on “fake” pregnancies.

Relative Disruptions

One of the biggest fears for waiting adopters is that birth mothers may decide to back out of adoption arrangements after giving birth. And one of the most common pieces of advice given to waiting adopters of newborns is “*don’t* buy anything yet.” That is, “don’t decorate the baby’s room,” and “don’t buy the baby clothes.” Another common aspect of adoption narratives is the chaotic rush to stock up on “the basics” – formula, bottles, diapers, and onesies – on the way to the hospital. The car seat seems to be the one big ticket item that people allow themselves prior to picking up their adopted baby – perhaps because a newborn cannot legally be taken home from a hospital without one. The reasoning behind not preparing in advance is that if there are few physical reminders around after a disruption, the experience will be less traumatic for the adopters if the birth mother changes her mind. The meaning attributed to the deliberate *absence* of material objects signifying parenthood parallels the meaning attributed to *the presence* of material objects and the importance of making memories that Linda Layne has analyzed in her work on miscarriages (2003). Preparing for an unborn child makes the child seem “real.” In Wozniak’s work (2004) on the emotional stress of foster mothering, consumption

practices play an important role in foster mothers' attempts to show love for their foster children and later, when they have left, to remind them of that loving relationship.

Sally, a white financial consultant in her early thirties living on the Upper West Side, told me about her and her girlfriend's experience leading up to and at the delivery of their daughter, Cole. Gunvar, Sally's girlfriend, is a banker from Holland:

We hadn't really talked about it with people because, again like, people told us, don't get a lot of stuff. Don't, you know, because if it doesn't happen, you're gonna have all these reminders around. You're gonna have people saying, oh how was the adoption? You're gonna have, you know, all this stuff. Just wait until something happens before you get yourself ready. So nobody knew.

I left work. I came home, we packed, we got in the car, and we drove to Baltimore. There was no traffic believe it or not leaving New York on a Friday night. And um, we got there 20 minutes after, after she was born. And we got to the hospital, and we walked up um...we didn't know really where we were going. So we parked, and we were walking up to the hospital, and there was this little huddle of people standing outside.

The week before we had met uh, Johnny's, um aunt, who it turned out was his uh, no his sister, who had turned out was his mother...there was some weird story there and, and, a bunch of other relatives and people who just happened to be at the house when we went by. And so there was this little huddle and they looked up and, and it was his...mom. And she shouted, it's a girl! She recognized us from the week before. They had just gotten out of the delivery. They were having a smoke break (she laughs) because they had just, you know, delivered. And um, you know, she sort of introduced us to whoever she was with, and she let us inside.

Sally and Gunvar had a particularly gay- and adoption-friendly experience at the hospital where their daughter's birth mother gave birth:

Any time we got stopped by anybody she was like, these are the parents, I gotta get them upstairs. So that was great. You know, she let us in, and she just, she kept saying, these are the parents too. And that was like so nice to hear from somebody in the family.

We went up to Kate's room, and a couple of other family members were there, and Cole was in the room, which was a little weird cuz she didn't want her there. We didn't really know that at the time, but she didn't want her in the room. She didn't want to see her. But the nurses just hustled her in I guess. So we got to see her right away, and um, and the family and everything. And um, and it was great.

I think it was, it was easier cuz we had just met them the week before. So we didn't have to have these weird introductions or whatever, um, and... and then then, then, we left to let her, to let her sleep, and um, I guess we were on the phone...this was a hospital where you could use your cellphone (she laughs). Uh, and um, while we were sort of getting ready to go, the nurse wheeled Cole out of the room to take her back to the nursery, and um, and she let us hold her, which she wasn't supposed to do. But that was great. So Gunvar got to hold her for a little while, and then I got to hold her, and uh, and then we went to our hotel and whatever.

Sally and Gunvar's awkward experience waiting for the birth mother to sign release papers was common among direct placement open adopters:

And then we went the next day. The next day was weird because we went back to the hospital, and they had to sign papers to let us have entry to the nursery, and they didn't want to sign them until they had met with their lawyer, which I totally respect. But you know, there we were at the hospital with...you know, she was trying to get discharged all day long. She just wanted to get home. She wanted to get out of there. But they had to run blood tests on her cuz she had had no, you know pre-natal care, so they wanted to run all these blood tests to make sure that they weren't of different blood types or something...I don't remember. And they took all day.

And so we basically spent the whole day with Kate and Johnny in their room ... desperately wanting to go see Cole but not wanting to be like, you know, can you please sign the paperwork so we can go see her? And also like, I mean, we had just met them the week before, and seeing her the night before I think we felt some...responsibility and affinity to them. They were young. She was 18. She had just turned 18 um in November I guess. And he was still 17. He turned 18 in January. So they were you know um...

I mean nobody else was there that day. Like, they didn't have parents there or anybody that was really helping them out. So like we went out and got them McDonald's and, and just sort of were trying to be as supportive as possible, but at the same time just like, get out of here (she laughs)...so yeah, that was pretty crazy...

New York state adoption law, regardless of where the baby is born, requires a period of at least forty-five days from delivery for the legal transfer of the baby from the birth mother to the adopter(s). This is considered a period of time in which the birth mother could change her mind and decide to keep the baby. For adopters, especially if

they were present for the birth and have already formed a deep attachment to the baby, the fear of disruption factor rises precipitously. Direct placement open adoption, as the name implies, means that newborns are handed off directly to adopters as soon after the baby is born as possible, within the first twenty-four hours. The exchange is arranged for and agreed upon between the parenting parties and their lawyers. Adopters describe this waiting period as a bittersweet experience of bonding and anxiety. Now, with the baby under their care, adopters are put in the emotionally awkward position of having to immediately take care of a newborn's every need while simultaneously fearing that the birth mother will change her mind. Most of the adopters I spoke with had already been placed, and none of them had experienced disruptions prior to their placements.

Adopters who manage their searches independently seem to experience disruptions more often than those who work with adoption attorneys.

The finalization of an adoption takes place at the adopter's local family court. Eager to gain legal custody of the newborn, adopters are counting the days until they can stand before a judge. If the couple is married in another state, the court recognizes that marriage even though same-sex marriage is not yet legal in New York. When this is the case, both parents become the legal adopters/guardians of the child at the same time. In instances where couples are not married, they cannot adopt jointly and only one person can apply for and gain custody of the child. Then they must wait to perform a second-parent adoption, which takes at least a year, if not longer. That interim period means that if something should happen to the legal adopter, his or her partner may not automatically get custody of the children.

Conclusion

The relative disruptions of direct placement open adoptions occur throughout each step of the adoption process. But it is perhaps at this very last step— during the finalization of the adoption— that one party’s gain feels so fiercely like another’s loss. The unregulated nature of direct placement open adoptions allows “less desirable” adopters, such as gay adopters, to easily adopt healthy newborns like their heterosexual counterparts do through the child welfare system. One of the consequences of this bifurcation is that hard-to-place children, often of color, are denied the opportunity to benefit from a broader pool of qualified adoptive parents.

From the direct placement adopter’s point of view, a birth mother’s change of heart could quickly destroy all of the hopes and dreams they had put into a baby they barely got to know. From the birth mother’s point of view, however, one could imagine that those forty-five days are equally distressing as she is forced to face her own decision to give her child to someone else to raise. The anguish of waiting, bonding, contemplating, and relinquishing are all relative.

Chapter 5: Finding Children in the Twenty-First Century

Foster-to-Adopt Parenting

Foster-to-adopt parenting involves the fostering of a child with a very high likelihood of being “released” from her biological parents for adoption. In a foster-to-adopt arrangement, if a child is legally released from his birthparents while in the care of his foster-to-adopt parents, those foster parents may legally adopt him. Foster placements are intended to be temporary while foster care workers negotiate with birth families toward reunification. Foster-to-adopt placements are intended to transition to permanent placements within a relatively short period of time, such as one year.

The 1997 Adoption and Safe Families Act (ASFA) plays a controversial role in determining the likelihood of a child being channeled through a foster-to-adopt placement or an explicitly temporary fostering placement. Essentially, ASFA is a federal law requiring states to place children for adoption as quickly as possible by terminating parental rights:

The 1997 Adoption and Safe Families Act (ASFA) mandates that states improve efforts to provide children with permanent families. The Act requires that states ensure foster children have a permanency plan within a year, and termination of parental rights for children who have been in foster care for 15 of the most recent 22 months, or whose parents have killed or seriously injured another child in the family. ASFA provides financial incentives for states to increase the number of adoptions from foster care by providing payments of up to \$4,000 per adoption or \$6,000 per special needs adoption when states exceed the previous years' total.

[Evan B. Donaldson Adoption Institute 2002]ASFA

has indeed resulted in increases in adoptions from foster care:

Foster care adoptions increased 78 percent from 1996 to 2000, as a result of ASFA and earlier state initiatives. It is estimated that ASFA requirements and

incentives have resulted in an additional 34,000 adoptions from 1998 to 2000 that would not have otherwise occurred.

[Evan B. Donaldson Adoption Institute 2002]

Adopters who want to raise children from infancy often choose the foster-to-adopt route if they can endure the emotional uncertainty of caring for a baby on a temporary basis leading up to the possibility of either a permanent placement or a return to the birth family. Healthy white infants move quickly through this program, and adopters who desire these children often choose this route. Birthmothers to these children are often “substance abusers,” which is why their babies are removed from their care. Savvy adopters, however, know that babies are quite resilient to some types of drug exposure and find that not to be a long-term issue with the children they adopt. Foster-to-Adopt parenting is free and comes with small financial support stipends, health benefits, and other services particular to the child’s needs.

Some gay adopters recommend foster-to-adopt parenting as an alternative to direct placement open adoption, which can be costly and difficult to arrange. Others, however, find it too bureaucratic, or “risky,” or heartbreaking. Tina Lee (2010) shows very clearly the negative effects of AFSA and the ways in which it perpetuates the dissolution of families in poverty. Indeed, one way in which foster-to-adopt workers can guarantee potential foster-to-adopt parents that the “risk” of a disrupted placement is low is to tell them that reunification is unlikely in cases where the birthmother knows there is a stable family caring for her child in her absence. In this way, foster-to-adopt parenting of infants could be considered a handmaiden to ASFA.

However, a more hopeful opportunity for children in need of care has also come out of foster-to-adopt placements. Self-identified gay foster children, usually pre-teens

and above, have become increasingly visible through campaigns led by gay adoption advocates. You Gotta Believe and the LGBT Foster Care Coalition, both associated with the U.S. Department of Health and Human Service's Administration of Children's Services (ACS), identify, recruit, and train gay foster-to-adopt parents in order to certify them to adopt gay foster youth. This is a unique and successful effort that purposefully matches gay foster-to-adopt parents to gay children who have been rejected from previous placements due to their expressed sexual identities.

Family Ties LGBT Outreach Efforts

Of the many LGBT adoption recruitment events I attended, the Family Ties (FT) agency impressed me most. I had heard the name at almost every Wanna Bees Dads and Moms meeting and noticed that whenever an attendee asked a question about foster care, people would say, "You should talk to Family Ties." Representatives from FT come to the Gay Center at least once a year to promote their programs and update potential foster parents and adopters with information specific to the gay community. FT has a reputation for its expertise in gay adoption and fostering and their meetings attract potential parents and fellow adoption professionals alike. Unlike other experts and professionals who come to the Wanna Bees meetings, FT representatives host a separate meeting that is heavily promoted throughout the Center beforehand. The meeting I will report on below took place in the spring of 2008. There were about forty people there, double the attendance of an average Wanna Bees meeting. The agency's director and a gay adoptive dad led the meeting. The director, Natalie S., had helped place the father, Zach B., with his newborn daughter twenty years earlier. Natalie S. is also an adoptive

parent and founding member of FT. All attendees received folders containing photocopies of successful foster-to-adopt stories, narratives about adopting teenagers, newspaper clippings about their program, and current facts on the process of adopting with their agency.

Natalie is a Licensed Clinical Social Worker by training and has a very down-to-earth, cut-to-the chase demeanor that is pervasive throughout the agency itself. At the Gay Center meeting, she started talking about hard-to-place children right away and made the point several times over the two-hour meeting that “the most successful adopters of older hard-to-place kids are LGBT adopters.” Based on my experience in the Wanna Bees group, this was not what people wanted to hear. They wanted to hear that gay adopters were being sought after to parent newborns. Natalie made a convincing case, however, that fostering and adopting a hard-to-place child is a “brave” and fulfilling decision.

Natalie focused her attention on adopters’ motivations and pushed them to look at themselves as potential parents. She started the meeting talking about the decision to parent: “the decision you make is *in your gut*, not your heart”; “the decision is not *who* should I adopt, but *should* I adopt?”; “desire is *visceral*, not intellectual.” These ideas and beliefs about the motivation to parent are not commonly talked about in the gay adoption community. By starting the meeting talking about hard-to-place children and the motivation to parent, Natalie set the tone for a much more self-reflective experience than the information gathering, “adoption expert” tone, which psychotherapist John W. cautioned against in chapter 1. She went on to say:

Adoption is a decision an adult makes... forever... no backsies. It’s a legal claim, a birth claim. Adoption is a lifecycle event, just like birth. Lots of people don’t

value adopted kids as much. Adoptive families are not seen as having the same strength – but it’s an irrevocable claim. If this were a kind country, there wouldn’t be 114,000 normal kids waiting to be adopted nationwide.

Natalie’s emphasis on adoption as a “lifecycle event” and an “irrevocable claim” situates the adoption event as a process, a lifetime commitment to an emotional task that many people may not be able to negotiate. Implicit in her outreach to the gay community is the idea that LGBT people are exceptional in this regard. That they have what it takes to take on intimate commitments to challenging others. That they are “brave”:

This is a “blood is thicker than water” / “we gotta take care of our own” culture. Traditional people do not adopt, brave people adopt. Adoption is an unwrapped present. It’s like a gender-neutral pregnancy where adoptive parents get the headaches, the nausea, etc....just like birth parents.

Natalie’s explicit reference to the birth mother as someone gay adopters might identify with is also rare in the gay adoption community. In this context, however, the audience seemed attracted to the idea that their experiences could parallel that of a birth mother’s. One audience member light-heartedly described his “close to nine-month” wait for an older child and how he and his partner felt “stupid” comparing the wait to a pregnancy because in “real life” the idea was ludicrous. As men, they could not give birth, and their son could never have been “born” as the pre-teen they adopted. The conversation that ensued revealed that many people felt relieved to be able to make this comparison to the length of a pregnancy and to the experiences of a birth mother.

Natalie’s fellow presenter, Zach, began talking about his adoption journey starting with his daughter’s placement twenty years ago. However, as soon as audience members realized how much he knew about contemporary adoption practices, he was side-tracked by questions. Zach is well known for his expertise in the field and was happy to oblige. It

was interesting to see the shift in tone from feelings to facts. Toward the end of the meeting, Natalie managed to combine both by talking about FT's "In-House Transition" program, which emphasizes "empowered transitions" for hard-to-place children from foster placements to permanent adoptions. She briefly described the program as working toward the creation of "maybe" families based on children's decisions to "allow" foster parents into their lives, and foster parents' "claiming" the child as theirs. In the next section, I will describe my own experience training at FT for this kind of placement.

Training to Adopt with Family Ties

Logistics

After that meeting, I decided to attend FT's training program. I called the agency and spoke directly with the director, Natalie, who answered the phone. She was receptive, but rushed, and told me she would send out information for me to review before attending an information meeting. She liked that I was doing research on gay adoption and encouraged me to seriously consider adopting myself and to bring other potential adopters with me to the agency. She also specifically asked that I not identify the agency, any of its staff members, or any of its clients. She then asked me to "spread the word" to any potential adopters I might come across in my research. Natalie seemed familiar with researchers and sincerely interested in sharing her agency's expertise.

I received a mailing a few days later. It included a pamphlet describing FT's services, a welcome letter asking me to attend an information meeting (or to help organize to bring one to my community), and a form with meeting dates. Meetings are about two hours and are held on Saturday mornings, and Monday, Tuesday, and

Wednesday nights depending on location. Since they are dedicated to serving “New York beyond the boroughs,” they have four possible locations for meetings: Little Neck, Queens; Hudson Valley; Albany; and Sullivan County. They hold one or two meetings a month at each location.

I emphasize the preparatory logistics to FT’s training protocol because from the moment I started training with them, I could not believe how attentive and thorough they were. This was true throughout the process and with all of their clients, despite the fact that they are so clearly stretched financially. Staff members all have heavy caseloads and there is no support staff, as evidenced by the director answering incoming phone calls. There are eleven staff members who run daily operations, but they do not work directly out of the main office, which is small, cramped, and run-down. Half of them are foster-to-adopt parents and three of them are also founding members. Many of them work from home making telephone consultations or are on the road making in-person visits to families and children. They have a thirty-person board of directors including members at-large and an advisory board, most of whom are social workers and many of whom are also adopters. They also have thirty additional associates with whom they contract out services as needed - also social workers and adopters.

Though I do not have information on salaries, staff members made it clear both to clients and to me privately, that they are “not doing this for the money” and that they struggle financially as employees and as an agency. Most of their funding comes from children’s foster care agencies, grants, and minimal foster-to-adopt service fees, rarely exceeding \$5,000. If and when a child is successfully placed, the child’s agency pays FT for its foster parent home study and the transitional services FT provides. Below is an

overview of FT's fee-for-service and program structure taken from the Child Welfare Information Gateway website, a service of ACS:

With funding contracted from a child's foster care agency, [FT] recruits and trains foster families and then approaches foster care agencies with its studies. If an agency chooses [*sic*] of their families, the foster children visit the family without committing themselves to permanent placement in advance. Either the child or the family can stop visiting at any time. Each child and each family has their own advocate who watches for rough spots and models how to solve problems. The transition period ends when both family and child state they are ready to become a permanent family.

Strategies. Committed advocates for both the child and the family. Neither children nor families are rushed to make a commitment. A twelve-step process of visiting with the child making the first move toward permanency. Youth involvement in every step of the process and mediated problem solving.

Outcomes. 136 children over 10 years old have been placed since 1988. 750 placements in 17 years of work. Only 3% disruption rate in the transition cases that have used the process described above.

Lessons Learned. This process, used by this agency from the beginning is modeled on the same visiting model institutions use—go slowly, with no commitment up front. Children visit with families approximately one month for every year they have lived as insurance that the child truly wants this family as their permanent home. [Child Welfare Information Gateway 2008]

As of 2008, New York City's ACS could not afford FT's fees and therefore could not contract with them. This means that FT adopters cannot identify children from New York City to foster and adopt. All adoptions processed through FT are for children outside the city and its boroughs. I know this because I asked about adopting a child from New York City at one of the training meetings. Otherwise, this point is not made clear by the agency either verbally or in its extensive reference materials. While it should not matter where a child in need of a family comes from, this is an important point to

consider when thinking about the notoriously overcrowded New York City foster care system.

Associate Director Karl C. told me, “Oh we want to contract with the city, they just can’t afford us. And we can’t compromise our services. If you identify a city kid, we may be able to help transfer you to COAC.” COAC is the New York Council on Adoptable Children, and its target population is older special needs children, children of color, and children affected by AIDS. Though accepting of gay applicants, they do not specifically recruit gay adopters, and they are seldom mentioned in gay adoption circles. Focused as they are on children of color, their recruiting efforts are very much geared toward potential parents of color. Here we can begin to see the tacit segregation that occurs throughout the New York City child welfare system and its adjunct agencies and how it feeds into the structuring of a nationwide hierarchy of adoptable children. Inevitably, this system perpetuates the regulation of poor children of color, as well as their families.

In order to become certified by FT as a foster-to-adopt parent, applicants must do the following: 1) attend an information meeting, 2) attend a public programs orientation day meeting, 3) have a one-on-one interview with one of the staff, 3) pay any applicable fees, and 4) have an approved family study form on file.³⁰ Once these requirements are met, applicants will receive a license to foster / adopt through FT. FT will also assist applicants with finding direct placement infant programs and international programs and

³⁰ FT uses the term *family study* instead of the more commonly used term *home study* to refer to their home suitability investigations. The choice in wording speaks to FT’s emphasis on family suitability. Like a home study, it is performed by a licensed social worker and documents families’ homes in terms of structure, privacy, and material surroundings. Though FT may emphasize family dynamics in its reports, these are similar enough to state-accepted home studies to be transferred to other placement agencies as needed.

will prepare family studies to be used in those placements. Generally, however, they specialize in waiting children who may be identified through New York state photo listings or nationwide Internet listings.

Information Meeting

The information meeting was held on a Saturday morning at FT's main offices in a Queens suburb. It was one hour long. Karen G., one of the Associate Directors and a "transition supervisor," led the meeting. Karen is a white woman in her mid-fifties and has been working with FT since she adopted a white nine-year-old girl four years earlier. The office, located on the ground floor of a residential building, was extremely cramped, with one narrow hallway and a few small offices off to the sides. There was also a small kitchen and a small conference room overflowing with papers, files, and books. Karen was just starting the meeting when I arrived and was sitting behind a few long folding tables with one couple sitting across from her.

Karen started by introducing herself and talking about her own adoption journey and how FT changed her thinking about adoption. Although she is not a social worker, she had worked as a schoolteacher prior to adopting and talked slowly and deliberately. She mentioned many times how she gave up that job, plus a pension, to come and work for FT. All of the FT staff members I spoke with mentioned the livelihoods they had "given up" to come work at FT. There is a strong sense of sacrifice with this agency that guides its overall philosophy about servicing *children* in need, not adoptive parents. Karen set this tone immediately.

The couple, a white man and woman in their forties, did not so much introduce themselves as explain why they were there. The man said that they had originally planned

to work with COAC but that they never completed the home study because they were not available during the day to meet with a home study social worker. Karen pointed out that not being available during the day for a home study might “raise eyebrows” for social workers in terms of placing a child with them. “What if something happened to the child at school? Who would be available?” The man responded, defensively, that when they started the program months ago, they were starting a new computer consulting business out of their house and that they were too busy to make the time. Now, he said, they were in a better position and were more flexible during the day. Once again, Karen reminded us of the sacrifice required to take on an adopted child. The couple seemed unfazed when I introduced myself as a researcher doing work on gay adoption.

The meeting was a lot about the history of the program, how FT does things, and preparing potential adopters for the complex challenges of raising adopted children from foster care. It seemed as much a weeding out process as a welcoming. Karen confronted the couple with difficult questions:

Do you think you are capable of doing that? Of bringing the child for weekly therapy sessions after school, keeping track of their medications and doctors’ appointments, dealing with the emotional trauma of their previous abandonments?

She seemed to emphasize support services for the child so that the couple would know exactly how difficult adopting through the public programs could be. They seemed anxious and barely responded to Karen’s questions.

She ended the one-hour meeting with a brief description of FT’s unique “in-house transition” program and the “commitment ceremony” they perform with older children prior to adoption finalizations in court (see more on this below). Before the meeting

ended, all three of us signed up to attend a public programs orientation day a few weeks later. As the meeting ended, I realized that the woman of the couple never actually spoke.

The next meeting was held on a Sunday and was scheduled for 11am to 5pm. Before we arrived, we were asked to do a “homework” exercise that would familiarize us with the “type of kids” available through the public programs.

Public Programs Orientation Day Homework Preparation

Sebastian C., FT’s “administrative liaison” and a “transition counselor,” sent out an email instructing foster-to-adopt trainees to prepare a list of children they might be interested in adopting for discussion at the upcoming orientation day. He suggested that we think of a “type of child” and then go to the public programs websites and see what we find. Sebastian is a white gay male adopter who also started working for FT after adopting his first of three pre-teenage boys two years before with his partner. He took a particular interest in my research and strongly encouraged me to adopt. In his email to me, he provided some context. He explained that the purpose of the homework assignment was to get people to “broaden their criteria.” By asking them to start with the “ideal” child of a certain age, race, and so on, they will quickly see that there are very few of those children available. While they are looking, however, they will begin to entertain the idea of broadening their criteria and considering children they had not considered before. This was exactly what happened in my search experience.

We were asked to come to the meeting with a list of twenty-five children we had identified from the online photo-listings of children waiting for adoption. We were given two websites to consider: a New York state photo-list, www.ocfs.state.ny.us/adopt , and a

nationwide photo-list, www.adoptuskids.org . Our lists would be for learning purposes only.

In the first exercise, I was told to set realistic “can-do” criteria for myself and to stick to those guidelines. In the second exercise, I was told to adjust my criteria so that one variable, age, gender, race/ethnicity, or disability, were expanded to include all variations in that group. In other words, if I had only looked at girls, I should open it up to boys too, and so on. The photo-listings already have a mechanism to guide your search efforts, similar to an “advanced search” bar for online library holdings. It was technically simple to tick off boxes corresponding to your personal search criteria. It was not so easy, however, to make those choices when faced with so many children needing families.

In my case, I had decided not to look at any children above the age of eight in my first exercise. I have a niece and nephew, twins, who were eight years old at the time, and many of the waiting children’s profiles mentioned that waiting children should not be placed with families with younger children. Since I spend a lot of time with my niece and nephew in their home, and they in mine, I felt this was important. What I suspected, and what I was later told was the case, was that many of these children have been sexually abused and are therefore considered at-risk of engaging in sexually inappropriate behavior themselves. I decided that the age restriction was not negotiable. While I do not believe that sexually abused children necessarily abuse other children, the agency was against the idea.

I was open to both genders, but found the race choices to be quite challenging. As a single white lesbian, I felt as if I would be adding an extra layer of challenges to a child’s adjustment by choosing a child of color. I had heard this fear mentioned often by

direct placement open adopters but could not understand the thinking behind it. When faced with the decision myself, I suddenly felt protective of this potential child and worried about his or her being bullied for having a gay mother. The fact that skin color gave me pause may reflect the extent to which racism affects all Americans. In this case, as a white woman, I may be tapping into the privilege of whiteness that I have always known, and that I might be able to share with a child of color. My niece and nephews' father is Lakota Sioux, so I thought Native American might be a possibility, but then I thought about the history of the Indian Adoption Project (see Chapter 3), and felt that I did not want to perpetuate the forced separation of Native American children from their birth families. Essentially, I got lost in a haze of socio-political issues that I would later realize were not relevant to the task of providing a child in need of a family, with a family.

As a social worker and psychotherapist, I felt that I could accept some level of educational, mental, and/or developmental "needs," especially because I have seen such diagnoses turn around quickly in loving environments. When it came to physical disabilities, including hearing and sight, I decided not to consider children with those issues. Single adopters are often matched with children with the most challenging disabilities despite the fact that single adopters are the least capable, financially and materially, to care for them. As Christine Ward Gaily points out in her work, "they are not the preferred clientele, which remains married couples in their thirties" (2000:28).

In my first search, I looked exclusively at white children below the age of eight with no physical disabilities. For the New York listings, I came up with two realistic possibilities out of four returns. That is, after looking at the four profiles that matched my

criteria, only two of them looked realistic based on their “summaries.” One summary stated that the boy would do better in a “two-parent home” and the other was part of a “sibling group.” For the national listings, I came up with around fifty returns, but quickly narrowed that down by eliminating physical disabilities, which are so prevalent among the national registry children that the website does not allow viewers to search according to that criterion. I quickly realized that my choices would be much greater if I opened up the search to include different races, and once I saw how many children of color were listed, my thinking changed. A child with a white lesbian mom would be better off than having no family at all. No family is perfect.

I re-did my search for exercise number two and came up with fifteen state possibilities and five national. I was still five short of the twenty-five children expected for the assignment, but that was part of the lesson learned. The more limited potential adopters are in terms of child characteristics, the fewer options they will have. Actually seeing the children available and reading their summaries can also influence the scope of one’s search. Though I decided to expand mine to include all races, I also decided to limit myself to children within a reasonable driving distance from New York City so that they could be close to their birth families. In their summaries, many children were said to have family connections that they wanted to maintain over time, and this struck me as important.

Public Programs Orientation Day

The public programs orientation day was also held at the administrative offices in Queens. Three couples and I were in attendance: the couple from the information meeting, a white straight couple, and a white/Latina lesbian couple. Karl C., one of the

Associate Directors and Waiting Child Program Director, led the event. Karl and his wife decided to adopt a young boy later in life after having raised their own biological children. He has been working with FT since its inception in 1987. Karl started the day by distributing hardcover folders. They contained over fifty double-sided photocopy pages, which made up an “adoption group workbook” with various adoptive parent self-tests, reference bibliographies, and local foster care agency listings as appendices. The workbook was divided into six “sessions” which led us through our orientation: 1) introduction and adoption albums, 2) consumer vs. commitment mentality, 3) love, abandonment, and the transition process, 4) understanding referrals, 5) perspectives on child abuse, and 6) adoption through the eyes of an adoptive mother and her adopted daughter. The folder also contained a magazine-style collection of narratives from previous Family Ties clients and a similar brochure describing the transition process.

It was clear that Karl had led this training many times in the past, and he had no problem filling up the day with important facts, anecdotes, personal experiences, and the experiences of others. Attendees were quiet. No one spoke to anyone other than the person they came with and this left me on my own. Again I mentioned my research and hoped to talk to the lesbian couple during the break. When I approached them I asked them how their search was going, and they told me that they still were not sure whether they could legally adopt. This seemed odd considering how many times Karl referenced gay adopters in his presentation. They were extremely nervous and hesitant to talk. I suggested that they ask Karl about it and assured them that FT specializes in gay adoptions.

Later, in a telephone interview, Sebastian told me that many gay adopters turn away from adoption because they do not know their legal rights, or they have had negative experiences dealing with adoption professionals in the past, and that he has a hard time convincing them otherwise. Sebastian suggested that these kinds of experiences make gay adopters more willing to accept whatever kind of child they are offered. One story he told me reminded me of what these women might have been going through:

Last year my husband and I were asked to talk about our adoption experience at our fellowship. Two women came up to us after, one had given birth, and their lawyer told them that since she was the child's mother, the other woman had no rights, and they would both have to terminate their rights and adopt the child together in order to be recognized...like sign away all their rights and then adopt the child. They weren't aware of their rights. And they were so desperate to parent...but the issue isn't rights anyway. It all comes down to the judge. The real issue is whether or not an adoption is approved by a judge at finalization. Whether or not the judge can use his prejudice, for better or for worse, as he sees fit. Luckily in New York, judges rule in favor of gay adoption. But this is where information in the gay community gets all messed up. In New York, adoption is not limited by individuals' orientation. Government discrimination is not allowed. I feel like a crusader about this, fighting against wrong information. The Empire State Pride Agenda says we need to fight, that the problem is that gay couples can't adopt together, and that's not true!

Empire State Pride Agenda are leaders in the "freedom to marry" campaign which advocates for the right to same-sex marriage. Groups like these often talk about the "vulnerability" of being a gay family without the legal protections that come with marriage. They are correct about this in many ways. Legally recognized marriages allow instant protections for children and their parents that unmarried parents do not enjoy. However, these vulnerability-based campaigns for same-sex marriage can also dismiss important opportunities gay families do have. Such misinformation can lead many less informed gay families feeling even more vulnerable in their interactions with city and state institutions, believing that they must take on the most high-risk adoptees or foster

children available. It also leaves gay families vulnerable to unscrupulous lawyers who may convince people that they need to take more steps than they really need to, and spend more money on legal representation, in order to gain full protections.

The remainder of the public program's orientation followed very closely along the six sessions described above. The main focus of the orientation centered on the dire needs of children in foster care. The seriousness and bleakness with which this message was driven home served two purposes: 1) to weed out all but the most well-suited parents for this emotionally challenging population of children, and 2) to further educate those potential parents about the needs of foster care children. Depending upon where potential adopters stood within this continuum of not-well suited to well-suited, participants may have felt either scared away or comforted by the support being made available to them. Participants were not encouraged to discuss issues, but rather to take in vast amounts of information. Therefore, much of my data collection in this context was based on what we were being told. Following Karl, I will use the six sessions of the workbook to provide an overview of the training.

1) Introduction and adoption albums: Karl started the training by reviewing the definition of "special needs" as children who have physical, emotional, and mental disabilities, are often of color and over two years old, and have a high likelihood of sexual abuse. Many are also reported to have been prenatally exposed to drugs or alcohol or tested positive for HIV.

Both single and married and gay and straight applicants are eligible to adopt these children. They do not need to own their own homes or have experience parenting. Depending on the child's circumstances, children may be able to share bedrooms. Ages

for prospective parents range from twenty to fifty and married couples are required to have been married for at least one year before fostering to ensure stability in the parenting relationship.

“Home studies” must be arranged between an agency social worker and prospective adopters. Individuals and couples are asked to provide written information about their life experiences and to grant interviews with social workers in their homes. Home visits allow social workers to assess the safety and appropriateness of potential placements. The home study also acts as an educational opportunity for prospective parents and covers parenting skills, the pros and cons of adoption, introducing adoption to extended family members, and helping children adjust to a new family. Once applicants have been “approved,” their home study goes on file with their representing agency and is distributed to other adoption professionals when available children come up for consideration as a match.

Pre-adoption services are provided by assigned social workers who will help them communicate with other agencies representing children with special needs. They may also refer applicants to special interest organizations representing different special needs of children, other parents of special needs children, and support groups. Post-adoption services include setting up individual and family counseling, medical protocols, and schooling needs. Social workers will also help foster-to-adopt parents determine the amount of federal and state benefits they will receive to help cover daily living costs for their children and in some cases, college tuition.

Karl also re-visited photo-listings, how they work, and the importance of the “blue book” registry.

2) Consumer vs. commitment mentality: In this section, Karl contrasted what he referred to as an “American tradition” of “consumer mentality” that conflates the idea of “returning things we don’t like” to “divorce” and “separation” in intimate relationships. His goal here was to convert the idea of consumerism into “commitment” as an obligation to children who have been repeatedly abandoned. To do this, Karl focused on stages of emotional growth in child development and when and why special needs children could “lose out” along the way. Following Erik Erikson’s “Eight Stages of Man” towards a “fully developed adult personality,” Karl emphasized the special needs child’s struggle to overcome each developmental tension: Trust vs. Mistrust, Autonomy vs. Shame and Doubt; Initiative vs. Guilt; Industry vs. Inferiority; Identity vs. Role Confusion; Intimacy vs. Isolation; Generativity vs. Stagnation; and Ego vs. Despair. Karl contends that the special needs child will get “stuck” at each stage and that the prospective adoptive parent must be willing to learn about these struggles and work with their children to overcome them together. He also suggested that prospective special needs adopters, by the very act of parenting these children, will also struggle with these stages which continue throughout life.

3) Love, abandonment, and the transition process: FT’s “In-House Transition” program is at the center of their efforts to place special needs children with permanent families. The theoretical backdrop for this unique approach is based on educating prospective adopters in the meaning and importance of “abandonment” in the lives of foster care children. In this section, Karl presented participants with different perspectives on the experience of abandonment through the discussion of poems and commentaries written by former foster children. He then explained how crucial it is to

understand the effects of abandonment on foster children in order to generate an everlasting commitment to a child and to help recognize challenging behaviors that typically arise in the adopted child post-placement.

Karl then introduced the psychological concepts of “inducement” and “transference”. Karl explained that inducement is a way of communicating “deeply painful” feelings without words. In the context of adoption, these feelings are primarily about abandonment. As a result, adoptive parents can and should expect to experience feelings of abandonment from their children. Because they have had few opportunities to express their sadness verbally to a comforting adult, foster children tend to internalize their feelings and treat others the way they have been treated. For new adopters, this can be a big challenge considering the extent to which they have gone to bring a child into their lives. When the child either emotionally or physically abandons them, adoptive parents may begin to think that the adoptive relationship is not working. Karl’s primary message here is that adoptive parents should expect this behavior and that it is part of the development of the new family system. A strong “commitment mentality” will help adoptive parents recognize these behaviors as typical and allow them to work through them successfully.

“Adoption transference” occurs when adopted children blame their adoptive parents for things that happened in their past. Karl talked about how foster children come to adoptive parents feeling so angry, sad, and “crazy” that this transference signifies a successful placement because their blaming of their adoptive parents for their previous abandonments indicates that they finally feel protected. These acts of transference and blame are big challenges for parents and children alike. However, as Karl points out, in

the context of psychotherapy, transference is an indication of “good rapport” and can be overcome over time, leading to deeper relationships.

Karl then moved on to describe FT’s In-House Transition process. The In-House Transition starts with approaching the child with information about a possible family and ends with an adoption ceremony at the agency from which the child will return to live with his “forever family”. The legal finalization of the adoption will take place in a family court shortly thereafter. FT’s philosophy is that, “on the one side, transition is the time that a family uses to make real their decision to adopt; on the other, transition is the time that a child makes real their decision to be adopted”. Karl repeatedly emphasizes FT’s view that “adults adopt; children are adopted” alongside the notion that adults must come to an “irrevocable commitment” and most importantly that the child must “assent”. If at any point caseworkers sense that either party to the potential adoption is not capable or willing to make these decisions, the match will not be pursued.

The transition process is purposefully slow. Karl told participants that the time it takes in months roughly correlates to the age of the child in years. It can take up to one year, however, depending on the circumstances. Appendix 3 lists the twelve steps of transition from the child’s perspective.³¹ Karl provided a narrative context for the different steps to include the adoptive parents’ experiences. The following paragraphs combine the workbook text and Karl’s commentary.

Once an outside agency accepts an FT family as potential parents for a child, FT arranges a “transition team” to work with the family, child, and agency. This team usually consists of two caseworkers who have been overseeing transitions for over ten

³¹ FT’s use of a “twelve-step” approach to its transition process reveals how entrenched the children, workers, and families formed through fostering-to-adopt are in the American welfare system.

years. First, the two caseworkers meet with the family at FT, and they are given detailed information about the possible child. They are then told to take at least 24 hours to decide if they want to move ahead. Karl pointed out that this is one possible point at which a minority of families chooses not to go ahead with the process.

Next, families meet at the agency representing the child with the FT caseworkers, their home study social worker, and agency caseworkers. When possible daily child care workers or foster parents are present as well. At this meeting, more specific information is shared and if all parties consent, the family is given another 24 hours to decide to move forward.

At that point, one of the FT caseworkers, the one who will continue to work solely with the child, visits the child in his home setting. Ideally, the child's agency social worker or therapist is also present. At this meeting, the child's FT caseworker determines whether or not the child understands the meaning of adoption, and whether or not the child feels that he needs and wants a forever family. Karl explained that this is the most likely time for a transition to fall through. Sometimes, foster children "have not fully accepted their need for adoption" and will refuse to go ahead. When they do proclaim that they want to be adopted, however, the caseworker goes on to explain to the child what will happen next.

The caseworker explains that the adoptive family is "scared" and encourages the child to talk about being scared with him. Karl explained that it is important that fears be brought up early on so that they can be identified and talked about openly. The caseworker continues to explain the visiting timeline to the child (see Appendix 3) and makes it clear that the child is "the boss" and that if at any time he does not like the

family or feels unsafe with them, he can tell his caseworker and they will discontinue the transition. In order to make this determination, the caseworker coaches the child on what to look out for such as how the family reacts when he misbehaves, the family's use of drugs and alcohol, how much he likes other children or pets who might be in the house, what they are like early in the morning, late at night, and so on. At this point, the caseworker asks if the child is willing to meet with the family for a supervised one-hour meeting at McDonald's.

At the initial McDonald's meeting, the child, his transition worker, the family, and their transition team worker all meet. From that point on, visits slowly increase in frequency and time spent. After each visit, the family reports back to their caseworker about how things went, and she helps them to understand possible behavioral issues and how to deal with them effectively. She relays pertinent information to the child's caseworker, and he then visits the child in person to find out how things went on his end. This process continues until the child decides to be adopted by the family. The caseworker helps the child prepare to ask the parents if they want to be his forever family. FT is very clear that the child must come to his decision entirely on his own, and that he must approach his caseworker on his own behalf. This ensures that he does not feel unduly pressured by parents, social workers, or other adults, and that he is "ready" to be adopted.

When all parties to the adoption agree, the adoption ceremony is planned. Adoption placement agreements (see Appendices 4 and 5 for sample "covenants") are drawn up for each participant to the adoption. Spouses are treated separately to guarantee that everyone is in full agreement. The caseworkers and any other social workers or

invitees may also be present and act as witnesses. The caseworker reads each agreement out loud and each party signs his or her name accordingly. Importantly, this is the first time the adopted child will be writing his new name. As soon as the child signs his agreement, they are declared a “forever family” and the transition process is complete.

4) Understanding referrals: There was a workshop activity listed in the folder for this session, but time was short, and we glossed over it. This was disappointing. We all had come with our homework assignments, and I was anticipating the opportunity to discuss the children I had identified. In retrospect, the decision to skip this discussion fit in well with the message the agency was trying to get across to us: FT finds families for children, not children for families. It was more important for FT to talk about the characteristics common to the children they were trying to place with families, than to talk about families’ idealized notions of successful placements. Karl often referred to the children FT places as “the multiply rejected”.

5) Perspectives on child abuse: Child abuse stood out as one such characteristic that FT felt was common to the children they worked to place with families. In a sense, the fact of abandonment, whether due to state intervention or parenting decisions, was presented as a form of child abuse. This session was especially intense as Karl matter-of-factly debunked a list of myths about sexual abuse, presented disturbing statistics about the nationwide frequency of sexual abuse, and instructed us on how to parent sexually abused children.

The workbook also included descriptions of FT’s post-placement support services for families accused of child abuse. The message here was that the vast majority of children placed with families through FT have been sexually abused, and that as a result,

they will act out in ways that push adoptive families to be particularly strict with them. This necessary parenting style may be confused with abuse either by the child or by other adults who do not understand the unique needs of a sexually abused child. FT believes it is important for potential adopters to know about this possibility and to be prepared to defend one's parenting style. This session was especially bleak and seemed to create anxiety for the participants who remained silent. While it was certainly helpful to explore issues of sexual abuse, the ease with which Karl spoke about it seemed at odds with the severity of the topic. Again, in retrospect, without the anxiety of the moment, this too fit in well with FT's emphasis on the difficulty of raising foster children instead of waving false hopes that these placements will be instantly successful.

6) Adoption through the eyes of an adoptive mother and her adopted daughter: This session was also cut short due to time constraints and was extremely somber in tone. An adopted teenage girl and her adoptive mother came in for a few minutes and talked a little bit about their history together and the difficulties they faced in the first year. The daughter had been adopted about five years earlier and explained how despite her desire to be adopted by this particular family, she felt utterly confused once she started living with the family on a daily basis as their forever daughter. She ran away several times until finally she bonded with one of her adoptive mother's sisters at a family gathering and expressed her feelings to her. Before that, she did not feel like she had the right to feel confused because the family had taken her into their lives. The aunt helped her to communicate what was going on with her to the adopted parents and things slowly got better. Generally, the girl's story was not much different from other teenagers' struggles with their identities. It was clear from the relaxed way in which this mother and daughter

interacted that they were indeed deeply bonded. Through the telling of the story, FT managed to drive the point home once again that there is nothing glamorous about fostering-to-adopt, but that with perseverance, it does work. The following section provides a glimpse into the lives of gay foster parents to a gay foster son during FT's transition process.

A “Maybe” Family’s In-House Transition

Steve and Johnny are white males in their early 40s and live in Morningside Heights. Steve works for the administration of a local university and Johnny does construction work. They live in a small, cramped, two-bedroom apartment in a brownstone on a tree-lined street. They have lived there for nearly fifteen years and told me that they pay a “decent rent” because their place is rent stabilized.

During our interview, Frankie, their fourteen-year-old “maybe” son, was in his room working on poems for a project he and Steve were working on together. The door to Frankie's room had a big padlock on it, which Steve saw me notice on my way into the living room. He told me that FT required Steve and Johnny to put a padlock on Frankie's door because Frankie had issues with previous foster parents who broke into his room at night and sexually abused him. Frankie had been told about my research and came out of his room to join us every so often during the interview. Frankie is a tall skinny blonde teen, typically awkward, but seemingly well-adjusted considering his long history of failed foster placements. I did not include any of his contributions to our conversations because Steve and Johnny asked me not to, and because he is under eighteen and therefore fell below the minimum age clearance for this study. Frankie was smiley and

polite and well related. The following excerpt from my interview with Steve and Johnny explains how they came to work with FT:

Steve: We started, um, the process of it, of adopting, five years ago, or more than five years ago.

Johnny: Six...

Steve: Six years ago, a long time ago...we went to an agency in the city called COAC, Council on Adoptable Children, and we were completely naïve and ignorant about the process but we went to them, for an education essentially, and they said that first we should take this course which we took called MAPS training, something, Model Approach Parental something...Model Approach to Partnership and Parenting...something like that.

Johnny: And it's a way for them to screen out the people who should not be adopting.

Steve: Right...like the person who said he would hit the kids on the head with a wooden spoon if they cursed...

Johnny: or put hot pepper in the kid's mouth if they cursed...

Steve: So we took the class and we finished it. It was like a six-week thing, and then we got our certificate. And then we expected them to sort of present a long line of kids for us to choose from, and we never heard from them again....

Johnny: that was it. Oh we heard twice, or once, I can't remember.

Steve: Well what we said we wanted, and what they said was fine, was we said we wanted, what was it we wanted? A kid under 10 or something, and who was local, like somebody in New York, and only one. So they would call and said, you know, we have two autistic boys in Texas. And then they called once and said they had a 17-year- old lesbian in Arkansas. And we just, it just didn't make sense. And we went on-line and looked at the profiles of kids who were available for adoption in New York, and we would write to them and say "what about this kid"? And we just, we just would never hear from them. They were just completely unhelpful. And they, I think they run a pretty shoddy institution, honestly. Especially compared now... with the one we're working with now, which is called Family Ties in Queens.

Then Steve went on to talk about how he and Johnny took a break from their frustrating search with COAC to enjoy the birth of their new niece. Eventually he met a woman at his workplace who recommended Lutheran Family Services. They suggested Family Ties.

Steve: Karl C, after two Saturday meetings with Family Ties, he sat us down and said, “I know you think you want a younger child, but I have the kid for you.” His name is Frankie, he’s in Syracuse, and it seems like a perfect fit to me. And we said, fine (hearty laugh). ‘Cause Frankie seemed like just the kind of kid who, you know, would be happy with us. And we would be happy to help them. So we went to Syracuse...well no, first Karl went to Syracuse...

Karl C, who also led the Saturday meetings I attended at FT, suggested that Steve and Johnny consider a child much older than they had imagined. But they agreed that a young gay teen was indeed a potentially “perfect fit” for them. Though Karl mentioned several times in our meetings that “race could not be considered” in suggesting placements, in this case, matching for gay identity seemed like an obvious step toward a successful placement.

Steve went on to describe the “steps” the three of them had to go through in order to move from a “maybe” family to a full-fledged family:

Steve: Let me just describe briefly the steps...just in case you don’t know about it. Family Ties has a program so that when you, when the kid moves in you’re all at sort of step zero. And during that time, they send a social worker twice a week or sometimes three times a week to meet for at least an hour with the kids for the kids to talk.

Johnny: Separately...

Steve: and a different person talks to us twice, or three times a week, on the phone mostly, but for quite extended conversations. And both we and Frankie, at any time, can call these people and talk for support. They are very supportive. So to move from step one implies that these meetings and conversations go from twice or three times a week, to once a week. Step two is once every two weeks,

step six is once every six weeks. And after that whole process is over of weaning off the social workers, then you have what is called a Covenant Ceremony in which the child is expected to ask the parents to adopt them.

FT uses a “twelve-step” program modal to describe their placement process. In this way, and Karl C pointed this out several times during our meetings, participants are reminded of their new identities as participants in the welfare system. FT thinks it is important to highlight this point because the children with whom foster-to-adopt parents are being placed are coming from this mindset and are accustomed to speaking in these terms.

Steve emphasizes his support for the necessity of a long period of waiting, communicating, and deciding together on whether or not to go through with the transition to permanent adoption:

Steve: And what that effectively does is [it] gives Frankie an opportunity for a long period of time to say, and all he has to do is say it one time, to Family Ties, get me out of here. And he doesn't have to give any reason. He doesn't have to say why he changed his mind. He can just go. Which I think is great. 'Cause kids, you know, should never be in a situation where they feel uncomfortable about anything.

Interestingly, when asked about being gay foster parents to a gay teen, Steve focused on Frankie's experience instead of his own.

Steve: Well, I think it's obvious for, you know, like for Frankie. If Frankie had to either feel ashamed or restrain himself every time he felt like saying something gay...you know like looking at cute boys for example (others are giggling in the background)...if he had to feel ashamed of that all the time 'cause his parents like didn't want to hear it or whatever...I don't think that would be good for him. We have to you negotiate how much we really want to hear about the cute boys he notices, but still I think it's better that he is with people who understand it, and we like mostly agree that the boys are cute. There's nothing to feel ashamed of, it's just who we are. It's just who we are. You know we all are sort of that way. So I think it works, you know, really well so far.

Conclusion

Foster-to-adopt placements are becoming increasingly popular among potential adopters who are willing to accept children with some history in foster care. Unlike fostering, which are temporary placements, the objective in fostering-to-adopt is permanency. Training programs for foster-to-adopt placements focus on the special needs of children coming from the child welfare system.

The Family Ties training program, which is particularly open to and popular among gay New Yorkers, makes a great effort to familiarize potential adopters with what it is like to be a child with a history in foster care. As difficult as these children's lives have been, programs like Family Ties know the positive potential impact placements can have on foster-to-adopt children and their forever families. Recent trends in matching gay New Yorkers with gay foster youth from the child welfare system seem especially encouraging. Foster-to-adopt placement agencies work hard to find homes for children deemed difficult to place, and there are plenty of gay adopters waiting to be placed with children. However, gay adopters need to stay informed about their rights and choices as adoptive parents, so that they do not become pigeon-holed into a new category of available adopters for this population of children only.

Chapter 6: Bio-Adoption and the Rhetoric of Adoption and Fostering

Beyond the Adoption Triad

The examination of language use and how people talk about adoption and fostering is an effective way to explore the different roles cast upon and assumed by members of the “adoption triad,” and how those roles have been played out in American society. The adoption triad refers to three commonly understood players in American and Western European adoption practices: the adoptee (child), the birth family (particularly the mother), and the adoptive family. The concept of the adoption triad, however, neglects the very real presence of the state in the dismantling of birth families, and the subsequent formation of adoptive families through the transfer of a child. It also obscures the importance of contracted fee-for-service adoption agencies, social workers, facilitators, lawyers, and physicians involved in the privatization or neoliberalization of the American family that serve as an adjunct to state services aimed at finding homes for children. Psychological and academic communities also play key roles in this process by producing research on adoption and fostering that is then taken up by the media and parlayed into policy and everyday discourse. This Chapter argues that biological understandings of the social exchange of children, most readily evidenced through the language used in and about American adoption and fostering practices, play a pivotal role in determining family formation patterns in the United States.

Signe Howell (2006) argues for an understanding of international adoption as a form of “global governmentality” in which the actions of international adoption

professionals are legitimized through the use of contemporary psychological “knowledge.” She is particularly concerned with the state’s, especially Norway’s, effect on the adoption triad and how members of the triad are subject to “moral discourses.” Howell suggests that the global flow of children from South to North parallels an opposing flow of universal ideas about family life and the treatment of children from North to South. Donzelot’s *Policing the Family* (1977) also employs a biopolitical Foucauldian lens in an attempt to bridge political and psychological influences on contemporary family life that weaves in and out of an investigation of state institutions, social representations, and everyday life. These perspectives emphasize the role of the family in contemporary Western European and American society as both subject to and reflective of state power.

American families created through the adoption of so-called “non-biological” children serve as a social barometer of race relations and the state regulation of people. Children of color, especially black children, stand out as excluded populations in this context. The parallel surpluses of available white adopters and available black adoptees shows how concretely the lines of race are drawn in the United States. As this study shows, new markets for white newborns such as direct placement open adoptions have emerged to satisfy these desires. Older black foster children continue to lag behind white babies as prioritized children in need of care as they have for decades.³² This social pattern of family formation reflects directly back on the social welfare system in which it is embedded.

³² I use the term “children in need of care” instead of the common alternatives involving “homelessness” to highlight the nebulous emotional quality of what it is adoptees and foster care children lack in their lives.

Adoption and fostering communities rely upon biological understandings of human behavior in order to make sense of and categorize children in need of care. Although the adoption of children is a social act, the adoption community is steeped in biological notions of family and human potential – infusing a social act with biological meaning. The considerations adopters and foster-to-adopt applicants make in choosing children to parent are tightly tied to assumptions about the biological characteristics and social behaviors of children’s birth mothers. In subtle ways, white adopters link biological characteristics, especially skin tone, with “bad” social behaviors such as substance abuse, promiscuity, violence, and disorders such as Attention Deficit Hyperactivity Disorder (ADHD). The result is that white adopters, whether they are willing to consider children of color or not, usually take in children who are white. For biracial couples, the desire to parent a child who physically resembles the combination of skin tones represented by the parents seems to override these concerns. In this study, while race, biological characteristics, and social behaviors were openly considered leading up to direct and foster-to-adopt placements, adoptive parents almost always ended up with children who matched them for skin tone. Since only a small number of adopters in the United States are African American, this helps to explain the high percentage of African American children languishing in foster care. American adopters, primarily white, desire children who look like them.

The term “biological” has many connotations that change with context. In the adoption context, biological refers to the genetic connection among members of the adoptive triad. The “biological child” is therefore genetically connected to at least one parent, and the “non-biological child” is not genetically connected to any parent by whom

she or he will be raised. The “birth mother” is the biological mother to her biological child. The genetic nature of these connections is important to note given the assumptions we may make in using the word biological. Often, as in the case of potential disease, skin color, or behavior, discussions are at the level of genetics.

I use the concept of “bio-adoption” to analyze the biogenetic assumptions upon which the seemingly non-biological practice of the social circulation of children through adoption is built. Here I am building upon Foucauldian notions of “biopower” and biopolitics in general, which are explicitly concerned with the regulation of people, bodies, and the administration of life and death through the art of governance, or governmentality (Foucault 1991). Adopters and foster care parents often make decisions about the children they bring into their families based on biological understandings of social behavior imbedded in American culture and the institutions that help shape it. Skin tone, and the extent to which black people are regulated by the American welfare system and the prison industrial complex, signifies a seemingly natural “biological underclass” (Briggs and Ortiz 2003).

The Adoptee and the Foster Child

From the perspective of the adopter and/or foster-to-adopt parent, the non-biological adoptee most frequently stands in as a substitute for a biological child “of one’s own.” The vast majority of American adopters come to adoption due to issues of infertility, and gay adopters are no exception. Most adopters have undergone some form of medical intervention to help them conceive prior to considering adoption. Female gay adopters have often attempted to conceive through donor insemination and male gay adopters have often grappled with the idea of hiring a surrogate.

Dan Savage, a popular gay white male sex-advice columnist, wrote a memoir about his experience with direct placement open adoption in the mid 1990s. Many of the adopters I interviewed referred to his book, *The Kid -What Happened After My Boyfriend and I Decided to Get Pregnant (1999)*, when describing their own experiences adopting. In the following excerpt, Savage captures the tone of adoption infertility discourse. This was his and his boyfriend's first day of a two-day adoption-training seminar held in Portland, Oregon. They were the only gay couple in attendance:

I opened my ten-pound notebook and peeked at the agenda: "Grieving Your Infertility." "Coping with Infertility." "Infertility and Its Impact on Adoption." "Losses Inherent in Adoption." I nudged Terry and slid the notebook over. His eyebrows shot up. Infertility was never an issue for us, just a fact, so we hadn't spent much time thinking about it, let alone learning to cope with it. And there were no "losses inherent to adoption" for us, but only victory. When I came out in 1980, it didn't occur to me that one day I would be able to adopt a child. I assumed, incorrectly, that it was illegal for gay men to adopt children. After all, gay men didn't have families – we were a threat to families.

My boyfriend passed me a note: "Maybe they should have let us skip the first day."

Ruth walked the group through our infertility issues. "Infertility can sabotage the adoption process," Ruth explained. "You felt you had no control over your infertility, so you may attempt to impose control over this process. Or you may come to resent the child you adopt because it isn't your dream biological child. You're successful people, with successful lives and successful relationships - having a child is probably the first thing you have not succeeded at, your first failure as individuals." [Savage 1999:22]

Later in the book Savage reveals that his first impulse was in fact to have what he calls a "bio-kid" but that the different women he approached, all lesbians, took too long to commit to the arrangement or things got too complicated for him emotionally. And though he feels "victory" in his ability to adopt as a gay man, the book itself defers to biological reproduction as the ideal route to family formation at every turn. He refers to his and his boyfriend's decision to adopt as "getting pregnant" and divides his book into

chapters that specifically invoke biological reproduction: “Fertilization,” “Gestation,” “Birth,” and “After Birth.”

This perspective of loss and grieving for missed opportunities to conceive biological children is embedded in American understandings of contemporary adoption. As a result, potential parents may seek to adopt children as similar to them as possible in order to avoid the constant reminder of their “failures.” Since most American adopters are white, healthy, “successful,” and longing to raise newborns, healthy white newborns have emerged as the most sought after population of adoptees. The notion of a “healthy white baby crisis” persists well beyond the early 1990s “crack baby crisis” from which it originated and continues to create the appearance of a dearth of white babies compared to black babies. In fact, however, there never has been a dearth of white babies (Briggs and Ortiz 2003). While white babies have adoptive parents waiting for them, black babies are continuously being separated from their families with substantially less hope of being placed for adoption. The panic that continues to fan the pathologizing of black babies and the “healthy white baby crisis” legitimize the continuation of under-resourced welfare services for families of color and perpetuates the ever-rising rate of black children in foster care.

Adopters actively seeking to parent older children come to the process with a decidedly different notion of family and hence, different expectations. Kraig, a white gay professor in his mid-forties, was in the process of being placed with a twelve-year old boy from foster care:

You know what you are getting when you get a 12-year-old. You have a history on them, about their school performance and all that. I’m too old to take care of a baby by myself. If I got a baby I’d have to hire a nanny, and then it would just be like a trophy child. I’d be showing people pictures of my baby at work, but I’d be

missing out on the growing up years. With an older kid you can at least buy them a metro card and send them on their way.

Kraig's expectations for how an older child will fit into his life are not necessarily tied to the child, or his mother's, biological history. Instead, Kraig is focused on the child's history of social adaptation as evidenced by his school performance and seems excited to help his son through his "growing up years." Even his disdain for the idea of taking care of a "trophy child" is socially, rather than biologically, determined. The "trophy" or "blue ribbon" babies so many adopters talk about are usually determined by the ideal biogenetic traits they possess. For Kraig, a trophy child simply represents a baby he could show pictures of at work. For a single gay man, this might hold the promise of greater social acceptance within a heterosexual culture. Yet, in some ways, he has chosen to distance himself even further from American family norms by being a single, gay dad to an older child.

The very notion of fostering and its transitory nature runs counter to the notion of family as permanent and safe (Wozniak 2004). Certainly foster care parents, primarily poor and working-class women, do not enjoy the same level of admiration adoptive parents do. Foster care events I attended in New York City were populated almost entirely by black women and their families. However, as is the case for adoptive families, there are no statistics kept on foster care families and race. Since fostering is also popular with different strands of Christianity, there are numerous white families fostering in other parts of the country.

Foster care children are demonized in American culture. The fear of foster children is so great that professionals working to place them struggle to find ways to convince potential parents to consider them. Family Ties, the agency I trained with,

framed fostering as a “charitable act,” one in which a foster parent could “save” a child who has been “multiply rejected” (see Chapter 5). One activity that was used to help participants recognize stereotypes of foster care children was to get people to say any words that came to mind when they thought about them: “damaged goods,” “lemons,” “retards,” “delayed,” “monsters,” “homeless,” “black,” “slow,” “special needs,” “hard-to-place,” “psycho,” “crazy,” “criminals,” “stupid,” “dangerous,” “needy,” “hopeless,” “rejects.” When the people ran out of words, Karl, the facilitator, assured them that in fact, all these words did apply to children in foster care, and that is why they are in such desperate need of loving families. One of Karl’s foster-to-adopt son’s is mentally retarded. He adopted him when he was a teenager and he is now a young adult who works as a volunteer for the fire department.

FT is ruthless in its commitment to desensitizing potential foster-to-adopt parents to the feelings of rejection that they will inevitably come to share with their children. Though Karl’s attempt to get people thinking about this lacks sensitivity, it also serves as a way for him to get to know potential parents’ prejudices as well. In-transition foster-to-adopt parents I spoke with never used these negative stereotypes to describe their foster children, but they were well aware that some people their families will come in contact with will think of their children in these derogatory ways.

Foster-to-adopt professionals and parents insist that most of the difficulties children experience will “reverse themselves” with permanent placements. Many foster-to-adopt parents I spoke to were surprised by how quickly children’s grades, behavior, and emotional issues improved. By sharing these experiences at foster-to-adopt training sessions and through list serves, potential foster-to-adopt parents become less frightened

by these issues that are often listed in foster children's waiting profiles. Family Ties, spent considerable time training potential foster-to-adopt parents to decipher the vocabulary used in the "blue book" listings so as to calm these fears and encourage them to take in children they might otherwise overlook (see Chapter 5).

Sexual abuse, however, stood out as a looming issue surrounding the lives of foster care children as if children who are sexually abused are biologically hardwired to sexually abuse others. Family Ties pushed people to assume that all children in foster care have been sexually abused at some point in their lives. Additionally, sexually abused children, according to the "psychological literature," are at greater risk of becoming sexual abusers themselves. The solution to this problem is to place children known for displaying sexual abuse "tendencies" in homes without other children, or at least without children younger than the potential abusers. Family Ties was not the only agency that focused on sexual abuse as endemic to foster care. This issue is pervasive throughout the adoption and foster care communities. Importantly, there is no way to document the validity of this claim, and there are plenty of foster care children who claim not to have been sexually abused in care. However, as in the case of the Family Ties training, professionals in the field believe that it is better to assume sexual abuse than to ignore the possibility.

Nikki, a 38-year-old single white lesbian living in Bay Ridge, Brooklyn, explained the effect this thinking has had on her own ability to adopt a child.

I pretty much my whole life, wanted a kid. I never wanted to get married ever...in my whole life...whether I thought I was gay, straight, whatever. I did not want to get married. This is not part of the deal (laughs). But I always wanted a kid. I wanted a few kids...like two or three. And um I grew up with foster kids....my mom had foster kids all my life. Three of them were there for thirteen

years, so they're like my brothers and sisters. So I kind of got used to the whole...concept. I didn't want to have a foster kid 'cause I hated the fact they have to leave. And it was really hard for me as a kid...you get to know someone and then they disappear, and you can't communicate with them. And I don't know if that was a state law or my mom's law...I don't know but, whatever it was, you know, I didn't like it. So I thought, I'd rather adopt. Screw the foster thing, just adopt a kid.

So I wanted to do it when I was thirty. And I moved to New York...and turned thirty...and I just got my college loan paid off...I just got out of debt. I didn't know about the free adoption deal with New York City, so I was looking at adoption, and it was all this money...\$40,000, \$50,000...and the thought of going into debt again, I was like – forget it. I can't do it. Then I had met Holly, my friend Holly who works for the ACS playing basketball. And we got talking about adoption, and she was like, well you know, it's free. The state of New York will pay for everything. So I thought okay, so..., two years ago, finally, you know I got around to...you gotta take the class...

Like a ten-week course. And then you have a home study...they come and ask you like a billion really, really personal questions, and you know, a thick home study....and then if – you're accepted or not accepted by the state. So I got accepted by the state as a possible parent. That was last summer. And ummm...I hadn't really gotten anything, you know, until this past summer. Which is weird but I can, ya know, go into more detail about that....

Like many gay adopters frustrated by long waiting periods before being placed with a child, Nikki had her own perspective on what she thought was working against her.

Because when you do the home study, they ask you all these personal questions like “what's the worst thing that ever happened to you in your life,” and “How did you handle that?” “What's the greatest thing that ever happened?” “What's the hardest challenge ever?” and like really, really deep questions. So as I was sittin' there, I was debating...you know, I can be shallow and just write something whatever...or I can just give them the truth and say, “look this is the real me, take it or leave it.”

And...I decided just to be straight-up. And I figured it would be my decision whether to have a kid or not. I knew I wanted one...but I mean life is good without one (laughs), ya know? I could travel, I can do all this stuff and having one, you know, is gonna keep me back, and you know, not travel so much. So I figured, you know, I'll put this in there and then decide – go from there. You

know, that would be my decision-maker. So I put in, when they asked me these questions, about sexual abuse when I was a kid.

Which to me is not an issue anymore because, you know, you go through all this therapy, and you realize it's not your fault, and blah blah blah, and the world's telling you it's okay...whatever. So I put it in there, and again, I knew that that would stop a lot of people...from even looking. But like I said, I figured that would be my decision maker for me. Either no one would give me a chance and okay, whatever. I'd be mad...it's unfair...you know it's not my fault, I don't... but at the same time, I understand because they have to cover their own butts, cuz if something *did* happen, and it was in my home study, they'd be like "pfff", you know, blowin' out of...you know, "shit...they knew all along... and kids that are abused when they are little tend to do this their whole life, you know, whatever, whatever..." Which...that was one of the reasons why in my twenties why I didn't want to adopt. I had changed my mind cuz I was afraid...I would do it to somebody else. But then through therapy and realizing...it's not even in my character...anymore...whatever that was.

And I work with high school kids every single day. You know, and I never even had, you know, that inclination. So then I decided you know, okay, I can do this, I'm not worried about it.

So I put that in the home study and that actually has been why you know, I haven't had anything for a year. I mean there's thousands of kids out there... And I've given them a list of like 80 names of kids...and every single one of them. "Oh they just got placed," "oh they just got matched," "oh, they just got this," "oh..." and you don't...you don't know if that's the truth or not. Because... they're not going to tell you "we can't use you" because of this and this and this. And uh, so it's been a long time and finally someone gave a chance...this woman that met me...they have these... you go and...you meet kids. And I had been to like five of those. And every one had a kid that I was interested in but nothing ever panned out, ever.

Nikki's suspicion that her documented history of sexual abuse held up her application to adopt a child was confirmed:

But one of the ladies that was there...kind of took an interest in me. She hadn't read my home study or anything like that...and so for this girl now...she's at a group home, and so the woman mentioned my name to the director of the group home. And the group, uh...Elaine is the leader's, director's name...Elaine read my home study and she decided, no, the woman that was there decided to, um

convince her to, at least meet me, in person, and decide from there. Not just to look at the paper.

So she did, and it was cool, cuz she was straight-up, she was like, “you know, to be honest, I see this in your paper and I’m worried, you know, and so I wanted to meet you in person.”

And I respect that becuz that’s what any of those guys should have done.

You know...one in four women, one in five, one in four women, get sexually abused when they’re a kid.

And you meet them, don’t you meet everybody? Don’t you go by your instincts with everybody that you meet? Ya know? But apparently not. But anyways so I truly respect that, that’s what I wanted, and Elaine was like, “Look, ya know, your your home study is getting tossed in the trash by all these social workers. Cuz they won’t, once they see that, they just throw it out...you know gay, straight, it doesn’t even matter. Just once they see that, it’s gone...so...that’s why...now, finally, it’s taken a year cuz Elaine has given me a chance. And this woman has given me a chance with this girl...so...yeah, I’m very excited.

Nikki did successfully adopt an 18-year-old African American lesbian after one year of fostering.

Nikki’s story shows the lingering effects the sexual abuse label can have for people involved with the child welfare system. Nikki never revealed by whom she was abused – a foster sibling or a biological relative. Her experience of sexual abuse, from one perspective, might help her to relate better to a child with similar issues. And yet it worked against her. It also seems that she understood her own character as being permanently compromised by her history of sexual abuse for many years. This speaks to how pervasive the contagion of sexual abuse theory is throughout our culture.

Similar discourses pathologizing *experiences* of rape and violence pervade the adoption world at the level of genetics and seep into characterizations of birth mothers. Numerous direct placement open adopters talked about the dangers of adopting a child

whose birthmother had been raped. Zoe and Donna, two white lesbians in their mid-thirties living in Woodlawn, the Bronx, refused a birthmother inquiry from San Antonio, Texas based on this premise:

Donna: And then the domestic rape thing...

Zoe: Yeah, there are so many mothers coming from Mexico who get raped by, I don't know who, but they get raped and leave their babies off at these adoption places in San Antonio...

Donna: Yeah, it's sad. These women trying to escape, and then they're raped on top of it all...

Zoe: Yeah, that's actually true.

Donna: We said no to that ... not because...well, at this point, explaining the rape would be difficult. But on top of it all there are studies of the possibility of a rape gene, a violence gene. And if the kid ends up with that gene, I guess, I guess that could be impossible to overcome. Why would we invite that in our lives, right?

In the context of creating families through non-biological ties, it is clear that some behaviors, such as those associated with sexual abuse, rape, and violence, are thought to be genetically and thus biologically determined. Though there is no compelling evidence to support these claims, and no isolated genes for these behaviors, the ideas behind these beliefs have a profound impact on how adopters make choices about whom they parent. Further research might explore how these genetic constructs are formed in relation to the identities of those who hold them. As we will see, the disciplines of psychology, and by association social work, are heavily influenced by these ideas as well.

The Birth Family

If we think about the ebb and flow of descriptors used in American English to signify different players in adoption and family, attendant social histories spring to mind: orphan, bastard, adulteress, birth mother, birth father, adoptive mother/father/parent, real

mother/father/parent, fictive, original, natal, the adopted, natural mother/father/parent, the gift child, blood, step, half, deadbeat dad, illegitimate, abandoned, neglected, adoptee, adult adoptee, single mom, unfit parent, unwed mother, and so on.

The term “birth mother” rose to its present-day popularity as part of an effort to attend to the psycho-social needs of adopted children in understanding their identity within and beyond the adoptive family unit. The term accompanies concerns about the potential emotional trauma and stigma caused by families who treated adoption as a secret, making it a stigma for adopted children if and when they found out that they were adopted. In the 1980s, the Child Welfare League developed a list of acceptable words and phrases, “Adoption Terminology,” to be employed when discussing adoption with children. “Birth mother” accompanied “biological mother” and “genetic mother” as terms preferable to “real” or “natural” mother (Adoption History Project 2003). “Positive” adoption language is now a common concern among adoption professionals and is a source of constant debate. “Birth mother,” however, continues to be used throughout the adoption community by professionals, adoptive parents and family, and by birth parents themselves.

The fact that the term “birth father” rarely comes into play, points to two things: 1) that few fathers participate in the mothers’ decisions to put their children up for adoption, and 2) that the birth mother’s biological influence on the child is considered to be more important than that of the father’s. Some of this can be accounted for by the fact that both private and state child placement professionals focus solely on the birth mother’s health and background when matching families. Though it is difficult to know which came first - professionals’ scrutiny of birth mothers over birth fathers, or adoptive

parents' desire for information about birth mothers over birth fathers. In either case, this emphasis on mothering over fathering points to a larger shift in emphasis on personal caretaking over economic safety, which with all its gendered connotations, parallels the 1930s' psychoanalytic turn to the mother as the all-important presence in a child's life regardless of the economic stability she can provide. At the state level, these beliefs were concretely realized in a concomitant shift of focus in child custody court cases from "tender years doctrine," which emphasized a father's economic capabilities as caretaker to "the best interests of the child" which emphasized a mother's nurturing capabilities as caretaker (see Chapter 3).

The birth mother's decision to give birth despite her inability to raise a child may act as a signifier of both positive and negative character. Those who encounter her in the adoption community may praise her for carrying out the pregnancy at a time of crisis while simultaneously criticizing her callousness in getting pregnant in the first place. Many times these crises involve a tumultuous or abusive relationship with the father or abandonment by him. In this way, birth mothers deal with abandonment on different levels. "Abandonment," the word used to describe a birth mother's decision to relinquish her rights to her child, seems necessarily tied to the birth mother because she alone can make the decision. The birth father, who is sometimes sought after to participate in these decisions, is almost always absent. As a result, his character is not available for scrutinizing, leaving the birth mother a target for everyone's expectations and fears. There is also a fear on the part of adoptive parents that pregnant birth mothers will abandon them prematurely.

Peter, a white lawyer, and Rafael, a social worker from the Dominican Republic, both in their forties, were recently placed with a baby boy, half white and half Latino. Peter and Rafael felt that their initial willingness to adopt a child of color through foster care prevented them from being matched with a baby, and they wanted to raise a child from infancy. Frustrated, they turned to direct placement open adoption. The following vignette is typical of many stories I heard that unwittingly characterized birth mothers, especially black birth mothers, as “crazy”:

Peter: Rafael’s from the Dominican Republic, so we thought we were open to anything.

Rafael: Yes, I thought we were open to any...race, color, you know. And we heard that makes things easier, faster. There was the hurricane in New Orleans, and Peter heard about a lawyer who was getting babies down there, and we felt good about that. Like we were really helping someone out, you know? So we paid medical bills for three months thinking that, expecting that we would get a baby. But she changed her mind once she had the baby.

Peter: Or they told us she changed her mind. We didn’t know what we were doing that first time. I thought because I’m a lawyer I could just guide us through this process I knew nothing about. We never even met this woman or even talked to her. We knew she was black, supposedly clean, and in a bad situation because of the hurricane. We wanted an easy adoption. So we didn’t ask too many questions, or enough questions I guess. Rafael got really depressed and decided that he didn’t want to adopt anymore. We got through that though. The lesson there was that you have to find someone with experience to lead you through this thing. There are a handful of lawyers who specialize in adoption and you really have to go with one of them if you want things to work out right.

Rafael: Yeah, but we still didn’t do that right away. How about the USA Today thing...

Peter: Yeah well, even after the New Orleans letdown, I still thought I could do it on my own. I put ads in the USA Today classifieds and got the word out any way I could that we were looking for a baby. We finally got a referral through the ads, I think...

Rafael: Yeah, it was through the USA Today....

Peter: Yes, it was that way. We got a referral for a woman who was seven months pregnant in Arizona. We had purchased a 1-800 number, and she called us directly. We liked that she was seven months pregnant, and she sent us a photo of herself...

Rafael: Yeah, a cell-phone photo (laughing), so we knew it was real. After a few calls, we told her about our other experience, and she really wanted to prove that she was in it for real. But I still didn't trust. Even if she was pregnant, what difference did it make? But then she told us to come over there...

Peter: and we went immediately. It seemed so different from the first time. We thought we could trust her more if we met her in person.

Rafael: So we flew out to Arizona. And the whole thing was crazy from the start.

Peter: (laughing) Yeah, from the first minute we landed. She didn't meet us at first but she sent *another* pregnant woman to meet us at a restaurant in the middle of nowhere. She said the other one would be late. Then she left and came back a half-hour later with the other one. So it was like these two black pregnant women and us. They were characters. But despite the craziness, I think we both liked them.

Rafael: Yeah, we ended up buying them maternity dresses. And then they got us to go back with them to their house which was like way out in the middle of nowhere, and like this old man was lying on a mattress on the floor, and I got way spooked.

Peter: We both did. I think we were afraid we weren't going to get out of there alive. But we did. And well, long story short, we ended up with this little guy. We got ourselves an adoption lawyer, and we got ourselves a baby that was half white and half Latino, just like us. I guess we should have done that in the first place.

After recounting the perils of their search for a baby, Peter concludes with the safety of biological resemblance embodied by the phrase, "just like us." Meanwhile, as was the case for so many of the adopters I interviewed who reported similar stories of "craziness" with black birthmothers, these mothers and their babies are left behind. In

this way, we can see how the regulation of black families by the American social welfare system is reproduced in the private sector as well.

The Adoptive Family and the State

In this section, the adoptive family is treated as an adjunct to the state, which is understood to be therapeutic (Polsky 1991), regulating (Cloward and Piven 1993), and excluding (Roberts 2003). Direct placement open adopters and foster-to-adopt parents raise children who might otherwise be left without care – in the foster care system or independently in their communities. In this way, they are helping the child welfare system to take care of families in poverty. Unless and until community-based resources and more sweeping policies to address health care, shelter, and education are funded and implemented, outsourcing the responsibility for children in poverty to better resourced families is a viable solution. However, this solution overlooks the political and economic roots of marginalization. This framework is necessarily imposed upon adoptive families in this context to illustrate one role of American adoption practices more generally, which is the neoliberalization of families. This neoliberalization takes place through the transfer of care for children in poverty from a state that fails to attend to its poor by relying on relatively wealthy members of society, and otherwise disenfranchised members such as gay adults, to provide that care in its absence.

The therapeutic state necessarily excludes because it wrongly focuses its efforts on “fixing” instead of assisting. When it cannot fix, it surrenders and abandons. In the case of families in poverty, where the “the state” is represented by caseworkers and other social work-related professionals, the state abandons families through forced separations.

It is through this process that most children become available for fostering and adoption. Birthmothers who participate in direct placement open adoption bypass the bureaucracy of the state, and in their frustrated efforts to show their children a better life than the one they are leading, take control of their own choice to separate from their children. Gay foster children who are adopted by gay foster parents benefit greatly from the determined advocacy and outreach efforts of empathetic community activists. Both populations, however, are indicators of a broken welfare system that must turn to private solutions to public concerns.

In October 2007, the New York Psychoanalytic Society hosted a three-day seminar entitled, “A Psychoanalytic Look at Identity Formation in Children of Mixed-Race Parentage and at Those Adopted by Parents of Another Race.” My attendance at these meetings greatly informed my thinking on the pathologizing / biologizing nature of the therapeutic state and how such rhetoric informs the work of child welfare professionals. Fellow attendees included psychoanalysts, psychologists, social workers, and other adoption professionals. Many of them were adopters as well.

Freud’s (1909) “family romance” theory of childhood development set the stage for a psychoanalytic discussion of identity formation in adopted children. The family romance theory relates healthy identity formation to the child’s need to “escape” his reality and fabricate an alternative reality through fantasy. Freud pinpoints the fantasy of an adoption scenario as necessary to the child’s ability to imagine life without his “real” parents as he develops his own character separate from them. Most children, according to Freud, imagine a better, kinder, more loving set of parents than the ones they have. For adoptees, of course, the adoption scenario fantasy is interrupted by the knowledge that

another set of parents actually exists. In comparison to the parents the child has grown up with, adoptees may either idealize his birthparents or condemn them.

Either way, the adoptee is in need of critical therapeutic intervention to assist her through her development into an adult. At the conference, it was clear that people believed that adoption practices lead to numerous pathologies for all members of the triad, with a special emphasis on the child. The ways in which they suggested managing these pathologies showed little understanding, however, of the greater cultural forces at play in the lives of individuals, including themselves.

One of these psychopathologies was labeled “the adopted child syndrome.” Although it is not yet listed in the Diagnostic and Statistical Manual of Mental Disorders, many attendees suggested forming coalitions out of the seminar to push for its inclusion. One social worker described the adopted child syndrome as, “kids acting out in ways they imagine birth parents to act, like people with lower social economic status....kids tend to want to know about birth moms over birth dads, and girls seem to want to find birth parents over boys.”

This description of the psychological (and gendered behavioral) fate of adopted children led to a lengthy discussion about a study that found that the majority of black men in prison were at one point or another in foster care as children. Some people argued that this was a racist study and others argued that “social scientists tell us that race is a social construction,” so black or white, these things should not matter. No one seemed to see a connection between the color of poverty, the prison industrial complex, and child welfare.

Conversations and debates like these continued throughout the three-day seminar. The “social construction of race” played a dangerous role in many of their conversations, as if the effects of racism in American society had disappeared. Ironically, prisons came up once again as the ideal setting from which to adopt a child. Birthmothers’ medical histories are readily available, they have received excellent pre-natal care, and their incarceration and criminal record makes them highly unlikely to be considered for reunification with their child. Jane Aronson, the Orphan Doctor, made the same point at a meeting I attended for gay adopters. The incarceration of a birthmother seems to erase other alarmist concerns regarding the potential likelihood that she may carry and pass along a so-called violence gene and other bad behaviors. The possibility of a complete erasure of a birthmother’s existence from an adoptee’s life seems to carry more weight for some adopters than the possibility of a genetic transfer of bad behavior. It is curious to think that a group of intellectuals who believe that an “adopted child syndrome” will lead little boys and girls to behave like they imagine their birthparents to behave would encourage the idea of seeking adoptions from imprisoned birthmothers. This circular logic, and its rhetoric, drives the management of the poor through the child welfare system in the United States today.

Conclusion

The ways in which people talk about adoption and fostering provide telling insights into how biological understandings of social behavior drive these practices. The role of the state in determining who adopts and who gets adopted is integrated into everyday and expert discourses about what kinds of families, especially women and children, are most desirable and worthy of assistance. Sexual abuse, psychological

diagnoses, and pathologies of race loom large in the adoption and fostering community and perpetuate an American child welfare system incapable of serving those children in most need of care.

Chapter 7: Conclusion

Contributions and Implications of Research on Gay Adopters in New York City

By following the experiences of gay New Yorkers as they approach the adoption and fostering of children, this study shows how some of these potential parents have benefited from the increasing privatization of the child welfare system in ways that both positively and negatively affect children in need of care. Despite efforts to recruit greater pools of qualified adopters for children in foster care, new pools of adopters fail to reflect the majority population of children most in need of care. The history of matching practices in the United States shows that access to resources necessary to adopt, such as social and economic capital, are tied to race and class (see Chapter 3). At the same time, poverty and race play a determining role in the state's likelihood of separating families due to child abuse and/or neglect (See Lee 2010). Where the state separates families and fails to provide adequate care for those in need, the private sector, through private adoption agencies and attorneys, steps in to help create new families for those desiring children. These two objectives are at odds. The failure of the child welfare system rarely benefits from the success of the private adoption sector.

The acceptance of gay parents as a new pool of available adopters has done little to increase parenting resources for children in poverty. Each new pool of adopters has bypassed this same population of foster children, mostly children of color, time and again. As this study shows, this is not because adopters do not want to take in foster care children, but rather because they do not qualify to take them in. Recruitment efforts reaching out to African American, Latino, and single applicants often fail due to financial

requirements that these populations cannot meet. In other cases, such as gay couples in this study, applicants are in competition with heterosexual couples for a limited supply of healthy newborns. Knowing they can gain access to newborns outside the system, and suspecting they may lose in competition with heterosexual applicants, gay couples have found alternative solutions outside the state system. The longer children stay in foster care, the more difficult and expensive it is to care for them. This fact perpetuates a continuous loop that puts any adopter with limited resources in the position of having to bypass those children in greatest need of care for newborns outside the system with many more opportunities for successful adoption placements.

Direct placement open adoption practices (see Chapter 4) show very clearly how gay adopters' perceived need to circumvent the crumbling child welfare system contributes to the creation of a new population of adoptable newborns that side-steps the existing population of children waiting in foster care, most of whom are older and of color. Where would these newborns go, however, were it not for these adopters? Is direct placement open adoption handmaiden to the creation of a new market in primarily white newborns created to satisfy increasing demand? Is it an indicator of changing attitudes toward abortion? Or is it a hopeful possibility for birth mothers who want more control over their decisions about who will raise their children? These questions, though inspired by the present study, fall outside the scope of this study and require further research into the decisions birth mothers make. Such research would provide additional insights into shifting trends in motherhood and the value of family in the United States.

The inability of the New York City child welfare system to match children in need of care with qualified adopters has resulted in longer and longer stays in foster care.

There is no question that longer stays in foster care produce detrimental results for the children that endure them (see Chapter 5). Older children in foster care suffer far more instances of disruptive physical, emotional, and behavioral conditions than children who are raised in permanent family environments. These children's life chances in terms of health, education, career, and social well-being are severely diminished. A new and encouraging trend coming out of New York City is the purposeful matching of gay adopters to gay foster youth to help address the needs of at least one subset of this population. Gay family activists working within organizations that place older foster youth, such as You Gotta Believe!, advocate for these placements and are instrumental to their success. More research is needed to track the outcomes of gay foster parent / child placements.

American perceptions of adoption and fostering are steeped in biological understandings of social behavior (see Chapter 6). These understandings are expressed throughout this study by adoptive parents and social workers, and reflected in the assumptions of other adoption professionals such as medical doctors, psychologists, and attorneys. Biological explanations for social behavior demonize the families in poverty from which children become "available" for adoption. Tendencies toward sexual abuse, violent behavior, and/or addictive behavior are thought to be biologically hard-wired and present potential adopters with difficult decisions when screening birth mothers from whom to adopt. Importantly, these understandings are embedded in the child welfare system and speak to the state's neglect of people in poverty. This work, following anthropologist Signe Howell's call (2006), insists on expanding the triadic notion of adoption (adopter, adoptee, and birth parent) to include a fourth player, the state. In many

ways, private solutions to state failings help perpetuate inefficient and discriminatory family policy. More critical studies of the state's patriarchal role in the making and unmaking of American families could help shed light on these issues.

American Kinship, Gender, and Gay Pioneers

“American kinship” has little salience outside academic circles, yet the increasingly scattered nature of family forms both geographically and biologically keeps the concept of kinship central to American understandings of belonging and privilege. Blended, extended, and queer family households are more common than ever before, and yet they struggle to reap the benefits of belonging and privilege associated with the less common nuclear family ideal. While family values are hotly debated with regard to same-sex rights, the question of blood and biological relatedness remain central to American understandings of the “quality” of populations (Ong 2007).

As environmental arguments about the rights to nature and earth justice abound, and humans continue to recognize their tenuous relationship to the world around them, we may see a resurgent interest in the meaning of kinship (Cullinan 2011, Shiva 2011). Conservative attempts to emphasize the importance of blood ties in this context threaten to render alternative forms of kinship unworthy of recognition and/or in need of vigilant regulation. In its efforts to document the desire for and value placed on family built through the adoption of children, this study contests the notion that alternative family forms are anything less than true bonds of kinship.

Following Collier and Yanagisako's (1987) reinterpretation of Schneider's American kinship studies (1968), in which he emphasized the importance of the blood

metaphor in American kinship, this work shows how flexible and denaturalized kinship can be for gay parents today. In the wide spectrum of expectations for family expressed by the adopters and foster parents in this study, we see how the notion of choice inherent to adoption practices accounts for results that are both familiar, as in the case of families organized to look like nuclear families, and new, as in the case of gay parents to gay youth. These families, like all families and all kinships, are constructed along the same lines of race, class, and gender as their heterosexual and biologically formed counterparts.

Gender stands out in this research as a potentially fruitful nexus of future study with regards to gay parenting and class. Gay adopters and foster care parents are in marked categories, each with their own set of advantages and disadvantages in relation to heteronormative parenting roles. Lesbians have a longer history of acceptance as natural caregivers when compared to gay men for whom care giving lies quite outside traditional male roles. Throughout the study, however, gay women appear to possess fewer social and economic resources than their male peers. Despite the naturalizing of women as caregivers, men appear to be more competitive in both private and public adoption settings. In fact, this sample of gay New Yorkers feels more confident about, interested in, and entitled to a mainstream family life than gay men before them.³³ It is important to remember that fewer women choose to create families through adoption than men due to their ability to give birth. However, the confidence with which gay men in this study, as opposed to gay women, approach adoption is notable. It is also important to note that

³³ Dan Savage's "It's Get Better" YouTube campaign, and discussions about the campaign throughout LGBTQ Internet communities, clearly illustrates this optimistic shift towards mainstream family values. Other segments of the American LGBTQ community, however, felt that Savage's focus on assimilation obscures the fact that gay and trans rights are not won naturally over time, but with decades of determined activism. In the words of one video reply, "*It does not get better; we get stronger*".

recent studies on gay adoption have focused exclusively on men (Stacey 2006 , Goodfellow 2004). The gendered differences between the experiences of gay male, female, and transgender parents demand closer attention.

When I initially set out to explore options for creating family through adoption, I never imagined the effort would lead to a dissertation. As an aspiring cultural anthropologist, I sought out existing data, especially ethnographic data, on the experiences of gay adopters before me. The early 1990s gave us two important ethnographic contributions to the understanding of emerging gay family forms in the United States: Ellen Lewin's *Lesbian Mothers: Accounts of Gender in American Culture* (1993), and Kath Weston's *Families We Choose: Lesbians, Gays, Kinship* (1993). These thick descriptions of lesbian feminist motherhood (Lewin) and non-biological kinship ties (Weston) inspired me to situate the white gay subject within a greater social context. The gay marriage debates of the first decade of the twenty-first century have given us the perfect opportunity to imagine LGBTQ subjectivity in ways that are at once mainstream and radical. These debates provide us with the social context needed to investigate a spectrum of experiments in creating gay families and to explore future possibilities as well. Like Lewin and Weston, this research also focuses on primarily white upwardly mobile individuals with the resources necessary to fulfill desires for family. However, this study also considers the many other players overlooked in some of these processes: hard-to-place foster youth, families in poverty, families of color, birth parents separated from their children, and fringe queer populations.

After nearly a decade conducting anthropological fieldwork, I am even more compelled to consult all the existing data available on a given subject. Importantly, it is

much easier to do that now than it was in the year 2000. The increasing use of the Internet for everything from academic research to everyday social connectivity has been both an asset and a distraction for me. On the one hand, it has granted me access to statistics, news items, personal experiences, professionals in the field, and research participants well beyond my initial expectations. On the other hand, it has made it difficult to create boundaries for the project. There is no question, however, that the present research benefitted greatly from my ability to tap into many different perspectives and follow diverse threads of inquiry as needed.

The influence of information technology on adoption and fostering practices has also created great changes in how families are made and unmade. As we have seen, savvy adopters utilize new technologies for communicating adoption policy information through list serves, locating children available for adoption through online photo-listings, contacting birth mothers through waiting adopters websites, and creating computer-generated waiting profiles. This wealth of opportunities inspired by new technologies also makes it hard for potential parents to create boundaries when considering adoption. Should they consider becoming direct placement open adopters, foster parents, or foster-to-adopt parents? Should they adopt domestically or internationally?

For gay adopters in the late 1990s, these decisions may have been limited not only by the more covertly acceptable discrimination aimed at the LGBTQ community, but also by the inability to know other people's experiences. Today, in 2011, a simple Google search for "gay adoption" turns up over 600,000 results. Granted, many of these results may be tirades against gay people's "right" to adopt, but it is all useful information for the inquiring mind. Advances in information technology helps make gay adopters, who

represent the newest pool of adopters to emerge in New York City, experts on adoption in general. The Wannabees Dads and Moms group at the Gay Center in Manhattan, though facilitated through face-to-face monthly meetings, also benefits from the connectivity produced through the Internet in terms of soliciting membership and keeping existing members in touch and up-to-date with current events through email. As relative newcomers to the task of creating families with children, gay adopters have been able to take on the responsibility of locating adoption lawyers, finding birth mothers, and promoting themselves as potential parents in ways that disparate groups of lesbian mothers or fictive kin, for example, could not have imagined only a decade before.

Gay adopters may be considered pioneers within the LGBTQ community in terms of how they choose to build families with children. As we have seen, most gay adopters have a desire to raise children who in some way reflect how they perceive themselves, or how they want to be perceived. In the case of direct placement open adoptions, most adopters chose birth mothers of the same race so that their children might look more like them. In the case of gay foster youth, adopters tended to relate to the rejection experienced by gay teens. Some want to fit into mainstream culture and others want to take care of those who do not.

The exploration of gay adoption and fostering practices allows us to think more broadly about American family forms in general. Based on this research, some implications for policy research may include mandated reporting of private domestic adoptions based on court documents, the collection of more thorough data on adopters, and outcome studies families formed through adoption and fostering. Together, these data collections could help make transparent the chaotic mismanagement of the child welfare

system and the tendency toward economically based adoption placements, which tend to encourage dubious decision-making and matching practices.

More thorough data on gay adopters and their children is especially important in this present climate of uncertainty for gay rights. Gay parenting is likely to gain more national attention as the implications for gay marriage become more hotly debated. The more we know about the history of matching practices, how populations of adopters become legitimate adopters, and how that affects the chances of children waiting in foster care, the better equipped we will be to find homes for children in need. Finding homes for children in need should be the number one priority for adoption professionals. Presently, the foster care system suffers from callous mismanagement and prejudice. Adoption professionals, regardless of their good intentions, seem to cave to the consumer-mentality of adopters who are in many ways not looking to take care of needy children, but rather, to take in children who will fulfill *their* needs to have a family *as if begotten*.

It is frustrating for social workers and other adoption professionals who want to do the right thing but find it hard to locate potential adopters willing to take on difficult children. Very few adoption professionals who have adopted children themselves lead by example and cross lines of race or take in overly impaired children. The NABSW does not advocate for transracial adoption as a solution to the black foster youth crisis. The solution to this dilemma, like many other social crises in the United States, will not come about through restrictive legislation and experimentation in policy. The solution to this dilemma calls for a bigger picture approach that is not afraid to identify and grapple with racism and the effects of racism in American society. To do this, we must address the

conditions of poverty that put black families “at risk” of state surveillance and forced separation. Family preservation efforts should be given higher priority and policy support than family separation and forced child relinquishment. As Modell (1994) points out, “we need to approach adoption as a process of creating ties, not cutting them”.

The “homespun” nature of direct placement open adoption affords great flexibility to adopters seeking to create families through the adoption of newborns from pregnant women. While open adoption practices promise birth mothers and their families greater influence over the placement of adoptees, adoptive parents who can afford to retain lawyers to assist them with birth mother searches have the greatest control over how matching decisions are made. This is a departure from the history of adoption matching practices in the United States in which adoption professionals, public and private alike, have traditionally driven these decisions.

As some gays and lesbians continue to become more visible and more tolerated parents to children, they also demand children who fit into their own family ideals. Like their heterosexual counterparts, gay adopters often desire newborns that match their own racial identities. In this sense, the emergence of gay and lesbian parents as a newly accepted pool of adopters does little toward easing the overcrowding of the New York City foster care system. There is no reason to expect that they should play that role. However, as new populations of available adopters emerge, the needs of available adoptees should be taken into account. Matching based on sameness, for whatever characteristics, should be discouraged through policies that put the needs of children before the desires of adopters.

Anti-race matching policies, where social workers are not allowed to match based on color, does not increase transracial adoptions or the adoption of African American children. Nor do independent adoptions where there are no regulations or policies on race matching and people are free to adopt whoever they want. Independent adoption, where the scrutiny of adopters' lives is relatively low, may be an important indicator of what middle-class Americans, if left to their own desires, consider the ideal American family.

The present movement to recruit gay foster families for gay foster youth is an immensely encouraging step forward in New York state child welfare. Gay parents matched with gay foster youth, however, need to be aware of potential policy backlash. Matching based on "sameness" (Herman 2008), if it is not thought about critically, could end up limiting gay adopters in terms of who they are considered worthy of parenting. "Being gay" may start to be seen as an extraordinary identification in the field of adoption, one that uniquely qualifies gay adults to care for gay youth. This trend toward the placement of gay youth with gay adopters and foster care parents comes dangerously close to creating a new category of special needs or hard-to-place child, the gay child.

As we have seen, this has not been forced upon the gay community. Gay adoption and foster care advocates struggle to find suitable homes for gay foster youth and have had great success with these placements. Activists must keep in mind, however, that gay parents have proven to be well-suited to parent every kind of child and must caution against a potentially homophobic backlash on the part of the professional adoption community to begin pigeon-holing them as uniquely suited to parent this population *only*, thereby diminishing the chances of positive long-term adoption placements for countless other children who are not labeled as "gay."

Pioneers of any movement or trend, from first-wave feminists to civil rights activists, pave the way for future generations. Gay parents set the groundwork for future generations of gay families and benefit greatly by building families and “finding kinship” through as many diverse venues as possible. This study highlights two of the most recent forms of gay families in twenty-first century New York City and anticipates even greater diversity moving forward.

**Appendix 1: Text and Image Captions from Ned and Eric’s Waiting Profile
(15 pages/43 photos)**

Page 1: Ned and Eric – Our Family [Blue font text centered as title page against yellow background with digitized images of blocks, rocking horse, and teddy bear].

Page 2: We are Ned and Eric. We are a committed couple and are ready and eager to be parents. We have both dreamed of having children since we were young. We made this book so that you can learn about who we are and begin to get to know us. We hope that it gives you a sense of what we believe is important in life. [Text accompanied by photo of couple standing with arms around each other in front of a mountainous sunset; caption: “Ned (left) and Eric (right)”].

We want you to know how much we respect you for your decision. We will make sure that your child will always know about your love and sacrifice.

We look forward to being here for you during your pregnancy. We will always lovingly think of you as your child’s mom and we will always welcome you as part of our family after your child is born. [Text accompanied by two photos - 1) of Eric laughing and holding a baby on a couch next to a smiling woman; caption: “Eric with our good friend A and baby T, the daughter of our friends C and D”].

Page 3: Family is very important to us and both sides of our families are supportive of our relationship and our plan to become parents through adoption. [Text accompanied by group family photo taken at couple's wedding; caption: "Eric's aunts, uncles, cousins and parents with us at our wedding"].

Three years ago, both of our extended families came together at our wedding to celebrate our relationship and our commitment to each other. [Text accompanied by photo of a group of six people of different ages sitting around a picnic table on the deck of a country house; caption: "Ned, his uncle M holding our nephew J, Ned's father B, Eric, Ned's sister M and aunt F."]

Our parents, all eager to dote on grandchildren, live within driving distance of our home, and we spend many weekends visiting them and our siblings. We cherish every opportunity we have to see our young cousins, nieces, and nephews. [Text accompanied by another family wedding photo; caption: "Eric's father T, Eric's mother C, Ned's father B, Eric, our minister B, Ned and Ned's mother A at our wedding"].

Page 4: We already have five nieces and nephews who love to play together and would be thrilled to welcome another cousin into our warm, caring extended family to grow up with and share birthdays, holidays, graduations, weddings and special occasions. [Text accompanied by photo of Eric reading to two small children; caption: "Eric reading to our nephews A and J"].

We have great parental role models, too. The women in our family – especially our moms, our aunts, our sisters and sister in law – have been inspirational figures to us as we plan to be parents. We both have close relationships with our sisters, who look

forward to being supportive aunts. [Text accompanied by three photos – 1) casual photo of Eric and smiling woman; caption, “Eric with his sister A”; 2) casual photo of two smiling older women in dresses; caption, “Eric’s aunt F and mom C”; and 3) snapshot of smiling Ned with a newborn in his arms standing next to newborn’s mother in hospital room; caption, “Ned with his sister M in the hospital when her son J was born”].

Page 5: We also have many women friends who are very important to us. Some of our friends have young children who will be your child’s playmates. [Text accompanied by casual photo of Ned, pregnant woman, and another woman playing with a young boy in a plush family room doorway; caption, “Ned with our friends T, S and T’s son D.

We want your child to grow up with as much love and support as we, our family, and our friends can provide. [Text accompanied by two photos: 1) casual photo of Eric and two female friends all with their arms around each other facing the camera in a cozy kitchen setting; caption, “Eric with our friends J and C” and 2) photo of Ned in a nice shirt and tie and smiling female in a dress sitting together on cozy couch; caption, “Ned and our friend S”].

Page 6: “Eric and I met while training for a charity bike ride: on our first training ride together we took a detour to Eric’s house where I met Eric’s parents, grandparents and sister – all on the same day I met David! From there we stopped by a barbeque where I met many of his friends. From the very beginning, I knew how important family and friends were in Eric’s life.” – Ned [Text accompanied by two photos: 1) of two women holding a home-made sign saying, “Welcome Home Eric and Ned...Biking Machines!”];

caption, “Eric’s sister A and her fiancée A greet us after our charity ride” and 2) of Ned and Eric and Eric’s sister and her girlfriend relaxing on a couch together with Eric’s parents sitting across from each other in separate chairs in a nicely decorated living room with an Apple laptop opened up on a table in front of the couch; caption, “Eric’s dad T, A, A, Ned and Eric’s mom C”].

Page 7: We live and teach in New York City, a vibrant and exciting city with so much to do – museums, libraries, theaters, and every sports complex imaginable. It is a culturally diverse city; our neighborhood alone has delicious restaurants representing over a dozen ethnicities. We live in a very family oriented neighborhood with lots of outdoor spaces and frequent community festivals and block parties. [Text accompanied by photo of Eric and female friend standing in front of snow-covered Grand Army Plaza entrance to Prospect Park, Brooklyn; caption, “Eric with our friend A in Brooklyn].

We both love teaching because we get to help educate young people. We are both middle school teachers and advisors, and love getting to know our students every year.

Ned even keeps in touch with some students he taught in his first job almost a decade ago! [Text accompanied by three photos: 1) of Eric and five male students smiling on school athletic field; caption, “Eric with his students at a science competition,” 2) of Ned standing with arm around female student dressed for graduation in front of brick school building; caption, “Ned with a student,” and 3) Ned with group of nine students standing in Central Park in front of orange flags of Christo and Jeanne Claude’s *The Gates* exhibition, caption, “Ned with his students on a field trip to Central Park”].

Page 8: Our teaching schedule also allows us to spend summers and school vacations at our cabin upstate and to travel frequently, something we greatly enjoy. This summer we explored Nova Scotia by bike, and we can't wait to share our world with your child. [Text accompanied by photo of Ned and Eric on a grassy hill with scenic view of ocean behind them; caption, "In Nova Scotia"].

We love to do active things together. We enjoy hiking, biking, going to the beach, and swimming. [Text accompanied by photo of Eric and four friends resting on a hike in the woods; caption, "Hiking with our friends, A, A, S, and N"].

We love to cook and enjoy having friends over for dinner and games. [Text accompanied by a photo of Ned taking cookies out of a rustic oven in cabin; caption, "A batch of Ned's delicious pignoli cookies"].

Page 9: Our cabin gives us an opportunity to do many of the things we love: enjoy the outdoors, live in a small town, and work with our hands doing projects around the house ranging from carpentry to plumbing to growing a garden.

We often enlist the help of family and friends to help us, including Eric's 92 year old grandfather!

Your child will enjoy leisurely summers at the cabin with lots of visits from extended family, exploring nature and watching the wild rabbits, deer, and turkeys that are frequent visitors to our yard. [Text accompanied by a photo of older man doing construction on a cabin wall; caption, "Eric's grandfather B spackling at the cabin"].

Many of our friends have children or are starting families now, so your child will have many children to play with. Ned's friends K and T even asked Ned to be their daughter A's godfather. [Text accompanied by photo of smiling Ned holding a newly baptized baby in christening gown; caption, "Ned at his goddaughter A's christening"].

Page 10: "Eric is wonderful with kids and all kids just adore him. Every time we visit our young nieces and nephews, Eric is the first person to get on the floor and start playing. He is endlessly patient and relates to children as people, never condescending, always sensitive to their feelings. He is full of cool scientific information about the world and talks to kids in a way that inspires their curiosity about things." – Ned [Text accompanied by photo of Eric on a rocking horse with a little boy; caption, "Eric with our nephew J"].

Eric grew up in a community near Boston. He was always naturally curious, and enjoyed exploring the world. He has fond memories of frequent hikes and camping trips with his father's extended family in upstate New York. [Text accompanied by photo of Eric in wedding tuxedo posing with two women; caption, "Eric and his sister A with their childhood nanny D at our wedding"].

He has always had a natural gift with children, working part-time at a day care center in high school and regular babysitting for local families. His love of children and his interest in nature have come together in his career choice as a middle school science teacher. [Text accompanied by photo of Ned and Eric with two boys playing in a riverbed; caption, "With E's cousins S and M"].

Page 11: Eric’s parents still live in the house he grew up in and can’t wait to be loving grandparents to your child.

Eric’s father, T, recently retired from his job as a computer engineer, and is an avid bike rider and birdwatcher. He also makes frequent visits to our cabin to help us work on the house. [Text accompanied by photo of Eric, sister, and parents; caption, “C, T, A, and Eric”].

Eric’s mother, C, is a pediatrician and is extremely active and well known in the local community. She loves gardening and spending time outdoors.

Eric’s younger sister, A, is in law school and is engaged to be married to her fiancée A. They are looking forward to starting their own family in the next few years. [Text accompanied by three photos: 1) of Eric blowing out candles on a recent birthday cake with mother and grandfather; caption, “C, Eric, and grandpa B blowing out the candles at their 60th, 30th, and 90th birthday celebration, with T looking on,” 2) of Ned standing behind a stone wall between Eric’s sister and girlfriend; caption, “A, Ned, and A,” and 3) of Eric’s sister and dad; caption, “A and T”].

Page 12: “Ned is truly the ultimate ‘people person.’ He is warm, friendly and considerate, and always goes out of this way to help people. He has a remarkable ease in making friends. Ned is calm and patient, and is an amazing uncle. He will be a terrific dad.” – Eric

Ned grew up in Pennsylvania in a close family. He spent much of his childhood running around outside, reading, and helping out around the house. He volunteered at a local children’s museum when he was in junior high and often babysat for family friends.

[Text accompanied by 1980s photo of Ned with his parents and siblings in woodsy suburban setting; caption, “Ned in the middle with his brother J, father B, sister M and mother A”].

Ned’s grandparents and many cousins lived nearby, and there were frequent family gatherings, which continue to this day. [Text accompanied by photo of dated photo of a gathering of Ned’s relatives and a teenaged Ned posing on a backyard deck; caption, “At a family reunion”].

Page 13: Ned has an older brother, J, and an older sister, M, both of whom are married with children. J and his wife M have three kids: M, E and S. M and her husband Colin have two boys: J and A. [Text accompanied by photo of Ned and siblings with sister’s husband wearing Jewish yarmulke; caption, “Ned, M, her husband C, and J on M and C’s wedding day”].

Ned’s mom, A, and dad, B, love being grandparents and are happy for every opportunity to babysit and spend time with their grandchildren. Ned’s mom is retired and plans to spend time with our family almost every day. [Text accompanied by two photos: 1) of Ned on his wedding day with parents; caption, “Ned with his parents A and B at our wedding,” and 2) of Ned in graduation gown surrounded by family; caption, “Ned’s mom A, aunt K, grandmother M, brother J, sister M, and father B at his college graduation].

Page 14: We think it is important to do things together – from grocery shopping to paying bills to working on house projects to having dinner. We share responsibility and work together, enjoying the time we spend with one another. [Text accompanied by

photo of Eric dancing with young girl at a wedding; caption, “Eric and his cousin M sharing a dance at our wedding”].

We think it is important that one parent stay home and raise your child, showering your baby with attention and care. Ned plans to stop working to be a full time dad. We both loved growing up with siblings, so we plan to give your child a brother or sister in a few years. [Text accompanied by photo of Eric with N’s sister and little boy in outdoor museum setting; caption, “Eric with N’s sister M and her son J at a science museum near their house”].

We have dreamed about being parents for years. We will celebrate your baby throughout his or her life. And we promise you that we will always love and care for your baby. [Text accompanied by photo of Eric reading a book to a little boy in a rocking chair with birthday balloons in background; caption, “Eric reading to our nephew J at Christmas with J’s dad C in the background”].

Page 15: We think that the decision you are making takes a lot of courage. If we are the kind of people that you are looking for, rest assured your baby will be raised in a home filled with so much love, patience, laughter, friendship and happiness. [Text accompanied by photo of Eric playing piano with two toddlers – piano is covered with framed photographs of different people; caption, “Eric with his cousins S and M at the piano”].

We understand that choosing two fathers may not be something you’ve considered before. As a couple, we have thought long and hard about the challenges that will face us as parents. But after speaking with so many other parents, we realize that all parents face many challenges. It is how those challenges are met that is important. With

the support of our friends and family, and with the love we have for each other, we feel more than ready to unconditionally open our arms, home and hearts to your child. [Text accompanied by photo of Ned carrying a toddler on his shoulders; caption, “Ned with our nephew A”].

Our lives are filled with love! We both have such a strong desire to become parents and have the opportunity to love, teach, encourage and nurture your child. We look forward to giving your child tremendous opportunities to enjoy and appreciate family, life, education and the world. These are values and opportunities that we believe are important in raising children.

Page 16: We understand that your choices will be made from the depth of your heart and filled with love and complete devotion. We want to express our deepest gratitude for your most generous act of giving. We will always convey our deep respect for your love, bravery and tremendous and unselfish act of courage. We will always be connected to you, for the gift you’ve given us.

As you make this difficult decision, we realize that it’s important for you to know as much about us as possible. Please call us so that we can get to know each other better. Our home toll-free telephone number is 1 (866) 123 – 1234.

You can also call our adoption attorney, LG, at 1 (800) 123 – 1234.

Thank you for considering us and making our lives more purposeful and fulfilling. There are two very hopeful grandmothers, two grandfathers, so many aunts, uncles and cousins, and loads of friends who all thank you too! We hope to hear from you soon!! [Text accompanied by two photos: 1) of Eric holding crying toddler in his arms;

caption, “Eric with our nephew D,” and 2) of Ned walking away from the camera holding the hand of another toddler; caption, “Ned with our nephew J”].

**Appendix 2: Text and Image Captions from Lena and Marie’s Waiting Profile
(8 pages/10 photos)**

Page 1: Dear Birth Mother,

We know the decision you are making is one full of sacrifice, and one that is motivated by love. It is our promise to you that your baby will be cherished. As a result of your loving and sacrifice, your baby will be the light of so many people’s lives. May it ease your heart to know how much happiness we will provide and unconditional love.

With our deepest admiration and gratitude,

Lena and Marie

Page 2: Marie was born in New York City to a close-knit Italian American family. [Text accompanied by two photos: 1) of Marie as a child surrounded by other children and adults posing for group photo in a suburban backyard; no caption, and 2) of Marie as an adult graduating from college with parents on either side of her happily posing for camera; caption, “Marie at graduation with her parents.”].

Page 3: Inspired by a life-long love affair with dance, Marie returned to New York City after high school to tour with a dance company. Because she loved dance so much, she found a way to enrich other people’s lives by establishing her own dance company for underprivileged youth in 1988. [Text accompanied by two photos: 1) a far away shot of Marie on stage in a dance performance when she was younger; no caption, and 2) of a

current class in progress at her dance studio with about ten children of varying colors practicing in rows; caption, “One of Marie’s dance classes.”].

Page 4: In addition to dance, Marie loves to read, cook, and sew. For the past few years, working with children every day, Marie realized that she really wants a child of her own to raise with her partner, Lena. [Text accompanied by two photos: 1) of a shelf of dolls, caption, “Marie’s home-made doll collection,” and 2) of a big white colonial, no caption].

Page 5: Lena was born in a small town in Ohio. Lena is of mixed race identity and has a very large and diverse extended family. [Text accompanied by photo of Lena as a child surrounded by other children and adults posing for a photo at a camping site; no caption].

Page 6: Lena has been to many countries including Kenya and Australia. [Text accompanied by two photos: 1) of Lena in traditional costume surrounded by group of adults and children in similar clothing; caption, “Lena in Kenya!,” and 2) of Sydney’s Great Barrier Reef; caption, “The Great Barrier Reef!”].

Page 7: Lena’s career in social service is very rewarding. She is proud to call among her friends many diverse people dedicated to fighting against social inequality. [Text accompanied by photo of Lena marching with diverse crowd of women in Washington’s 2004 March for Women’s Lives; no caption].

Page 8: When she’s not working, Lena spends her time convincing her beautiful partner to go on exciting adventures to places like Prince Edward Island. [Text accompanied by

photo of Lena and Marie posing arm and arm on a boat; caption, “Lena and Marie – Prince Edward Island”].

Appendix 3: Family Ties' Twelve-Step Transition Process

THE CHILD'S EXPERIENCE OF TRANSITION ...

12 STEPS

- Step 1: Meet FT Worker (FTW)
- Step 2: Meet the "Maybe" parents at McDonalds for one hour
- Step 3: Go for three hours with the prospective family
- Step 4: A day visit to their house (not an overnight)
- Step 5: Overnight visit
- Step 6: Double overnight (Weekend)
- Step 7: Begin regular visiting (only see FTW once a month)
- Step 8: Tell FTW you've made your decision to be adopted
- Step 9: Go ask each "Maybe" parent if they want to adopt you
- Step 10: Begin visiting every weekend
- Step 11: Adoption Ceremony
- Step 12: Move in with your new family

Appendix 4: Sample Parent Adoption Covenant

April 11, 20xx

I, Joseph Smith, have made my decision. I want to become the forever father of John Kraig, and I want John to become my forever son.

John has been living with Carole and myself for a very long time. During this time I have not only come to know John, but I have come to recognize and appreciate the unique qualities that make John the wonderful person that he is. We've all been through a lot together, including good times and tough times too; all of which, I believe, have made us closer and stronger while on our journey to a forever family. I also believe that by collecting all of my evidence and completing each of adoption steps, I have had all the time that I need with John, and have learned all that I need to know about him, in order to make this permanent, unconditional, and irrevocable decision with full confidence.

I love John. I love him now and I will love him always. With this Covenant this afternoon, I am making John my son in my head, in my heart, and in my life. And I promise that I will always respect always protect him, and I will always respond to him as his father - forever.

As John's forever father I recognize that John has ties to and feelings for people he cared about before he ever knew me. I promise to respect those feelings and protect always all of the relationships in John's life. I also recognize, as all parents must, that I may not always understand John or his behavior. But I promise to always respect his feelings and his thinking.

This adoption is a Covenant I make directly with John, as his father. It is independent of Carole's decision to become John's mother. Because my adoption of John is unconditional, irrevocable, and forever, I promise that there is nothing anyone can do or say, including John, or myself that will ever change my mind about any of this.

From today, my relationship with John becomes exactly the same as though he were born to me. No longer am I John's "maybe" dad; I am now his forever-dad. Signing this Covenant in front of John, and in the presence of Carole and these other witnesses, is my vow of all that I am here committing to. I would like to say that I am very glad that this day has finally arrived, as I am very happy and very proud to become, this afternoon, the forever father of John.

Joseph Smith

Placing Agency Witness

FT Witness

Appendix 5: Sample Child Adoption Covenant

April 11, 20xx

I, John Kraig, have made my decision. I have decided to be adopted by Carole and Joseph Smith. I have lived with Carole and Joseph for a very long time and I have completed every single one of my adoption steps. The evidence which has been presented at my step meetings also proves that I have given this decision much time and much serious thought. I understand that this decision means that Carole will be my forever mother and that Joseph will be my forever father. I also understand that this decision means that I will no longer be a "maybe" son living with a "maybe" family, but a forever son living with my forever family.

Trust has not always been easy for me, but I have learned to trust Carole, and I have learned to trust Joseph. They each have proven to me by how they have taken care of me, by the evidence presented at their step meetings, and by completing all of their adoption steps, that they are true to their word. And, I am agreeing this afternoon to entrust them with the responsibility to make the decisions that forever parents make in regard to their children. Sometimes, I may not like those decisions; sometimes, I may not agree with those decisions; and, sometimes, I may even believe that they are wrong. But I trust that as my parents, Carole and Joseph will always make those decisions for me using their best knowledge and their best judgment.

I have made my decision to become Carole and Joseph's son because I believe that Carole loves me and because I believe that Joseph loves me. I believe their individual and separate promises to always respect me, to always protect me, and to always respond to me as my parents, forever. I also believe the promises they made to me this afternoon to respect and protect all of the relationships in my life, always.

I love Carole and I love Joseph. I am proud to become their forever son. My decision to become Carole and Joseph's son, the same as with every other child on earth, is in response to their individual and separate decisions first to be my forever parents. And so, in response to Carole's promises and in response to Joseph's promises, I am making my decision to become their son forever and ever. And I promise that I will always love, respect, and respond to both Carole and Joseph as my parents forever. These are decisions I will stand by for the rest of my life.

As of this moment, I will refer to Carole always, everywhere, and only as my mother, and I will refer to Joseph always, everywhere, and only as my father. No longer Carole and Jim to me, but "mom and dad" for always. Finally, as a sign of my commitment to my new family, and in recognition of my adoption this afternoon, I sign this Covenant, using for the first time, my new name.

John Kraig

Placing Agency Witness

FT Witness

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