

**6****ADOPTION MYTHS AND  
RACIAL REALITIES IN THE  
UNITED STATES**

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For several decades there has been a vociferous debate about transracial adoption, concerning primarily the adoption of Black children by white parents. One side shouts that thousands of Black children lingering in foster care are harmed by policies that prevent loving and capable white people from adopting them. The other side shouts that Black children are best raised in Black families and that their adoption by white people threatens to undermine Black culture. The debate often stalls on disagreements about Black cultural distinctiveness and white people's ability to raise Black children. Other more critical questions are often overlooked: Why are there so many children in foster care in the first place, and why are so many of them Black? The answer to these questions lies in the disturbing reality of race and child welfare policy. To me, what is wrong with the dominant arguments supporting transracial adoption has to do with politics, not love and culture. Support for transracial adoption often not only ignores racism in the child welfare system but also reinforces the racial biases and systemic injustices that produce the grossly disproportionate placement of Black children in foster care.<sup>1</sup>

In this chapter, I focus attention on the racial politics that are critical to understanding transracial adoption in the United States and to developing a just approach to it. First, it is important to dispense with several issues that, although they tend to dominate debates on this topic, should not be in dispute. I accept the following propositions relevant to transracial adoption: Adoption is a legitimate means of creating families, forming bonds that can be as loving and socially significant as biological ones; there are too many children in foster care and adoption is one means of creating "permanency" for these children; and white people are capable of being good and loving parents to children of other racialized groups. The argument I make in opposition to transracial adoption is not that it inherently injures Black culture or community or that white people cannot lovingly raise nonwhite children. Too few white people are interested in adopting Black children to cause any significant impact on Black culture or solidarity. Too many white people

have cared for Black children to discount the possibility of transracial love. Although I am Black, my own father, who I was very close to and loved tremendously, was white. I never questioned that he loved me or that he was a wonderful father to me. But I know just as deeply that the existence of intimate interracial relationships cannot negate or solve the pervasive and systemic racism that persists in the United States.

The debate over transracial adoption is important not because of cultural difference or transcendent love but because of adoption's role in the politics of racism. This chapter therefore examines how the racialized US child welfare system creates the conditions under which transracial adoption seems a necessary and even benevolent act. Far from healing the wounds of racism, advocacy for transracial adoption often contributes to the racist ideologies and practices that devalue Black family ties. A just approach to transracial adoption must acknowledge and contest the racial reality of foster care and adoption in the United States.

### **racial reality of adoption in the united states**

Adoption often provides to children a loving home and to capable adults a chance to parent. But adoption is also a political institution reflecting social inequities, including race, class, and gender hierarchies, and serving powerful ideologies and interests. Most children awaiting adoption in the nation's foster care system are African American or Latino.<sup>2</sup> Black children's "need" for adoption results from biased decision-making and policies, including adoption policies, that systematically disadvantage Black families.<sup>3</sup>

The racial disparity in adoptable children reflects a general inequity in the US child welfare system. African American and Native American children are overrepresented in the national foster care population.<sup>4</sup> That is, the overall percentage of these groups in the foster care population is greater than their representation in the general youth population. In 2000, Black children made up two-fifths of the nation's foster care population, although they represented less than one-fifth of the nation's children.<sup>5</sup> Taken together, children of color comprised only about 30 percent of the general youth population but about 60 percent of children in foster care.<sup>6</sup> Children of color from all major ethnic groups are also *disproportionately* represented in the foster care system compared to white children. In 2000, African American children were four times as likely as white children to be in foster care.<sup>7</sup>

Poverty is a key contributor to this racial disparity. Most cases of child maltreatment involve parental neglect, which is usually difficult to disentangle from the conditions of poverty. Social work professor Duncan Lindsey concludes, "inadequacy of income, more than any factor, constitutes the reason that children are removed."<sup>8</sup> The very definitions of child neglect and the design of our child welfare system are targeted at the problems of poor families, not middle-class and affluent ones. Black families have a greater risk

of involvement in the child welfare system in part because they have lower incomes and are more likely to live in poverty than white families.

There is also considerable evidence that racial disproportionality results from biased practices within the child welfare system itself. Researchers have detected differential treatment at every point in the child welfare decision-making process—reporting, investigation and substantiation, child placement, service provision, and permanency decision-making. A 1999 study of missed cases of abusive head trauma, for example, discovered that doctors failed to detect the abuse twice as often in white children as minority children.<sup>9</sup> Another study of Philadelphia hospital records reported that African American and Latino toddlers hospitalized for fractures between 1994 and 2000 were over five times more likely to be evaluated for child abuse, and over three times more likely to be reported to child protective services, than white children with comparable injuries.<sup>10</sup>

Research has similarly found that Black women are much more likely than white women to be reported by hospital staff for substance abuse during pregnancy and to have their babies removed by child protective services.<sup>11</sup> Child protection decisions are not immune from deeply embedded racial stereotypes about Black female immorality and Black family dysfunction that consciously and subconsciously affect decision-making in other systems. These studies also show that racism leaves many white children unprotected when doctors and caseworkers fail to intervene because they are reluctant to place them in an inferior foster care system that damages children and their families. The public would not tolerate white children being placed in foster care at the rates experienced by Black children; indeed, the answer is not to remove more white children from their homes, but to change the dominant approach to child protection.

State agencies are far more likely to place Black children who come to their attention in foster care instead of offering their families less traumatic assistance at home. According to federal statistics, Black children in the child welfare system are placed in foster care at twice the rate for white children. A national study of child protective services by the US Department of Health and Human Services reported that “[m]inority children, and in particular African American children, are more likely to be in foster care placement than receive in-home services, *even when they have the same problems and characteristics as white children.*”<sup>12</sup> Foster care is the main “service” state agencies provide to Black children brought to their attention. Once removed from their homes, Black children remain in foster care longer, are moved more often, receive fewer services, and are less likely to be either returned home or adopted than any other children.<sup>13</sup> Thus, the overrepresentation of Black children in the adoption market stems largely from the child welfare system’s inferior treatment of Black families.

The racial disparity in the child welfare system also reflects a political choice to “address” the startling rates of Black child poverty by punishing parents instead of tackling poverty’s societal roots. In the last several decades, the number of children receiving child welfare services has declined dramatically, while the foster care population has skyrocketed.<sup>14</sup> As the child welfare system began to serve fewer white children and more Black children, state and federal governments spent more money on out-of-home care and less on in-home services. This mirrors perfectly the metamorphosis of welfare once the welfare rights movement succeeded in making Aid to Families with Dependent Children (AFDC) available to Black families in the 1960s. As welfare became increasingly associated with Black mothers, it became increasingly burdened with behavior-modification rules and work requirements until the federal entitlement was abolished altogether in 1997. Both systems responded to their growing Black clientele by reducing their services to families while intensifying their punitive functions.

This systemic inequality, in the welfare of children and in the state’s approach to it, produces the excessive supply of adoptable Black children in foster care. The overrepresentation of Black children in this population is the result of massive state supervision and dissolution of families. This interference with families helps to maintain the disadvantaged status of Black people in the United States by disrupting family and community ties and by reinforcing the quintessential racist stereotype that Black people need government supervision. Placing large numbers of children in state custody—even if some are ultimately reunited with their families or transferred to adoptive homes—interferes with a community’s ability to form healthy connections among its members and to engage in collective action. Foster care often destroys children’s ties to their families, friends, and neighbors, and subjects parents to years of intensive state regulation. Moreover, concentrating state supervision of families in Black neighborhoods has damaging community-wide effects on the role of parental and government authority in residents’ lives.<sup>15</sup>

### **adoption myths**

Advocacy for transracial adoption is largely premised on several myths. A fundamental myth of contemporary child welfare policy is that adoption can solve the problems with foster care by giving foster children “permanency” and substantially reducing the foster care population. In the last several years, federal and state policy has shifted away from preserving families and toward “freeing” children in foster care for adoption by terminating parental rights. Most notably, the Adoption and Safe Families Act (ASFA), passed by Congress in 1997, promotes adoption through a set of mandates and incentives to state child welfare departments.<sup>16</sup> As a result of ASFA, most state agencies shortened time frames for permanency planning, increased emphasis

on adoption, and implemented concurrent planning that prepares adoptive homes for foster children while providing reunification services to parents.<sup>17</sup> ASFA also imposes arbitrary timelines that speed up the time within which agencies should petition for termination of parental rights.

The overlap of ASFA and the 1996 federal welfare adjustment law marked the first time in US history that the federal government mandated that states protect children from abuse and neglect with no corresponding mandate to provide basic economic support to poor families.<sup>18</sup> Like welfare policy's promotion of marriage, the reliance on adoption furthers the neoliberal agenda to replace state support for families with private remedies for social and economic inequality.

This federal policy has increased adoptions of children from foster care, but Black children represent an increasingly smaller percentage of these children. In 1997, 44 percent of all children adopted from foster care were Black, compared with only 35 percent in 2001.<sup>19</sup> More important, ASFA has led to *greater* racial disparity in the best outcome for children in foster care—reunification with their birth families.<sup>20</sup> Many Black children remain in foster care as legal orphans, without official ties to their parents, whose rights were terminated, and without adoptive homes. The new federal policy has increased the overall numbers of adoptions at the expense of Black children's family ties. Moreover, adoptions of children in foster care do nothing to address the underlying needs that place children in the system in the first place.

In addition, there are several myths about transracial adoption's role in furthering this flawed view of adoption as the solution to foster care's problems. Transracial adoption became a particularly popular instrument for this approach based on the mistaken belief that Black children lingered in foster care mainly because of "race-matching" policies and that large numbers of white families would eagerly adopt Black children in foster care if these policies were eliminated. But have federal laws abolishing race matching done more to expand Black children's access to adoption or to expand white adults' adoption options? As law professor Richard Banks argued, federal law still permits child welfare agencies to practice racial discrimination: white adults remain free to reject Black children for adoption and to exercise their preference for white children.<sup>21</sup> Most agencies report no increase in the proportion of domestic transracial adoptions since the enactment of the Multiethnic Placement Act (MEPA); the number of white families adopting older children of color, those most "in need" of adoptive homes, remains very low.<sup>22</sup> These children are most likely to be adopted by single Black women.<sup>23</sup>

If the government's goal is to increase adoptions of Black children, greater emphasis should therefore be placed on recruiting and supporting Black adoptive parents. Yet MEPA's "diligent recruitment" provision is largely ignored; the federal government imposes penalties for race matching but not for failing to recruit adoptive Black families.<sup>24</sup> Indeed, Elizabeth Bartholet,

a leading advocate of transracial adoption, even opposes recruitment from Black communities, as well as kinship foster care, on the grounds that they interfere with efforts to increase adoption of Black children by white people.<sup>25</sup> Yet subsidized guardianship programs, which give relative caregivers financial assistance without the need to terminate parental rights, have proven to be a successful alternative to adoption. In short, federal adoption policy has done more to increase the disproportionate disruption and regulation of Black families than to increase adoptions of Black children.

### disparaging black family ties

It is bad enough that advocates of transracial adoption largely ignore the policies and systemic inequities that produce so many adoptable Black children. Even more alarming is the way advocacy for transracial adoption often reinforces these policies and inequities. The campaign to increase adoptions in general and transracial adoptions in particular makes the devaluation of foster children's families and the rejection of family preservation efforts its central components. Adoption is no longer presented as a remedy for a minority of unsalvageable families but as a viable option—indeed, the preferred option—for all children in foster care. Black mothers' bonds with their children are especially disparaged as barriers to adoption by white people, and extinguishing them is seen as the critical first step in the adoption process.

Congressional and media discussion of ASFA linked family preservation policies to white middle-class couples' difficulties in adopting Black children in foster care. For example, a 1998 *US News and World Report* article entitled "Adoption Gridlock" began with the story of a white North Carolinian couple who resorted to adopting two Romanian orphans after several American agencies rejected their offer to adopt a Black child.<sup>26</sup> More recently, a *Seattle Times* article, "New Bias in Child Welfare," blamed an office created by the Washington State Children's Administration to preserve Black families for keeping white foster parents from adopting a little boy, Tyrese, who was "half black."<sup>27</sup> "After taking in more than 70 foster children over 40 years, the Nikolaisens fell in love again," the article began. The reporter then painted the foster family as loving saviors thwarted by a misguided caseworker who "wanted to send Tyrese back to his troubled home." These articles imply that the emphasis on reuniting Black children with their birth families unfairly prevents (more suitable) white couples from adopting them. The quicker termination of parental rights and abolition of race-matching policies were linked as a strategy for increasing adoptions of Black children by white families.

The spotlight of transracial adoption discourse fixates on two sympathetic characters—the needy Black child and the giving white adoptive parent. Left out or portrayed in a negative light are Black parents. The media leave the impression that Black parents involved with the foster care system

have all abandoned their children or don't deserve to have them. Newspaper stories mistakenly call *all* of the half million children in foster care "orphans of the living"—even though most still have ties to families who care for them. As *The Nation* columnist Katha Pollitt points out, calling children in foster care "orphans" teaches the public to view their parents "as being, in effect, dead."<sup>28</sup> Transracial adoption advocates tend to conveniently silence the poor Black mothers who fight desperately, without resources and without adequate legal representation, to regain custody of their children from a wealthy and powerful bureaucracy.

### toward a just adoption policy

A just approach to transracial adoption recognizes the link between the availability of Black children for adoption and systemic inequities. It places transracial adoption within a broader child welfare policy that relies primarily on supports to families—not adoption—to reduce child maltreatment and foster care placement. While permitting white people to adopt Black children, this policy emphasizes recruitment of adoptive parents from children's relatives and communities. And it never promotes adoption by disparaging or devaluing the parents of children in foster care.

Without acknowledging—no, fighting for—Black parents' bonds with their children, advocacy for transracial adoption tends to devolve into an especially pernicious type of white benevolence toward Black people, a benevolence that depends on loss of Black family integrity in favor of white supervision of their children. White compassion for Black children should not depend on Black children "belonging" to white people, to use Bartholet's term. This is a particularly selfish way to approach child welfare that perpetuates rather than challenges America's racial hierarchy. Rather, white people should show their care for Black children by struggling for programs and policies that would improve the welfare of Black children living within their own families and communities.

### notes

- 1 An important exception is Barbara Katz Rothman, *Weaving a Family: Untangling Race and Adoption* (Boston: Beacon Press, 2005).
- 2 US Department of Health and Human Services (DHHS), Administration for Children and Families, *The AFCARS Reports (TARS)*, <http://www.acf.hhs.gov/programs/cb/dis/afcars/publications/afcars.htm>
- 3 Dorothy E. Roberts, *Shattered Bonds: The Color of Child Welfare* (New York: Basic Civitas Books, 2002). In this book, I elaborate the reasons for and impact of racial disparities in the child welfare system.
- 4 US DHHS, *TARS*.
- 5 US DHHS, *TARS*.
- 6 US DHHS, *TARS*.
- 7 Child Welfare League of America, "Research and Data," *The National Data Analysis System (NDAS)*, <http://www.cwla.org/ndas.htm>.
- 8 Duncan Lindsey, *The Welfare of Children* (New York: Oxford University Press, 1994), 155.

- 9 Carole Jenny and others, "Analysis of Missed Cases of Abusive Head Trauma," *Journal of the American Medical Association* 281 (1999): 621.
- 10 Wendy G. Lane and others, "Racial Differences in the Evaluation of Pediatric Fractures for Physical Abuse," *Journal of the American Medical Association* 288 (2002): 1603.
- 11 Ira J. Chasnoff, Harvey J. Landress, and Mark E. Barrett, "The Prevalence of Illicit-Drug or Alcohol Use During Pregnancy and Discrepancies in Mandatory Reporting in Pinellas County, Florida," *New England Journal of Medicine* 322 (1990): 1202; Daniel R. Neuspiel and Terry Martin Zingman, "Custody of Cocaine-Exposed Newborns: Determinants of Discharge Decisions," *American Journal of Public Health* 83 (1993): 1726.
- 12 US DHHS, *National Study of Protective, Preventive, and Reunification Services Delivered to Children and Their Families* (Washington, DC: US Government Printing Office, 1997).
- 13 Mark E. Courtney and Vin-Ling I. Wong, "Comparing the Timing Exits from Substitute Care," *Children and Youth Services Review* 18, no. 4-5 (1996): 307-335; Steven L. McMurtry and Gwat-Yong Lie, "Differential Exits of Minority Children in Foster Care," *Social Work Research and Abstract* 28, no. 1 (1992): 42-48.
- 14 US DHHS, *National Study of Protective*.
- 15 Roberts, *Shattered Bonds*, 236-254.
- 16 *The Adoption and Safe Families Act of 1997*, Public Law 105-89, US Statutes at Large 111 (1997): 2115, <http://www.acf.hhs.gov/programs/cb/laws/pi/pi9802.htm>.
- 17 US DHHS, *National Survey of Child and Adolescent Well-Being (NSCAW), 1997-2005*, Office of Research, Planning & Evaluation, [http://www.acf.hhs.gov/programs/opre/abuse\\_neglect/nscaw/index.html](http://www.acf.hhs.gov/programs/opre/abuse_neglect/nscaw/index.html).
- 18 Courtney and Wong, "Comparing the Timing Exits," 329.
- 19 Courtney and Wong, "Comparing the Timing Exits," 326.
- 20 Courtney and Wong, "Comparing the Timing Exits," 325.
- 21 R. Richard Banks, "The Color of Desire: Fulfilling Adoptive Parents' Racial Preferences Through Discriminatory State Action," *Yale Law Journal* 107, no. 4 (1998): 875-964.
- 22 US DHHS, *NSCAW, 1997-2005*.
- 23 US DHHS, *NSCAW, 1997-2005*.
- 24 US DHHS, *NSCAW, 1997-2005*.
- 25 Elizabeth Bartholet, *Nobody's Children: Abuse and Neglect, Foster Drift, and the Adoption Alternative* (Boston: Beacon Press, 1999).
- 26 Amanda Spake, "Adoption Gridlock," *US News and World Report*, June 22, 1998.
- 27 Jonathan Martin, "New Bias in Child Welfare," *Seattle Times*, July 11, 2005.
- 28 Katha Pollitt, "Subject to Debate: Republican Party and Unwed Mothers," *The Nation*, December 12, 1994, 717.