

The Impending Revolution: The Prospect for Openness in Korean-American Adoptions

by

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Submitted to the Program in Women's Studies
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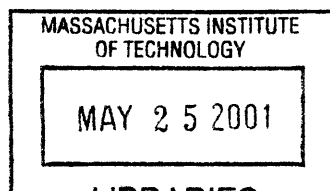
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ABSTRACT

This thesis explores the potential for openness in international adoptions and, more specifically, in Korean-American adoptions. Open adoptions are becoming more common in the United States. More adoptees are also searching for their birthfamilies. These changes resulted from social evolutions that reduced the stigmas surrounding adoption and illegitimacy. Changes in domestic adoptions affect international adoptions because both international adoptees and their adoptive parents are exposed to the adoption rights movements in this country. It seems probable that international adoptees will desire contact with their birthfamily as domestic adoptees have.

This thesis uses the trend toward openness in the United States and the regulations governing international adoptions to create a list of factors to be evaluated when determining if openness in an international adoption would be beneficial to all members of the adoption triad, specifically the birthmothers, and therefore, probable. It is important to recognize that a birthmother may not always benefit from an open adoption. These factors include residency requirements for the adoptive parents during the adoption proceedings; specific definitions of adoption; stigmatization of illegitimacy; reverence for blood ties; the national divorce rate; population control legislation; a women's health care movement; and an adoption rights movement or birthmother organizations. Evaluating the specific situation in Korea at this time, it seems unlikely that open adoptions are currently possible. However, many social changes, especially connected with the status of women in Korean society, are currently taking place that will likely make open adoptions possible in the future.

Thesis Advisor: Sally Haslanger
Associate Professor of Philosophy

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Chapter One: Introduction

In 1997, the Evan B. Donaldson Adoption Institute, a not-for-profit organization dedicated to improving the quality of information about adoption, commissioned the Benchmark Adoption Survey to investigate American public attitudes toward the institution of adoption and the members of the adoption triad. The survey found that 58% of Americans have had personal experience with adoption, which means that they, a family member, or a close friend were adopted, adopted a child, or placed a child for adoption. Two important issues addressed by the survey were perceptions of international adoptions, in which American citizens adopt a child from another country, and open adoptions, in which birthparents maintain some contact with the child they have placed for adoption. With respect to international adoptions, 52% believe that these children are more likely to have emotional problems than those adopted in this country and 48% believe that they are less likely to be physically healthy. With respect to open adoptions, the survey found that the public is uncertain about maintaining contact, believing it to be a good idea only in a limited number of cases, and 20% believing it is a bad idea for a woman to maintain contact with a child she relinquished for adoption. Directly related to the issue of open adoptions is the practice of searching for birthparents and opening records that were originally sealed by the courts. Although this issue had no clear-cut answer, most felt that the adoptee would be the most likely to benefit, while unsure if the adoptive parents or birthparents would benefit.¹

These numbers demonstrate what has become more apparent in the last decade: that the families formed by adoption are becoming more visible as members of the adoption triad, which included the adoptee, the adoptive parents, and the birthparents, become more vocal

¹ Evan B. Donaldson Adoption Institute. "Benchmark Adoption Survey: Report on the Findings." 1997. <http://www.adoptioninstitute.org/survey/intro.html> (27 February 2001).

about their status. Estimates reveal that approximately one million children currently live with adoptive parents in the United States. Although the numbers have fluctuated over time, the number of adoptions occurring each year in the United States has remained at approximately 120,000 throughout the 1990s. Of these, roughly half are considered relative adoptions, in which the adoptive parents are either biological relatives of the child, such as grandparents or aunts and uncles, or the child's stepparent. International adoptions are another group of unrelated adoptions, which equaled 16,396 children in 1999. At the current time, there is no government agency responsible for collecting data concerning the specific number of adoptions that occur each year, but these figures indicate that the population of adoption triad members in the United States is significant.

Hypothesis

In this thesis, I will explore the potential for openness in international adoptions. When I use the phrase "potential for openness," I am referring to any situation that would allow a birthmother to have contact with a child she relinquished for adoption. This contact may take any form along the continuum for openness. I do this in recognition that international adoptions have different processes than those in domestic adoptions that could force openness to have a different form. Language and distance barriers may also alter the forms that contact can take. Literacy issues and the sheer costs involved in maintaining contact, whether postage or airfare, may also dictate the forms that contact can take.

The focus of the Donaldson survey on the issues of open adoptions and international adoptions is indicative of adoption professionals' desire to quantify awareness of in the general population about these different types of adoptions and highlights that their numbers and visibility have increased over the last decade. The premise for this thesis is that changes

in domestic adoptions may prompt changes in international adoptions. As an increasing number of domestic adoptions involve openness, with adoptees having contact with their birthfamily, more international adoptees might attempt to search for their birthfamilies.

According to a survey of adult Korean adoptees, 22% had searched or were in the process of searching for their birthfamily and 34% were interested in searching. Only 29% were uninterested in searching, with the remaining 15% still undecided.²

The changes in domestic adoptions might also prompt the adoptive parents to attempt an open adoption in an international situation. This seems particularly true because many international adoptions are also transracial adoptions. As in transracial adoptions, contact with the birthfamily in international adoptions can provide additional support for adopted individuals trying to form an ethnic identity. However, even if the adoptive family desires openness in an international adoption, the regulations governing international adoptions and the birthparents in the country of origin could still prevent openness.

Because I believe that openness in international adoptions will benefit the adoptee, I will examine the government regulations concerning international adoptions to ensure that it is not prohibited. On the other hand, I recognize that the particular situation of the birthparents is critical to the balance of advantages and disadvantages they will experience with an open adoption. To this end, I focus particularly the birthmothers and how their social situation affects the potential for openness. The question, once it is established that the law does not prohibit openness, is whether an open adoption would be beneficial to a birthmother in another country or would such a situation cause her harm? Factors such as the national divorce rates, the stigmatization of illegitimacy, and the general status of women in their

² Evan B. Donaldson Adoption Institute. "The Gathering of the First Generation of Adult Korean Adoptees: Adoptees' Perceptions of International Adoption." 1999.

society, will provide the material with which to analyze this question. Despite the desires of adoptees and their families to have contact with the birthfamily, the birthmother's situation will not always make it feasible. Adoptive families in the United States must understand in which situations openness can be pursued.

I have chosen South Korea as a case study to examine in more detail the possibility of openness in international adoptions for several reasons. Korea has been at the forefront of international adoptions since an increasing number of children were adopted from Korea after the Korean War. Approximately 150,000 children from Korea have been adopted overseas in the last fifty years and American citizens have adopted over 90,000 of these children. Although the number of adoptions has declined in recent years, Korea still ranks third in a listing of countries ordered by the number of children adopted in the United States. The decline is due to a change in Korean social policy in an attempt to reduce the number of children sent abroad for adoption by instituting an annual quota system. Several changes have also taken place in Korea over the last two decades: feminist groups are organizing for improvements in the status of women; the Korean government is trying to increase the number of domestic adoptions; and economic fluctuations have forced more people to relinquish their children for adoption. Korea and the United States have also had a political connection over the last few decades that could be instrumental to increasing the number of adoptees who have contact with their birthfamilies. These facts make Korea an important and interesting place to investigate. Despite these changes, I do not believe that Korean society has evolved to the point at which open adoptions are possible. It does seem likely, however, that they will occur in the near future.

Selecting Korea as the case study limits the focus of this thesis. Children in Korea are often relinquished for one of three reasons: the birthparents, usually married, are financially unable to care for the child; the child was born with a disability or special need, all of which are stigmatized in Korean society; or the birthmother was unmarried. Because of the dramatically different factors that would affect openness in these cases, I have chosen to limit my analysis to situations involving children relinquished for adoption who were born out of wedlock. This is also why I have used the term birthmother instead of birthparents, since theoretically an open adoption could entail contact with both parents. In this particular situation, the birthmother is likely to be the only one involved in forming the adoption plan.

Terminology

The most important term is adoption itself. The definitions of adoption will become especially important when discussing international adoptions. The country from which the child is being adopted may have a different notion of adoption that could complicate an open adoption relationship. In the United States, and in most Western nations, adoption is the legal process by which an individual, usually a minor, becomes the legal child of individuals with whom a biological parental relationship did not originally exist. In 1978, the Child Welfare League of America, a national nonprofit organization devoted to protecting America's children and strengthening families, defined legal adoption as "the method provided by law to establish the legal relationship of parent and child between persons who are not so related by birth."³ Another interpretation of the meaning of adoption considers the biological family: "The dominant model of adoption for most Western countries in the present century has been the 'exclusive' model through which a child's links to biological

³ Brodzinsky, David M. and Marshall D. Schechter. *The Psychology of Adoption*. New York and Oxford: Oxford University Press, 1990, p. 273.

parents are permanently broken, and all previous kindred, including, of course, the biological mother, are permanently excluded.”⁴ While this exclusion of the biological family is not as common any more, it is still important to recognize it as a once-common practice.

Because I am discussing the very sensitive topic of adoption, it is also necessary to discuss briefly the terminology used in describing the individuals involved. The connotations of certain terms used to define the members of the adoption triad over time have created difficulty in some situations. In adoption literature, the terms adoptee or adopted child have been used to refer to the adopted individual. Concerns have arisen over the use of “adopted child” because the term does not necessarily acknowledge adult adoptees. I will use the term adoptee, unless I am specifically referring to minor individuals. Over time, several different words have been used to describe the parents who gave the adopted child life, such as biological parents, first parents, natural parents, and “real” parents. The problem with these terms is that, for example, if one set of parents is real, then the other set could be considered unreal. The language used in this paper follows the commonly accepted terminology at this time. “Birthmother” and “birthparents” will be used to refer to the woman or the set of parents that gave the child life. Although some will argue that these terms should not be used before the child has been relinquished, that distinction will not be made here. Any woman who gives birth, whatever the fate of the child, could be considered a birthmother, even though that designation is usually not made outside of the adoption world. “Adoptive mother” and “adoptive parents” will be used to refer to the woman or the set of parents who rear the child. The term “prospective adoptive parents” will be used to describe individuals who are in the process of, but have not yet adopted, a child. In the case

⁴ Bagley, Christopher. *International and Transracial Adoptions: A Mental Health Perspective*. Aldershot, UK and Brookfield, USA: Avebury, 1993, p. 1.

of direct quotes, I will maintain the author's language, even if it is no longer considered politically correct.

Transracial and International Adoptions

Transracial adoptions are those in which the adoptive parents are of a different race than the adoptee. These adoptions constitute approximately 8% of adoptions in the United States annually, with this figure also including international adoptions. International adoptions are those in which the child to be adopted is a citizen of a different country from that of the adoptive parents. While many international adoptions are also transracial, Americans also adopt from European countries and in most cases these are not transracial. Americans first began adopting children internationally from war-torn parts of Europe after World War II, but the first major wave of transracial adoption was not until after the Korean War when Americans began adopting the Amerasian children left behind by the soldiers. A similar situation occurred after the Vietnam War as well.

Transracial and international adoptions are highly politicized topics. Adoption agencies began placing black babies with white parents in the 1960s when black parents were unavailable, but in 1972, the National Association of Black Social Workers (NABSW) presented a position paper opposing transracial adoptions. "Opponents of [transracial] adoptions insist that allowing white adults to raise black children is at worst tantamount to cultural genocide and at best a naïve experiment doomed to failure."⁵ Transracial adoptions are increasing once again, as agency policies have changed in response to new legislation and court cases limiting race as a factor. An interesting fact, highlighted by Dorothy E. Roberts, is that discussions of transracial adoptions focus solely on facilitating the adoption of

⁵ Kennedy, Randall. "Orphans of Separatism: The Painful Politics of Transracial Adoption." *The American Prospect* 17 (Spring 1994), p. 38.

children of color by white parents. “Claims about the benefits of racial assimilation are only made about advantages Black children will presumably experience by living in white homes. This bias may result partly from the disproportionate number of Black children available for adoption and of white couples seeking to adopt, [but the] thought of a Black family adopting a white child...appears to be beyond our cultural imagination.”⁶ Opposition to international adoption is similar to that of transracial adoption. “Children are said to belong with their ‘roots’ and in their communities of origin. Political forces in the ‘sending’ countries have been condemning in increasingly loud voices the practice of giving children to the imperialist North Americans and other foreigners...There is widespread acceptance of the notion that there is something shameful in sending homeless children abroad rather than taking care of them in their country of origin.”⁷

Although several studies have been conducted to explore issues such as self-esteem and identity formation in transracial and international adoption, a criticism of the studies is noted by Elizabeth Bartholet: “The early studies tend to look at transracial adoption as an exception to the accepted racial matching norm and ask questions as to whether the kinds of problems adoption professionals might anticipate have developed. The later studies tend to look at the claims made by the NABSW and other critics of transracial adoption to determine whether there is evidence to support their arguments that transracial adoptees will not develop ‘appropriate’ racial identities or ‘survival skills.’ The general emphasis is thus on the potential negatives in transracial adoptions. Few studies ask questions designed to assess the potentially negative aspects of current matching policies [such as long stays in foster or

⁶ Roberts, Dorothy E. “The Genetic Tie.” *The University of Chicago Law Review* 62, no.1 (Winter 1995), p. 264-5.

⁷ Bartholet, Elizabeth. *Family Bonds: Adoption and the Politics of Parenting*. Boston and New York: Houghton Mifflin Company, 1993, p. 143.

institutional care].”⁸ Despite this bias, these studies often indicate that adoptees’ adjustment is comparable to that of children adopted domestically by parents of the same race. One possible hypothesis is that the inherent honesty about the adoptive status of the family (since the parents obviously did not give birth to their children) and the necessity of open communication about adoption, has led to a more positive adoption experience.

This setting might also help international adoptees to overcome potential effects of the enormous changes that took place in their lives. When adopted children leave their birth country, everything changes, including smells, sounds, familiar voices, and daily routines. In a study of Korean adoptees, “parental encouragement and co-participation in cultural activities seemed critical to the process [of identity formation]. If such parental involvement were lacking, children seemed less likely to develop the Korean side of their identities.”⁹ While parents adopting internationally in the beginning were told to make their children as American as possible, as ethnic identity formation has become emphasized and adoptive parents recognize this, international adoptions have outcomes that are more positive.

Open Adoptions

Adoption professionals loosely define open adoptions as those in which adoptive parents and birthparents have some form of contact. This type of adoption emerged in the 1970s “as an alternative to and a remedy for the deficiencies of the closed system.”¹⁰ One definition of open adoption is very strict: “True open adoption has four observable ingredients: the birthfamily selects the adoptive family; the families meet each other face to face; they exchange full identifying information; and they establish a significant ongoing

⁸ Bartholet, Elizabeth. “Where Do Black Children Belong? The Politics of Race Matching in Adoption.” *University of Pennsylvania Law Review* 139, no. 5 (May 1991), p. 1207-8.

⁹ Reid, Williams J. and Nam Soon Huh. “Intercountry, Transracial Adoption and Ethnic Identity: A Korean Example.” *International Social Work* 43, no. 1 (January 2000), p. 85.

relationship.”¹¹ I prefer to use the definition of open adoption presented by Ruth G. McRoy and Harold D. Grotevant in their extensive study of 720 adoption triad members, which recognizes a continuum of openness in adoptions:

At one end of the openness continuum are confidential adoptions, in which minimal information is shared between adoptive and birthfamily members and is never transmitted directly; any exchange of information typically stops with the adoptive placement or shortly thereafter. In the middle of the openness scale are mediated adoptions, in which non-identifying information is shared between parties through adoption agency personnel, who serve as go-betweens. Sharing could include exchange of pictures, letters, gifts, or infrequent meetings at which full identifying information is not revealed. At the other end of the continuum are fully disclosed adoptions, which involve direct communication and full disclosure of identifying information between adoptive and birthfamilies. These adoptions may involve direct meetings in each others’ homes or public places, telephone calls, letters sent directly, and sometimes contact with extended family members. Within both the mediated and fully disclosed categories of adoptions are those in which contact has stopped (time-limited) or those in which contact is continuing (ongoing).¹²

Open adoptions are believed to have advantages and disadvantages for all members of the triad. Adoptive parents are able to “find out about the birthparents’ personalities, medical histories, and health risks during pregnancy... Several parents felt the need to know that the birthmother had chosen adoption freely and willingly because it alleviated their guilt about having someone else’s child and alleviated fears that the birthmother would reappear to reclaim the child later.”¹³ For adoptive parents, open adoption has the disadvantages of potentially preventing them from feeling fully empowered to be their child’s parents and facing the difficult task of setting limits and defining the relationship between the adoptive family and the birthfamily.¹⁴ “Open adoption gives biological parents more control over the

¹⁰ Gritter, James L. *The Spirit of Open Adoption*. Washington, DC: CWLA Press, 1997, p. 24.

¹¹ Ibid, p. 20.

¹² Grotevant, Harold D. and Ruth G. McRoy. *Openness in Adoption: Exploring Family Connections*. Thousand Oaks, CA: SAGE Publications, 1998, p. 2-3.

¹³ Siegel, Deborah H. “Open Adoption of Infants: Adoptive Parents’ Perceptions of Advantages and Disadvantages.” *Social Work* 38, no. 1 (January 1993), p. 18.

¹⁴ Grotevant, Harold D. and Ruth G. McRoy. *Openness in Adoption: Exploring Family Connections*.

adoption decision by providing information about the adoptive parents who will be receiving their child. Having this information enables the birthparents to imagine or visualize the family environment in which their child will live and may relieve some of the guilt and uncertainty that accompany relinquishing a child.”¹⁵ On the other hand, ongoing contact may prevent closure on the birthmother’s grieving process.¹⁶ Open adoption can provide adoptees with access to information about biological roots or identity as they develop and the questions arise. It also eliminates fantasizing about birth parents on the part of adoptees. “If biological parents are known and available, they may not be idealized or villainized by the child, but seen as real people who are a part of the child’s past and present.”¹⁷

Adoption professionals have not fully researched the topic of openness in transracial adoptions. “Adoption researchers and practitioners emphasize the importance of access to same-race role models and peers for transracially adopted children. Access can include living in a culturally diverse community, enrollment in an integrated school, or other day-to-day exposure. Contact with biological relatives can be another form of support for transracially adopted children, but it is unknown to what extent transracially adoptive parents embrace it.”¹⁸ In one study that did include transracial adoptions, the adoptive parents “were particularly likely to stick to their plans for contact (and not change their mind after

Thousand Oaks, CA: SAGE Publications, 1998, p. 7.

¹⁵ Berry, Marianne. “Risks and Benefits of Open Adoption.” *The Future of Children* 3, no. 1 (Spring 1993), p. 127.

¹⁶ Grotevant, Harold D. and Ruth G. McRoy. *Openness in Adoption: Exploring Family Connections*. Thousand Oaks, CA: SAGE Publications, 1998, p. 7

¹⁷ Berry, Marianne. “Risks and Benefits of Open Adoption.” *The Future of Children* 3, no. 1 (Spring 1993), p. 128.

¹⁸ Berry, Marianne. “Adoptive Parents’ Perception of, and Comfort with, Open Adoption.” *Child Welfare* LXXII, no. 37 (May-June 1993): p. 234.

placement), whether open or closed, and were much less likely than same-race placements to have more contact than they had planned for.”¹⁹

Outline

In this thesis, I derive the factors that indicate the potential for open adoptions primarily from the trend towards openness in the United States and the regulations that govern international adoptions. Chapter 2 will present a history of adoption since 1851, when Massachusetts enacted the first law regulating adoptions, focusing on the movement towards increased openness in the context of social changes. For example, access to abortion and reduced stigmatism around single motherhood led to fewer infants available for adoption and thus gave women who did chose to relinquish their children more negotiating power. Chapter 3 will examine the guidelines that the US State Department provides for parents wishing to adopt internationally for possible prohibitions to openness. Because international adoptions involve two federal governments and a state government, it is necessary to ensure that the regulations will not prohibit openness in international adoptions. These guidelines also include information that highlights cultural differences regarding the institution of adoption that could complicate the possibility of establishing or maintaining contact between the adoptee and the birthfamily. In chapter 4, I specifically delineate the factors that could affect the possibility of openness in international adoptions. In the case of those factors derived from the history of adoption in the United States, I discuss how it relates to the international setting.

In order to examine fully the possibility of having openness in adoptions of Korean children by American citizens, it is necessary to understand some of the history of Korea. I present this background information in chapter 5. Although select events from Korea’s

¹⁹ Ibid., p. 247.

history and certain cultural facts that relate to the topic of adoption will be summarized, I will focus on the situation of women in Korea, to help situate the discussion of the birthmother's situation. This is essential to evaluating a birthmother's ability to maintain contact with a child adopted to the United States. This chapter will look in detail at the women who become birthmothers of Korean-American adoptees, specifically who the population is, how their pregnancies are viewed by society, and how things are changing. Chapter 6 will use the factors presented in chapter four to answer the specific question about the potential for openness in Korean international adoptions.

Chapter Two: Adoption as an American Institution

Adoption as a method for creating new familial ties has been practiced by many societies throughout time, including the Romans and the Egyptians. Because American law was based on English Common Law, which had no provision for adoption due to strict inheritance requirements based on bloodlines, America did not include provisions for adoption in their initial legislation. Although informal adoptions have always existed in the United States, the first modern adoption statute was enacted in Massachusetts in 1851 and created a process by which individuals could be officially adopted, meaning the legal parental relationship between the child and his biological parents was severed and a new parental relationship between unrelated individuals was established. This statute represented the beginning of a trend to formalize adoption proceedings with twenty-five states enacting similar legislation by 1875.¹

The Massachusetts statute had several key provisions, including requirements that the legal guardian, usually the biological parents, of the child give written consent to the adoption; that approval of the adoption by the court made the adopted child ‘to all intents and purposes’ the legal child of the petitioners, with all appropriate rights and obligations; and that the biological parents no longer had any legal rights or obligations to the adopted child.² This statute, and later ones, resulted from a movement to improve the welfare of dependent children. The emphasis of the legislation was ideally supposed to focus attention on the needs of children. During this time, dependent children were usually children born to poor parents who were not considered “fit” by upper and middle class society; adoption served to

¹ Carp, E. Wayne. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA: Harvard University Press, 1998, p. 12.

² Presser, Stephen B. “The Historic Background of the American Law of Adoption.” *Journal of Family Law* 11, no. 3 (1971), p. 465.

remove the children from “deviant” parents and improve their status by creating new middle class individuals. In the beginning of the nineteenth century, an ideology now labeled the Cult of True Womanhood appeared and served to create specific roles for upper- and middle-class women within society, namely that they exerted influence in the private sphere, while men controlled the public sphere. As women took over the household, new ideas about the meanings of childhood developed to further justify this division. “These became a rigid set of expectations for a positive childhood experience that would create happy, productive adults capable of contributing to a prosperous America.”³ Adoption as a general notion, then, became a means of guaranteeing children parents who would fulfill these expectations when their biological parents were thought incapable.

In this chapter, I present a brief history of adoption in the United States beginning at this time. I divide this period into four approximate eras: the 1850s-1900s, 1910s-1920s, 1930s-1960s, and the 1970s-present. The 1850s-1900s was the core of the “placing out” movement, a time of unofficial adoptions known as the Orphan Trains. This represents the beginning of an increasing number of adoptions and is important because criticisms of the system spurred an increase in adoption regulations in the early twentieth century. This period, known as the Progressive Era, occurred through the 1910s and the 1920s and is remarkable for the professionalization of social work that took place. When professional social workers became involved in adoptions, their preferences altered the adoption world by reducing the number of children available for adoption while other individuals involved with children and adoption in America operated to increase the number of families wishing to adopt. The next era, from approximately 1930 until 1960, encompasses the rise of secrecy in

³ Holt, Marilyn Irvin. *The Orphan Trains: Placing Out in America*. Lincoln, NE and London: University of Nebraska Press, 1992, p. 11.

adoptions as well as a dramatic increase in the number of children relinquished for adoption. During this era, social workers and other adoption professionals developed the policies most contested by the Adoption Rights movement that emerged in the 1970s. The final era encompasses the present adoption revolution, when the availability of reliable contraception and abortion decreased the number of children available for adoption. During this time, the adoption rights movement flourished, birthmothers gained power when dealing with social workers, and the number of open adoptions increased.

1850s-1900s: The Orphan Trains

Although the Massachusetts statute regulating adoptions was enacted in 1851, it was at this time that the unofficial practice of “placing out” emerged in the United States. A response to disease epidemics and overcrowding in the cities, and due in part to the changing notions of childhood, placing out involved the transfer of people, mostly young children or adolescents, from cities in the East to rural areas in the West. Expansion in the West required a significant number of laborers and transplanted children provided a steady supply. During the mid-nineteenth century, this combined with the new attitudes towards childhood to create an environment in which placing out was an acceptable solution to several of society’s problems. “It removed children from the streets, relieving public officials and private organizations from caring for the indigents. It allowed society to assure itself that children were being given an opportunity for self-improvement in a more healthful environment. It satisfied the call for labor in the west, and it gave promise of providing Christian guidance to these innocents.”⁴

Although many organizations existed during this time to transplant children to Western states with different methods for accomplishing this goal, one agency that was based

in New York, the Children's Aid Society, is the most famous and was one of the most active throughout the entire period of placing out. Charles Loring Brace founded the Children's Aid Society (CAS) in 1853. Initial placements did not emphasize legal adoption of the children, despite the increase in adoption legislation at this time, predominantly because the children were not true orphans, meaning that most had at least one surviving biological parent, and hence were not readily available for adoption. As criticism of the system increased in the late-nineteenth century, the system of placing out changed and agreements became more formal, but in the beginning, a verbal agreement between a CAS agent and the individual taking the child was sufficient.⁵ Although the system developed by CAS originated with agents from New York City taking the children by train to the new communities, local committees soon formed to increase the efficiency of the system. These committees "were given the responsibility of announcing arrivals, interviewing prospective families or employers, and notifying the society of children who had to be removed from their new homes."⁶ No official guidelines existed for what homes were considered acceptable for the children, but a Christian environment and the desire to take a child were the main requirements.

Criticism of the system of placing out began increasing in the 1870s, but placements did not end until the 1920s. The primary concern was whether parents were actually consenting to the placements and understood the ramifications of this decision, since the CAS discouraged contact between the child and his birth family, even when the children were not legally adopted by their new families. Arguments against placing out also arose from the eugenics movement that gained in popularity during the first part of the twentieth

⁴ Ibid, p. 27.

⁵ Ibid, p. 62.

century. This centered on the children themselves and the possibility for problems due to their genetic background. The welfare of the children was also questioned because of the large emphasis on the benefits of labor. By the end of the nineteenth century, the CAS was only placing children from orphanages and other institutions that were held responsible for guaranteeing their legal status, and no longer took children directly from the streets. They also changed the advertising to emphasize the need for good homes, as opposed to the benefits of helping children to get laborers, and began placing younger children for legal adoptions.⁷

“The orphan trains ceased to operate in the 1920s for a variety of reasons...but not before thousands had been resettled in rural homes.”⁸ The system of placing out had other profound effects on the history of adoption. The criticisms led to the “professionalization and bureaucratization of social workers and an expanded state role in regulating adoptions.”⁹ Social workers used the problems of the placing out system to improve the system of foster care and legal adoptions that followed. They preserved the belief that private homes were preferred over institutionalization, but developed the idea that families should be kept together if possible, with exceptions provided for cases of abuse and neglect. Social workers enacted these changes in the period that followed the height of the placing out movement, the Progressive Era.

1910s-1920s: The Progressive Era

The professionalization of social work created several changes in the system of adoption and the way in which society viewed it in the first decades of the twentieth century.

⁶ Ibid, p. 54.

⁷ Ibid, p. 138-9.

⁸ Ibid, p. 4.

Social workers wanted stricter guidelines for adoptions to remedy the problems of the placing out system. They also began emphasizing that all mothers, but particularly unwed mothers, should keep their children with them. Differences in how women of different classes and races were treated also began emerging in the Progressive Era. At the same time, the notion of adoption as rescuing a child increased its popularity as a method for forming families. “[The Children’s Bureau, a federal agency established in 1912 to ensure the welfare of all, not just poor and dependent, children] described common practices in child-placing that adoption workers should avoid, such as needlessly breaking up families, pressuring unwed mothers to relinquish their children before they had recovered their physical and emotional equilibrium, and failing to investigate the physical, mental, social, and family history of the child and the adoptive parents before placement.”¹⁰

The Progressive Era focused on legislative action to reform the adoption process. Professional social workers lobbied state legislatures to enact the standards of the Illinois Children’s Home and Aid Society (ICHAS), which included: thorough investigation of each case, acceptance of children with parents or guardians only if a written surrender or commitment was given by the courts, trained agents to screen applicants requesting children, and keeping exact records of all children placed into law.¹¹ They also emphasized laws that “required an investigation into the circumstances surrounding the placement by a child welfare professional or the state welfare department and a six-month trial period of residence in the prospective home before any adoption could be finalized.”¹²

⁹ Carp, E. Wayne. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA: Harvard University Press, 1998, p. 12.

¹⁰ Ibid, p. 23.

¹¹ Ibid, p. 14.

¹² Berebitsky, Julie. *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950*. University Press of Kansas, 2000, p. 133.

During this era, the main goal of social workers was to keep families together. Social workers attempted to get financial assistance in the form of Mother's Aid, which helped widowed or deserted women to keep their children. This type of financial assistance was directed only at white women who were seen by society as deserving of aid. Other women, including black women, were not able to use the same formal bureaucracies for receiving aid, and instead relied on their own communities for assistance. "Social workers thought that unwed mothers should keep their infants, a philosophy that continued unchallenged within the profession until the 1930s."¹³ The rise of the eugenics movement and fears about heredity signified the beginning of nature versus nurture arguments and a new reverence for blood ties developed. In the 1910s, social workers were also influenced by research that found a link between illegitimacy and inherited feeble-mindedness using new intelligence tests. They believed this research rendered most illegitimate children unadoptable.

The belief that illegitimate children should stay with their mothers also served to combat the problems of high infant mortality. As social workers researched unwed mothers, they discovered that the infants of these mothers had a mortality rate two to three times higher than other infants did and contributed this difference to early separation of the infant from the mother. Until the development of an adequate commercial infant formula in the 1920s, infants separated from their mothers often suffered from malnourishment due to inadequate substitutes for breast milk or insufficient access to a wet nurse. States also instituted "nursing laws" to deal with this problem. These laws prohibited the separation of newborns and mother for up to six months. This reduced the number of infants available for

¹³ Ibid, p. 130

adoption until the laws were repealed in the 1930s because many mothers had become attached to their children and were then unwilling to relinquish them for adoption.¹⁴

Another change resulting from the initial finding that illegitimate infants had higher mortality rates was a move to obtain more accurate data. The Children's Bureau began to campaign for the creation of birth certificates in 1912 from which the data could be obtained. "The first national standard birth certificate recommended by the Model Law for use by the states and employed by the Bureau of the Census from 1915 to 1917 was a six-by-seven inch form that was to contain the following items: name and sex of the child; place and date of birth; name, age, birthplace, residence, occupation, and race of both parents; whether the child was legitimate or illegitimate; the number of other children born to mother and the number living; and the name of the attending midwife or physician."¹⁵ While this worked in theory, concerns soon arose about the stigma of illegitimacy and the need to protect the child, so by the 1930s, most states had passed laws forbidding the mention of illegitimacy on the birth certificate or requiring that a certified copy with only the name and age of the child be issued.

In 1907, a women's magazine, *The Delineator*, began a "Child-Rescue Campaign" that lasted until 1911. The campaign intended to frame adoption as the rescue of unfortunate children, an idea that would render adoptive parents as heroes of society, in order to destigmatize adoption. In this era, widespread use of contraception among married couples had altered social beliefs, so that many people believed that adults should now plan for their families. "Articles that appeared in popular magazines used the language of choice to

¹⁴ Ibid., p. 31-2, and Solinger, Rickie. *Wake Up Little Susie: Single Pregnancy and Race before Roe v. Wade*. New York and London: Routledge, 2000, p. 21.

¹⁵ Carp, E. Wayne. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA: Harvard University Press, 1998, p. 47.

underscore the planning and persistence of adoptive parents in creating their families... Adoptive parents did not 'just have babies'; they consciously, actively planned their families."¹⁶ Unfortunately, the format of the campaign, which pictured children available for adoption, as well as the language used, led many prospective adoptive parents to believe that there was an abundance of children available for adoption, which social welfare policy had eliminated.

Prospective adoptive parents also believed that they could request a specific type of child that would "match their family." As social workers gained control over adoption placements in the 1920s, this became more accurate. "Professionals used the latest developments in a variety of scientific disciplines to ensure that children and parents were physically, intellectually, and temperamentally suited to each other. In addition, social workers vigorously screened prospective parents to ensure that they were able to care for a child financially and had psychologically sound motives for adoption. Social workers attempted to create adoptive families that not only mirrored biological ones but also reflected an idealized version of them."¹⁷ This control over adoptions and the ideals that social workers represented extended into the next era, in which the number of children relinquished for adoption dramatically increased and the secrecy began.

1930s-1960s: The Rise in Secrecy

In the 1910s and 1920s, professional social workers believed that unwed mothers should keep their children and that specific adoption regulations ensured the welfare of the child. The 1930s became a time when these social workers would have to change their policies in order to maintain control over adoptions. Independent adoptions completed by

¹⁶ Ibid, p. 84-5.

¹⁷ Ibid, p. 129.

attorneys or other such individuals increased in number when the social workers' views conflicted with what the individuals party to the adoption desired. During this time, illegitimacy rates soared and the demographic of those who relinquished their children shifted from married or divorced women who relinquished for economic reasons to unmarried women who relinquished to avoid the stigma of single motherhood. "As a response to potential clients' preference for private, nonregulated adoptions, [Child Welfare] League officials began in the late 1930s to consider accommodating the increasingly upscale unwed mothers' demands for secrecy."¹⁸ Previously, adoptees had access to the often detailed records kept by the adoption agency.

Another event that led to changing adoption practices was the baby boom that began in the mid-1940s after the end of World War II. Postwar society glorified couples, marriage, children, families, and conformity, and many childless couples faced intense pressure to have a family. "Uncomfortable with being childless and the subject of political opprobrium, many of these childless couples sought adoption in record numbers as one solution to their shame of infertility."¹⁹ The idealized notion of family created problems for couples who chose to form families through adoption because they were considered inferior to those families in which the members were biologically related to each other. Although stigmas against adoption existed before this time, the emphasis on blood ties and heredity stemming from the eugenics movement and the social workers' research in the 1920s and 1930s increased the pervasiveness of these beliefs in the public. To reduce the difference between adoptive families and other families, many involved with adoptions sought to eliminate all evidence of an adoption, which included new birth certificates and not telling of the adoption. "By 1941,

¹⁸ Carp, E. Wayne. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA: Harvard University Press, 1998, p. 112.

thirty-five states had enacted legislation instructing the registrar of vital statistics to issue a new birth certificate using the new name of the child and those of the adopting parents in place of the original one.”²⁰ Adoption professionals always stressed that adoptees should be told of the adoption, emphasizing the fact that they were chosen, so that an adoptee would not accidentally discover the truth and feel inferior, but adoptive parents did not always follow their advice. Adoptive parents “preferred to keep the adoption a secret from everyone – from relatives, neighbors, and strangers. They wanted desperately for their family’s status to remain unknown in order to conform to America’s cultural preference for ‘blood’ families.”²¹

Changing societal beliefs also forced social workers to abandon their belief that unwed mothers should keep their children. Idealized notions of family were engrained in the national conscience and the increasing number of illegitimate children was detrimental to this notion. During the postwar era, by not conforming to the “mandate for family formation, [single white pregnant girls and women] were vulnerable to attack for violating the prescribed, productive relationship between marriage, motherhood, and the market.”²² These women were now expected to relinquish their infants for adoption. While women in earlier decades of the twentieth century had been expected to keep their children, the consequence of pregnancy for the unmarried woman was now residence in a maternity home.

The professional approaches towards women of different races also diverged dramatically during this time. Professionals blamed breakdowns in the family or other social institutions for a white woman’s lack of control over her sexuality, which then caused her to

¹⁹ Ibid, p. 29.

²⁰ Ibid, p. 54.

²¹ Ibid, p. 126.

become pregnant while unmarried. The appropriate “cure for the white unmarried mother required three steps: remorse; relinquishment of the infant for adoption; and renewed commitment to fulfilling her destiny as a real woman.”²³ This even extended to the type of adoption that a woman chose. White women who pursued an independent adoption or kept the baby would forego the protected status of a rehabilitated individual who was then able to reenter society with a clean slate.²⁴ Black women, on the other hand, were seen as naturally unable to control their sexuality and were thus unable to be helped. Their children were considered unadoptable, and thus not as valuable as the babies of white unmarried mothers, and very few maternity homes across the country allowed black residents. Most unmarried black mothers were forced to keep their children. Financial assistance was available through an arduous process that also allowed the State control over other aspects of the women’s lives. Legislation was passed during this time preventing women from receiving additional assistance for additional children, even though contraception was also prohibited. The State worked to perpetuate the unfortunate situation of many black unmarried women by not providing any, and especially not equivalent, services to them.²⁵

The other change that occurred during this time involved the records that were kept on adoptions. Because of their belief in blood ties, professional social workers originally kept detailed records in case the adoptee or the birth parents wanted information in the future. They believed that adoptees were entitled to their historical information, if they chose to inquire. When the emphasis was no longer on maintaining biological families, social workers no longer needed to preserve the same information as they once had. In this light,

²² Solinger, Rickie. *Wake Up Little Susie: Single Pregnancy and Race before Roe v. Wade*. New York and London: Routledge, 2000, p. 29.

²³ *Ibid*, p. 94.

²⁴ *Ibid*, p. 32-3.

adoptees who searched for their biological families were seen as deviant. Over time, this belief, along with a changing political climate, led to the creation of the adoption rights movement and the dramatic changes in the adoption world.

1970s-Present: The Revolution

The adoption world had actually been changing since the end of the Korean War in 1953. American, usually white, parents began to adopt large numbers of Asian children, and for these families, the adoption couldn't be a secret and the idea that families needed to "match" became less important. Transracial placements of African-American children, who were once considered hard to place, with white families began increasing in the mid-1960s. Although black social workers challenged these placements in the early 1970s and their numbers declined, the face of adoption had been altered. Non-traditional adoptions, the placement of older children and those with special needs, and the placement of children with single parents, increased in number during this time.

Lower numbers of healthy white infants relinquished for adoption account for the development of these trends. One major factor was *Roe v. Wade* in 1973, the court decision that legalized abortion. The sexual revolution of the 1960s created an environment in which women demanded reproductive freedom. Population control legislation during this time had also changed to allow all women, as opposed to just affluent white women, access to contraception to reduce the birth rate of poor minorities, whose rapid proliferation was seen as detrimental to American society. Although these events reduced the number of unwanted children born each year, other mothers who gave birth to illegitimate children chose to raise their children by themselves. "Americans' growing acceptance of premarital sex and the

²⁵ Ibid.

growing number of children raised in single-parent households through divorce created a climate in which unmarried mothers could more easily raise their children.”²⁶

Unwed mothers, through the availability of alternatives, gained power when dealing with social workers if they decided to relinquish their children. “Social workers began to listen more carefully to birth mothers’ requests to be included in the decision of who would parent their children.”²⁷ As this group of women began speaking out, other birthmothers also found their voice. It soon became understood that adoption as it existed in the 1940s and 1950s was not the ideal solution to the problem of unwed motherhood, that these women had not simply moved on with their lives, but instead carried the pain and guilt with them.²⁸

Although adoption records were sealed in most states by World War II, most individuals who had been involved in an adoption still had access to the records. “The seeds of the [adoption rights movement] ARM were sown only after the end of the war when there was an enormous increase in the number of middle-class single mothers who relinquished for adoption their children born out of wedlock.”²⁹ This group of women had demanded secrecy from the adoption agencies due to the strong stigma against unwed motherhood. Jean M. Paton published *The Adopted Break Silence*, a book containing the thoughts of adult adoptees, in 1954 and offered as one conclusion “that adoptees had a psychological need to search for their natural parents,”³⁰ but the adoption rights movement as it’s known today did not evolve until the 1970s, when an entire generation of adult adoptees was denied access to their adoption records.

²⁶ Berebitsky, Julie. *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950*. University Press of Kansas, 2000, p. 173.

²⁷ Carp, E. Wayne. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA: Harvard University Press, 1998, p. 202.

²⁸ *Ibid.*, p. 160.

²⁹ *Ibid.*, p. 138.

³⁰ *Ibid.*, p. 141.

Florence Fisher emerged in 1971 as the new leader of the adoption rights movement, founding the Adoptees' Liberty Movement Association, which helped adoptees search for their birthfamilies and worked to open the adoption records for adult adoptees. In 1978, the American Adoption Congress (AAC) formed to serve as a national organization encompassing all of the adoptee search groups that had emerged. National opinion concerning secrecy changed in the 1970s and served to further the interests of the adoption rights movement. "Watergate...made official claims of secrecy suspect in the culture at large and created the cultural context for a national presumption in favor of honesty and disclosure in public affairs in general."³¹ A second factor was Alex Haley's *Roots*, in which he traced his family lineage all the way to Africa. Many people, and not just adoptees, now wanted to know their family's history and the goal of removing secrecy from the adoption process seemed more valid. In more recent years, with the scientific revolution and the emergence of genetic testing, adoptees' desire for access to their biological family was justified to determine risk factors for many conditions believed to be genetic.

Challenges to opening records were based on beliefs about both the birth parents and the adoptive parents. "It was believed that birth mothers were opposed to opening sealed adoption records to facilitate searches by adoptees. It was widely assumed that adoptive parents also opposed open records because they envisioned the possibility that they would lose their child's love to the birth mother."³² Even so, in the early 1980s, states began enacting legislation that was a compromise: access to the records would be granted only through a confidential, neutral intermediary.

³¹ Ibid, p. 147.

³² Ibid, p. 150.

From the move toward opening adoption records, open adoptions, those in which the birthparents and the adoptive family had continued contact, emerged as an alternative to the traditional adoption in which the two sets of parents never met. “With open adoption, [Silber and Speedwell, authors of *Dear Birthmother*] contended, all triad members benefited. With the information gained about birth parents, adoptive parents abandoned negative stereotypes, empathized with the dilemma of relinquishment, and consequently were better able to perform their role as adoptive parents. Birth parents lost their sense of guilt and shame and felt better about themselves, secure in the knowledge that their children were safe and secure. Adult adoptees no longer wasted psychic energy on genealogical questions because they were all easily and accurately answered.”³³ Drawbacks to this type of adoption, including the difficulties in maintaining this type of relationship, have kept open adoption only as another possible choice, without making it the standard adoption policy. However, even in closed adoptions, more information is provided to the adoptive parents about child’s personal and medical histories and whatever is available concerning the family background.

Conclusions

The history of adoption in the United States indicates several cultural shifts in the way individuals and society as a whole have viewed adoption as an institution. While the goal of the adoption movement has always been to provide for the welfare of dependent children, at times throughout the history, this has been considered secondary to the needs of other individuals, such as birthmothers’ requests for secrecy or adoptive parents’ need in the 1950s to hide the adoptive nature of their family. The movement against sealed records developed from adoptees who expressed their anger at not having access to information about their biological families. Open adoptions developed as a means to eliminate secrecy in

³³ Ibid, p. 220-1.

the adoption world. The rise in open adoptions resulted from birthmothers' ability to speak out about the situation they faced and their discontent with the current system. The reduced stigma attached to illegitimacy meant that they no longer feared the consequences of the past being discovered. The limited number of children being relinquished during the last part of the twentieth century also increased the ability of those mothers who did relinquish their children to negotiate about who would parent their children and the circumstances concerning the adoption.

Chapter Three: The Government Regulations of International Adoption

When American citizens first began adopting children from other countries in the mid-twentieth century, no state or federal statutes existed to regulate the procedure and no information was available to tell citizens that it could be done and how. The United States government and other governments around the world eventually created guidelines to regulate the international adoption of children as an increasing number of people chose to form their families this way. For example, in 1971, the United States passed the Orphan Immigration Act, which set forth the process by which U.S. citizens were able to adopt children born in other countries. Each country was initially responsible for enacting its own legislation concerning international adoptions and governments made no attempt to create uniform standards worldwide until the Hague Convention on International Adoption in 1993. The United States, after extensive debate in Congress, finally ratified the Hague Convention on October 6, 2000 as the Intercountry Adoption Act of 2000.

The legislation for each country specifies whether children are allowed to be removed from the country for the purpose of adoption or how citizens of that country can adopt children from another country. With respect to the United States, the most well-known of these laws specifies the process that citizens must complete in order to bring a child from another country into the United States that has either already been adopted formally in the foreign courts or that has been released from the country for the purposes of adoption in the US. Each year, citizens of other countries adopt a small number of American children, but the state adoption laws regulate these adoptions. No federal involvement is required and, as such, no agency keeps statistics on the exact number of children involved in this type of adoption. Other countries state whether citizens of other countries are allowed to complete

the adoption of a child in the country or remove children from their country for the purposes of adoption, and the process by which this is done.

Because international adoptions are the focus of this thesis, I will first look at the regulations pertaining to these types of adoption to ensure that open adoptions are not prohibited by any of the conditions that adoptive parents or birthparents must meet. In this chapter, I will summarize the Hague Convention and the Intercountry Adoption Act of 2000. I will then review the process by which American citizens can adopt internationally. The final section of this chapter will examine the regulations governing international adoption in other countries using information available from the U.S. State department, which provides guidelines for U.S. citizens wishing to aid them in their search for a country from which to adopt internationally. The guidelines not only include basic information about the process in that country, but can also include cultural information relevant to the adoption process. This information will then be used in Chapter 4 to create a partial listing of factors that may affect the potential for openness in international adoption.

The Hague Convention and the Intercountry Adoption Act of 2000

The Hague Adoption convention was passed by 67 countries¹ on May 29, 1993 as a method for protecting the children, birthparents, and adoptive parents in international adoptions. Its purpose is to regulate all adoptions between the countries that become parties to it and to set international norms and regulations, with minimum standards for adoption legislation. Before this convention, each country was able to set its own regulations and

¹ Albania, Argentina, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Finland, France, Germany, Greece, Haiti, the Holy See, Honduras, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Republic of Korea, Lebanon, Luxembourg, Madagascar, Mauritius, Mexico, Nepal, the Netherlands, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Senegal, Slovenia, Slovak Republic, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States, Uruguay, Venezuela, Vietnam.

procedures by which an adoption could occur. Countries can now choose to have additional restrictions, but the basic procedure will remain the same. A Central Authority will be established, or simply designated as such if one already exists, in each country to serve as the definitive source of information and point of contact as opposed to having several decentralized offices that could potentially cause confusion while completing an international adoption. Adoption decrees from any country party to the Hague Convention will be recognized in all countries party to the Convention, eliminating the need for readoption.² Within the United States, ratification of the Hague allows for the creation of a new immigrant visa category for children adopted pursuant to the Convention, thus streamlining the visa process.

The Hague Convention consists of 48 articles divided into seven chapters. The State of Origin is that country where the child currently resides and the receiving State is that of the adopting parents. Chapter 1 identifies the objectives of the Convention and specifies in what instances it will be applicable, specifically when a permanent parent-child relationship will be created between two parties residing in different countries. Chapter 2 grants power to the State of Origin to establish that the child is adoptable and that intercountry adoption is in the child's best interests. The State of Origin must also ensure that consent has been given voluntarily, without monetary compensation. The receiving State must determine that the adopting parents are fit to adopt and that the child will be eligible to enter the country.

Chapter 3 defines the responsibilities of each country with respect to the creation of the Central Authority to discharge the duties, which are imposed by the Convention. These

² The US State Department currently recommends that adoptive parents from the United States whose international adoptions are finalized abroad should readopt, or complete a second adoption process for the same child, upon returning to their home state. This is to avoid future legal troubles, since states are not required to

duties include gathering information about the child and the prospective adoptive parents, works towards the goal of obtaining the adoption as is necessary, and promote the development of adoption counseling and post-adoption services. It also stipulates that accreditation be granted only to competent agencies, who work towards non-profit objectives according to the conditions established by the authorities of the State and that are staffed by persons qualified by ethical standards and training to work in the field of intercountry adoption. Chapter 4 defines the procedure by which international adoptions pursuant to the Hague will occur. Prospective adoptive parents will apply to the Central Authority of their State, which will determine eligibility and prepare a report to be sent to the State of Origin. The State of Origin will prepare a similar report about a child deemed adoptable and after both States agree, the adoption will proceed with all parties working to ensure that the child's best interests are considered at all times.

Chapter 5 stipulates the recognition of an adoption decree by all participating countries. This recognition may be refused only if the adoption is clearly contrary to the public policy of a Contracting State, which must declare to the depository of the Convention of intentions of this nature. Recognition includes accepting the newly created, legal parent-child relationship, parental responsibility of the adoptive parents for the child, and the termination of the pre-existing legal relationship between the child and his or her birthparents. Chapter 6 contains general provisions about the Convention. Some of them are relevant to the issue of openness in international adoptions, specifically a clause which prevents contact between the adopting parents and persons who have taken care of the child, including birthparents, until the provisions of Chapter 2 have been met. It also requires that

recognize a foreign adoption certificate. Ratification of the Hague by the United States will eliminate this additional step for thousands of adoptive parents.

information concerning the origin of the child, including parental identity and medical history is preserved and that the child have access to the information in accordance with the laws of the Contracting States. Chapter 7 contains the final clauses, including the process by which countries can ratify the convention and the times required for the Convention to enter into force.

The Intercountry Adoption Act of 2000 was the legislation passed by the US Congress to implement the Hague Convention standards. This Act designates the US State Department the Central Authority for the United States, with the Secretary of State serving as the head. It also outlines the procedures by which adoption agencies receive accreditation to facilitate adoptions pursuant to the Hague Convention and the standards that these agencies must meet.

Regulations and Process for the United States Government

The process by which Americans adopt internationally is made more complicated than domestic adoptions because of the involvement of several federal government agencies, a foreign government, and the state government. The basic requirements set forth by the United States government about whom is eligible to bring either a child into this country to be adopted or a child recently adopted abroad are simple: at least one parent must be a U.S. citizen and both parents must officially reside in the U.S. throughout the adoption process.

International adoptions usually require two agencies, a local agency to conduct the homestudy and a placement agency that will coordinate the adoption with personnel in the other country, although they can be the same, depending on the location of the adoptive parents. Attorney adoptions are very rare in international adoptions and some countries require that the prospective adoptive parents work with specific agencies. The initial

paperwork will include three letters of reference, a physician's medical clearance, criminal record clearance, maybe employment verification, tax returns, financial statements, marriage certificates, and divorce decrees, if applicable. Because international adoptions involve two American agencies, two governments, and possibly other agencies in the other country, the requirements for paperwork can vary. Different agencies can have different requirements depending on the orphanage with which they are working, and each government can set up their own rules.

Within the United States, the Immigration and Naturalization Service is the agency that will issue the visa to allow the child entrance into the country. To meet INS requirements, the caseworker must compile certain information in the homestudy including proof that the adoptive parents are financially able to rear and educate the child; a detailed description of the current living accommodations; a detailed description of the living accommodations in which the child will reside; and a factual evaluation of the adoptive parents' physical, mental and moral capabilities as they relate to rearing and educating the child.³ Several forms need to be submitted to the INS: form I-600A, the Application for Advance Processing of Orphan Petition; fingerprints on form FD-258 forms (two sets required); proof of citizenship of prospective petitioners (prospective parents); proof of marriage, if applicable; proof of divorce, if applicable; an approved and favorable home study; and the filing fee. The form I-600A is used when a child has not yet been located for adoption and will reduce the time needed to get the immigrant visa once the child has been identified. The adopting parents will receive form I-171H, Notice of Favorable

³ Sweet, O. Robin and Patty Bryan. *Adopt International: Everything You Need to Know to Adopt a Child from Abroad*. New York: Farrar, Straus, and Giroux, 1996, p. 43.

Determination Concerning Application for Advance Processing of Orphan Petition, which qualifies them to file an orphan petition (form I-600) at the appropriate time.⁴

The next step is to compile a dossier which will be sent to foreign officials.

Extensive documentation of the adoptive parents' financial situation is necessary to complete any adoption, but the country from which the child will be adopted determines if an individual is eligible to adopt. Before the child is eligible to enter the United States, she will need an exit visa. The child needs to be classified an orphan under immigration law and pass medical clearance.

For a foreign child to be classified as orphans under US Immigration laws, s/he must either have no parents because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or have only one parent who cannot care for her and who has irrevocably and unconditionally released the child for immigration and adoption.⁵ Two surviving parents cannot formally relinquish a child for adoption and must instead abandon the child. The law also states that once a child has been declared an orphan and is able to be adopted in the United States, no natural parent or prior adoptive parent of any such child shall thereafter be accorded any right, privilege, or status because of the prior parental relationship.⁶ The Code of Federal Regulations further explains the terms involved in declaring the child an orphan, to reduce confusion as the number of international adoptions increased. Disappearance of both parents means that both parents have unaccountably or inexplicably passed out of the child's life, their whereabouts are unknown, there is no reasonable hope of their reappearance, and there has been a reasonable effort to locate them in accordance with the laws of the foreign-sending country. Abandonment by both parents

⁴ Ibid, p. 46-9.

⁵ Ibid, p. 94.

means that the parents have willfully forsaken all parental rights, obligations, and claims to the child, as well as all control over and possession of the child, without intending to transfer, or without transferring, these rights to any specific person(s), which means that prospective adoptive parents could not have been chosen. Desertion by both parents means that the parents have willfully forsaken their child and have refused to carry out their parental rights and obligations and that the child has become a ward of a competent authority in accordance with the laws of the foreign-sending country. Separation from both parents means the involuntary severance of the child from his or her parents by action of a competent authority for good cause and in accordance with the laws of the foreign-sending country. The parents must have been properly notified and granted the opportunity to contest such action. The termination of all parental rights and obligations must be permanent and unconditional. Loss from both parents means the involuntary severance or detachment of the child from the parents in a permanent manner such as that caused by a natural disaster, civil unrest, or other calamitous event beyond the control of the parents, as verified by a competent authority in accordance with the laws of the foreign sending country.⁷

Form I-600, INS Petition to Classify Orphan as an Immediate Relative, will need require proof of the orphan's age and status as a child that can legally immigrate to the United States as the adopted child of a citizen or a child to be adopted by citizens upon arrival, including, if applicable, the death certificate of the orphan's parent(s); proof that the orphan's only surviving parent cannot care for the child and has, in writing, forever and irrevocably released the orphan for emigration and adoption; or proof that the orphan has

⁶ Immigration and Nationality Act. Section 101(b)(1)(F).

⁷ Code of Federal Regulations [CFR] at 8 CFR § 204.3.

been unconditionally abandoned to an orphanage. Medical clearance must also be obtained by a physical examination of the child at a clinic chosen by the embassy.

The final step is the immigrant visa application. The U.S. government requires a passport valid for foreign travel for your child from the country of your child's birth.⁸ If the adoption has already been finalized, an IR-3 visa will be issued. To qualify for an IR-3, the child must have been seen by both parents prior to or during the adoption proceedings and the parents must meet all pre-adoption requirements of their state. Other orphan children, who are eligible for immigration, receive IR-4 visas and must be officially adopted upon entering the United States, in accordance with applicable state laws. Before an IR-4 visa can be issued, the consular officer must be sure that pre-adoption requirements by the child's future state of residence have been met.

If the child received an IR-4 visa, finalization in the United States is mandatory. Until recently, another cause of concern was citizenship. An adoption decree did not grant US citizenship to the adopted child, and recent changes in immigration laws mandate that if a non-US citizen has legal problems (such as going to jail), that person will be automatically deported. Children adopted by US parents who lived within the United States the majority of their lives and have no contact with individuals in their birth country can be included in this group if they did not get US citizenship. The Child Citizenship Act of 2000, which entered into effect on February 27, 2001, grants automatic citizenship to international adoptees once the adoption is finalized if the adoptee is under 18 years of age and now resides in the United States after having been lawfully admitted as an immigrant for permanent residence.

⁸ Ibid, p. 97.

Regulations for Other Countries

I will now summarize the regulations of several other countries concerning international adoptions. These regulations introduce different cultural constraints, such as definitions of adoption as well as societal views, which should be considered when looking at international adoptions. In this chapter, I will simply present the information and I will analyze it in chapter four.

Generally, the State department pamphlets on international adoption regulations include only the most relevant information about the situation within a particular country. In order to have a wide variety of factors to analyze in the case study, I have selected several countries that will highlight different cultural factors that can influence international adoption and the potential for openness, including several countries from the Middle East, China, Chile, Uruguay and Peru. This selection includes countries that forbid adoption by foreigners as well as countries from which American citizens have adopted a large number of children over an extended period. The most important things to note as we consider the specific regulations include: rationales for prohibiting adoption by foreigners, different views of the term “adoption,” residency requirements and required publication of an adoption notice.

In many countries, including Bahrain, Syria, Afghanistan, Bangladesh, Pakistan, Saudi Arabia, and Yemen, the religious authorities handle matters such as adoption. Islamic Sharia law does not provide for adoption in the Western sense of the word and the adoption of a Muslim child would not be recognized. The regulations of Bahrain⁹ further explain that Muslims may support a child whose father is not known, but the child cannot inherit or take

⁹ US State Department. “International Adoption – Bahrain.” http://travel.state.gov/adoption_bahrain.html (04 April 2001).

the name of the family providing support, nor can the child depart Bahrain with this family. These restrictions extend to third country national children, who are considered citizens of Bahrain when the biological father is not known.

Religion has a large influence on adoption in several of these countries. Technically, in Syria, adoption is allowable under the laws of various Christian denominations, but most Christian churches in Syria have preferred not to handle adoptions in order to conform to Sharia law provisions on inheritance.¹⁰ Some Pakistani children of unknown origin who were converted to Christianity by missionaries may be available for adoption.¹¹ Israel requires that the adopting parents be of the same religion as the child. There are some cases of adoption by non-Moroccan citizens, but only if they have become officially Moslem, documented by the appropriate religious authorities. Prospective adoptive parents must prove residency and have it recognized by the proper authorities.¹² Although Tunisia's adoption laws contain no nationality or religious requirements, in practice, judges have held that individuals wishing to adopt must be Muslim.¹³

Jordan is an Islamic nation and, as such, does not allow a child to take the family name of a non-biological parent. This ensures no confusion in matters of bloodlines and inheritance; Islamic law dictates that each child inherits a specific percentage of the father's estate. Jordan does allow people to become foster parents, regardless of citizenship, but only to children of with no known parents or relatives. The first name of the child is chosen by the foster parents and the last name comes from a fictitious father's last name (parents names

¹⁰ US State Department. "International Adoption – Syria." October 1999. http://travel.state.gov/adoption_syria.html (04 April 2001).

¹¹ US State Department. "International Adoption – Pakistan." http://travel.state.gov/adoption_pakistan.html (04 April 2001).

¹² US State Department. "International Adoption – Morocco." October 1999. http://travel.state.gov/adoption_morocco.html (04 April 2001).

are created to allow for issuance of a birth certificate). The child will also be issued a Jordanian passport.¹⁴

Argentina only allows for adoption by Argentine nationals or permanent resident aliens who have resided there at least five years, meaning that most American citizens will not qualify. However, the governmental regulations also mandate that the child be made aware of the adoption at a time deemed fit by the adoptive parents and that the child have full access to his or her file complete with biological information upon turning eighteen.¹⁵

Uruguay offers an interesting look at the Western idea of adoption because it has two forms of adoption: “Adopcion” and “Legitimacion Adoptiva.” “Adopcion” requires the consent of the biological parents or the legal guardian. This is completed through a public notice and documentation, but the child still belongs to the natural family and maintains legal rights as a child in that family. Anyone over thirty is eligible to adopt with no regulations about marital status, but the adoptive parent must be at least twenty years older than the child. The Institute of Adoption will certify that the adoptive parents are morally fit and financially stable once they have had guardianship of the child for two years. “Legitimacion Adoptiva” can take place once the child has been in the care of the adoptive parents for one year. The child must be abandoned, orphaned, a ward of the state, or of unknown parentage. The adoptive parents must have been married for at least five years, be over the age of thirty, and be fifteen years older than the child. The Uruguayan birth certificate will not be

¹³ US State Department. “International Adoption – Tunisia.” October 1999. http://travel.state.gov/adoption_tunisia.html (04 April 2001).

¹⁴ US State Department. “International Adoption – Jordan.” October 1999. http://travel.state.gov/adoption_jordan.html (04 April 2001).

¹⁵ US State Department. “International Adoption – Argentina.” http://travel.state.gov/adoption_argentina.html (04 April 2001).

amended, but rather reissued with the adoptive parents listed as the natural parents to give no indication that the child was adopted.¹⁶

U.S. citizens wishing to adopt from Ethiopia must work with the Ethiopian governmental central authority, the Children, Youth and Family Affairs Department (CYFAD); no private adoptions are allowed (the child will not be allowed to leave the country or be issued an immigrant visa to enter the United States). Two interesting practices appear in the guidelines: the adoptive parents submit a notice for publication in the local press stating the child's name and the name of the adopting parents; and the adoption agency signs a "Obligation of Adoption or Social Welfare Agency," in which the adoptive parents agree to allow follow-up visits (usually scheduled at 3 months, 6 months, 1 year and then once a year until the child reaches the age of 18) by a social worker, and to submit regular progress reports on the child's (or children's) adjustment to/development in the adoptive home to the CYFAD.¹⁷

One of the initial warnings given by the State department concerning adoptions from China is the following: "Chinese authorities are extremely sensitive about the intrusion of foreign entities. Adoption is also a sensitive subject in China. It is therefore advisable for any person interested in adopting a child from China to act with discretion and decorum. High profile attention to adoption in China could curtail or eliminate altogether adoption of Chinese children by persons from countries causing adoption to become the subject of public attention." At least one adoptive parent will have to travel to China for finalization, and in the case of married couples, the parent that travels must bring a power of attorney from his or

¹⁶ US State Department. "International Adoption – Uruguay." 1995. http://travel.state.gov/adoption_uruguay.html (04 April 2001).

¹⁷ US State Department. "International Adoption – Ethiopia." October 1999. http://travel.state.gov/adoption_ethiopia.html (04 April 2001).

her spouse which has been notarized and properly authenticated by the Chinese embassy. The Chinese government makes a distinction between orphaned children, who have proof of both parents' death, and abandoned children, whose parents cannot be found or have relinquished parental rights. Foreigners of any age who already have children can only adopt orphaned children or handicapped children. People who are over 35 and childless can adopt healthy abandoned children. Distinction is not made by marital status but by age, with the exception of unmarried males wishing to adopt female children, in which case there must be a forty-year age difference between parent and child.¹⁸

The adoption procedures in Chile have been undergoing changes over the last decade. Two-years of follow-up are required according to the 1992 regulations. Legislation submitted in March of 1995 would provide greater specificity regarding what circumstances constitute abandonment and grant a more explicit preference to Chilean adoptive parents. The regulations contain the same explicit warning about drawing attention to adoptions as the regulations from China. The judicial procedures for the adoption of Chilean children include: notifying the living parent of the adoption petition, if applicable; interviewing the living parent; notifying other relatives of the child to determine their interest; placing notifications in the local media; reviewing a court social worker's report on the child's circumstances; a judicial audience with the prospective parents (only one parent may be required to travel), after which the judge will sign a final decree granting full custody to the parents and authorizing the child to be taken abroad for adoption. Adoptive parents must be

¹⁸ US State Department. "International Adoption – China." http://travel.state.gov/adoption_china.html (04 April 2001).

over 25 years of age, but less than 60; married at least four years, and at least 20 years older than the adoptee.¹⁹

Although a person of any nationality is allowed to adopt a Brazilian child, preference is usually given to Brazilian citizens. Adoptive parents must be over 21 years of age and 16 years older than the child they plan to adopt and must work with a U.S. agency licensed by the Brazilian government. “Children whose parents have died, children born out-of wedlock to mothers who formally relinquish parental rights, children abandoned by both living parents, and children whose parents have been stripped of parental right...may be adopted.” Children cannot be adopted if relatives have been granted guardianship. Adoptions must be finalized in Brazil before the child will be allowed to leave the country. However, prior to the finalization, “non-resident prospective parents must reside in Brazil with a prospective child who is under the age of two years old for a minimum of 15 days; and for a minimum of 30 days with children over two years of age.”²⁰

Adopting from the Dominican Republic requires at least six months, and one potential adoptive parent must reside in the country for at least ninety days while the court reviews the case. The adoptive parent, if single, must be at least 25 with a fifteen-year age difference between the parent and the adoptee. Only one parent of a couple has to be older than 25, with no restriction on age difference. If an unmarried couple wishes to adopt from the Dominican Republic, they must have had “five years of known and uninterrupted union.” The adoption process involves obtaining consent to the adoption from either the natural parents or the child’s legal guardian. The court then issues an adoption decree, parts of

¹⁹ US State Department. “International Adoption – Chile.” http://travel.state.gov/adoption_chile.html (04 April 2001).

²⁰ US State Department. “International Adoption – Brazil.” December 4, 1996. http://travel.state.gov/adoption_brazil.html (04 April 2001).

which are published in the Official Gazette and a newspaper with “wide national circulation.” Three months later, the adoption is entered at the Civil Registry.²¹

Individuals adopting from Guatemala can choose either a public adoption, which uses an adoption agency or orphanage to locate a child for adoption, or a private adoption, which uses an attorney to locate a child for adoption. Private adoptions are much more common due to time differences; while a public adoption can take one to two years, a private adoption can take three to six months. However, the regulations and process are the same for both cases. Adoptive parents must be at least 25 years old. If both parents are alive, the court must declare the child “abandoned.” This involves doing a social study of the birthmother’s family, considering the family circumstances, and the situation of the child. The American homestudy is also reviewed and a DNA test is required of the birthmother.²²

The Peruvian government amended laws regulating international adoptions in 1993 in response to allegations of child trafficking. Adoptions by foreigners are allowed, but require up to six-weeks residence in Peru. Adoptive parents take custody of the child shortly after arrival, but the adoption takes up to sixty days to finalize. The adoption must be entered into the national adoption registry and the adoptive parents must register the child in the municipality where s/he was born and obtain an amended birth certificate with the adoptive parents listed as the child’s parents. Once the adoption is finalized, post-adoption follow-up includes submission of bi-annual reports for four years, with the first two completed by a licensed social worker.²³

²¹ US State Department. “International Adoption – Dominican Republic.” July 1998. http://travel.state.gov/adoption_dominicanrepublic.html (04 April 2001).

²² US State Department. “International Adoption – Guatemala.” November 1998. http://travel.state.gov/adoption_guatemala.html (04 April 2001).

²³ US State Department. “International Adoption – Peru.” http://travel.state.gov/adoption_peru.html (04 April 2001).

Conclusions

The government regulations will be the first place to look in determining the potential for openness in international adoptions because of the strict adherence to the procedures. Exceptions to these rules are rare, as they are in place to protect all members of the adoption triad. While I think that in most cases the government regulations will not affect the possibility of openness, they may influence the way in which it occurs. For instance, adoptive parents may not be able to contact the birthfamily for some period until the adoption is finalized and all post-adoption requirements are met to ensure that no laws are broken.

The United States government has set up an elaborate procedure by which its citizens can adopt children from abroad. Most of the process is simply getting the proper paperwork to the appropriate agencies. The one thing that may influence opening an adoption would be the definition of orphan. Children must be unconditionally and irrevocably abandoned to receive orphan status. As a result, in international adoptions as currently governed by US law, birthparents cannot choose specific adoptive parents for their child.

The Hague Convention will also affect openness in the same way as the US definition of orphan. The most relevant clauses are those contained in Chapter 6 which prevents contact between the birthparents or another guardian of the child to be adopted and the adoptive parents before several conditions have been met. This could mean that even if the adopting parents are in-country for a significant amount of time before and during the adoption process, they will not be able to form a relationship with the birthparents.

The rise of regulations in international adoption has served to protect all members of the triad and create a uniform process for those wishing to adopt, but these regulations should not prevent open adoptions should all parties desire it. In the next chapter, I will use these

government regulations, in conjunction with the history of adoption in the United States, to create general guidelines for evaluating whether open adoptions could potentially occur in an international adoption.

Chapter Four: Factors Relating to Openness in International Adoptions

In the previous two chapters, I presented information about both the history of adoption in the United States and the international regulations governing international adoptions. In this chapter, I will suggest specific factors from this history and from the regulations that will potentially affect openness in international adoptions. As I analyze the different factors, I do not assume one model type of open adoption. Rather, in keeping with the notion that open adoptions occur over a continuum and can take many forms, I will simply present ways in which each factor could affect openness in an international adoption on any level.

Factors from International Regulations

I begin with the definition of “orphan” used by the United States Immigration and Naturalization Service (INS). The most relevant clause to the topic of openness is that which requires birthparents to release irrevocably and unconditionally the child for adoption in order to qualify as an orphan for immigration to the United States. Although this will not prevent openness from occurring, it may differ from that which normally happens in domestic adoptions, where many adoption agencies allow birthmothers to choose the adoptive parents of their child. In this type of domestic situation, contact between the birthfamily and the adoptive family may begin before the child is born. If birthparents were to designate adoptive parents in an international adoption, the child would no longer be considered unconditionally released. Instead, contact between the birth and adoptive families must come after the agency has placed the child with the adoptive family.

The Hague Convention also affects openness in the same manner as the US definition of orphan. The clause in Chapter six that prohibits contact between the birthfamily and the

prospective adoptive parents until the child has been designated adoptable by his/her country of origin and the governing agencies in that country have ensured that the child was voluntarily relinquished without any monetary compensation for the birthparents. This clause will not prevent open adoptions; contact between the families will only be delayed by the international adoption proceedings. This situation even occurs in domestic adoptions, for example, if the agency is not supportive of open adoptions. In that case, the birth and adoptive families may not form a relationship until after the adoption is finalized.

I would like to briefly discuss agency involvement with these policies. Oftentimes, it is the adoption agency in the country of origin that presents the report on the child's status to the official government agencies, which determine the child's eligibility for adoption. If agencies have different interpretations of the rules, the potential for openness may vary. For instance, if an agency does not discourage birthparents from maintaining contact with the orphanage, even if not the child, it is questionable whether the child was officially abandoned. If this were the case, there would be more opportunity to establish contact with the birthfamily than in a situation where the birthfamily had no contact with any officials since the child was abandoned.

The next factors relating to openness in international adoptions stem from the regulations for different countries. The first relates to the definitions of the term adoption. When evaluating the regulations of other countries, especially those countries where adoption is forbidden, social perceptions attached to the word adoption become very apparent. The different views of the parties involved become particularly important when discussing openness, which requires an understanding of the relationship by both the adoptive parents and the birthparents. The United States views adoption as creating a legally binding parent-

child relationship that entitles the child to the same rights as a biological child, while severing that relationship with the birthparents. Countries that follow Islamic Sharia law have different beliefs because of strict requirements for inheritance and do not allow the legal relationship between a child and his biological parents to be dissolved.

If a similar difference were to occur with a country that did allow for adoption by United States citizens, in that birthparents did not see their legal relationship with the adopted child as completely severed, an open adoption relationship could create tensions resulting from roles that were not well understood or defined. For example, adoptions from the US Marshall Islands, which are considered international adoptions, were suspended due to such a problem. All adoptions from the Marshall Islands were open, with the adoptive family having an ongoing relationship with the birthfamily. However, it was soon understood that the birthfamilies did not fully realize the implications of having their children adopted by American citizens. Instead, they saw the system as more closely resembling foster care in the United States, where they would retain their rights to the child. These differences must be clarified before an attempt is made to open international adoptions in order to protect the rights of all adoption triad members.

Uruguay presents an interesting example of how adoption is defined because they have set up two types of adoption, one in which the adoptee will remain a legal member of the birthfamily and one in which the adoptee becomes a legal member of his adoptive family. In the latter, the birth certificate is reissued to indicate the adoptive parents as the natural parents and eliminate evidence of the adoption. This type of differentiation could help to clarify the exact relationships between all members of the adoption triad.

Brazil, the Dominican Republic, Ethiopia and Guatemala are four countries where open adoptions would be more likely to occur. Parents adopting from Brazil are required to live with the child to be adopted for a minimum fifteen days leaving open the possibility of forming a relationship with the birthfamily. The Dominican Republic has the adoption announcement circulated in a newspaper. It seems that the country is more accepting of adoption, which could reduce the stigma faced by birthparents and make them more willing to admit to having given birth to an illegitimate child. Ethiopia also requires the publication of an adoption notice and they also require follow up visits throughout the child's life. This continual contact creates a link between the adoptive family and the foreign country, via the adoption agency, that could be used to establish a relationship with the birthfamily. The regularity of the visits could provide an ideal time for exchange between the families. This would also eliminate any language barriers, since theoretically, the adoption agencies could also serve as a translator. The process by which Guatemalan children are declared abandoned involves collecting a great deal of information about the birthfamily. Although this will not form a relationship between the adopting parents and the birthparents, it may facilitate contact and, at the very least, will provide more information to the adopting parents, which they can then share with the adopted child.

For the most part, the government regulations will not directly affect the possibility of openness in international adoptions, but in some cases, they do reflect the sentiments of the nation. Chile and China are interesting examples of countries where openness will most likely never occur, since their INS guidelines contained the warning about drawing attention to the international adoption. The regulations stated explicitly the view of adoption in this country, but did not do anything to prevent contact between birthparents and adoptive

parents. While the statements reflected the social stigma attached to adoption, which will need to be carefully considered, from the standpoint of the regulations, openness in international adoptions could still occur. Chile also requires the publication of adoption notices in the local media, but this act does not seem strong enough to counteract strong social stigmas against international adoptions.

The next item to consider is the religious requirements of certain nations. This sentiment parallels the period in America's history where professional social workers sought to match adoptees to the adoptive families in an attempt to create ideal families and could reveal a stigma attached to adoption. Birthfamilies may not be as able to admit that they relinquished a child for adoption if maintaining the family has strong support in the country.

Another characteristic is derived from Argentina's regulations, which require that the adoptee be made aware of the adoption at an appropriate age and be given full access to records at age eighteen. This reveals the importance placed on knowing biological background and could be significant in opening international adoptions. The ease of access to the records could make it simpler to maintain contact from the time the child is adopted, as no notions of birthparent secrecy exist to complicate the matter.

The final factor involves the right of adoptive parents to secrecy, which was one of the arguments put forth by adoption professionals as an explanation of why adoption records should not be opened. In adoptions from Peru, the adoptive parents are listed as the child's parents on the birth certificate and they must register where the child was born. Although it is unclear who might have access to adoptive family's information, the proximity of the information could facilitate a birthmother's efforts to establish contact.

Factors from the United States

In this section, I will discuss the factors contributing to open adoptions in the United States. Although open adoptions resulted from complex social evolutions, I have selected several specific developments that seem widely applicable in international situations. The first one is the national divorce rate. In the United States, the increasing divorce rate created a group of single mothers that were considered acceptable by society. It became impossible to differentiate between legitimate and illegitimate single mothers, so the stigma surrounding unwed mothers decreased slightly. Applied to an international adoption, an increasing divorce rate could signal changing social mores about the preservation of family and a new role for women in that society. Women giving birth out of wedlock would potentially face less stigma in this setting.

The stigma surrounding illegitimacy has a large impact on the potential for open adoptions. Depending on the social beliefs about illegitimacy, a woman's future prospects for marriage and employment even could be affected by her having given birth out of wedlock. In these situations, women will be reluctant to admit that they mothered an illegitimate child. Birthmothers in an open adoption need to feel secure that either they will be able to keep the adoption a secret from individuals in their location or that their future options won't be limited if the adoption is revealed. The thing that is important to remember, in analyzing the history of adoption in the United States, is that even though illegitimacy was stigmatized at the time the birthmothers relinquished their children for adoption, changing social mores allowed them to reveal the past without the same consequences as if they had chosen to keep their children instead. In this case, women who relinquished their children for adoption a

long time ago might still be able to open the adoption, if other social changes have occurred since that time.

Another issue when discussing the prospect of openness in international adoptions is a strong reverence for blood ties. Oftentimes, the reverence for blood ties causes other individuals not to adopt children outside of their family, leaving women facing an unplanned pregnancy with few options. In the case of international adoptions, issues arise concerning national identity and the ability of a nation to care for all its citizens.

Looking to the American history, the fact that international adoptions are also transracial might increase the potential for an open adoption. The reverence for blood ties in the United States often caused families to hide the adoption, but transracial adoptive families do not have this option. Instead, in transracial adoptions, open adoption could serve as an acknowledgment of the bond between the adoptee and his birthfamily and as recognition of the need for the adoptee to remain connected to members of his racial or ethnic heritage. This could help alleviate the stigma women choosing to relinquish their children for adoption face. Unfortunately, women who choose an unrelated adoption that ends up being transracial might be blamed by members of their society for contributing to the destruction of their culture.

Population control legislation also can be an indicator that the potential for openness exists. In the United States, rising illegitimacy rates caused the expansion of legislation concerning contraceptives to include all women, not just upper and middle class married women. At one time, contraception was only available to married women who would be legitimately forming their families and used contraception as a means for planning for their children and spacing them appropriately. The expansion demonstrated recognition of female

sexuality and acknowledged that social norms regarding premarital sexual activity had changed enough to warrant a new solution to the problem, rather than, in the case of white unwed mothers, trying to hide their illegitimate birth.

When applied to an international setting, population control legislation may indicate recognition of female sexuality. It is important to be aware that it may simply demonstrate the state's desire to allow married women control over when they have children. In this case, it is the specifics of the legislation that are important. If all women are included, it seems likely that the stigma surrounding illegitimacy would be reduced and open adoptions would be more likely to occur. The other important aspect is access to information and actual contraceptives. Ineffective legislation, such as that which does not contain educational elements or which targets only specific populations of women, will be unlikely to influence social beliefs and actually reduce the stigma surrounding illegitimacy. To this end, the presence of a women's health movement will also be important.

Movements that work to increase healthcare for women, and to have healthcare professionals recognize the unique situations faced by women, can also indirectly impact the potential for openness in adoptions by increasing discussion about topics that are often considered taboo. Increasing women's knowledge about their bodies and their sexuality can empower women, for example, by allowing them to explore their options should they become pregnant out of wedlock. Women's health movements can also work to decrease the number of unplanned pregnancies by making contraception and information more widely available. Depending upon cultural norms, women may not have been educated about these topics.

It is important at this point to recognize that adoption does not always have a place in the women's health movements, which often focus on access to contraception initially and then on abortion as the primary solution to unplanned pregnancy. Members of women's health movements may not be supportive of adoption as an option and their opinions on open adoption may vary. To illustrate, the Boston Women's Health Book Collective was a major component of the women's health movement in America. The organization began in the spring of 1969 at a women's liberation conference in Boston, when the attendees realized that doctors often lacked information about women's bodies and decided to create their own course on women's health.¹ The result was the publication *Our Bodies, Ourselves* in 1970, with later editions released in 1973, 1976, 1979, 1984, 1992, and 1998. Although adoption was listed in the introduction of the first edition as one of the topics the authors wished to include in later editions,² it was not mentioned again until 1976. In this edition, a few sentences presented adoption as an option for a woman facing an unplanned pregnancy and also mentioned it as a possibility for couples facing infertility.³ The 1979 edition contained the same information.⁴ In 1984, the first significant amount of information on adoption was included. The section on adoption for infertile couples was expanded to include highlights of the process and mentioned the adoption rights movement, search organizations, and open adoptions as recent changes in the adoption world. In the section discussing options for pregnant women, an article on adoption abuse by the founders of Concerned United

¹ Judy Norsigian, Vilunya Diskin, Paula Dóress-Worters, Jane Pincus, Wendy Sanford, and Norma Swenson. "The Boston Women's Health Book Collective and *Our Bodies, Ourselves*: A Brief History and Reflection." <http://www.ourbodiesourselves.org/jamwa.htm>. 14 January 2001.

² Boston Women's Health Course Collective. *Our Bodies, Ourselves: A Course By and For Women*. New England Free Press: Boston, MA, 1971.

³ Boston Women's Health Book Collective. *Our Bodies, Ourselves: A Book By and For Women*. New York: Simon and Schuster, 1976.

⁴ Boston Women's Health Book Collective. *Our Bodies, Ourselves: A Book By and For Women*. New York: Simon and Schuster, 1979.

Birthparents (CUB) appeared and information on protecting the woman's rights was provided.⁵ In addition to the information in the 1984 edition, the 1992 edition included an appendix on adoptees' legal status concerning the debate over opening records and an article on the adoption-reform movement.⁶ In 1998, as other interests of the feminist movement became intertwined with adoption, the information included on adoption expanded.

Adoption was presented as an option for lesbians, with the warning that since these adoptions were usually completed as a single mother, legal problems might develop if a partnership ends and both are not legal parents. For unplanned pregnancies, the options presented include abortion (in bold print), parenting, informal foster care (as in, allowing a friend or family member to care for the child temporarily), formal foster care, and adoption. Open adoptions were again mentioned, as well as the possibility of choosing the adoptive parents. More information for infertile couples on the types of adoption, the actual process, and adoptee rights was also included. This history demonstrates that the women's health movement might choose specific aspects of the adoption world on which to focus and may not be of any help until other social changes have occurred. For example, they may not choose to support adoption as an option until women are empowered with the decision of having an open adoption, while not directly working towards this goal.

The adoption rights movement played a large role in the development of open adoptions in the United States. As adoptees began speaking out on their displeasure with the secrecy in adoption and the fact that regulations prohibited them from gaining access to their records, birthmothers also began voicing their discontent with the adoption process. At the

⁵ Boston Women's Health Book Collective. *The New Our Bodies, Ourselves: A Book By and For Women*. New York: Simon and Schuster, 1984.

⁶ Boston Women's Health Book Collective. *The New Our Bodies, Ourselves: A Book By and For Women*. New York: Simon and Schuster, 1992.

same time, as a way of circumventing the law, the notion developed that birthparents could remain in contact with the children they relinquished for adoption from the beginning and the need to have access to the records would no longer be necessary. When looking at organizations in the foreign country for members of the adoption triad, we are concerned primarily with organizations and services for the birthmother, although if adoptees have organized within a specific country, it may indicate that the desire for contact in that situation is more pressing. Organizing birthmothers is important because their collective voice will have a greater impact and could potentially change the current adoption system. In the United States, until many women began speaking out, the professionals who created the adoption system dismissed the individual claims as deviant.

The final factor that I wish to discuss is the presence of alternatives to adoption, such as abortion or simply raising the child. In the United States, birthmothers gained power when fewer women relinquished their infants for adoption but large numbers of people wished to adopt. The percentage of unwed mothers relinquishing their children for adoption decreased as access to abortion increased and higher percentages of women chose to keep their babies as raise them alone. This will likely not work the same in international adoptions due to different supply and demand issues. Although large numbers of Americans currently adopt from overseas, if the number of available children were to decrease, the system is not always constructed to allow birthmothers to gain more power, especially in a way that would allow them to open an adoption. A foreign government might also welcome the opportunity to eliminate all international adoptions. In this situation, the government could provide incentives to adoption agencies and social workers that would to resist compliance with any birthmother demands.

In many cases, birthmothers are required to abandon their children and make them wards of the state before they will be considered for international adoptions. The rules are set up to reduce corruption of the adoption system and to ensure that all parties' rights are protected. As such, they do not currently allow birthmothers to make demands regarding their children once they have been relinquished. The adoption agency determines a child's eligibility for adoption and may decide this type of interference in the adoption process does not constitute true abandonment. Changes in the policies of adoption agencies, and the international regulations, may facilitate birthmothers' requests in international adoptions. As it currently stands, if agencies were to change their policies to support open adoptions, then in the case of declining number of children available for adoption, adoptive parents might be able to reduce the wait time for an adoption by making themselves more open to other situations than the standard, closed adoption.

Conclusions

Several factors work to either advance or prohibit the potential for openness in international adoptions. Information present in the INS guidelines on international adoption for a specific country may consist of: residency requirements of adopting parents, the presence of any widely-circulated notices, required post-adoption follow-up, and any specific adoptive parent requirements. These will introduce the reception of international adoption in the foreign nation. On the social side, factors include definitions of adoption, beliefs on the stigma of illegitimacy, and the reverence for blood ties. These will provide information on the cultural acceptance of adoption and the women who relinquish their children. Evaluation of the birthmother's situation will focus specifically on factors such as the national divorce rate, population control legislation, a women's health care movement, an adoption rights

movement or birthmother organization, and the presence of alternatives that may have changed the experience of relinquishing a child for adoption.

Chapter 5: An Introduction to Korea

In this chapter, I present a broad overview of aspects of Korean history and culture that are relevant to the discussion of openness in Korean-American adoptions. These include national identity issues and the ongoing relationship with the United States. I will also discuss the history of adoption in Korea, both intercountry and intracountry. Because of my focus on unwed mothers who relinquish their children for adoption, I will explore the status of women in Korean society and other relevant elements of their lives.

National Identity

Koreans are among the most homogeneous people on earth: no significant ethnic mixing has occurred since the eighth or ninth centuries BC.¹ Korea has also been under the rule of other nations for a large part of their history. The Chinese essentially ruled Korea from 1392, when Chinese Neo-Confucianism was adopted as the basis for state organization, until the Japanese gained control in the late 1800s. In 1905, Korea became a protectorate of Japan and in 1910, Japan officially annexed Korea and ended the Choson dynasty. The Japanese attempted to annihilate Korean culture, eventually forbidding the use of Korean and forcing all Koreans to adopt Japanese names. These circumstances have created a strong sense of national identity in Koreans since they have gained independence from colonial rule. How this relates to the potential for openness in international adoptions will be discussed in chapter six.

South Korea's Relationship with the United States

In 1945, the Korean peninsula was divided into two countries at the 38th parallel as a halfway point for the Soviet and American armies to meet and take the Japanese surrender.

¹ Breen, Michael. *The Koreans: Who They Are, What They Want, Where Their Future Lies*. New York: St. Martin's Press, 1998, p. 75-6.

After WWII, South Korea came under US Military control for three years. The military restructured the Korean economy and pushed for land reform. When American forces pulled out in 1949, South Korea was still very weak economically and politically. North Korea invaded in 1950 and the American military refused to help, as they had indicated when they left. However, the United Nations sent help to South Korea, which included American forces. Since this time, the United States has continued to have a military presence in South Korea. Almost fifty years after the end of the Korean War, approximately forty US bases remain on Korea soil.² The United States has sent tremendous amounts of foreign aid to Korea and been influential in the development in the country.

Although this has at times created an anti-American sentiment, the importation of Western ideals has greatly influenced the society and created a social situation in which segments of the American adoption history are apparent. For example, the patterns relating to the women who relinquish their children for adoption are similar, beginning with those who do so for economic reasons and then becoming dominated by relinquishments by unwed mothers. The continuing relationship between the two nations might also lead to greater cooperation in establishing contact between birthfamilies in Korea and adoptive families in the United States.

Religion in Korea

South Koreans practice many religions. "Between a quarter and a third of the population is Buddhist and around a quarter Christian... There are no Jews or Hindus in Korea, but there are several thousand Muslims, mostly men who converted when working on

² Louie, Miriam Ching Yoon. "Minjung Feminism: Korean Women's Movement for Gender and Class Liberation." *Women's Studies International Forum* 18, no. 4 (1995), p. 423.

construction projects in the Middle East in the 1970s and 1980s.”³ Confucianism also figures heavily in Korean society, serving as the basis for social order in Korea. It stresses self-improvement through education, training, discipline, and research and development and values family life, filial piety, patriotism and loyalty.⁴

Although Confucianism is no longer officially part of the Korean government, the values that have oppressed women for centuries continue to exist in Korean society. “It continues to be an important element of Korean cultural tradition and promotes such core values as cooperation, filial piety, social harmony, deference to social superiors, and the importance of education.”⁵ Women are expected to be subservient to the men in their lives, beginning with their father. Confucianism dictates that power then passes to a woman’s husband upon marriage and to her sons if she becomes widowed. “Furthermore, Confucianism emphasizes the ideology of virginity and chastity for women as well as the supremacy of family.”⁶ In traditional Korean society, young boys and girls were separated at approximately age seven, but more restrictions were placed on the behavior of girls than that of boys.⁷ “In reality the chastity ideology still remains potent in South Korean social life in the 1990s and persists today as an important cause of double-standard morality: unlimited sexual freedom for men and no sex outside marriage for women. For all the changes that

³ Breen, Michael. *The Koreans: Who They Are, What They Want, Where Their Future Lies*. New York: St. Martin’s Press, 1998, p. 41.

⁴ Song, Byung-Nak. *The Rise of the Korean Economy*. Oxford and New York: Oxford University Press, 1997, p. 53.

⁵ Kim, Seung-Kyung. *Class Struggle or Family Struggle?: The Lives of Women Factory Workers in South Korea*. Cambridge, England; New York: Cambridge University Press, 1997, p. 7.

⁶ Louie, Miriam Ching Yoon. “Minjung Feminism: Korean Women’s Movement for Gender and Class Liberation.” *Women’s Studies International Forum* 18, no. 4 (1995), p. 422.

⁷ Youn, Gahyun. “Sexual Activities and Attitudes of Adolescent Koreans.” *Archives of Sexual Behavior* 25, no. 6 (1996), p. 629-30.

have shaken and transformed Korean society since 1900, this double standard of morality has survived, serving as the power base of Confucian patriarchal culture.”⁸

Christianity changed the lives of women in Korea, playing a significant role in the establishment of the New Women’s movement in the 1920s. First, it liberated women by teaching that men and women were equal under God. It also created educational opportunities for young girls. “While the first state-sponsored public school for girls was not opened by 1908 and only three private schools for girls existed in Seoul at the time, Protestants had already built 732 elementary schools, nineteen middle and high schools and one university around Korea. Before 1905, 174 schools for girls were founded by Protestants, and women students comprised 30 percent of the total 18,000 students attending Protestant schools in 1905.”⁹ Women were able to liberate themselves through this education because it offered an alternative to the Confucian education that preached female subservience.

Korea and Adoption

The absence of a welfare state also affects Korean adoptions, by both Korean citizens and foreigners. Adoption of any form was rare until after the Korean War, during which many children were orphaned or abandoned due to financial reasons.

Intracountry Adoptions

In general, Korean citizens do not adopt biologically-unrelated individuals because of the emphasis in Korean culture on blood lineage. Adoption is considered a way to maintain the family bloodline or property, so children whose parents are unable to care for them may

⁸ Kwon, Insook. “The ‘New Women’s Movement’ in 1920s Korea: Rethinking the Relationship Between Imperialism and Women.” in *Feminisms and Internationalism*. Mrinaline Sinha, Donna Guy, and Angela Woollacott, eds. Oxford, UK and Malden, MA: Blackwell Publishers, 1999, p. 48.

⁹ Ibid, p. 41-2.

be taken in by relatives or the male child of another relative will be adopted by the head family to continue the bloodline. Families who do adopt non-relatives do so to have relatives to care for them as they age. As a result, “children are not told that they are adopted because there is a fear that they will not support parents if they know.”¹⁰ Adoptive parents register their adopted children as biological children, usually after a large cover-up that might involve moving to a new location. The rules governing domestic adoptions are such that biological parents have the right to change their minds up to a year after placement. Adoptive parents suffer a great deal of anxiety and pressure as a result, and many other individuals reject the notion of adoption as a solution to childlessness.¹¹

Intercountry Adoptions

Overseas adoptions actually began after the Korean War, in 1954, to help the abandoned children of soldiers to be adopted in their father’s country. “In Korea children born outside of marriage and having one American and one Korean parent (termed ‘Amerasian’ children) are virtually unadoptable within Korean society because of certain Korean cultural and moral factors. One such factor is the Korean cultural ideal of ethnic homogeneity and the rejection of children who are products of admixture with other races or nations, even in the midst of foreign occupation. Another factor is the strong disapproval of promiscuous sexual relationships in Korea, as well as legislation that discriminates against those classified as ‘illegitimate.’”¹² South Korea institutionalized the practice of international adoption as their method for dealing with the thousands of children orphaned each year. During the 1950s and 1960s, the children relinquished for adoption generally

¹⁰ Breen, Michael. *The Koreans: Who They Are, What They Want, Where Their Future Lies*. New York: St. Martin’s Press, 1998, p. 54.

¹¹ Chun, Byung Hoon. “Adoption and Korea.” *Child Welfare* LXVIII, no 2. (March-April 1989), p. 256.

came from poverty-stricken families who could not afford to feed or educate their children. Unlike the older children of this time, the majority of children relinquished in the 1970s and 1980s were infants from out-of-wedlock pregnancies.¹³

In 1988, negative coverage during the Olympics, which took place in Seoul, Korea, mentioning the large number of children adopted overseas caused the government to implement a system of quotas designed to phase out foreign adoptions by 1996. “However, finding limited success with in-country adoptions, the government began to reconsider its policy and decided in 1994 to continue international adoptions for biracial and disabled children. With the recent economic collapse in 1997, policies have changed once again and foreign adoptions of healthy Korean children are again on the rise.”¹⁴

Korea currently places children in eleven countries, including America, Australia, and several European countries. In the 1990s, around 3,500 children were deserted each year, 80 percent of them by unmarried mothers. Post-placement services are emphasized and visiting Korea, by both adoptees and their adoptive parents, is encouraged. The Social Welfare Society (SWS), a now private organization that facilitates intercountry adoptions, has follow-up services offered by a special social worker, which include tracing biological parents, helping the children remain in touch if asked by the adoptee or adoptive parents, and coordinating visits to Korea.¹⁵ Adoption officials in Korea also consider knowledge of Korea important and prospective adoptive parents are sent information on the country. On the American side, adoption agencies emphasize Korean culture with celebration days and summer camps, also known as culture camps.

¹² Costin, Lela B. and Charles A. Rapp. *Child Welfare: Policies and Practice*. New York: McGraw-Hill Book Company, 1984, p. 410.

¹³ Deann Borshay Liem . “A History of Adoptions from South Korea.” 2000. <http://www.pbs.org/pov/firstpersonplural/historical/skadoptions.html> (24 April 2001).

The Position of Women in Korean Society

The lives of women in Korea have changed dramatically in the decades since the Korean War. "Rapid industrialization and urbanization, accompanied by a significant rise in standards of living, have, however, contributed to an improvement in the status of women in many aspects; compared with the situation a few decades ago, Korean women today live longer, are better educated, have fewer children and enjoy more leisure."¹⁶ One of the major factors contributing to the change in women's lives has been mass migration from rural areas to urban areas as large numbers of jobs became available in industry. While 28 percent of the population resided in urban areas in 1960, that figure had double by 1980 to 57.3 percent, and increased again to 74.4 percent by 1990.¹⁷

This movement has been accompanied by changing family structures. As opposed to the traditional family structures in which a newly married couple would reside with the husband's extended family, most individuals live in families consisting of only a married couple or a married couple and their children. In these nuclear families, women have more power than they do in the extended family system. Marriage by free choice also contributes to this power. The changing economy and expanding educational opportunities made more individuals, male and female, economically independent and able to set up new households.

History of Korean Feminism

The first feminists did not become socially visible in Korea until the 1920s and have been labeled the "New Women." "The 'New Women' activists were a group of women who challenged the moral system of Confucian patriarchy, using a new self-identity that they

¹⁴ Ibid.

¹⁵ Chun, Byung Hoon. "Adoption and Korea." *Child Welfare* LXVIII, no 2. (March-April 1989), p. 259.

¹⁶ Economic and Social Commission for Asia and the Pacific. *Women in the Republic of Korea: A Country Profile*. New York: United Nations, 1998, p. 3.

crafted through modern education in Korea or studies and journeys to Japan and Europe... Women who identified with this movement advocated free love (love between men and women regardless of marriage), free marriage (marriage without the intervention of parents) and the destruction of the dominant feminine chastity ideology.”¹⁸ These women became the strongest challengers to the Confucian patriarchy in South Korea, but were unable to maintain a large following and accomplish the changes they desired.

Not until the later half of the twentieth century did a feminist movement emerged that continues to have a strong presence. “The U.N. International Decade of the Woman (1975-1985) provided a unique opportunity for...South Korean women to demand changes in their countries’ legal, political, and educational systems.”¹⁹ In 1985, the government established the Korean Women’s Development Institute (KWDI), which currently “conducts comprehensive research projects and educational and training programs, and also initiates various action-oriented programs” under the Ministry of Political Affairs.²⁰

In the late 1980s, movements to help vulnerable workers created an environment in which a feminist movement finally established itself. “New organizations emerged to empower the Minjung women, that is, the alienated women in poverty, and rural and industrial working-class women who were struggling for economic survival and for labor organization.”²¹ These women had been exploited by the export-oriented industries during the time that Korean industries developed. Their abuses created the potential for the South

¹⁷ Economic and Social Commission for Asia and the Pacific. *Women in the Republic of Korea: A Country Profile*. New York: United Nations, 1998, p. 9.

¹⁸ Kwon, Insook. “The ‘New Women’s Movement’ in 1920s Korea: Rethinking the Relationship Between Imperialism and Women.” in *Feminisms and Internationalism*. Mrinaline Sinha, Donna Guy, and Angela Woollacott, eds. Oxford, UK and Malden, MA: Blackwell Publishers, 1999, p. 38-9.

¹⁹ Bardsley, Jan. “Spaces for Feminist Action: National Centers for Women in Japan and South Korea.” *NWSA Journal* 11, no. 1 (Spring 1999), p. 136.

²⁰ Chai, Alice Yun. “Integrative Feminist Politics in the Republic of Korea.” in *Feminist Nationalism*. Lois A. West, ed. New York and London: Routledge, 1997, p. 174.

Korean economic miracle. “Since the latter half of the 1980s, the women’s movement in the Republic of Korea has been developing out of the realization that the vulnerable conditions of working-class Korean women were tied to the entire social structure of oppression and the global political economy.”²²

Legislation concerning Women

Recently in Korea, several pieces of legislation were amended to help improve the status of women and reduce oppression. Dictating the position of women in society can be traced back to the Choson dynasty, which began ruling in 1392 and adopted Neo-Confucianism as the basis for state organization. They passed etiquette laws, which “legitimated two chief ideas of Confucianism concerning women: ‘treatment of women as inferior to men’, and ‘woman’s three ways of obedience to men, which meant that, she must follow the way of her father before marriage, acquiesce to her husband’s opinions in her marriage and then, after his death, obey her son’. They also used state power to make it impossible for Korean women to inherit property or wealth. Furthermore, the Choson dynasty law prohibited women’s remarriage.”²³

It was not until after Japanese occupation that the concept of divorce appeared in Korea. Before 1918, “wives were simply expelled; it was the husbands’ right. In 1918, Japanese colonizers legalized divorce.”²⁴ Even with the passage of divorce legislation, women were often unable to obtain a divorce and the men were generally the sole beneficiaries of the couple’s property and children. This did not change until the National Assembly amended the Family Law in 1989. “The amendments, which became effective

²¹ Ibid, p. 177.

²² Ibid, p. 170.

January 1991, made it possible for (1) a divorcing woman to seek a share of the couple's property in proportion to her contribution; (2) child-custody arrangements in divorce settlements not to favor the father automatically; and (3) all surviving children to inherit equally regardless of gender."²⁵

Another legislative improvement was the passage of the Mother-Child Welfare Act, enacted in April 1989 and effective in 1991. The Act was designed to protect and assist families without fathers. It applies to women who are widowed, divorced, unwed, or abandoned by their spouses and who have children under eighteen. "Under the provisions of this Act, mother-child welfare committees have been established at the national level, as well as at the level of each city and province, to help formulate policies and programs for female-headed or fatherless families...The government [also] meets the cost of accommodating homeless single-mother families with children under 18 years of age in protection facilities for three to five years and assists them in becoming self-sufficient or self-supporting families."²⁶ Other policy changes include the availability of permanent low-income housing for these families, which began in 1992, and as of 1993, increased educational grants for children without fathers.

National Family Planning

I feel it important to address issues concerning the experiences of Korean women under the national family planning programs. Korean birth rates fell from 6.0 births per woman in 1960 to 4.5 births per woman in 1970, and further to 2.7 births in 1980 and 1.6

²³ Kwon, Insook. "The 'New Women's Movement' in 1920s Korea: Rethinking the Relationship Between Imperialism and Women." in *Feminisms and Internationalism*. Mrinaline Sinha, Donna Guy, and Angela Woollacott, eds. Oxford, UK and Malden, MA: Blackwell Publishers, 1999, p. 47.

²⁴ Ibid, p. 50.

²⁵ Chai, Alice Yun. "Integrative Feminist Politics in the Republic of Korea." in *Feminist Nationalism*. Lois A. West, ed. New York and London: Routledge, 1997, p. 175.

births in 1990.²⁷ However, “many feminist groups find that despite the push to encourage contraception use for the good of the national economy, the burden was unfairly placed on women, not men, and that women’s health needs were left unmet.”²⁸ Also, the fact that during this same time period increasing numbers of children were abandoned and then adopted overseas demonstrates that not all women were reached by this program. Because unmarried women were the ones relinquishing the greatest number of children during this time, it also suggests that not all women had the same status in Korean society.

The contraception practice rate, calculated by surveys of ever-married women aged 15-44, rose from 54.5 percent in 1979 to 77.4 percent in 1994. At the same time, however, at least 52 percent of Korean women of childbearing age had had at least one abortion. This discrepancy can be explained by a number of factors including a strong preference for male children, a high contraceptive failure rate, or the occurrence of premarital sex with a low contraception usage rate.²⁹

One final note regarding family planning relates to education. The Korean Women’s Research Association has emphasized the need for sex education for young women who leave rural hometowns to live alone in factory dormitories. These women are often ill-informed about pregnancy and sexuality and vulnerable to sexual assault by supervisors and coworkers.³⁰ In one study of a Korean factory, the only sex education involved a woman from the YWCA lecturing once a year on sex and pregnancy. She emphasized that “women should not trust men, and she preached that they should wait until they were married to have

²⁶ Economic and Social Commission for Asia and the Pacific. *Women in the Republic of Korea: A Country Profile*. New York: United Nations, 1998, p. 32.

²⁷ Ibid, p. 9.

²⁸ Davis, Lisa Kim. “Korean Women’s Groups Organize for Change.” *Women of Japan and Korea: Continuity and Change*. Joyce Gelb and Marian Lief Palley, eds. Philadelphia, PA: Temple University Press, 1994, p. 229.

²⁹ Ibid, p. 229-30.

sexual experiences. She assumed that most women workers were not sexually active and made no mention of birth control or contraception methods.”³¹

Unmarried Women

Because I will be focusing on children born out of wedlock and then relinquished for international adoptions, I want to comment on the social situation of unmarried women in Korea. The number of female-headed households has been increasing since 1960, from 10.8 percent to 16.8 percent in 1995. “This increase has been attributed to several factors, such as a rise in marital dissolution, comparatively lower rates of remarriage of divorced and widowed women, greater gains in life expectancy of females relative to males, and increasing levels of spousal separation resulting from migration...The analysis also indicates that, while the proportion of households headed by married females has been decreasing, the proportion headed by never-married women has been increasing in both urban and rural areas.”³² This reflects a trend among unmarried women to work in factories or other such industries away from their families.

At one time, this type of work was considered unacceptable for unmarried women. “It was only in the 1960s, when work in factories became widely available, that factory jobs came to be considered respectable for young women. In traditional Korean society, young women were considered to need moral supervision, and few opportunities existed for them to work outside their homes.”³³ Women often use their earning to save for their dowry and increase their marriage prospects. In keeping with the notion of filial piety, however, many

³⁰ Ibid, p. 229.

³¹ Kim, Seung-Kyung. *Class Struggle or Family Struggle?: The Lives of Women Factory Workers in South Korea*. Cambridge, England; New York: Cambridge University Press, 1997, p. 72.

³² Economic and Social Commission for Asia and the Pacific. *Women in the Republic of Korea: A Country Profile*. New York: United Nations, 1998, p. 30-1.

³³ Kim, Seung-Kyung. *Class Struggle or Family Struggle?: The Lives of Women Factory Workers in South Korea*. Cambridge, England; New York: Cambridge University Press, 1997, p. 57.

of these women send money home to their parents, for expenses such as education for siblings or a sister's dowry.

The women who go to work in factories often see working as a temporary situation until they are able to get married. Working-class women also viewed marriage as a means for improving their social status. While working, the women save their money and do other things they believe will increase their chances for a good match, such as taking classes both to increase their education and gain skills seen as desirable in a wife, for example, flower arranging or calligraphy. Most women met available men either through other individuals or in group meetings, since dating men met at night clubs or other such places would hurt a woman's reputation. "In their desire to date and eventually marry high-status men, some women dated college students...The class difference between male college students and female factory workers left the women open to sexual exploitation because the students did not feel as responsible toward workers as they did women of their own social class."³⁴

Women workers might agree to live with a man without being married, even though this situation is considered immoral by most Koreans, for many reasons, such as saving on expenses, especially if the man were considered an ideal mate and the prospects for marriage seemed likely. "Couples were described as *tonggo* when they lived together without having had a wedding ritual or registering their marriage...Women who were younger than twenty-three years old had very negative attitudes toward *tonggo* arrangements, but women older than twenty-three were more tolerant."³⁵ Women who entered into these arrangements with college students did not usually marry the man. Oftentimes, parental disapproval of a lower-class woman ended the relationship.

³⁴ Ibid, p. 73.

Korean society has changed dramatically in the time since the Korean war, with increasing urbanization and modernization. “Due to this modernization, present-day adolescents in Korea, raised in a less conservative society, will have different attitudes and experiences in sexual activities than their counterparts in the 1960s, 1970s and even 1980s.”³⁶ Because adolescents are often unmarried, adolescent pregnancy is highly stigmatized in Korean society and while most end in abortion, those mothers who carry to term often relinquish their children for adoption. “According to statistics from the Korean Ministry of Health and Social Affairs, the number of babies abandoned by adolescent mothers was 1904 in 1993 and 1781 in 1994.”³⁷ Although no exact figures are available on the number of abortions performed on adolescents each year, Korean adolescents seem to have higher levels of pregnancy than other Western nations. A study of Korean adolescents also found that they have significantly lower rates of sexual activity, revealing a difference in contraceptive usage. Despite increasing sex education of adolescents, the stigma surrounding contraception remains. Adolescents “tend to be irresponsible or too ashamed to obtain and use birth control for their coital intercourse. Koreans consider any adolescents who carry or possess contraceptives to be promiscuous delinquents.”³⁸

The Birthmothers

In the next chapter, I will explore the factors relating to openness in adoptions presented in chapter four as they might apply in Korean adoptions. I extracted these from the history of the move toward openness in the United States and the INS guidelines on the

³⁵ Ibid, p. 72. It should be noted that in this study of Korean factory workers, the ideal marriage age was twenty-three years old.

³⁶ Ibid, p. 630.

³⁷ Ibid, p. 630-1.

³⁸ Ibid, p. 642.

international regulations concerning adoption. Before continuing, however, I would like to present two brief arguments as to why this method is valid.

The first factor is the influence of international feminist movements. During the mid-1970s, when the status of women worldwide was discussed by several international organizations, Western feminists were criticized for not embracing the needs of third world women. International feminist movements have since increased their inclusion of women's voices from these countries. In doing so, Western feminists have recognized the special circumstances faced by women in developing nations, including different social traditions that serve to oppress women. The global feminist movements now work to reform the particular aspects of a particular culture that are most harmful to those specific women, and in doing so, have allowed the needs of many more women to be addressed. In Korea, recognition of the female factory workers' oppressive situation led to increased intolerance. Since these women often became the unmarried women forced to relinquish their children for adoption, this organization might serve to improve their chances for empowerment in negotiating the adoption plan for their children.

The most compelling factor for validating comparing the birthmothers in Korea to those in the United States is their own voices. *The Adoption Reader: Birth Mothers, Adoptive Mothers, and Adopted Daughters Tell Their Stories* was published in 1995 to recognize that the world of adoption is highly centered on women and to create a "forum for women – birth mothers, adoptive mothers, and adopted daughters – to come together to write about their varied experiences."³⁹ This moving collection of American women's stories covers many aspects of the adoption world and its history. The voices of the Korean

³⁹ Wadia-Ells, Susan, ed. *The Adoption Reader: Birth Mothers, Adoptive Mothers, and Adopted Daughters Tell Their Stories*. Seattle, WA: Seal Press, 1995, p. ix.

birthmothers, collected in *I wish for you a beautiful life: Letters from the Korean Birth Mothers of Ae Ran Won to Their Children*, are in the forms of letters written to the children they relinquished for adoption and the spectrum is rather limited. Ae Ran Won is a maternity home for unwed mothers in Korea and the letters are part of their program to ease the recovery process for their clients.

In the stories and letters, especially if those from American birthmothers who relinquished their children for adoption several decades ago are compared with the letters of the Korean birthmothers, the same type of pain and discontent is revealed. Women who gave birth out of wedlock in the United States, until the 1970s, were shamed by society for their situation and pressured to relinquish the child for adoption. “I would explain why I had given her up – I had written a whole book about it, in fact, how it happened in 1966, when I was young, single, shamed and without the financial resources to go it alone”⁴⁰ Korean birthmothers also face intense pressure not to raise children born out of wedlock: “I thought about raising you by myself, but it would be hard, especially in Korea where the Confucian ideals are deeply rooted in society.”⁴¹ Being a single mother in Korea is difficult because of family registers that reveal the child has no legal father: “It may sound like an excuse, but it would be too cruel to raise you as the child of a single unwed mother in this society because of the way people would treat you.”⁴² Having the resources to care for a child was difficult for American women, as noted in the above quote, and Korean women have the same

⁴⁰ Dusky, Lorraine. “Family Reunions.” in *The Adoption Reader: Birth Mothers, Adoptive Mothers, and Adopted Daughters Tell Their Stories*. Susan Wadia-Ells, ed. Seattle, WA: Seal Press, 1995, p. 5.

⁴¹ Dorow, Sara, ed. *I wish for you a beautiful life: Letters from the Korean Birthmothers*. St. Paul, MN: Yeong and Yeong Book Company, 1999, p. 19-20.

⁴² *Ibid*, p. 29.

experience: "I was twenty-one when I got pregnant...I was an unwed mother with no financial independence."⁴³

In the United States, pressure existed so that young women who became pregnant out of wedlock could either legitimize the pregnancy through marriage or relinquish the child for adoption: "There were only two choices: I could marry and keep the child, or I could remain unmarried and give the baby up for adoption ... The pressure from my family not to marry Angelo and place the baby was intense."⁴⁴ This American birthmother's family influenced her decision to relinquish. In Korea, as noted above, although many more people are marrying by free choice, parental involvement is still a factor, especially if the woman is of a lower-class: "[Your daddy's mother] strongly disagreed with our relationship because there was too much of a gap between our social and economic classes."⁴⁵ To deny a parent's expressed wishes also defies the Confucian ideal of filial piety and can create a difficult choice for a young woman: "[My parents] would not allow me to choose my husband on my own. I strongly insisted to my parents that I would marry your daddy...I wavered between disobedience and love."⁴⁶ This woman did not marry the man she loved and was forced to give the baby up for adoption.

Given these comparisons, it seems likely that, if social mores became more accepting, the Korean birthmothers would appreciate the open adoptions that appear to have eased the pain of birthmothers in the United States. Because these quotes compare Korean birthmothers who have relinquished more recently to American birthmothers who relinquished their child in the 1960s, during the period of intense secrecy right before the

⁴³ Ibid, p. 121.

⁴⁴ Davis, Kathleen Scully. "A Love Story." in *The Adoption Reader: Birth Mothers, Adoptive Mothers, and Adopted Daughters Tell Their Stories*. Susan Wadia-Ells, ed. Seattle, WA: Seal Press, 1995, p. 19-20.

⁴⁵ Dorow, Sara, ed. *I wish for you a beautiful life: Letters from the Korean Birthmothers*. St. Paul, MN:

adoption world began the revolution that is occurring now, it seems valid to evaluate the current situation in Korea, in terms of prospects for openness in adoptions. It could be that a revolution among Korean birthmothers is not far away.

Yeong and Yeong Book Company, 1999, p. 52.

⁴⁶ Ibid, p. 58.

Chapter Six: Factors Relating to Openness in Korean-American Adoptions

In chapter four, I presented several factors relating to the potential for openness in international adoptions. I derived these from the history of the move toward openness in the United States and the government regulations for several other countries. In this chapter, I explore each of these as it applies to Korea and how it affects the potential for openness in Korean adoptions. I first examine the INS-provided guideline for South Korea for any indication of residency requirements of adopting parents, the presence of widely-circulated notices, required post-adoption follow-up, and any specific adoptive parent requirements that are part of the South Korean adoption process. I will also analyze any warnings provided for their impact on the prospect for open adoptions. On the social side, I will then discuss the definitions of adoption, beliefs on the stigma of illegitimacy, and the reverence for blood ties. Focusing on the birthmother's situation and her ability to maintain contact with a child relinquished for adoption, I will look at the national divorce rates, population control legislation, a women's health care movement, an adoption rights movement or birthmother organization, and the presence of alternatives that may have changed the experience of relinquishing a child for adoption.

Korean Regulations of International Adoptions

The regulations for Korea as presented by the INS are rather basic when compared to the regulations of other countries. There are no residency requirements; parents adopting from Korea do not even need to travel to pick up their child. Because Korea requires that the adoption be finalized in the country of the adoptive parents, the child to be adopted can be placed in the custody of the adoption agency, which would be acting for the adoptive parents, and be escorted to their destination. No mention is made of any notices that must be

circulated before the adoption. Korea does have a significant follow-up program. The American adoption agency meets with the child and parents every six months, with the reports sent to the Korean adoption agency and placed in the child's permanent file. Korea does have adoptive parent requirements that attempt to recreate the ideal family in terms of age. Potential adoptive parents must have been married three years and be between the ages of 25 and 44, with no more than 15 years age difference. The family cannot have more than five children, including the child to be adopted. The Korean government is willing to waive these requirements if the adoptive parents are willing to consider a special-needs adoption, and in other various situations, determined on a case-by-case basis. The only item that could be considered a warning is that the adoption process in Korea is focused on the needs of the child, rather than on the needs of the adoptive parents, reflecting the large number of prospective parents, and that numerous measures have been enacted to ensure the child's welfare.¹

Definitions of Adoption

The INS guidelines for American citizens adopting from South Korea contain no mention of a definition of adoption that differs from the Western notion of adoption. Although adoptions in Korea before the Korea War were predominantly within families to maintain the family name, the long tradition of international adoptions to Western countries has probably eliminated any potential for misunderstanding. Western missionaries also initiated the first international adoptions after the Korean War. Most likely, they would have instilled their notions of adoption on the Korean population, at least with respect to

¹ US State Department. "International Adoption – Korea." http://travel.state.gov/adoption_korea.html (04 April 2001).

international adoptions. Since no Korean definition of adoption distinct from the Western notion exists, it will not affect the potential for openness in international adoptions.

Stigma of Illegitimacy

In Korea, the stigma of illegitimacy is still incredibly strong. This is mainly due to the continuance of family registers, which immediately reveal a child's illegitimate status. Upon marriage, the woman is removed from her family's register and entered on her husband's family register. An illegitimate child, having no legal father's family register upon which to be entered, begins a new family, since women cannot begin their own family register. Even if the child were entered into the mother's register, the illegitimate status is still apparent. Until the Korean government amends these practices, the stigma of illegitimacy will remain.

As long as illegitimacy is stigmatized, women who have relinquished children for adoption will have difficulty in admitting what occurred in their past and may be reluctant to enter into an open adoption. Ongoing contact with an illegitimate child relinquished for adoption could increase the chances of another individual finding out about the adoption. In a country with such strong stigmatization of illegitimacy, this revelation could ostracize the birthmother from her community and eliminate any future prospects.

Reverence for Blood Ties

Korean society exhibits a strong reverence for blood ties, demonstrated by detailed family registers. This has combined with the history of domination by foreign nations to create an intense national identity. Especially in the current political phase, with the desire to end international adoptions, these factors will contribute to a stigmatization of women who relinquish their children for adoption overseas under the current system. Open adoptions

may allow Koreans to feel that they are not simply abandoning the children, the complaint which caused the government to reduce the number of international adoptions. On the other hand, the fact that they are financially unable or unwilling to care for the children, by not adequately increasing welfare state expenditures to cover the rising costs of caring for the numerous abandoned children, might become an issue. Given an effective campaign by the Korean government, I think that open adoptions might reduce some of these influences. In that instance, the government could still view itself as taking care of the children, despite the fact that they provide no financial assistance.

National Divorce Rate

Despite traditional stigmas against divorce and the importance of the family in Korean society, the national divorce rate is increasing. “About one-third of marriages in the mid-1990s are ending in divorce. The major factor is economic change, which allows women to find jobs and end their dependence on unfaithful or violent husbands.”² This factor, which indirectly led to more openness in US domestic adoptions, will not, as of now, have the same effect. In the United States, the increasing divorce rate led to a significant number of legitimate female-headed households with children that could not be differentiated from those that were illegitimate. However, in Korea until the Family Law was amended in 1991, fathers were automatically granted custody of their children. The increasing divorce rate in Korea did not lead to the creation of legitimate female-headed households, which could reduce the stigma of illegitimacy.

However, if the only requirement is that a significant number of female-headed households be considered legitimate by the rest of Korean society, and that these cannot be

² Breen, Michael. *The Koreans: Who They Are, What They Want, Where Their Future Lies*. New York: St. Martin's Press, 1998, p. 58-9.

differentiated from the illegitimate ones, the mass migration of husbands to urban areas could provide a similar trend to what occurred in the United States. Unfortunately, differences across society still occur, since female-headed households in urban areas might be more suspect, which would not alter feelings towards unwed mothers or their illegitimate offspring.

Another aspect is the presence of economic opportunities that would allow a single woman to raise her child. Tradition in Korea dictates that good mothers do not work outside the home, but the changing economic situation and the formation of nuclear families makes it difficult for women to remain at home during childbearing years. "Growing numbers of women work and raise children without social or spousal support...Some 45% of married women work, and married women now constitute 30% of all women workers."³

Increasingly, feminist organizations are working to implement social policies that will provide for childcare and other benefits for working mothers. Single mothers will also stand to benefit from these policy changes.

Population control legislation

Despite having a very successful national family planning program in terms of reducing the birth rate, the Korean government did not emphasize actual education on topics of sexuality and contraception until the Korean feminist movement became involved in topics of women's health care in the late 1980s. Because of this, the population control legislation enacted would have little positive effect on the prospect for openness in international adoptions. It also seems unlikely to have had an effect on reducing the stigmas

³ Louie, Miriam Ching Yoon. "Minjung Feminism: Korean Women's Movement for Gender and Class Liberation." *Women's Studies International Forum* 18, no. 4 (1995), p. 420.

surrounding illegitimacy because it focused on married women and reducing the average number of children per family.

Women's Healthcare Movement

In an attempt to improve women's health care in Korea, several centers have been established which allow women to take classes on topic related to health and their bodies, similar to those in the American women's health care movement. Until recently, women did not have access to critical information concerning all aspects of health care, including contraception and gender-specific cancers and infections. Programs are also being set up within schools to provide health and sex education to the general population. As education continues, topics of sexuality will become less taboo, as can already be seen among the younger generations. If this change continues, social norms concerning illegitimacy and unwed motherhood might evolve so that women can acknowledge that they gave birth out of wedlock and perhaps participate in an open adoption.

Adoption Rights Movement and Birthmother Organization

In the United States, both adoptee organization and birthmother organization were required for open adoptions to develop. Adoptees organized in order to gain access to their records and information about their biological families. Korean adoptees are very organized, due in part to the long history of international adoptions. It is also important to recognize that Korean adoptees are simply a large segment of all American adoptees and they participate many of the same organizations in this country. The first generation of Korean adoptees actually coincides with the first generation of American adoptees denied access to their records, those who began the adoption rights movement in the United States. Korean-American adoptees, however, are also organizing in Korea. A major organization for Korean

adoptees from any nation, Global Overseas Adoptee Link (G.O.A.L)⁴, is located in Korea and was established in March 1998 to serve as an independent organization providing assistance to adoptees that returned to Korea. Adoptees have been returning to Korea for many reasons: to search for birth family, to seek connection to Korean culture, language and identity, and to work and live. “More importantly G.O.A.Ls presence in Korea is to increase the awareness of adoption issues directly to the Korean Government, adoption agencies, and the Korean society.”⁵ The work that this organization does will help to implement changes to the adoption system and increase recognition of the needs of those adopted overseas.

Services and organizations for birthmothers in Korea are still essentially nonexistent. Places such as Ae Ran Won, the home for unwed mothers, provide this type of service, but many of the birthmothers do not have access to these types of support networks. This is likely due to the stigmatization surrounding adoption. The potential for openness will also increase as the number of places like Ae Ran Won increases. As mentioned in the previous chapter, Ae Ran Won recently published a collection of birthmother letters. This type of activity sheds light on the feelings of Korean birthmothers and begins to acknowledge, and widely circulate, the discontent they feel.

Presence of Alternatives to Adoption

In Korea, the alternative to adoption consists primarily of abortion, since keeping a child born out of wedlock still implies a significant amount of discrimination. However, changing views on international adoptions may be altering this pattern. The Korean government has stated their goal to reduce annually the number of children adopted overseas and to eventually eliminate international adoptions altogether. They have implemented

⁴ Global Overseas Adoptee' Link. <http://www.goal.or.kr/English.htm> (27 November 2000).

programs to make it easier for single mothers to care for their children. It seems unlikely that women who choose to relinquish their children for adoption will be empowered to make any demands, including the possibility of having an open adoption. The government may choose, instead, to change their policies to support open adoptions, as a means of demonstrating their commitment to the children placed abroad.

Conclusions

Although Korean society has changed dramatically in the last few decades, the societal beliefs about illegitimacy and single mothers have not yet evolved to the point at which open adoptions would be a feasible solution. It does seem, however, that many of the key elements in the move toward more openness are in place. Organizations are in place that focus on the needs of adoptees and those focused on the needs of birthmothers are on the rise. “Korean adoption agencies are witnessing an increase in the number of birth parents who seek information about the health, welfare, and family of the child for whom they have made an adoption plan.”⁶ The current situation in Korea resembles that of the United States in the mid-1960s. The main hindrance, it appears, is the continuation of family registers that allows for differentiation of legitimate and illegitimate children. Once this barrier is removed, the stigma of illegitimacy will be reduced and women who relinquish their children for adoption will be more able to participate in an open adoption.

⁵ Global Overseas Adoptee' Link. “Introduction - Principle of G.O.A'L.” <http://www.goal.or.kr/eng/about/aboutus.html> (27 November 2000).

⁶ Dorow, Sara, ed. *I wish for you a beautiful life: Letters from the Korean Birthmothers*. St. Paul, MN: Yeong and Yeong Book Company, 1999, p. 10.

Chapter Seven: Conclusions

In this thesis, I have tried to identify factors that might lead to open adoptions and then evaluate their application to an international adoption. The first step was to look at the history of adoption in the United States. The trend toward openness in this country highlighted the importance of the birthmother's situation with respect to social norms that would allow her to participate in an open adoption. Factors influencing her circumstances include: the national divorce rate; any stigma surrounding illegitimacy; a national reverence for blood ties; population control legislation; a women's health movement; an adoptions rights movement or other organizations supporting the rights of adoption triad members; and the presence of alternatives to adoption.

The next step was to use international regulations concerning international adoptions to guarantee that the laws did not prohibit open adoptions. The regulations were then used to identify particular cultural aspects that might influence the potential for open adoptions. These included: the actual definition of the term adoption; residency requirements; notices regarding the adoption; adoptive parent requirements; and post-adoption follow-up.

I then discussed how each of these factors would influence the potential for openness in adoptions from Korea. Although it does not appear that open adoptions would be possible right now, it seems likely that the social changes now occurring will make it feasible to have open adoptions in the near future. The amendments to the Family law in 1989, which became effective in 1991, provide the most significant evidence of change in Korea and the potential for open Korean-American adoptions.

More Korean adoptees are returning to Korea to gather information about their birthfamily. The Korean government has recognized this phenomenon and created an

additional visa category. Previously, Korean adoptees were considered tourists and issued a visa that would allow them to remain in the country only three months before they would have to leave to renew the visa. The new category for Korean adoptees allows them to remain in Korea for up to two years without renewal.¹

Korean adoptees returning to Korea founded an organization, GOA'L, whose main focus is on ensuring that the topic of adoption receives much needed attention in Korea and works to reform the current adoption system. They also provide a network to aid other Korean adoptees as they return. I believe the presence of this organization, as it continues to expand, will bring about profound changes in the Korean adoption community.

The current economic situation provides an unexpected development. The Korean government had planned to eliminate all international adoptions but has been unable to do so because of greater numbers of children relinquished for adoption due to financial reasons. If the Korean government still wishes to demonstrate to other countries that they are not, in fact, abandoning these children, they may choose to enact new adoption legislation that would allow for arrangements that are more open in international adoptions.

Comparing the Korean social situation and the birthmother voices to the history of adoption in the United States, Korea is in approximately the same stage that the United States was in during the mid-1960s, meaning that it would be another twenty years or so until open adoptions would begin. This assumes that Korea will continue to follow the same pattern as the United States and that no other unexpected developments occur. It also assumes that the social changes in Korea will continue to move forward, and not regress to previous states of social order. By looking at the history of adoption in the United States, for example transracial adoptions, this seems unlikely. Backlash movements often develop when

¹ Song Jung A. "Heartache and Hope." *Far Eastern Economic Review* 162, no. 42 (October 21, 1999), p. 51-2.

“radical” movements challenge “traditional” beliefs and this can dramatically affect the social changes that would otherwise have taken place. While I do still believe that open adoptions in Korean-American adoptions will become a reality, I do not believe the timing can be speculated.

Bibliography

Introduction:

- Bagley, Christopher. *International and Transracial Adoptions: A Mental Health Perspective*. Aldershot, UK and Brookfield, USA: Avebury, 1993, p. 1.
- Bartholet, Elizabeth. "Where Do Black Children Belong? The Politics of Race Matching in Adoption." *University of Pennsylvania Law Review* 139, no. 5 (May 1991): 1163-1256.
- Bartholet, Elizabeth. *Family Bonds: Adoption and the Politics of Parenting*. Boston and New York: Houghton Mifflin Company, 1993, p. 143.
- Berry, Marianne. "Risks and Benefits of Open Adoption." *The Future of Children* 3, no. 1 (Spring 1993): 125-138.
- Berry, Marianne. "Adoptive Parents' Perception of, and Comfort with, Open Adoption." *Child Welfare* LXXII, no. 37 (May-June 1993): 231-253.
- Brodzinsky, David M. and Marshall D. Schechter. *The Psychology of Adoption*. New York and Oxford: Oxford University Press, 1990, p. 273.
- Evan B. Donaldson Adoption Institute. "Benchmark Adoption Survey: Report on the Findings." 1997. <http://www.adoptioninstitute.org/survey/intro.html> (27 February 2001).
- Evan B. Donaldson Adoption Institute. "The Gathering of the First Generation of Adult Korean Adoptees: Adoptees' Perceptions of International Adoption." 1999. <http://www.adoptioninstitute.org/proed/korfndings.html> (3 March 2001).
- Gritter, James L. *The Spirit of Open Adoption*. Washington, DC: CWLA Press, 1997.
- Grotevant, Harold D. and Ruth G. McRoy. *Openness in Adoption: Exploring Family Connections*. Thousand Oaks, CA: SAGE Publications, 1998.
- Kennedy, Randall. "Orphans of Separatism: The Painful Politics of Transracial Adoption." *The American Prospect* 17 (Spring 1994): 38-44.
- Reid, Williams J. and Nam Soon Huh. "Intercountry, Transracial Adoption and Ethnic Identity: A Korean Example." *International Social Work* 43, no. 1 (January 2000): 75-87.
- Roberts, Dorothy E. "The Genetic Tie." *The University of Chicago Law Review* 62, no.1 (Winter 1995): 209-273.

Siegel, Deborah H. "Open Adoption of Infants: Adoptive Parents' Perceptions of Advantages and Disadvantages." *Social Work* 38, no. 1 (January 1993): 15-23.

Chapter 2:

Berebitsky, Julie. *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950*. University Press of Kansas, 2000.

Carp, E. Wayne. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, MA: Harvard University Press, 1998.

Holt, Marilyn Irvin. *The Orphan Trains: Placing Out in America*. Lincoln, NE and London: University of Nebraska Press, 1992.

Presser, Stephen B. "The Historic Background of the American Law of Adoption." *Journal of Family Law* 11, no. 3 (1971): 443-516.

Solinger, Rickie. *Wake Up Little Susie: Single Pregnancy and Race before Roe v. Wade*. New York and London: Routledge, 2000.

Chapter 3:

Sweet, O. Robin and Patty Bryan. *Adopt International: Everything You Need to Know to Adopt a Child from Abroad*. New York: Farrar, Straus, and Giroux, 1996.

Code of Federal Regulations [CFR] at 8 CFR § 204.3.

Immigration and Nationality Act. Section 101(b)(1)(F).

US State Department. "International Adoption." <http://travel.state.gov/adopt.html> (04 April 2001).

US State Department. "International Adoption – Argentina." http://travel.state.gov/adoption_argentina.html (04 April 2001).

US State Department. "International Adoption – Bahrain." http://travel.state.gov/adoption_bahrain.html (04 April 2001).

US State Department. "International Adoption – Brazil." December 4, 1996. http://travel.state.gov/adoption_brazil.html (04 April 2001).

US State Department. "International Adoption – Chile." http://travel.state.gov/adoption_chile.html (04 April 2001).

US State Department. "International Adoption – China." http://travel.state.gov/adoption_china.html (04 April 2001).

US State Department. "International Adoption – Dominican Republic." July 1998.
http://travel.state.gov/adoption_dominicanrepublic.html (04 April 2001).

US State Department. "International Adoption – Ethiopia." October 1999.
http://travel.state.gov/adoption_ethiopia.html (04 April 2001).

US State Department. "International Adoption – Guatemala." November 1998.
http://travel.state.gov/adoption_guatemala.html (04 April 2001).

US State Department. "International Adoption – Jordan." October 1999.
http://travel.state.gov/adoption_jordan.html (04 April 2001).

US State Department. "International Adoption – Morocco." October 1999.
http://travel.state.gov/adoption_morocco.html (04 April 2001).

US State Department. "International Adoption – Pakistan." October 1999.
http://travel.state.gov/adoption_pakistan.html (04 April 2001).

US State Department. "International Adoption – Peru." October 1999.
http://travel.state.gov/adoption_peru.html (04 April 2001).

US State Department. "International Adoption – Syria." October 1999.
http://travel.state.gov/adoption_syria.html (04 April 2001).

US State Department. "International Adoption – Tunisia." October 1999.
http://travel.state.gov/adoption_tunisia.html (04 April 2001).

US State Department. "International Adoption – Uruguay." 1995.
http://travel.state.gov/adoption_uruguay.html (04 April 2001).

Chapter 5:

Bardsley, Jan. "Spaces for Feminist Action: National Centers for Women in Japan and South Korea." *NWSA Journal* 11, no. 1 (Spring 1999): 136-149.

Breen, Michael. *The Koreans: Who They Are, What They Want, Where Their Future Lies*. New York: St. Martin's Press, 1998.

Chai, Alice Yun. "Integrative Feminist Politics in the Republic of Korea." in *Feminist Nationalism*. Lois A. West, ed. New York and London: Routledge, 1997.

Chun, Byung Hoon. "Adoption and Korea." *Child Welfare* LXVIII, no 2. (March-April 1989): 255-260.

- Costin, Lela B. and Charles A. Rapp. *Child Welfare: Policies and Practice*. New York: McGraw-Hill Book Company, 1984
- Davis, Lisa Kim. "Korean Women's Groups Organize for Change." *Women of Japan and Korea: Continuity and Change*. Joyce Gelb and Marian Lief Palley, eds. Philadelphia, PA: Temple University Press, 1994.
- Dorow, Sara, ed. *I wish for you a beautiful life: Letters from the Korean Birthmothers*. St. Paul, MN: Yeong and Yeong Book Company, 1999.
- Economic and Social Commission for Asia and the Pacific. *Women in the Republic of Korea: A Country Profile*. New York: United Nations, 1998
- Kim, Seung-Kyung. *Class Struggle or Family Struggle?: The Lives of Women Factory Workers in South Korea*. Cambridge, England; New York: Cambridge University Press, 1997.
- Kwon, Insook. "The 'New Women's Movement' in 1920s Korea: Rethinking the Relationship Between Imperialism and Women." in *Feminisms and Internationalism*. Mrinaline Sinha, Donna Guy, and Angela Woollacott, eds. Oxford, UK and Malden, MA: Blackwell Publishers, 1999
- Lett, Denise Potrzeba. *In Pursuit of Status: The Making of Korea's "New" Urban Middle Class*. Cambridge, MA: Harvard University Press, 1998.
- Louie, Miriam Ching Yoon. "Minjung Feminism: Korean Women's Movement for Gender and Class Liberation." *Women's Studies International Forum* 18, no. 4 (1995): 417-430.
- Song, Byung-Nak. *The Rise of the Korean Economy*. Oxford and New York: Oxford University Press, 1997.
- Wadia-Ells, Susan, ed. *The Adoption Reader: Birth Mothers, Adoptive Mothers, and Adopted Daughters Tell Their Stories*. Seattle, WA: Seal Press, 1995.
- Youn, Gahyun. "Sexual Activities and Attitudes of Adolescent Koreans." *Archives of Sexual Behavior* 25, no. 6 (1996): 629-643.

Chapter 6:

- Breen, Michael. *The Koreans: Who They Are, What They Want, Where Their Future Lies*. New York: St. Martin's Press, 1998, p. 58-9.
- Dorow, Sara, ed. *I wish for you a beautiful life: Letters from the Korean Birthmothers*. St. Paul, MN: Yeong and Yeong Book Company, 1999, p. 10.

Global Overseas Adoptee' Link. <http://www.goal.or.kr/English.htm> (27 November 2000).

Global Overseas Adoptee' Link. "Introduction - Principle of G.O.A'L."
<http://www.goal.or.kr/eng/about/aboutus.html> (27 November 2000).

US State Department. "International Adoption – Korea."
http://travel.state.gov/adoption_korea.html (04 April 2001).

Conclusions:

Song Jung A. "Heartache and Hope." *Far Eastern Economic Review* 162, no. 42 (October 21, 1999): 50-52.

Other Sources for Information:

Bastard Nation. <http://www.bastards.org> (5 February 2001).

Berry, Marianne. "The Effects of Open Adoption on Biological and Adoptive Parents and the Children: The Arguments and the Evidence." *Child Welfare* LXX, no. 6 (November – December 1991): 637-651.

Churchman, Deborah. "The Debate over Open Adoption: How People Feel About Open Adoption Seems to Depend on their Point of View." *Public Welfare* (Spring 1986): 11-14.

Cordle, Cynthia E. "Open Adoption: The Need for Legislative Action." *Virginia Journal of Social Policy and the Law* 2, no. 275 (1995): 275-306.

Department of Economic and Social Information and Policy Analysis. *Population Policies and Programmes*. New York: United Nations, 1993.

Drasin, R. E. "The Impact of Closed, Semi-Open, and Open Adoption on Children's Psychological Development." Ph.D. diss., The University of Michigan, 1994.

Hartmann, Betsy. *Reproductive Rights and Wrongs: The Global Politics of Poulation Control and Contraceptive Choice*. New York: Harper & Row Publishers, 1987.

Kligman, Gail. "Abortion and International Adoption in Post-Ceausescu Romania." *Feminist Studies* 18, no. 2 (Summer 1992): 405-419.

Panos London. *Private Decisions, Public Debate: Women, Reproduction, & Population*. London: Panos Publications, 1994.

Pertman, Adam. *Adoption Nation: How the Adoption Revolution is Transforming America*. New York: Basic Books, 2000.

- Presser, Stephen B. "The Historical Background of the American Law of Adoption." *Journal of Family Law* 11, no. 3 (1972): 443-516.
- Silber, Kathleen and Phylis Speedlin. *Dear Birthmother: Thank You for Our Baby*. San Antonio, TX: Corona Publishing Co., 1983.
- Sobol, Michael P. and Kerry J. Daly. "The Adoption Alternative for Pregnant Adolescents: Decision Making, Consequences, and Policy Implications." *Journal of Social Issues* 48, no. 3 (1992): 143-161.
- Sorosky, Arthur D., M.D., Annette Baran, M.S.W., and Reuben Dannon, M.S.W. *The Adoption Triangle: The Effects of Sealed Records on Adoptees, Birth Parents, and Adoptive Parents*. Garden City, NY: Anchor Press / DoubleDay, 1978.
- Wegar, Katarina. *Adoption, Identity, and Kinship: The Debate over Sealed Birth Records*. New Haven, CT and London: Yale University Press, 1997.
- Wrobel, Gretchen Miller, Harold D. Grotevant, and Julie K. Kohler. "Open Adoption: How Is It Working?" *Adoptive Families* (January / February 2000): 14-16.
- Yngvesson, Barbara. "Negotiating Motherhood: Identity and Difference in 'Open' Adoptions." *Law and Society Review* 31, no. 1 (1997): 31-80.

Appendix A: Number of Koreans Adopted Internationally

Year	Total Number Entering the United States ¹	Total Number Departing Korea ²	Percentage of Total Coming to the US
1999	2008		
1998	1829		
1997	1654	2057	80.4%
1996	1516	1878	80.7%
1995	1666	2074	80.3%
1994	1795	2306	77.8%
1993	1775	2458	72.2%
1992	1840	2872	64.1%
1991	1818	3121	58.3%
1990	2620	3950	66.3%
1989	3544	6526	54.3%
1988	5077	7326	69.3%
1987	5991	8620	69.5%
1986	6188	9078	68.2%
1985	unknown	8979	0.0%
1984	5157	9139	56.4%
1983	4412	8308	53.1%
1982	3254	8027	40.5%
1981	2444	6794	36.0%
1980	2683	6224	43.1%
1979	2406	6346	37.9%
1978	3045	7323	41.6%
1977	3858	7795	49.5%
1976	unknown	8089	0.0%
1975	unknown	7724	0.0%
1974	unknown	7121	0.0%
1973	unknown	6835	0.0%
1972	unknown	6521	0.0%
1971	unknown	6268	0.0%
1970	unknown	6623	0.0%
1969	unknown	6910	0.0%

¹ Immigration and Naturalization Service. "Numbers of Immigrant Visas Issued to Orphans Coming to the U.S." http://travel.state.gov/orphan_numbers.html (27 November 2000).

² Global Overseas Adoptees' Link. "OAKs (Overseas Adopted Koreans) Statistics." http://www.goal.or.kr/english/colume_1/resource/adopteeing.htm (27 November 2000).

Appendix B: Guideline for Korean Adoptions

INTERNATIONAL ADOPTION - KOREA¹

DISCLAIMER: THE INFORMATION IN THIS CIRCULAR RELATING TO THE LEGAL REQUIREMENTS OF SPECIFIC FOREIGN COUNTRIES IS PROVIDED FOR GENERAL INFORMATION ONLY. QUESTIONS INVOLVING INTERPRETATION OF SPECIFIC FOREIGN LAWS SHOULD BE ADDRESSED TO FOREIGN COUNSEL.

PLEASE NOTE: THE REPUBLIC OF KOREA'S SPECIAL ADOPTION LAW NO. 2977 SECTION 9 (A) REQUIRES THE USE OF AN ADOPTION AGENCY FOR OVERSEAS ADOPTION OF KOREAN ORPHANS, AND THAT SECTION 10 (A) PROVIDES THAT SUCH AGENCIES MUST BE AUTHORIZED BY THE MINISTRY OF HEALTH AND SOCIAL AFFAIRS.

International Adoption Quotas

This reduction in the number of Korean orphans adopted annually can be attributed to regulations initiated by the Korean government that limit the number of Korean children who can be adopted by foreign parents each year. Under to these regulations, the Ministry of Health and Social Welfare establishes a quota each year for the number of Korean children that will be released for international adoptions that year. In 1999, the adoption quota for American families was set at approximately 2,000 children.

At the beginning of each calendar year, all foreign adoption agencies operating within the Republic of Korea are informed of the number of children they will be able to release for international adoption that year. The adoption agencies are also informed that all children in excess of this number who are otherwise eligible for international adoption must be held over until the next calendar year.

Since the Ministry of Health and Social Welfare follows established procedures by informing all international adoption agencies of their assigned quotas for the year, U.S. authorities are unable to intervene on behalf of orphans who cannot released because their adoption agency has reached its quota limit for the year. Please note that all children affected by this adoption quota are eligible for release at the beginning of the next calendar year.

If you have any additional questions on this matter, please contact the international adoption agency that is handling your adoption, the Office of Children's Issues at the U.S. Department of State or the U.S. Embassy in Seoul.

The Process of Adopting a Korean Child

Korean authorities advise that the entire adoption process in Korea is child-oriented rather than parent-oriented. This reflects the fact that there are many more interested prospective

¹ United States State Department, "International Adoption – Korea," available from http://travel.state.gov/adoption_korea.html; Internet; accessed 27 November 2000.

parents than there are children available for adoption. Consequently, Korean authorities have incorporated various protective measures in their system to ensure the welfare of the child.

Most Korean children adopted by U.S. citizens leave Korea in the foster care of an U.S. adoption agency affiliated with one of the four Korean government licensed adoption agencies. The adoptive parents in the United States then adopt the child. It is not necessary for the prospective adoptive parent(s) to travel to Korea. The adoption agency will process the case in Korea and arrange for escort and transportation of the child to the U.S.

After the child arrives in the U.S., the American adoption agency follows up with the parents and child through a series of home visits at six-month intervals. The American agency sends reports of the post-placement home visits to the Korean adoption agency which keeps the reports in the child's permanent file. The child is not officially adopted by the American family until the child has been in the U.S. for one year. The American adoption agency maintains a constant relationship with the child and family even after the final adoption, until the child becomes a naturalized American citizen, usually two years after the child's entry into the United States. The Korean adoption agencies' files on adopted Korean children are maintained indefinitely. The children and their adoptive families are also encouraged to attend American agency-sponsored get-togethers to maintain contact with other Korean adoptees in their community.

Time Frame

The period of time between when a couple first applies for a child and when the child arrives in the United States is between one and four years. One year is the norm for hard-to-place handicapped children and three years is usual for healthy infants.

Beginning the Process

The first step for an American family is to apply to an American adoption agency affiliated with one of the four Korean-government licensed adoption agencies. The American agency conducts a home study of the prospective adoptive parents which can take from six months to one year. The home study examines the work, marital, financial, social, and medical history of the U.S. family. Family size, age, and income of the prospective parents are carefully considered. The prospective adoptive parent(s) should contact the U.S. Immigration and Naturalization Service (INS) nearest them to initiate the pre-processing of a yet-to-be-identified child or a specific child for an immigrant visa. It is important to contact INS very early in the process to ensure that the child you are trying to adopt will meet the requirements of U.S. immigration law to qualify for an immigrant visa.

Korean Regulations Governing Foreign Adoption

Korean authorities have advised the American Embassy in Seoul of the following criteria for selecting adoptive parents as established by the Ministry of Health and Social Affairs on February 6, 1988. These are administrative policy guidelines and not legal requirements, but local adoption agencies can be expected to follow them.

- The adoptive parents must be eligible to adopt under the laws of their country or state of residence.

- The couple should be married for at least three years and be between the ages of 25 and 44. Korean authorities usually require that both adoptive parents in overseas adoptions be under 45 years old; however, they may make exceptions in some cases. The following factors may be considered when making exceptions to the age limit:
 1. at least one parent is under 45,
 2. the adoptive parents have previously adopted a Korean orphan, and
 3. the parents are willing to adopt an orphan with serious medical problems.

These aforementioned factors are not official and may be applied differently depending on the circumstances of a particular case.
- The adoptive couple should have no more than five children. This number includes the child or children to be adopted.
- The couple should not have an age difference of more than 15 years.
- The income of the adoptive couple should be higher than the national average of their country and sufficient to raise the child.

Status of Abandoned Children

A separate Korean regulation governs the adoption of abandoned children. This rule states that an abandoned child can only be adopted six months after the child has been registered with the Korean Children's Fund (KCF), which maintains a central listing of all abandoned and missing children in order to help parents who are trying to locate them. Adoption of children over 18 months of age must be delayed for 12 months after registration with KCF. Attempts to obtain waivers of this waiting period have been unsuccessful to date and adoptive parents impacted by this procedural change have no recourse but to wait the additional time. This procedure does not apply to children who have been given up for adoption by a single parent or both parents.

Health Considerations

Korean adoption agencies advise that they make every effort to ensure that children are fit to travel when they leave Korea. However, adoptive parents should be aware that the stress of trans-Pacific travel, often requiring one or more connecting flights, means that children will sometimes be sick on arrival in the U.S.

As the number of children released for overseas adoption from Korea has declined, the proportion of children with serious medical problems has increased. In these cases, the agencies reportedly provide prospective parents with a full medical report and a picture of the child. The agencies reportedly will not release a child without an acknowledgment by the prospective parents of the health problem. The U.S. Embassy will issue an immigrant visa to a child with health problems only if the agency submits this written acceptance with the immigrant visa application and if the INS has already approved the parents for the adoption of a child with special medical needs. The agencies try to place children with medical problems with families who have specifically indicated their willingness to accept a child with such problems.

U.S. ADOPTION PROCEDURES

Prospective adoptive parents should be aware that an adopted child may not be brought to the United States without an immigrant visa. They should also note that U.S. law allows for the immigration of two categories of adopted foreign children: orphans and non-orphans. Not all children adopted abroad qualify as orphans; non-orphans may not be brought to the US unless they were adopted under age 16 and have resided with, and in the legal custody of, their US citizen adoptive parents for at least two years. Please refer to *The Immigration of Adopted and Prospective Adoptive Children* pamphlet concerning classification of adopted children for further information.

In order to apply for an immigrant visa abroad, the U.S. citizen parents must first file a petition with INS. This petition, Form I-600, has two parts. Form I-600 is filed when a specific child has been identified for adoption. Form I-600A is filed when the prospective adoptive parents have not yet identified a child for adoption. The prospective adoptive parents must file either an I-600 or I-600A petition with the INS office having jurisdiction over their place of residence in the U.S. In either case, INS transmits notification of approval of the petition to the U.S. consulate in the country where the parents seek to adopt. If an I-600A was filed initially, an I-600 must be filed and approved once a child is identified. Until INS has approved an I-600 petition, no immigrant visa may be applied for. In most cases, the final adoption of Korean children takes place in the United States. For the few cases where adopting parents travel to Korea to take custody of their child, the U.S. Embassy in Seoul suggests that parents wait until the visa allowing the child to travel to the U.S. has been issued before going to Korea. This is to reduce the risk of potential delays caused by unforeseen difficulties from occurring while the adopting parents are in Korea which would, thereby, force them to remain in that country longer than originally planned.

In the case of U.S. citizens resident in the Republic of Korea, the U.S. Embassy in Seoul advises that all queries concerning adoptions be directed to a licensed Korean adoption agency. Since Korean adoption agencies are required to handle all aspects of the adoption in Korea, these agencies can provide in depth information concerning both Korean and U.S. regulations related to Korean adoptions.

CONCLUSION

The American Embassy and the Department of State stand ready to assist adoptive parents, within the limits of our authority. Adoptive parents are encouraged to provide us with any information about their experiences in adopting children from Korea. Such information is very helpful to us in ensuring the validity and usefulness in this brochure.