

## Child's Right to Post-Adoption Communication:

### Myths That Impede Healthy Relationships — Truths that Hurt\*



Fighting for Children's Rights

We all know that there are hundreds of children available for adoption in Florida's child welfare system. But the fact that these children need adoptive **parents** does not mean that they have no family at all. Many children in state care have family and friends, who though not able or selected to adopt them, still care for them and want to be part of their lives. The "system" often forces false choices on older children – you can be adopted and never see your family again, or you can age out of care with a goal of "Another Planned Permanent Living Arrangement" and no legal parents. Many younger children don't even get a choice – they are adopted by parents who terminate communication with their siblings and other birth family.

Why do we place children in this situation?

Tina & Erica entered foster when they were 11 & 12. They stayed together and aged out without being adopted. When they were 19 & 21 they found out that they had a younger brother who was born a year after they came into care and was adopted within a year. They were able to get a message to his adoptive mom, but she refuses to let them see their brother. They grieve his loss every day.

#### Myth 1: Things Will Be Easier If We Pretend Children Come With No Strings Attached.

Perhaps because it is easier on the adults involved to pretend that children come with no strings attached. Prospective adoptive parents are provided the assurance that once an adoption is final, they will have complete control over the persons with whom their adopted children can communicate. Child welfare professionals do not have to assist in the negotiation and implementation of communication or visitation plans that meet the child's needs.

Janice & Mikayla were 12 & 14 when they were separated despite their strong and repeated assertion that they wanted to remain together. Janice refused to agree to an adoption without her sister. So caseworkers told Janice that her sister had already been adopted and didn't care about her. Janice agreed to the adoption. A year later the girls saw each other at a picnic for foster and adoptive children and learned about the deception. Mikayla, who hadn't been adopted, coached Janice on how to act out badly enough to get "unadopted." It worked, and the girls were reunified in a group home.

But what about the child's needs? Even young children are aware of their siblings and other caring relatives and may suffer extreme loss if communication is severed. Older children who desire to remain in contact with their birth family will act in a manner that they believe will achieve that desired result. They might act out to disrupt a planned adoption, break house rules to establish communication or run away to see birth family. When the existence or whereabouts of family members is finally revealed to youth they may feel angry and betrayed by their adoptive

parents and the "system" that deprived them of their family.

\* The stories are true, but the names have been changed.

## **Myth 2: Continued Communication with Birth Family Is Harmful.**

Adoptive parents are often set up to believe that the child's birth family is at the very least troublesome if not actually dangerous. After all, the birth parents did something to cause the rights to be terminated. Their relatives may have criminal convictions or live in crime-ridden neighborhoods. Older siblings (who have bounced around the system and gotten into "trouble") are often described as a bad influence. Children frequently display poor behavior after visiting with birth family -- which gets blamed, without any effort to determine whether the child's behavior change is developmentally appropriate.

Each child's circumstances must be considered individually. While children and their adoptive families should not be put into danger in order to maintain communication, instances of serious threat are rare. Child welfare professionals can and should work with prospective adoptive parents, children and their birth family to develop healthy relationships with appropriate boundaries. There is no one-size-fits-all answer. But a complete moratorium on continued communication is more likely to hurt than to help a child's integration into the adoptive family.

Drew and Kevin made a pact to never be adopted so that they would not be separated. But when Drew was 7 and Kevin was 12 they were separated because folks thought Kevin was a bad influence. They had visitation and joint therapy, but Drew's behavior did not improve. When he was 12, his caseworker adopted him and stopped all communication with Kevin. Four years later Drew's adoptive mom refused to pick him up from DJJ custody and "unadopted him." It took five years, but Drew finally found Kevin and other family members using Facebook.

## **Myth 3: Adoptive Parents Cannot Be Required to Allow Continued Communication with Birth Family.**

Caseworkers, GALs and attorneys for all parties in dependency proceedings have been heard to assert that once the adoption is final, the adoptive parents have complete control over the persons with whom the children can communicate. The perpetuation of this mistaken belief often drives decision-making. Parents who might otherwise agree to surrender rights will fight TPR proceedings vigorously to preserve the opportunity to continue to communication with their children. Siblings who fear permanent separation will oppose adoption – whether vocally or by sabotage.

Fla. Stat. 63.0427 provides Florida courts with the authority to order post-adoption communication with siblings, with or without the adoptive parent's consent. The court may also order communication with adult relatives – including birth parents - with the adoptive parent(s)' consent. The order concerning continued communication is part of the final adoption order and is therefore enforceable, though there is no specific enforcement mechanism included in the statute.

### **63.0427 Adopted minor's right to continued communication or contact with siblings and other relatives.—**

(1) A child whose parents have had their parental rights terminated and whose custody has been awarded to the department pursuant to s. 39.811, and who is the subject of a petition for adoption under this chapter, shall have the right to have the court consider the appropriateness of postadoption communication or contact, including, but not limited to, visits, written correspondence, or telephone calls, with his or her siblings or, upon agreement of the adoptive parents, with the parents who have had their parental rights terminated or other specified biological relatives. . . .

#### **Myth 4: Siblings Must Be Placed Together In Order to Ensure Continued Communication.**

Jessica (2), Justin (5) and Joey (7) lived in a stable and loving foster home for 18 months before being reunified. They were removed again after 4 months and their parents' rights were terminated. Their foster parents were eager to adopt the children. But that plan was almost derailed when it was discovered that they had a 12 year old half-sibling who had previously been adopted. That adoptive mom was also willing to adopt the siblings – and there was a strong push to keep the siblings together. Advocates (caseworker, GAL and attorney) for the younger children asserted that the foster family would be best for them. So they brought everyone together to work out a plan so that the siblings can have regular visits – yet remain in with the caregivers with whom they are bonded.

Well-intentioned child welfare professionals may also cause harm in their efforts to ensure that siblings can maintain communication. In circumstances where siblings have been placed into separate homes and have subsequently bonded and attached with their caregivers, removing a child to place him with a sibling may cause that child severe emotional trauma. While it is plainly preferable to place siblings together upon entry into state care – that doesn't always happen. Rather than disrupting a healthy relationship with a caregiver in order to facilitate sibling communication, child welfare staff should focus on facilitating communication between siblings while in state care. Then work to ensure the prospective adoptive parents and court will solidify the right to future communication in the adoption order.

#### **Myth 5: No One Will Want to Adopt Children If They Have To Deal With The Child's Relatives.**

Florida's Quality Parenting Initiative has demonstrated that by providing clear expectations, training and support, the vast majority of foster parents are willing to engage and mentor birth parents and to work hard to prevent sibling separation. It is no stretch to then expect them to continue those relationships post adoption. Child welfare professionals that engage the entire family and child's support system using family-centered practice can make on-going communications meaningful and successful.

The Jacksons have adopted 2 children and fostered dozens of teen boys. They work hard to help the teens they care for connect with birth family. Sometimes that means taking the kids to jail, or meeting birth family at a public place like the mall. But you can also find their adoptive children's birth parents at their house for Christmas dinner.

**It is time for Florida's Child Welfare System to shift the presumption on post-adoption communication so that the complete isolation of children from their siblings and other birth family is the exception, rather than the norm.**

The Department of Children and Families, the Guardian Ad Litem Program and children's lawyers are committed to working together to use family centered practice to consider the best interests, rights and needs of each child when adoption is contemplated. Please join us.

**[www.FloridasChildrenFirst.org](http://www.FloridasChildrenFirst.org)**

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