

Supporting the Interests of Intercountry Adoptees beyond Childhood: Access to Adoption Information and Identity

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Drawing on select examples of adoption policy, this article considers key assumptions in discourse about 'the best interests of the child'. The central argument is that the life-long impact of adoption needs to be recognised so that the long-term interests of adoptees are met, and not only when they are children. Based on doctoral research into the experiences of adult Korean adoptees in the United States and Australia, this article argues that currently post-adoption services are geared to adoptive parents and the adoptee-as-child and do not adequately address the needs of adoptees beyond childhood. Accurate and accessible information is important for adoptees as they try to understand their past and make sense of their identities.

Keywords: Intercountry adoptees, best interests of child, adult adoptees, post-adoption services, identity, access to information.

Introduction

Intercountry adoption occurs along well-travelled international routes – as social workers escort children on planes to the waiting arms of adoptive parents and as adoptive parents fly to the birth country to return with a child they can call their own. This familiar and pivotal moment in the intercountry adoption process has long-term implications. Whether it is domestic or intercountry adoption, adoption has a profound impact on all of those involved. This extends well beyond the legal act of adoption when parental 'rights' to a child are relinquished and claimed. Adoption is a lived experience that does not simply exist in the past or in adoption files. However, access to comprehensive adoption information can determine the extent to which adoptees feel able to reconcile their past and come to terms with a major decision concerning which they had little to no agency.

The focus of this article is on the impact that intercountry adoption has on adoptees in terms of their identity and the implications of adoption policy and practice regarding access to information. The core argument is that while adoption policy and practice advocate the 'best interests of the child', there has been less focus on the changing needs of adoptees as they become adults. This has an impact on the level of appropriate, on-going support for adoptees, especially when they seek to learn more about their origins. Adoptees often make return trips to their birth country and will usually visit their adoption agency to look at their adoption file. Many also search for their birth families. As adoptees mature to adulthood, the need for systematic and on-going post-adoption support during this complex process increases.

One of the key issues for adoptees is the difficulty and challenge of negotiating and reclaiming the 'unknown' part of their identity. The experiences discussed in this article draw mainly on research, which explored the lived experiences of Korean adult adoptees (Walton, 2010). The research was based on twenty-two semi-structured interviews and three months of fieldwork in Seoul, South Korea, at a guesthouse for Korean adoptees called KoRoot. After receiving ethics approval, interviews were conducted from May 2006 to December 2007 and took the form of electronic interviews via e-mail or face-to-face audio-taped interviews. Due to the breadth of the Korean adoptee diaspora, e-mails allowed for a more diverse participant group. The Korean adoptee experiences reported in this article are not intended to be representative of the experiences and perspectives of all Korean adoptees, but rather highlight challenges with identity in relation to access to vital information. The findings are generalisable to other intercountry adoptee cohorts in that many will share similar experiences around identity, belonging and return trips. However, the culture, history and socio-political context of adoption for each country as well as individuals mean that care needs to be taken not to homogenise the adoptee experience (Williams, 2003; Gray, 2009).

The analysis considers dominant discourse around the 'best interests of the child' (Boss, 1992; Lovelock, 2000) and how it is deployed to overlook consideration of adoptees as adults, leading to the neglect of support for the 'interests' of adoptees beyond childhood. Adoption is a life-long process that varies in its salience and relevance at different points in adoptees' lives. As a result, different issues become more or less significant. One of the key concerns for adoptees is access to information about their adoption. Whether or not adoptees are able to access information about their lives before they were adopted can have a major impact on their sense of self. However, this issue is typically not considered within the discourse of 'best interests' which locates the adoptee in perpetual childhood. This is because 'best interests' are more often located in child welfare discourse, concerned with child development and child protection (Pinkney, 2011).

There are many debates about access to adoption information, especially the impact that the level of access has on adoptees, birthparents and adoptive parents. However, what is known from the available evidence is that openness around adoption has positive benefits for adoptees (Freundlich, 2001: 5; Gair, 2009). Withholding information based on a view that adoptions should be secret, or providing inaccurate/false information in the interests of 'protecting' the adoptee from further pain can have a far greater negative impact on adoptees than providing accurate information that is potentially upsetting in the short term (Freundlich, 2001: 6).

This article presents a brief discussion of the concept of 'best interests' relative to intercountry adoption and explores the connection between adoption policy and how adoptees' interests are conceptualised. It aims to expand the view of what is considered to be in an adoptee's 'best interests' by looking at some of the experiences of adult Korean adoptees as they seek to learn more about the 'unknown' aspects of their identities. Finally, an argument is presented for increased post-adoption support that considers the interests of adolescent and adult adoptees, not only the adoptee-as-child.

'Best interests' rhetoric in adoption policy and practice

Adoption policies are shaped by particular social and historical circumstances that are informed by specific national and international agendas (Gray, 2009). Using

examples from New Zealand, Canada and the United States, Lovelock (2000) argues that governments were more concerned with aligning intercountry adoption with their respective immigration policies to prioritise and protect national interests rather than protecting the interests of children. Along similar lines and in the context of considering whether to continue or end intercountry adoption in South Korea, Lee (2007) also questions whether the best interests of children have been taken into account.

Generally, the 'best interests' of the child have been the ostensible focus of adoption policies although whether or not the child's interests have actually been upheld in practice is debatable (Quartly, 2010). Policy and practice around access to information are situated within this discourse on 'best interests'. In Australia, the New South Wales Adoption of Children Act in 1965 marked a shift toward upholding 'the best interests of the child' or what was known as the 'paramountcy principle' (Boss, 1992). However, due to continuing social stigma against single mothers at this time, secrecy provisions – namely sealed records – remained in place while the move toward more open adoptions and the rights of the child was a gradual process. As stated in the 1984 Review of Adoption Policy and Practice in New South Wales, the 'paramountcy principle' was more often 'honoured in the breach than in the observance' – so all pervading was the acceptance of the overriding rights of adults' (New South Wales Parliament, 1985: 7). Lovelock (2000) suggests that the interests of prospective adoptive parents have often been considered above those of children based on a dubious assumption that the interests of both are the same. With regard to processes involved in adoption practice, Lovelock (2000: 936) states:

While, undoubtedly, bureaucratic delays do impact on the welfare of the child, in the long term there are many other factors that impact on these child migrants for adoption. These factors can and have been overlooked when the aim is to facilitate the process rather than investigate the practice. In effect, in all three countries [New Zealand, Canada, the United States], speeding up the migration became a priority, and in the process the procurement of children was overlooked and ultimately, too, the long-term welfare and interests of the children were to become a retrospective concern.

These same issues could certainly be applied to adoption practice in Australia and other jurisdictions as emerging evidence brings into question whether adoption practice has provided 'families for children' or conversely, 'children for families' (Cuthbert and Spark, 2009: 11; Higgins, 2010).

Historically, the rights of birthparents and their children have been systematically overlooked in adoption practice. In Australia and the United States, prior to the early 1970s, there was immense social pressure and especially parental pressure on unmarried, typically young women to relinquish their children for adoption (Pelton, 1988: 100–1; Frame, 1999; Gair, 2009). Children were often taken from their mothers without their informed consent for adoption (Cole, 2009). This disregard for informed consent in a social climate that structurally disempowered unmarried women meant that many mothers were coerced to relinquish their children (Gair, 2009). This was thought to be in the 'best interests' of the mother due to the social stigma against having a child as an unmarried woman. It was also considered to be in the 'best interests' of the child for the child to be raised by a married couple rather than by an 'unfit' single mother (Cole, 2009; Cuthbert and Spark, 2009).

Furthermore, once the child was adopted, in order to replicate a semblance of a 'natural' family, efforts were made to keep the adoption secret from the child and from the rest of society. This was done by cutting off contact with the birthparents and sealing off the adoption records. At the time, this arrangement of secrecy was considered to be 'in the best interests of the child' and for all those involved because of the double stigma that both the illegitimacy and its remedy, adoption, represented. This attitude was situated within a specific social context which maintained that children should be born into a 'stable healthy family' with a married heterosexual couple at the centre. This view persists – under some challenge – today (Riggs, 2006: 67).

Moreover, the family, specifically the biological nuclear family, needed to be upheld as a moral standard (Modell, 1994). Through the process of socially manufacturing families which mimicked biological families, the child was proclaimed 'as if born' to the adoptive family, while simultaneously de-emphasising the 'as if' qualifier; this was necessary for preserving the biological premise of parenthood (Howell, 2001; Modell, 2002). So pervasive were the efforts to maintain secrecy, it was as if the adoption never happened. These policies were rationalised as being in the best interests of the birth parents, the adoptive parents, and the child, suggesting that a 'clean-break' from the (often murky) past was beneficial for the adoptee's adjustment into the adoptive family (Modell, 2002).

The 1970s and 1980s brought significant social change, especially as birthmothers and adoptees began to protest against the heavy fog of secrecy surrounding adoption practice by advocating for the 'right to know'. It coincided with a shift toward 'new individualism', which portrayed the "new individual" [as] rational, autonomous and emancipated from the constraints of the past' (Melleuish, 1998: 40). The 'new individual' was mobile and actively working toward self-fulfilment by asserting self-expression. It was in this context that the adoption reform movement became more active. Interest groups were crucial advocates behind changes to adoption policy, including, the Association of Relinquishing Mothers (ARMS) and Adoption Jigsaw in Australia and the Adoptee Liberation Movement of America (ALMA) in the United States. These groups worked to raise public awareness of the rights of birthmothers and adoptees (New South Wales Parliament, 1985). They challenged the 'clean-break' principle which was a cornerstone of adoption policy, especially regarding access to adoption records.

This principle maintained that adoption was a 'clean-break' from the past: adoptees and birthparents should forget about what happened prior to adoption. Birthmothers especially, were told to forget that they ever had a child and to move on with their lives as if their pregnancy, childbirth and relinquishment never happened (Fessler, 2007; New South Wales Parliament, 1985). For adoptees, the sealed records indicated that they were being given the opportunity to begin again by being 'born' into their adoptive family with a new name and a new birth certificate. It was assumed that they would have no desire to know about their life prior to adoption or want to search for their birthparents. Thus, the 'clean-break' principle formed the basis and rationale for sealed records and secrecy surrounding the adoption process (Modell, 2002).

Adoptees as children, adoptees as adults

In child welfare, the focus of adoption practice has been to act on behalf of children to protect what others perceive to be their best interests. This focus aims to support the

well-being of children and to ensure that decisions are made with careful consideration of their particular circumstances. In the context of intercountry adoption, the Hague Convention on the Protection of Children in Intercountry Adoption (Hague Conference on Private International Law, 1993) was established in response to the growing concerns of child trafficking and other forms of child exploitation (Sarri *et al.*, 1998). Similar to domestic adoption practice, the interests of children in this document are mainly established on their behalf even when they are adopted as older children (Sarri *et al.*, 1998: 88).

There are two dominant narratives implicit in adoption discourse that contribute to an overrepresentation of adoptees as only or perpetually children, rather than as people with individual agency who will mature and assume the capacity of voicing their own needs and interests. The first is articulated in articles 4 and 16 of the Hague Convention, which outline one of the requirements necessary for a child to be adopted – the child's 'adoptability' (Hague Conference on Private International Law, 1993). This involves ensuring that all efforts are made to have the child remain with the birthparents or within the birth country before being adopted overseas. Some consideration is given if the child is mature enough to articulate their interests or give consent to the adoption. However, the overall representation of adoptees is as dependent children whose needs must be advocated by others. The persistent depiction of the adoptee-as-child neglects the developing needs and interests of adopted persons as they mature. Consequently, the focus on a child's 'adoptability', which freezes adoption as a moment in time, fails to recognise adoption as a life-long experience.

Another underlying narrative that constructs the adoptee-as-child is the discourse around 'saving' children from being raised in material poverty. This narrative draws primarily on the material disparity between the birth country and the adoptive country. It is used to justify adoption based on the belief that having been 'saved' from less than adequate living situations and opportunities, adopted children can thrive and live a 'better' life in their new adoptive country (Willing, 2009). As a result, this narrative tends to '[portray] international adoption as a rescue mission and ... the child as a lucky survivor' (Register, 1991: 131). This works to reinforce justifications for intercountry adoption by focusing on a child's 'adoptability' at the expense of other considerations including the non-material benefits of being raised within the birth community and the need for post-adoption support.

While the principles outlined in the Hague Convention are clearly important given the problems with child trafficking associated with intercountry adoption, the sustained focus on the adoptee-as-child means that the on-going nature of adoption as process (as distinct from event) are overlooked. Notably, discourse about 'best interests' does not include consideration of what is best for adoptees *after* they are adopted. Where post-adoption services exist, they are directed mainly at the child's adjustment within the adoptive family and are considered in terms of post-placement (Kim and Smith, 2009: 913). Services focus primarily on the needs of adoptive parents for their newly adopted children as a way to minimise the possibility of 'adoption disruptions' during the child's adjustment (Barth and Miller, 2000). This form of post-adoption support is clearly necessary to address the needs of adoptive parents and their children during these early stages. However, this view of post-adoption support is limited and tends to equate 'post-adoption' with 'post-placement'. Support services need to consider adoption as a social process with life-long implications that necessitates a more comprehensive and nuanced

understanding of what post-adoption support entails; further, the needs of parents need to be differentiated from those of their adopted children. For example, more could be done to support adoptees and their families to discuss experiences of racism and discrimination, which have been highlighted as a key issue (Dwyer and Gidluck, 2010).

In order to rethink post-adoption services, a first step is to understand how adoption is conceptualised. This influences how adoptees are represented and what is considered to be in their best interests. There are two key underlying assumptions about the adoption process that reflect this: (1) adoption is still focused primarily on providing families for children rather than first and foremost understanding adoption as a life-long process; and (2) the 'best interests' of adoptees are more commonly associated with the needs of babies and children (and their adoptive parents) rather than with adolescents and adults. Following this second point, adoptees are not usually consulted as to their needs. Therefore, measures and services appropriate to the needs of adoptees are lacking; their 'best interests' are not being met. In coming to an understanding of adoptees' needs, it is important to recognise that adoption is a complex process that involves changing needs and changing interests. The relative 'success' of post-placement adjustment into adoptive families as babies and children is only one part of the process.

The importance of access to information for adoptees' identities

The level of post-adoption support differs by country and adoption agency. In this article, examples from South Korea and the experiences of Korean adoptees draw attention to post-adoption support needs, such as access to information. In focusing on the issues of access to information and adoptee identity, it is not claimed that this is the only issue confronting adult adoptees, but the data suggest that it is a pressing issue for many of them.

As adoptees mature, identity is something that becomes increasingly important. One of the key issues affecting adoptees is access to accurate information about their adoption and the circumstances that surrounded it. This information is crucial for adoptees' sense of self as they explore aspects of their identity that may not have previously been known to them. These aspects may include details about birthparents, medical history and the reasons they were placed for adoption. Research reveals that when Korean adoptees visit their adoption agencies, it can be a frustrating and emotional process when they find that their files are missing or incomplete (Bergquist, 2003: 47; Kupel, 2010: 24).

In adoption records, the word 'unknown' is often the only word written in boxes that are meant to contain the vital information pertaining to birth date, a parent's name and place of birth. The impact of not having clear information about origins can have a profound effect on adoptees' sense of self and belonging, as noted by the experiences of these Korean adoptees:

I still have deep feelings of melancholy when thinking about all of the unknowns in my life. I have never felt like I've truly belonged anywhere and I am constantly searching for that. (Marah, United States)

For me, the whole unknown aspect of adoption is the biggest issue for me. I have so many questions which don't have answers, and I will probably never get answers to those questions. The impact it has on my life is that there is some sort of mysterious quality. One of the big factors is why? Why was I given up for adoption? How did she make that decision? How did

it affect her? Did anyone support her? The other unknown aspect is what your medical history is. You don't know if you're more at risk to medical problems and that adds another 'unknown' aspect to your life. You simply just do not know. (Steph, Australia)

For adoptees, origins are often blurry due to minimal or falsified information in their adoption records. Therefore, the assumption of non-adopted persons that knowledge of personal origins and family history is basic impacts on adoptees who cannot assume such knowledge and need to resolve, in many cases, to live without it.

When adoptees return to South Korea and visit their adoption agencies, more often they are left with additional questions rather than closure and certainty. Further, some adoptees have found that the information in their records at their adoption agencies in their adoptive country and birth country do not always match (Kupel, 2010: 27). Marie, a Korean adoptee from Sweden, articulates the frustration this creates:

It's just [that I] kept running into dead ends basically. No, we don't know. No, we don't know. Go here. No, go there. No one had anything. And they say 1970s? We threw all those files out. It was long ago and so I really did not get anything more after that trip than I already knew, which is unknown, unknown, unknown . . . basically.

For adoptees, the journey to discover more about their life in South Korea before they were adopted is often riddled with frustration, a lack of information and dead ends. Furthermore, the people with whom they deal in Korea often seem not to understand why adoptees want to explore their past and why it is important for their identities.

Similar to the assumptions around the sealed records policy of domestic adoption practice, in South Korea, little thought was given to how important it would be for adoptees to come back to Korea as they matured (Bai, 2007: 208). Marie offered her thoughts about this:

I think they never expected us to come back so why keep paperwork because you know why greet us with kindness . . . they don't know what to do with us. We left and we were supposed to stay there . . . It was a one-way ticket so they're like, 'What are you doing here? What do you want?'

When adoptees begin their searches, they are reliant on the knowledge that adoption agencies hold and the power they exercise over selecting and disclosing information in adoptees' records. People in these positions can act as gatekeepers of knowledge partly because their expertise and authority have been reinforced by the state through child welfare legislation and broader social welfare policies (Howell, 2006: 86). This is further emphasised by the persistent construction of *adoptees as adoptable children* rather than as adults who may want to know why they were adopted.

Advocating adoptees' best interests through post-adoption support

The process of accessing and searching for information about their past is an important part of how adoptees make sense of who they are. As one Korean adoptee articulated: 'Our lives are built on a hidden history, but it is a history that we can never distance ourselves from because the pain is always a reminder. We search for something tangible, something

whole, and something legitimate. We beg to know our complete stories, to know our past' (Hurdís, 2007: 183–4). Not all adoptees necessarily feel this way. However, many are often confronted with the realisation that their adoption was not just about gaining a family but also about what they lost in this exchange. As adoptees mature, their needs change and thus the kinds of services or activities offered to them as children no longer address their needs.

Adoptees need to be consulted about the kinds of post-adoption services that would be most helpful for them at different stages of their lives. Access to information is only one example of the post-adoption support that adoptees need when they get older. Another key issue for adoptees is having a supportive space to talk with other adoptees about experiences of racism and discrimination (Walton, 2009; Kupel, 2010: 21). Learning more about the lived experiences of adoptees can help adoption agencies and organisations to understand issues that are most pertinent for adoptees, which can then help to inform the kinds of post-adoption services that they offer.

Post-adoption organisations that are adoptee-driven have been an effective means of support for many adoptees. For over twenty years, there have been tremendous efforts by the Korean adoptee community to support each other when returning to South Korea. Due to the activism by Korean adoptees, and especially through the lobbying efforts of GOA'L (Global Overseas Adoptees' Link), an adoptee-run organisation in Seoul, the South Korean government has since recognised adoptees by including them in the category of overseas Koreans. This has been acknowledged in national discourse and government policy, notably their eligibility to apply for the F-4 residency visa and more recently dual citizenship.

Adoptee-driven support and advocacy is important for adoptees to enact changes that are relevant to them. However, there also needs to be more active support and change happening at a structural level. Lee (2007: 203–4) argues that future decisions in adoption policy need to be informed by a strong evidence base and that there needs to be a way of systematically collecting information on adoption at a national level. A transparent and systematic process is important for adoptees when they want to access their adoption information or do birth family searches. A move in this direction occurred in 2009 when K-CARE (Korea Central Adoption Resources) was founded. K-CARE is funded by the Ministry of Health and Welfare. It acts as the Central Adoption Authority (CAA) and provides an integrated information system across the various adoption agencies for both domestic and intercountry adoption. A central authority is a requirement for those countries that ratify the Hague Convention.

While on the surface K-CARE appears to be a positive step, it was initially met with criticism by members of the Korean adoptee community citing accessibility limitations (Kang, 2009). For example, the website has English and Korean versions. However, the English version is not as comprehensive in terms of the amount and type of translated content. This oversight inadvertently works to further exclude adoptees who do not read Korean. Furthermore, K-CARE claims to be acting in the best interests of adoptees and birthparents. However, this aim is questionable when the interests of those it is 'protecting' were not initially sought for consultation (Dobbs and Trenka, 2009). It is unclear if birthparents, a frequently disenfranchised population in the adoption community, have since been given the opportunity to provide input. In addition, K-CARE's focus seems to be mainly about providing post-adoption support for children and families with some mention of support for adoptees doing birth family searches (K-CARE, 2012a).

Since K-CARE was launched in 2009, TRACK (Truth and Reconciliation for the Adoption Community of Korea) has done significant work to promote adoptees' rights to access their adoption information. For example, they worked with the Ministry of Health and Welfare to revise the Special Adoption Law, which helps to ensure that K-CARE would be held accountable as the CAA. The revisions in Amendment 36 (Clauses 1–3) clarify the process for accessing adoption information (TRACK, 2011). This law was passed in June 2011 and will go into effect on 5 August 2012 (Trenka, 2011).

Overall, adoption agencies in adoptive and birth countries need to take the interests of adolescent and adult adoptees into greater consideration. For example, Kupel (2010) undertook a survey of post-adoption support services in Massachusetts and found that adoption agencies remain focused on providing a service for prospective adoptive parents and adoptees when they are children. The services offered such as culture camps and mentoring did not meet the needs of adolescent and adult adoptees, which meant that they had to look elsewhere (Kupel, 2010: 21). In South Korea, the three main adoption agencies, Eastern Social Welfare Society, Social Welfare Society and Holt International, run homeland tours and provide some opportunities for Korean language study, but more could be done in terms of the type and range of services available (K-CARE, 2012b).

Conclusion

To conclude, the concept of 'best interests' needs to acknowledge the long-term impact of adoption. The kinds of support that adoptees need change over time from childhood through adolescence to adulthood. Building on this, there needs to be recognition that the word 'adoptee' does not refer only to the child being adopted but also the adolescent and adult adoptee. These concepts are fundamental to providing post-adoption services that are aimed at supporting adoptees and their families, not just adoptive parents and the newly adopted child. Moreover, there needs to be more research about how adoptees could be best supported. This could include 'meaningful evaluation of post-adoption strategies so that parents and agencies may act in the best interest [of adoptees as children and adults]' (Bergquist, 2003: 59).

There has been significant work done by adoptee-run organisations in South Korea such as GOA'L, TRACK, and ASK (Adoptee Solidarity Korea). Other organisations such as KoRoot and InKAS (International Korean Adoptee Service) have also provided significant post-adoption support, such as affordable accommodation, volunteer services and organised cultural events. Additionally, InKAS runs homeland tours and offers Korean language scholarships. In order for these non-profit organisations to continue to provide support for adoptees, there needs to be ongoing support and funding from the government and other sectors. For example, in 2011, GOA'L – one of the main services for adoptees in South Korea – lost a significant amount of government funding and was forced to shut down for a period of time (GOA'L, 2011). Since re-opening, they have scaled back the services that they offer. Surely some obligation for contributing to these services must fall to the governments of receiving nations who facilitated the immigration of the 170,000 Korean children (Selman, 2012) – now their citizens – adopted by foreigners since 1945?

One of the benefits of adoptee-run organisations is that they are well placed to understand and meet the needs of adoptees at different life stages. However, it is important for adoption agencies to also offer post-adoption support for older adoptees or to put in

place referrals to organisations that can provide that support. Furthermore, post-adoption services need to be at the centre of the work that adoption agencies do, not something ad hoc or secondary to organising adoptions and supporting prospective parents. Finally, post-adoption services need to be taken seriously by governments as expressed through adequate funding and importantly, developed in consultation with adoptees at every level of the decision-making process.

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