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Samuel Keller***Adoption processes after a child is given up anonymously***Claudia Krell***Pregnant. Desperate.****Fear of discovery.****What now?****Operation Moses –****A Chance for Life***Margit Grohmann***Adoption by same-sex partners***Nina Dethloff*

Adoption

Adoption [“Annahme an Kindesstat”] was first legally regulated (in Germany) in 1900. In this way it was made possible for the childless to pass on property and their name, explains Inge Elsässer in her introductory contribution. It was not until 1977 that the view of the child as a “substitute solution” changed, when a major reform to adoption law put the wellbeing of the child at the heart of the adoption process. Ever since then, specialized expert services have taken care of the children, the biological parents, and the potential adoptive parents.

On 22 May 2014, the Bundestag passed a law that permits civil partners to apply for successive adoption. Nina Dethloff explains and comments on this ruling.

The further authors contributing to this FORUM illustrate the developments leading up to this point and the many psychosocial aspects, interests and problems surrounding the complex issue of adoptions: Jörg Reinhardt writes about the legal aspects of adoption placements and the law governing confidential births. Adoption from the perspective of the child and the child-centred approach for adoptions are addressed by Jörg Maywald’s article, which also deals with “international adoptions”. The two authors Gabriel/Keller introduce surprising results from a Swiss adoption study regarding the psychosocial development of adopted children. Claudia Krell discusses the adoptive process when a child has been given up anonymously and how significantly this circumstance affects all the participants. Margit Grohmann introduces the Hessian pilot project “Aktion Moses” by the Catholic women’s charity Sozialdienst katholischer Frauen e. V. Frankfurt, which is designed as an anonymous crisis line as well as an advice and support service. One evaluation focuses on the motives and circumstances of the mothers giving up their children.

We wish you interesting reading.

The Editorial Team

Introduction

Manuela Schwesig

Every year, several thousand people in Germany want to adopt a child, preferably a newborn or a toddler. For many couples who do not have biological children, adoption is a deep longing and a way of having a family with children. These couples have to fulfil high requirements in order to be recognized as adoptive parents – and yet many wait a long time or even to no avail. There are far fewer children up for adoption in Germany than there are parents willing to adopt, and an international adoption is too great a challenge for many.

If an adoption is successful, the lives of all the participants change fundamentally. Taking in a child with all of its characteristics and idiosyncrasies, a child that is not biologically that of the new parents, requires an open attitude and patience from the adoptive parents, not least with themselves. Older adoptive children come with their own life story, one that is not always easy. But despite all the challenges: every adoption allows a child to experience the affections of a mother and a father, and maybe of siblings, which it was not able to get from its biological parents, for whatever reason; in short: the opportunity to grow up in a family. Adoption is a good thing and a firm component of life in families in Germany.

Families are as colourful as life itself. The percentage of unmarried couples with children is increasing, as is the percentage of single parents. More than 7,000 children are growing up with same-sex couples. For me, “family” is where people of different generations are there for each other, look after each other and take on responsibility. It is time that we see and value family in its diverse spectrum. However, since families are changing and the concept of family is expanding, the framework conditions for adoptions are also changing. In its implementation of the ruling by the German Constitutional Court (Bundesverfassungsgericht) on successive

adoption, the Bundestag has decided that civil partners will be able to adopt a child that is already adopted by the other partner – one step on the necessary, but not yet completed path of giving complete equality to homosexual individuals. Another change is that families are started later than they used to be; parents are on average older now when their children are born. In light of this, is the recommended age gap between the adoptive parents and the adopted child still in line with our times?

In the coalition agreement, the present government set itself the target of developing the adoptive process further, of modernizing the adoption placement law, and of strengthening the structures of adoption placement. Higher life expectancy and the trend for starting families later are to be taken into account. The wellbeing of the child is always at the heart of the matter: the adopted child’s opportunity to grow up well to develop his/her own individual personality with respect for his/her own special biography. The wellbeing of the child is at the heart of the adoption process, where the wellbeing of the adoptive family and the biological parents is also taken into account – it is a triangle that has to be viewed as a whole. For me, the mandate of the coalition agreement is an important concern: 12 years after the changes that were made as a result of the ratification of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (HAC), it is time to examine German adoption law once again.

In order to be able to estimate the need for reform (not just in law), we have to understand the comprehensive adoption procedure as well as possible. However, we currently have too little well-founded knowledge in Germany on adoption processes, on requirements and conditions of good advice and support. It is therefore important that the practical reality regarding advice, support and placement in the

adoption agencies is examined in more detail. Based on these insights, it will then be possible to define approaches to the further development and strengthening of the placement structures for domestic and international adoptions in the interest of the children. Placement structures also include comprehensive follow-ups and support for those adopted individuals who ask about their origin.

This is just one aspect that is currently still throwing up many questions. There is a need for research, exchange and scientifically and practically based thinking. Therefore, compiling insights, as this FORUM publication does, is valuable and necessary. The contributions address things worth knowing about the participants involved in an adoption, with a focus on the children's perspective. At the same time they provide information about the specific aspects of an adoption placement in the event of a confidential birth. It is not just interesting and informative for experts working in youth services and advice centres, for teachers and doctors, but also for women and men who are considering adoption and looking for advice. Anyone toying with the idea of adopting a child or giving up a child for adoption faces a difficult decision and a great responsibility. This deserves respect and support.



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Adoptions in Germany

Inge Elsässer

The following contribution provides facts and case numbers, defines the types of adoptions possible in Germany, outlines the procedure for international adoptions and informs about advice services and the areas in need of research. In addition the author describes the problems of mothers giving up their children for adoption and the motives of couples willing to adopt.

A look back

Adoption [“Annahme an Kindesstatt”] became legally regulated in Germany with the introduction of the Bürgerliches Gesetzbuch [Code of Civil Law] in 1900. The intention was not to secure the legal position of children who could not grow up with their biological parents. Instead, by introducing adoptions, the legislators pursued the goal of creating a legal framework that allowed the childless to pass on property as well as their name.

It was primarily private charitable organizations such as those run by the Catholic and Protestant churches that dealt with the plight of the children themselves. The early days of Protestant adoption work go back to Johann Hinrich Wichern, who saw being raised in a family as a suitable way for parentless children to be given appropriate help: “Children have to be placed in families again. Raising children is a matter for the family.” The supra-regional Protestant placement of children who could not live with their parents started in the Rhineland in 1878.

Until the start of the Nazi regime, this work was done almost exclusively by religious organizations. This, however, did not fit in with the totalitarian notions of the new regime. A “Reich adoption facility” was set up. A new law governing adoption placement [“Gesetz über die Vermittlung der An-

nahme an Kindesstatt”] in April 1939 created the foundations for putting placement exclusively into the hands of the state. There was no more church adoption work until October 1945 (BECK 2003).

During the post-war era, religious adoption services were required once again because a large number of parentless children had to be placed in families. In those days, there were few state facilities working in adoption placement. Since there were not enough suitable parents for the “Mischlingskinder” [“mixed blood children”, i. e. fathered by soldiers of the occupying forces], the Adoption Centre of the Inner Mission¹ continued to find parents in other countries up until 1968. Adoption placements the other way around (i. e. from abroad) started again in 1991. At the behest of the government of the time, who wanted to have the churches involved in this sensitive area for the sake of the protection of the children, a central Protestant service for international adoptions [“Zentraler Evangelischer Fachdienst für Interstaatliche Adoptionsvermittlung”]² was set up, which has been involved in finding suitable German adoptive parents for foreign children ever since.

Religious services have always performed this task with a holistic perspective: they looked at the whole picture of the plight of the biological mothers/parents giving their children up for adoption and tried, in collaboration with other church and state services, to offer suitable help. “Open forms” of adoption were practised from early on, meaning that the need for contact between the mothers/parents/families giving up the children and the adoptive families was accommodated.

Until the reform to the adoption law, adoptive children were understood as a “substitute solution”. They were taken in, in the words of the old law, “an Kindes Statt” [“instead of a child”]. It was not until the major reform of adoption law

¹ Up until 1981 the Evangelischer Verein für Adoption und Pflegekinderhilfe in Düsseldorf acted as the adoption centre of the Innere Mission/ the Protestant Church; since 2009 it has once again been the Evangelische Zentralstelle im Diakonischen Werk of the EKD [Social welfare organization of the Protestant Churches of Germany].

² Also at the Evangelischer Verein für Adoption und Pflegekinderhilfe e. V.

in 1977 that the wellbeing of the child was put at the heart of the adoption process: the children are now taken in for their own sakes and the definition of adoption has changed to “Annahme als Kind” [“adoption (or “acceptance”) of a child”].³ From now on, adoption placement was only allowed to be performed by specialized expert services. This meant that youth welfare services set up adoption agencies nationwide. However, parliament deliberately put the religious adoption services on a par with state adoption agencies. That did not change with the most recent reform to the adoption law in 2002 either. To this day the religious adoption services, if they are recognized by the relevant state youth welfare service, are permitted to be wholly responsible for adoption placements. This is designed to meet the affected individuals’ right to choose.

Adoption and full-time foster care

When a child is adopted, all the parental rights pass to the adoptive parents. The adopted child is given the full rights of a biological child of its adoptive parents. The kinship with the biological parents ends. Legally speaking, the child is completely removed from its family of origin and integrated into its adoptive family.

By contrast, a child in full-time foster care that grows up for a period of time, or permanently, in a different family is not legally removed from its family of origin. It continues to remain related to its biological parents. They continue to have – as long as the courts did not limit or fully remove their custody of the child – all of the parental rights and duties. However, the foster parents are authorized to make necessary decisions for the child regarding matters of everyday life.

The Sozialgesetzbuch (SGB VIII Kinder- und Jugendhilferecht, the codified collection of social welfare legislation, chapter dealing with children and young people) forms the legal framework for full-time foster care. When placing a child in full-time foster care, this is called “erzieherische Hilfe” [“child-raising help”]: according to section 27 SGB VIII, those responsible for raising a child are entitled to help with raising a child or young person “if the manner in which the child or young person is being raised is not in line with their wellbeing and when this help is suitable and necessary for their development”. This entitlement may be claimed from the public provider of youth welfare, i. e. the local youth welfare service.

It is the natural right of all children to grow up with their biological parents. Should parents merely be temporarily incapable of looking after their child adequately, they can take advantage of this “child-raising help”. An adoption should only be considered “when it is clear that life prospects in the family of origin are not present even with the help available” (BUNDESARBEITSGEMEINSCHAFT DER LANDESJUGENDÄMTER 2009).

Full-time foster care is granted as a temporary aid to enable the parents to improve the child-raising conditions in such a way that they are able to raise their child themselves again. However, if the child-raising conditions in the family of origin do not improve, children can be placed in foster care permanently. However, parliament obliges the youth welfare service to look preferentially at the possibility of adoption before and during every permanent placement of a child outside of its own family.

Types of adoption

There are three types of adoption: adopting stepchildren, adopting relatives, and “outside adoption”, i. e. where the child to be adopted and its future adoptive parents have no family tie to each other. There is no “placement” as such when it comes to adopting step-children and relatives; here there is merely an assessment to see whether this adoption would be in line with the wellbeing of the child.⁴ When it comes to adopting non-family members, however, the adoption services do not just give their expert opinion, they also “introduce” the child and its future parents.

The biological parents can choose from the following types of adoption in the event of a non-family adoption:

Incognito adoption

In incognito adoptions as provided for by law, the parents giving up their child are told neither the name nor the address of the future adoptive parents of their child. Nevertheless the wishes of the biological parents can be taken into account when selecting the future adoptive parents. The incognito is one-sided, because the adoptive parents learn the names of the biological parents, these being recorded on the child’s birth certificate.

The incognito is there to protect the adoptive family from unwanted interference by the biological parents, their relatives or unauthorized third parties.⁵ Nevertheless, although the adopted child’s biological family is not physically present, it is still emotionally present because adoptive children always combine their biological family and their adoptive family in their personal history. Since experience in follow-up consultations has shown that it is easier to confront the real conditions than the imagined beliefs that the participants have of each other, more open forms of adoption have established themselves in recent decades.

Semi-open adoption

In the case of semi-open adoptions, it is possible for the biological parents and the adoptive parents to get in touch with each other while maintaining the incognito. They agree with each other how they would like to be in contact with each other in the future. The adoption agency communicates these contacts, which often take the form of letters. In many cases the two sets of parents meet personally; these meetings are prepared, accompanied and followed up by the adoption agency. The participants are then free to choose to what extent they would like the adoption agency to be involved.

Semi-open adoptions give biological parents the opportunity to meet the people with whom their child is to grow up before they agree to the adoption. They are also able to follow their child’s development indirectly thereafter. The adoptive parents are given the opportunity to get an understanding of the biological parents, which they can later pass on to their child. By first meeting the biological parents, the adoptive parents can be certain that the biological parents consent to the child growing up with them; they can accept the biological parents’ “blessing”, as it were.

³ For more about the absolute priority of the wellbeing of the child and about the rights of a child, see J. MAYWALD in this publication.

⁴ See J. REINHARDT in this publication.

⁵ See the recommendation by the BUNDESARBEITSGEMEINSCHAFT DER LANDESJUGENDÄMTER [federal working group of state youth welfare offices] 2009.

The semi-open form of adoption is based on the trust that promises made will be kept, because there is no legal basis requiring adoptive parents to keep promises made before the adoption. Biological parents also cannot be forced to remain in contact. Everything is voluntary by nature and the further development depends on the experiences the parties have with each other.

Open adoption

In an open adoption the biological parents and the adoptive parents know each other by name. Where appropriate, there is regular contact between the biological parents and the child and its adoptive family.

Adoptions of stepchildren or family members are open adoptions. However, in the case of non-family adoptions, it is rare to have an open form of adoption right from the start. In practice, the open form of adoption is only the case when the child already lived in the family as a foster child prior to the adoption.

Need

During the post-war era there were many children who could not grow up in their families of origin for a whole variety of reasons. Since then the number of adoptions has steadily fallen. After the introduction of the contraceptive pill there was a particularly marked drop in cases. However, it was not just the opportunity to prevent an unwanted pregnancy that led to a decrease in cases. Compared with the past, the position of women who had a child outside wedlock also changed in society: single mothers were given more support and recognition, children born outside wedlock were made legally equal to those who born to married parents. In addition it was now possible under certain conditions to perform abortions legally.

The number of adoptions has decreased by approx. 50% compared to 1993; according to the Statistisches Bundesamt [Federal Office of Statistics] there were 3,886 adoptions in 2012. 60% of them were adoptions of stepchildren and relatives, 40% were non-family adoptions.

The number of non-family adoptions is actually thought to be higher: unfortunately the official statistics do not capture all international adoptions, because not all voluntary organizations that broker such adoptions are required to declare them. This unfortunate situation has been known about for a long time; it would be desirable if a way could be found in Germany to record the number of adoptions in their entirety and in an up-to-date fashion.

Advice for, and problems of, parents giving up their child for adoption

Parents thinking of giving up their child for adoption have to be comprehensively advised about the adoption process and the impact of the adoption. The advice sessions should serve to allow them to make a decision about the future of their child without pressure and while taking into account all the alternatives that they could accept for themselves and their child even in the long term (BUNDESARBEITSGEMEINSCHAFT DER LANDESJUGENDÄMTER 2009). Even after the completion of the adoption process the experts in the adoption agencies are available for advice to the parents who gave up their child.

Experience has shown that it is pregnant women who turn to adoption agencies. It is only in a few isolated cases that the fathers-to-be participate in the initial conversations in the adoption agency. The pregnant women are generally in exceptional emotional circumstances and have a special need for protection and confidentiality. The adoption agency has to accommodate this: flexibility and the willingness to make concessions are required, meaning that appointments have to be offered promptly and, if necessary, outside of regular office hours and maybe outside of the agency's offices, e.g. in pregnancy advice centres. Advice sessions are often not enough to help the women affected. They also need practical support. Especially women who want or have to keep their pregnancy secret from their social circle because they would otherwise be at risk, are very much on their own. Sometimes they need help finding suitable accommodation, where they can live safely until the delivery. It is also a good idea to liaise with the clinic where the woman will give birth, so that she will not have to explain the situation anew and can thus be protected from insensitive questions.

Giving up a child for adoption is a serious decision. The reasons why biological parents choose to sever this primary relationship are diverse; however, an inner and/or external desperate situation is always partially responsible. Nobody gives up a child for adoption easily and often the decision is a long process that has been preceded by despair and disappointed hopes.

Here are some examples:

- The child's father is not known or has left the woman because of the pregnancy. The mother is desperate and does not consider herself capable of looking after and raising the child on her own.
- The mother is a migrant without a secure residency status. She does not know how her own life will continue and cannot offer the child any prospects for the future.
- The woman or the couple are in a particularly difficult social circumstance. They are for example homeless, suffering from addiction and not capable of looking after the child themselves.
- The parents experienced their own childhood as very difficult. They are still suffering as a result and consider themselves incapable of taking on parental responsibility. However, they want to offer their child a secure family environment.
- If the mother experienced violence, especially sexual violence, this could be a reason why she would give up her child for adoption. The child reminds the biological mother of the perpetrator and the violence she experienced at his hands.
- Women or couples could be unable to look after their children long-term, e.g. because they are mentally ill, and do not have reliable help from their family or circle of friends.
- There are still cultural norms where an extramarital child is considered a disgrace for the whole family. To avoid exposing herself and the family to this would-be shame, the mother chooses to give up her child for adoption.
- The mother is a minor and has no qualifications. She cannot expect any support from her family or the child's father, or she does not want to accept support from her family because of personal negative experiences. The mother first wants to master her own life and become independent. She does not feel capable of taking on responsibility for her child.

- The mother works as a prostitute and the child was conceived in this context. Given these circumstances, she does not feel able to raise a child resulting from this unintended pregnancy.

Giving up a child for adoption does not spring from a lack of responsibility; instead, there are personal difficulties that the individuals affected consider insurmountable. Biological mothers and fathers make this decision for the wellbeing of their child.

They have an idea of what children need to bond and to be able to develop. Because at the same time they cannot assess themselves and their current situation and they know what they cannot afford, they are willing, for the sake of their child, to live without him/her, in order to make a loving and secure future available to the child.

It is a decision made in order to solve the current problem situation and one that has far-reaching consequences. In addition to the relief the biological mothers/parents feel because other people will lovingly take care of their child, they are nevertheless scared they will regret their decision later. They will also keep the memory of the child, and there is the question of how the child will one day feel about this change to his/her destiny.

In the triangle of child, adoptive family, biological mother, the roles society attributes to each one is quite clear. The child often receives pity because it was given up by its mother, and/or it is congratulated on being taken into an adoptive family. The adoptive family generally speaking gets a positive response, while the decision of the biological mother is largely met with incomprehension, rejection and moral condemnation.

The adoptive family and the child are entitled to advice and professional support; many keep in touch with the placement agency after the mandatory support period. At seminars, retreats and meetings for adoptive parents they can come into contact with people who are in a similar circumstance, allowing them to share experiences with each other.

Generally speaking, the parents giving up children for adoption lack this opportunity to share experiences with others in similar circumstances, because the social condemnation of their decision leads to these mothers and fathers being isolated, or they isolate themselves. The mothers giving up their child are particularly susceptible to feelings of guilt; they suffer condemnation and criticism from those around them. They withdraw and because of their difficult psychological situation, they are not usually capable of seeking out adequate help and the right people to talk to. As a result, the adoption is repressed and made into a taboo.

In order to counter this development, a group was set up in 1997 for mothers who had given up their child for adoption in an advice centre.⁶ Here, the women have a place where they can talk to each other about having given up their child with professional staff present; they can also help each other to process the experience. In intensive conversations with the women, it became clear time and again that the issue of adoption is not over when the women signed the release papers for their child; instead, it remains a lifelong subject for the women. Many of them report that immediately following the adoption they were very relieved at having made the decision, but at the same time they felt a great emptiness and suffered agonizing feelings of guilt. They report that they often deliberately threw themselves into the hectic business of everyday life in order to avoid the

torturous thoughts and feelings, and to be able to forget as quickly as possible. In many cases, the immediate social circle made it easy for them to suppress the pregnancy, birth and the subsequent adoption. The women report almost unanimously that the fathers, parents, close relatives and friends left them alone in their decision without any offers of help, going on to recommend forgetting the adoption, saying the women should put it behind them.

The women report that they often spent years trying to suppress completely the fact that they birthed a child and had become a mother. They were not brave enough to think about it, but were inevitably reminded of it on their children's birthdays or at Christmas. By suppressing these memories, the women put off grieving for their child, because it seems too painful. The women, in their situation as women giving up their child for adoption, feel like they are alone, believing that they are the only ones who are not capable to handling this situation of an unintended pregnancy and that they are the only ones who had "given away" their child. When they are ready to break this taboo and speak about their adoption – encouraged by therapy and group work – some of them experience that their social circle still does not want to hear this part of their life story.

Most of the women do not want to question the adoption; instead, they want to be understood and perceived as mothers whose children do not live with them. They do not want to continue denying their pregnancy, the birth, the fact that they have a child and that they gave it up for adoption. They want to integrate this reality, which will always remain painful for them, into their lives. When the women share with each other, it helps them look at their earlier state of need and to accept their decision to opt for adoption. It also helps if they can think of their child not just with sadness, but also with the hope and certainty that their child is doing well, and with gratitude for the adoptive parents.

The advice work with women after an adoption shows time and again how helpful a casual exchange of pictures and letters between the adoptive family and the biological mothers can be. Being in contact in that manner could at least partially answer their torturous questions: "How is my child doing? What does he/she look like? Is he/she healthy? Is he/she asking about me? Does he/she know about me?"

Generally speaking, an open and nuanced approach to the subject of adoption is urgently needed in our society. This would mean that both the family taking in a child and the parents giving up a child would experience greater appreciation and acceptance (BUNDESARBEITSKREIS ADOPTIONS- UND PFLEGEKINDERVERMITTLUNG IN THE DIAKONISCHES WERK DER EVANGELISCHEN KIRCHE IN GERMANY 2007).

Advising adoption applicants

Adoption agencies have the task of finding suitable families for children who cannot grow up with their biological parents. The wellbeing of the child is at the heart of the process. According to section 7 of the adoption law, the adoption agency is required, in preparation for the placement, to promptly conduct the relevant investigations regarding the adoption applicants, the child and its family.

⁶ This group service has now moved to the Evangelischer Verein für Adoptions- und Pflegekinderhilfe.

These “relevant investigations” into the applicants, which are known to take some time, cannot start only when the adoption agency learns about a child that needs to be placed in a suitable family. In order to be well prepared for this case, which can occur without warning at any time, the adoption agency takes applications and checks the applicants with regard to their general suitability for adoption; the agency also creates a suitability profile with the applicants, which states what sort of child these applicants could take in. Finally, the agency prepares them for the adoption.

In addition to the external framework conditions (e.g. sufficient income, no previous convictions, a suitable home, no illnesses or disabilities that would limit the applicant’s parenting abilities to the detriment of the adopted child), the main factor is the applicants’ personal suitability, the motive that makes them want to adopt and the ideas they have about the adopted child and their life together. Potential difficulties in the parent/child relationship later on often have their origin in the fact that the applicants had unrealistic expectations about what it would be like to live with the adopted child. Therefore it is in the interest of everyone involved that such unrealistic expectations are detected early, i. e. before the child is adopted.

What motivates couples to take in a child, potentially even from another country? The primary reasons for this are no different from those of biological parents: seeing a child grow up, accompanying it, passing on some life experiences and being able to experience the unique relationship between parent and child. It fills their own lives with purpose and a very special quality, but it also means giving up many things and taking on a lot of responsibility. Many couples also cite social and humanitarian reasons for why they want to take in a disadvantaged or abandoned child. They want to give it new and positive prospects for its development.

Some couples applying for adoption already have biological or adopted children. However, most such couples are unable, for medical reasons, to have children of their own. Many have gone through a long, stressful and unsuccessful course of treatments to try and have children. Some who do not have children but want them have no medically diagnosed cause.

When adoption applicants consider their own interests and expectations more than the needs of the child, there can be no foundation for a successful parent/child relationship. A marriage that is on the rocks cannot, for example, be fixed by taking in a child. The adopted child also will not get rid of the hurt that men and women feel from not having been able to father or conceive biological children of their own. Adoptive children cannot be used as playmates for children who are already there. An adopted child cannot be a “substitute”; it wants to be accepted and loved as an individual just the way it is, with all of its good and bad qualities, its physical and intellectual abilities and its origin.

It is the core task of the adoption agencies to inform applicants about the special requirements of adoptive children and to get an understanding of whether this person could live up to the requirements. A child that has

experienced one or maybe even several separations and was maybe neglected will need particular empathy from its adoptive parents. It could take longer for the child to bond with its new parents. This could lead to great disappointment for parents who expect immediate positive reciprocity and joy from their child and who expect this to bring them personal happiness.

The Dutch adoption investigator René Hoksbergen, who examined the consequences of neglect in children who had lived in Romanian orphanages before their adoption, says that adoptive parents who take in such children should “possess at least three characteristics: patience, restraint when showing their feelings, and the willingness to change their views about raising children; they must never be too rigid.”⁷

The consultations given by the adoption agency are designed to allow the applicants to see the adoption from the child’s perspective. The adoption agency can, starting with its experiences in follow-up care, report on what issues generally preoccupy adopted children and their parents. It can also connect applicants to existing adoptive parents, so that they can get a realistic understanding of the future demands that they can then compare with their own expectations and the opportunities they can offer a child. There are applicants who react with disappointment when the reality does not tally with the image in their minds. Some even stubbornly refuse to accept the fact that the adoption’s primary goal is to help the adopted child, not them. Others withdraw their adoption application when they come to the conclusion that their image does not match up with reality.

Suitable adoption applicants are characterized by the fact that they can add the child’s perspective to their own: they can imagine what it must mean for a child to be an adopted child and they understand that the intended adoption is there for the child, who needs adoptive parents. They have the clear desire to take in a child the way that it is and to give it love and protection. They have the firm resolution to care for it. They accommodate the child and its individual needs and look forward to supporting it in line with its abilities; they naturally accept its history.

Adopted children combine the original and the new family in their personal history. It is in the interest of the child that everyone involved in an adoption is consistently open to other ways of life that are different to the personal, familiar one.

Adoption is an important process in the biographies of the people involved and it will occupy them for their whole lives. For that reason adoptive parents and adopted children still need advice and support many years afterwards, especially when it comes to major events such as starting or changing schools, puberty, starting work, leaving home, getting married, having children, and the parents’ death.

The adoption agencies have a special role because they fulfil a bridge function, connecting everyone involved in this process. This is one of the reasons why adoption agencies are required by law to keep hold of adoption files for sixty years.

Although the adoption is an issue for adoptive parents that they confront for their whole lives, they should be at pains to avoid making it the focus of attention for themselves or for their adopted child. The experiences in the follow-up consultations with adoptive families show how important it is for the parents and children to lead a normal life in which other subjects such as relationships, jobs, school and friends keep their rightful place. It is important that the adoptive

7 Psychologische Beratung und Begleitung von Familien mit Adoptiv- und Pflegekindern, Dokumentation der Fachtagung, held in Eisenach in 2005, hosted by the Evangelischer Verein für Adoption und Pflegekinderhilfe e. V. in co-operation with the Evangelischer Fachverband für Beratung und Supervision EKfUl.

parents have the sensitivity to notice when developments in the child or in them could have something to do with the special circumstances that come with adoption.

Adoptive parents who know their limits and who seek advice when there are problems show that they have a sense of responsibility towards their child's special situation. For that reason successful adoptions need professional placement agencies that can support parents and children competently when the need arises.

The work done by adoption agencies is unfortunately not accompanied by the relevant research in Germany as it is for example in the Netherlands, in Scandinavia and in the United States, where professorships with a focus on adoption research have been set up. It would be highly desirable if there were detailed research into this subject in Germany too. If that were the case, the further development of adoption work would not be exclusively based on the experiences from follow-up consultations, but also on scientific insights.⁸



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⁸ For the current research results of a Swiss study, see T. GABRIEL and S. KELLER in this publication.

Literature

BECK, GEORG (2003): *Wie man die rechte Familie finden soll*. Wittlaerer Reihe, Band 8. Idstein: Schulz-Kirchner Verlag

BUNDESARBEITSKREIS ADOPTIONS- UND PFLEGEKINDERVERMITTLUNG IM DIAKONISCHEN WERK DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND (Hrsg.) (2007): *Adoption aus verschiedenen Perspektiven*. Wittlaerer Reihe, Band 9. Idstein: Schulz-Kirchner Verlag

BUNDESARBEITSGEMEINSCHAFT DER LANDESJUGENDÄMTER (Hrsg.) (2009): *Empfehlungen zur Adoptionsvermittlung*, 6., neu bearbeitete Fassung. München. www.bagjjae.de/downloads/109_empfehlungen-adoptionsvermittlung_2009.pdf

Legal aspects of adoption placement and the law on confidential births

Jörg Reinhardt

The following contribution addresses the legal foundations of adoption placement in Germany. Many aspects are discussed, including the nature and extent of the advice and investigation efforts, international adoption placement, stepchild adoptions, questions of child protection and children's rights. In addition Jörg Reinhardt discusses the special features of a confidential and anonymous birth.

Preliminary remarks

The wellbeing of the child has to be the most important principle for every adoption. "A child temporarily or permanently deprived of his or her family environment ... shall be entitled to special protection and assistance provided by the state." With this core statement, Articles 20 and 21 of the United Nations Convention on the Rights of a Child¹ set the framework for the remit for those responsible for adoption placement: the placement decision must be in the best-possible interest of the child and offer it optimum developmental opportunities. Put differently: it is the job of the adoption agency to find parents for children and to allow them to grow up in a new family environment. It is not the job of the adoption agency to help childless couples have children. This child-centred approach determines the way placement work is done and is cemented in the relevant laws.

Adoption agencies as "masters of the process"

According to German adoption law [Adoptionsvermittlungsgesetz], placing a child with potential adoptive parents generally falls to the public adoption agencies (section 2 sub-section 1 clause 1). Every [municipal] youth welfare office is

required to set up its own adoption agency.² This service is supplemented by adoption agencies run by voluntary and faith-based providers, which do, however, require state recognition (sections 2, 4). In the event of cross-border placements, the central adoption agencies of the state youth welfare offices are allowed to take over the process (section 2a³). Adoption placement is thus largely in state or state-accredited hands; other individuals and services are not allowed to place children with adoption applicants (section 5 sub-section 1). The adoption agencies must fulfil a strict staffing ratio and in accordance with section 3 they must have at least two qualified educational social workers available. This ensures not just the correct qualifications but also expert dialogue within every adoption service.

The legal framework of placement work

In addition to the cited structural parameters, the adoption law also contains framework conditions of a specialist nature for placement work:

Duty to advise and supervise all the participants, section 9

According to section 9 sub-section 1 the placement agencies are required to comprehensively advise and supervise all of the individuals involved in the adoption process throughout the entire process, during the court proceedings and after the adoption ruling. The placement experts are required to be neutral: they are not allowed to put pressure on the biological family to agree to the adoption, nor are they allowed to advise the applicants against the adoption without good cause, nor are they allowed to refuse to accept the application. The goal

¹ Convention on the Rights of the Child of 20 November 1989.

² Under section 2 sub-section 1 clauses 3 and 4, youth welfare offices can also agree to set up joint agencies for a larger catchment area.

³ Matching by foreign agencies as envisaged there is of little significance in practice.

is to provide professional support through legal, psychological, educational and medical information to all the participants during the upcoming decisions for or against adoption, and to give them practical advice on how to proceed further. The child is also to receive counselling. The adoption agencies must do this in an age-appropriate manner and incorporate the child's demands on the future parents in their own decision-making.

Duty of investigation into all participants, section 7

In addition to their advisory remit, the adoption agencies also have a duty to fully explore all the facts in favour or against an adoption (section 7 sub-section 1). Here too the neutrality principle holds, in other words the experts are not just allowed to investigate in one direction; they instead have to question every aspect critically with a focus on the well-being of the child. The adoption agencies are allowed to use insights from any suitable source provided it is admissible from a data-protection perspective, be it conversations, documents, medical certificates, emails and telephone calls.

Investigations concerning the parents of origin

Working with the family of origin serves to comprehensively ascertain to what extent the adoption is actually necessary for the child affected. The experts are therefore required to determine the current situation of the family and to point out how it could be improved in such a way that the child could remain with its biological parents. In addition it has to be determined whether the adoption is legally implementable. In particular, this affects the question of whether both original parents agree to the adoption. Especially after a very messy separation, or when one of the parents lives in another country and is no longer in contact with the child, the agency must check whether parental consent is to be expected, whether it is unnecessary (e.g. when the location is unknown) or whether it could be acquired from the family court instead (e.g. in the event of ongoing, grave violations of parental duty towards the child).

Investigation regarding the child

The adoption agency has to determine comprehensively the psychological, social and medical situation of the child to be given up for adoption. These insights are to be used, on the one hand, to make a final decision on the necessity of an adoption. On the other hand, information about the child's particular needs (e.g. disabilities, developmental delays, trauma) is essential to help select the future parents. After all, they need to be able to cope with the child and its specific individual needs and they need to be able to support it. This will be particularly successful when the adoptive parents are given all the relevant information in advance, regarding not only the child's potential problems and also his/her strengths.

Investigation into the potential adoptive parents

The goal and remit of the adoption agency is to find the most suited parents for every child.⁴ In light of this, before a child is placed, the applicants have to undergo a complete analysis of their living situation, their potential resources, and also their limitations. This check covers a large number of aspects, since the aim is the long-term integration of the child into the applicants' environment.⁵

In addition to the structural framework conditions such as the economic ability to look after the new child, sufficient

living space, a stable social environment and the ability to reconcile work and family, so that the child will be able to settle into the family, the motivation to adopt will regularly play an important role: if the child to be adopted merely fulfils a "substitute function" for a lacking or deceased biological child, there is a great risk that it will be exposed to excessive expectations on the part of the parents. The failure of the adoption would in such a case be guaranteed from the start.

In addition the agency must check the stability of the relationship and the applicants' child-raising ideas, to check whether the child can expect the desired long-term prospects in the adoptive family and whether the applicants will deal appropriately with child-raising difficulties. Previous convictions that indicate conflict resolution through violence, let alone the threat of sexual crimes, therefore always mean that an applicant would be considered unsuitable.

The adoptive parents-to-be must also have sufficient resilience with regard to their health.⁶ In particular, applicants must not have life-shortening diseases, in order to avoid as far as possible the chance that the adopted child will again lose a parent. In addition, the applicants must be physically capable of playing with the child and of protecting it by intervening quickly in dangerous situations. There are concerns here with regard to physical limitations, such as morbid obesity.

Physical and mental disabilities prevent an applicant from being a suitable candidate if they mean that the child's best-possible support is cast into question.⁷ Taking a disabled child into the household of disabled adoptive parents that is already disability-friendly could in some cases actually mean better support for the affected child than placing it with non-disabled applicants. When it comes to mental disabilities, borderline disorders, depression etc. the resources of the applicants need to be looked at in great detail. This results in many severely physically and mentally disabled applicants from being excluded, but in light of the absolute priority of the wellbeing of the child in adoption placement, this must be accepted.

The same is true for older applicants, because the adoption aims to create a parent-child relationship, not a grandparent-child relationship.⁸ Since increasing age leads to physical and mental limitations as well as to a reduced flexibility with regard to dealing with the needs of children and (adolescent!) teenagers, younger applicants stand better chances of a successful application, and for good reason.

4 European Court Of Justice, 26. 2. 2002 – FamRZ 2003, 149 ff.; Administrative Court Hamburg, 18. 12. 2001 – JAmt 2002, 464 ff.; Administrative Court Freiburg, 8. 12. 2003 – FamRZ 2004, 1317 ff.

5 On the details, see e.g. BAYERISCHES LANDESJUGENDAMT (ed.): Eignungsüberprüfung von Bewerbern, 2nd ed., 2006; GZA Rheinland-Pfalz und Hessen (ed.): Praxisleitfaden für Fachkräfte der Adoptionsvermittlungsstellen zur Feststellung der Adoptionseignung nach §7 AdVermiG, 2009; LVR-LANDESJUGENDAMT RHEINLAND/LWL-LANDESJUGENDAMT WESTFALEN (ed.): Arbeitshilfe zur Überprüfung von Adoptionsbewerbern, 2010.

6 See GZA Rheinland-Pfalz und Hessen (ed.): Praxisleitfaden für Fachkräfte der Adoptionsvermittlungsstellen zur Feststellung der Adoptionseignung nach AdVermiG, 2009; esp. no. 5.2.5.1.

7 BUNDESARBEITSGEMEINSCHAFT DER LANDESJUGENDÄMTER (BAGLJÄ): Empfehlungen zur Adoptionsvermittlung, 6th version, 2009, no. 6.4.2.3.

8 For this reason, an age difference of no more than 40 years between the adopters and the child is required, see BAGLJÄ: Empfehlungen zur Adoptionsvermittlung, 6th version, 2009, no. 6.4.2.2.

Whether or not applicants are homosexual⁹ has no impact on their suitability as adoptive parents.¹⁰ However, during the discovery process special attention will be paid to how the applicants will deal with the potential discrimination their adoptive child could face. In addition the partner is to be included in the check because he or she will necessarily become a further reference person for the child.

Adoption applicants have a legal right to be checked for their suitability by the youth welfare office. The youth welfare office is not allowed to exclude them from the opportunity to adopt simply because it already has a sufficient number of applications or merely because the applicants seem too old.¹¹

Checking the various suitability criteria can naturally not be done during a single appointment or in just a few weeks. This would also not be sensible, because in almost every case, participating in the check requires the applicants to reflect on their own attitudes, desires and ideas. The limits with regard to the characteristics of the child to be adopted shift when applicants confront this subject in detail: many applicants alter their attitudes to disability and behavioural abnormalities during the counselling and discovery process – not least when they are given new information and context. Some decide in this phase that they would prefer to be full-time foster parents; while others choose an international adoption. A well-founded, appropriate discovery process is in the interest of all the participants and therefore it is not a negative, but rather a positive feature that a comprehensive discovery process takes several months.

Matching and “settling-in period” [“Adoptionspflegezeit”]

Based on the discovery process, the adoption agency makes its decision (“matching”). It can only hand over a child if the applicants’ suitability to adopt has been determined (section 8). During the course of the matching decision, the requirements of the child have to be matched with the ideas and resources as well as the limitations of the applicants. In addition the wishes of the parents giving up their child (e.g. with regard to the religious views of the adoptive parents or their willingness to be in contact after the adoption is formalized) must be considered.

The law does not stipulate any specific length of time for the “settling-in period” required by section 1744 of the German Civil Code, which is designed to allow the parent-child relationship to grow and be tested. Generally speaking

it will last about one year for a younger child, whereas the settling-in period will most likely be somewhat longer for older children and teenagers.

Legal adoption proceedings

If the adoption applicants decide to take the child, they hand in a notarized application to the relevant family court. The court must check whether the legal requirements for an adoption stated in sections 1741ff. of the Civil Code are fulfilled. In particular, the consent of the parents giving up the child for adoption and of the child itself¹² must be given, unless (e.g. because of the absence of one of the parents under the terms of section 1747 sub-section 4 of the Civil Code) there are legal dispensations from this requirement. Then the court must check whether the adoption will most likely benefit the wellbeing of the child and whether a parent-child relationship has developed during the settling-in period (section 1744) or is still expected to develop. Since judges are very limited in their ability to check these issues, not least because of their lack of psychosocial training, section 194¹³ of the Family Proceedings Law and section 50 of the Social Legislation Code ch. VIII¹⁴ stipulate that the youth welfare office should provide an expert opinion for the family court. If a voluntary organization has taken care of the placement, the family court must also hear evidence from its adoption agency (section 189, Family Proceedings Law).

Follow up consultations and support with the “search”

Even after the adoption has been made legal, the adoption agencies are still required to advise and support all the participants, i.e. the original parents and the adoptive parents as well as the child (section 9 sub-section 1 of the Adoption Law). In addition to discussing individual cases and providing concrete help, the youth welfare services offer group services and self-help services as well as family weekends and other activities.

One area of increased significance as part of the follow-up care is supporting adopted individuals with the search for their origins. The Constitutional Court has determined in a test case¹⁵ that knowledge of one’s genetic parentage is “personality formative”. By implication, the personality rights as guaranteed by the constitution (Articles 1 and 2 of the Basic Law) also give the individual the right to access the relevant data. In the implementation of the constitutional parameters, section 9b sub-section 2 of the Adoption Law states that adopted individuals,¹⁶ professionally supported, can view their placement file in order to gain from it information about their origin and biography. This may only be refused if, after the individual case has been assessed, it has been found that third parties have a well-founded interest in the file remaining secret. Preparing and accompanying the inspection of the records requires a huge amount of professional and legal effort as well as time on the part of the adoption agencies. In light of the often great and sometimes even existential significance that the information has for the individuals in question, this is justified. In addition to helping adopted individuals view their files, the adoption agencies also give them practical tips about further search options; in addition they could initiate contact between the adopted individuals and their biological parents or siblings and/or follow it up.¹⁷

The right to view these files is currently only open to the adopted individuals. The increasingly relevant case of where biological siblings or the original parents wish to know about

9 On 22 May 2014 the Bundestag passed a law opening the possibility of successive adoption to those in civil partnerships. See the article by N. DETHLOFF in the present publication.

10 Federal Constitutional Court, 19. 2. 2013 – NJW 2013, 847; SCHÜTZE: Adoption durch homosexuelle Paare, RdJB 2013, p. 351.

11 Admin. Court Hamburg, 18. 12. 2001 – 13 VG 2780/2001.

12 If the child is over 14, he/she must agree personally; for younger children, the legal guardian gives consent.

13 Law on Procedure in Family Causes and Matters of Voluntary Jurisdiction (Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit).

14 Sozialgesetzbuch (SGB) – Achtes Buch (VIII) – Kinder- und Jugendhilfe (Social Legislation Code, ch. 8, Assistance to Children and Young People).

15 Judgement of 31. 1. 1989, Federal Constitutional Court 79, 256.

16 Over-16s can inspect the files themselves; under-16s are represented by their legal guardians, typically their adoptive parents.

17 There is no right to such contacts, see Administrative Court Lüneburg, NJW 1994, 2634.

the fate of an adopted child is not expressly regulated by law. Nonetheless adoption agencies are free to pass on information and put individuals in touch on a voluntary basis if they obtain the consent of the individuals being sought.

Special features in international adoptions

When children are adopted from other countries there are some differences from adoptions taking place wholly within Germany, namely that the German adoption agencies can at best obtain an impression of the living conditions only of the adoption applicants. With regard to the children to be placed, the German agencies are dependent on information from other countries. In addition, under Article 21 of the UN Convention on the Rights of the Child, an international adoption can only be considered if the child in question “cannot in any suitable manner be cared for in the child’s country of origin” (subsidiarity of intercountry adoption). In addition, all forms of child trafficking or forced adoption must be ruled out.

With this in mind, 93 states¹⁸ have ratified the Hague Adoption Convention¹⁹ (HAC) since 1993. This convention cements the parameters outlined in the Convention on the Rights of the Child as well as the professional and legal standards that need to be upheld in intercountry adoptions. The HAC also dictates a concrete approach on how cross-border cases are to be handled. According to the HAC, it is the business of the child’s country of origin to check whether this child can be legally adopted at all, whether there is a need for such an adoption, and whether the adoption release took place voluntarily (article 4 HAC). The central authorities of the state in which the applicants reside²⁰ take on the responsibility for counselling and preparing them, and investigating their suitability (article 5 HAC). If the adoption applicants are suitable candidates, a report on their characteristics and social environment along with any further files is sent to the central authority of the state of origin (article 15 HAC). Should this authority be of the opinion that the applicants would be suitable parents for an adoptable child, they make a “matching” proposal and send a report on the child to the central authority of the receiving state (article 16 HAC). Here the proposal is examined, and, if approved, passed on to the applicants. If they decide to take the child, the receiving state signals its agreement to the state of origin (article 17 HAC). The prospective adopters can now meet the child personally and either adopt him/her abroad, or bring him/her back to Germany with a view to adoption here (article 19 HAC). This system, as simple as it is brilliant, of the “dual agreement” of both the states involved²¹ and the clear division of responsibilities between the state of origin and the receiving state have been set out in more detail in Germany in the “Adoption Convention Implementation Law”²². The procedures and standards set out in the HAC have proved themselves over a period of more than ten years, so that they are now also applied when dealing with states that are not signatories to the Convention.²³ Where this appears not to be possible, the state youth welfare offices will not apply their own procedures, nor permit voluntary agencies or local youth officers to do so either.

Following an adoption finalized abroad, the Effect of Adoption Law²⁴ provides for the possibility of having this recognized by the courts in Germany or to be transformed into an adoption with the same effect as under German law.

This leads to substantially improved legal security for all parties involved in the adoption, especially since the relevant recognition and transformation decisions are binding on all German courts and public authorities.

Special features of stepchild adoptions

57% of all inner-German adoptions in 2012 involved step-parents.²⁵ Legally, step-child adoptions hardly differ from those involving the adoption of a child from outside the family. From the specialist standpoint, however, the adoption of stepchildren is not without major problems and reservations. In particular, adoption is used time and again to enable stepchildren living abroad to enter Germany for the purposes of study or training. Above all, however, there is the danger that the intention behind the adoption is – for whatever reason – to exclude the second biological parent from further contact with the child. For this reason, in stepchild adoptions, the motives for the adoption and the need for the child to be adopted at all usually require particularly close scrutiny. In view of these particular difficulties, there are some voices²⁶ that demand new and more flexible legal procedures for the adoption of stepchildren and other family members.

Limitations of child protection in the adoption process

The above-mentioned structural and specialist requirements provide an outstanding framework for matching procedures geared to the good of the child. However, these protective measures are not watertight.

Introduction through close relatives

Under section 5 sub-section 2 of the Adoption Law, the ban on anyone outside recognized adoption agencies bringing potential adopters and adoptees together does not apply to close relatives of either. This highly questionable provision leaves the door wide open to abuse: if biological parents are allowed to find adoptive parents for their own children, on

18 As of Feb. 2014; an up-to-date list can be found at http://www.hcch.net/index_en.php?act=conventions.status&cid=69.

19 Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption

20 In Germany these are the Bundeszentralstelle für Auslandsadoption (BZAA), the central adoption agencies of the state youth welfare offices, the state-recognized foreign adoption agencies of the voluntary sector, and the adoption agencies of the local youth welfare offices, provided these have the necessary approval

21 WEITZEL: Das Haager Adoptionsübereinkommen vom 29. 5. 1993, NJW 2008, 186.

22 Gesetz zur Ausführung des Haager Übereinkommens vom 29. Mai 1993 über den Schutz von Kindern und die Zusammenarbeit auf dem Gebiet der internationalen Adoption (AdÜbAG).

23 BAGLJÄ, Empfehlungen zur Adoptionsvermittlung, 6th version, 2009, no. 11.4.2.

24 Gesetz über Wirkungen der Annahme als Kind nach ausländischem Recht (AdWirkG).

25 Source: Stat. Bundesamt, https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2013/07/PD13_250_225.html (Zugriff: 4. 2. 2014).

26 FRANK: Brauchen wir Adoption, FamRZ 2007, p. 1693; REINHARDT: Aktuelle Herausforderungen in der Praxis der Adoptionsvermittlung, JAmt 2013, p. 499.

the one hand it cannot be ruled out that their decision may be made on the basis of monetary payments or some other inappropriate quid pro quo.²⁷ Secondly, this option, given the lack of sufficient preparation and monitoring, in no way guarantees the paramount need to protect the child against a bad placement.²⁸ Or – worse still – there is the danger that the adoptive parents will (mis)use the child exclusively for criminal purposes.²⁹

Unregulated adoption abroad

A second legal shortcoming consists in the fact that parliament – in spite of some initiatives by specialist circles in the past – has still not explicitly prohibited the private and unsupervised adoption of children from abroad; and even in those cases where the procedure laid down by law is deliberately circumvented, has not imposed any sanctions. The unsatisfactory state of the law at present thus presents no deterrent³⁰ to those potential adopters who decide to go down the allegedly simpler and quicker path of a “do-it-yourself” adoption abroad: more than 95% of all foreign adoptions are recognized in Germany,³¹ even though the required procedure was not adhered to. The consequence is that more than 50% of all children adopted from abroad came to their adoptive parents on paths either inadequately monitored by specialists, or not monitored at all.³² Not all of these adoptions fail, of course, but without the necessary critical preparation of the adoptive parents, and without a well-founded matching decision that takes note of the resources and limitations of

the would-be parents and of the specific needs of the child, there is a considerable danger of a mis-placement.³³ Yet it is the stated will of the Convention on the Rights of the Child that this risk be excluded as far as humanly possible, for the good of the child is paramount when it comes to an adoption, and not the interests of other parties involved.

Particular circumstances of children born confidentially or anonymously

In order to prevent newborns being killed or abandoned, the last few years have seen the emergence of possibilities whereby women in emergency situations can “give away” their child anonymously. According to a study by the DJI³⁴, between 1999 and 2010 around 1,000 children were born anonymously, placed in baby drop-boxes, or handed over anonymously. At the same time baby drop boxes and anonymous births are not only against the law,³⁵ but also highly problematic, because the children involved have no possibility whatever of obtaining any information on their background or genetic descent. This deprives them of crucial aspects of basic “personality forming” knowledge. Conversely, the families that foster or adopt these children have no information at all about the child’s previous history, including the medical history before and during pregnancy (e.g. possible alcoholism or drug-dependency on the part of the mother). Against this background, the German Ethics Council,³⁶ supported by a broad front of experts in adoption,³⁷ has spoken out categorically against the existing possibilities of anonymous child handovers.

On 1 May 2014, with the passage of the “Law for the Expanding of Assistance to Pregnant Women and for the Regulation of Confidential Births”, as a further, additional (!) service, so-called “confidential births” were made legal. Parliament hopes by this provision to enable mothers in desperate situations to give away their baby, while at the same time protecting the interests of the latter (protecting its life; enabling it to grow up in a good family with the best-possible chances for its development; providing it with access to its background and descent). To this end, the woman can turn to a pregnancy counselling service, which provides advice and assistance, and directs her to further sources of help (section 2 sub-section 4³⁸). If the woman decides she wants to keep the birth “confidential”, her identity will be kept secret at least until the child is 16. It will however be checked by the counselling centre and kept under lock and key as “proof of descent” (section 26 sub-section 2). After the birth, this document will be sent to a federal agency, the Bundesamt für Familie und zivilgesellschaftliche Aufgaben (BAFzA). The child can be born under a pseudonym and subsequently be matched with suitable adoptive parents. Until the adoption is finalized, the mother can decide whether to reveal her identity. The child can then return to its mother, as long as its wellbeing is not thereby endangered. If the mother chooses to remain anonymous, the child can apply at the age of 16 to the BAFzA to see his/her proof of descent (section 31 sub-section 1). Such a possibility is only ruled out if the biological mother files an objection after the child’s 15th birthday. In case of dispute as to whether the mother’s reasons for maintaining confidentiality outweigh the interests of the child in finding out about his/her descent, the family court must decide whether to allow him/her to see the documents (section 32 sub-section 1).

27 At a conference of the Landescaritasverband on 26 and 27 September 2007 in Munich, the federal criminal investigation office reported, for example, that pregnant women were being brought to Germany by organized gangs to give birth, and that after the eight-week waiting period (section 1747 sub-section 2 German Civil Code) were being released for adoption to those willing to pay.

28 While the youth welfare office gives an opinion to the family court, this can in no way replace a comprehensive investigation and preparation period.

29 On cases of adoptions from Guatemala for the purpose of trade in human organs, see HABSBUrg-LOTHRINGEN et al., Die Vermarktung von Organen (http://www.imabe.org/index.php?id=780&print=1&no_cache=1; last accessed on 3 Feb. 2014); BECK: Mitten in Europa: Kinderhandel (<http://info.kopp-verlag.de/hintergruende/deutschland/friederike-beck/mitten-in-europa-kinderhandel.html>; last accessed on 3 Feb. 2014).

30 On the contradictions in the law, see REINHARDT: Die private Adoption von Kindern aus dem Ausland, ZRP 2006, p. 244; REINHARDT, Die Praxis der Anerkennung ausländischer Adoptionsentscheidungen aus Sicht der Adoptionsvermittlung, JAmt 2006, p. 325.

31 Bundeszentralstelle für Auslandsadoption: Jahresbericht [Annual Report] 2012.

32 SCHLAUSS, Die Anerkennung von Auslandsadoptionen in der vormundschaftsgerichtlichen Praxis, FamRZ 2007, 1699; Reply by the federal government to an enquiry by the FDP, in BT-Drucksachen, 16/12247, no. 45.

33 Concrete figures or estimates unfortunately do not exist; however the danger in itself can be excluded by appropriate legal measures.

34 COUTINHO, J./KRELL, C./BRADNA, M., Anonyme Geburt und Babyklappen in Deutschland. Fallzahlen, Angebote, Kontexte, Munich 2011.

35 Both the women affected and the professionals involved in the birth or handover are committing the offence of “falsifying civil status” (section 169 German Criminal Code) or “breach of duty of support” (section 170 German Criminal Code) (or aiding and abetting as the case may be).

36 Das Problem der anonymen Kindesabgabe. Stellungnahme, Berlin 2009.

37 SWIENTEK: ausgesetzt – verklappt – anonymisiert. Deutschlands neue Findelkinder, 2007; various publications by Wiemann, available at <http://www.irmelawiemann.de/seiten/artikel.htm>.

38 Gesetz zur Vermeidung und Bewältigung von Schwangerschaftskonflikten [Law on the Avoidance and Resolution of Pregnancy Conflicts].

With this “confidential birth” option, parliament hopes to achieve a well-meaning and juridically needed compromise; but it seems not very practicable. Vis-à-vis the existing possibilities of anonymous birth and the baby drop-box, the procedure envisaged by the new law seems hideously bureaucratic, and is hardly likely to be accepted by the target group. The identity check alone, as prescribed by section 26 sub-section 2, goes totally against the spirit of the aimed-for low threshold vis-à-vis the other provisions for women in desperate situations (!). A further problem is that even in the case of such confidential births, there is no access to any information on the course of the pregnancy or any risk factors affecting the child. This brings with it the risk that urgently needed infant therapy or special measures will be overlooked. If pre-natal risks (e.g. foetal alcohol syndrome) only manifest themselves in later childhood, this can place an enormous burden on the adoptive family and lead to the failure of the adoption. For this reason, the matching of anonymously born children can be considered at best only for prospective adopters who are ready to take an exceptional risk.

The new legal framework for confidential births is problematic also from the point of view of adoption-matching practice. The fact that contact with the biological mother is made via the pregnancy counselling centre carries with it the risk that on account of a lack of training, sensitization and relevant special experience, important adoption-relevant information relating to the child and its parents will not be obtained, and, conversely, the prospective adoptive parents will be deprived of crucial information which they would have had in the case of a matching process supervised by professionals in the field. It is true that the law stipulates that the woman should be counselled and assisted “in co-operation with the adoption agency” (section 25 sub-section 4), but in practice the presence of two adoption experts at the counselling session on the one hand is likely to lead to the woman seeing herself exposed to a “tribunal situation”, and on the other the adoption agencies, if only because of chronic understaffing, will hardly be in any position to attend counselling sessions at short notice. Nor will the stipulation that the youth welfare office be informed of imminent confidential births (section 26 sub-section 5) lead to an institutionalized joint processing of the case.³⁹ Even if there were a general exchange of specialist information between the pregnancy counselling service and the adoption agency, and the former points to the option of adoption matching,⁴⁰ this is in no way a substitute for the highly specialized work of the adoption agencies with the biological mother in the concrete individual case. Moreover the rights of the father play a totally subordinate role in the context of a confidential birth;⁴¹ in the framework of a regular adoption-matching process, this deficit could also be at least mitigated.

Even so, mothers wishing to give away their child have the possibility of sending messages to him/her (section 26 sub-section 8). These are forwarded from the pregnancy counselling service to the adoption agency and added to the file (if the child is not adopted, they are to be sent to the BAFzA (see above)). It remains incomprehensible, however, why parliament has allowed the child to inspect its proof of identity unaccompanied. It would be better to add this to the adoption file in the case of adoption, where it could be inspected under expert supervision given the special emotional burden weighing on the child (section 9b sub-section 2, see above). In this way, the information could be assimilated far

better by those affected, and subsequent measures, including a possible contact with the biological parents, could be arranged and supervised by professionals.

In summary, we have to say that by passing this new law in this form, parliament has created a monstrous bureaucratic construct that (quite rightly) stipulates the pregnancy counselling centre as the woman’s first port of call, but totally ignores the specialist possibilities available to the adoption agency during the preparation of the adoption, the placement decision, the post-adoption supervision, and in particular the search for ancestry. This carries the risk of difficult and highly problematic adoption processes. The federal government is required, in May 2017, to publish a report on the effects of “confidential birth”. Whether this will be a success story in its present form looks doubtful, both from the point of view of the professionals, and – worryingly – from the point of view of the children and the substitute families in which they will live.

The concept of “matching”

Finally we must raise the fundamental question of whether the exclusiveness of the legal adoption matching procedure⁴² is still in tune with the times. After the boom in foreign adoptions in the 1990s, its significance has declined considerably in the last ten years.⁴³ The number of inner-German adoptions has also roughly halved since 1993. The main reason for this is probably new and improved possibilities in reproductive medicine and the options of surrogate motherhood or egg donation abroad. Also, word has got around that false paternity acknowledgements abroad or immigration by children on the basis of guardianships or the Islamic kafala (a kind of fostering arrangement⁴⁴) are possible, and allegedly simpler, alternatives to what are seen as the relatively strict standards of German adoption-matching procedures. The new methods of realizing a wish for a child have been largely ignored by the law to date. But at the same time, there is just as much need and necessity here as there is with adoptions for professional preparation and assistance. This is true even when the options in question (such as surrogate motherhood or egg donation) are prohibited in Germany – because in the age of globalization, it only takes a hop on an aeroplane to implement the preferred method abroad.

In the interest of the children affected and of the adopting parents in a stable parent/child relationship, parliament should therefore give its urgent attention to the concept of

39 The information serves primarily to ensure the safe custody of the child and subsequent regulation its guardianship after the birth, see the official reasons for the law in BT-Drucksachen 17/12814, p. 19.

40 Under section 25 sub-section 2 no. 4 of the Pregnancy Conflicts Law (see note 38) its obligations are only very general.

41 Only general reference has to be made in the counselling (section 25 sub-section 2 no. 3, Pregnancy Conflicts Law).

42 Under section 1 of the Adoption Agency Law, these apply on to adoption placement, not to other forms of “placement”, such as finding foster homes, donating eggs, or surrogate motherhood (illegal in Germany).

43 The number of foreign adoptions has roughly halved since 1992, see HOKSBERGEN/LANGE, Perspektiven für Adoptivkinder in Europa und den Vereinigten Staaten von Amerika, JAmt 2013, p. 494; REINHARDT, Aktuelle Herausforderungen in der Praxis der Adoptionsvermittlung, JAmt 2013, p. 499.

44 On this term, see REINHARDT, JAmt 2008, p. 63.

adoption-matching as set out in section 1 of the Adoption Law. The new situation demands the extension of the important and sensible professional standards of the Adoption Law to other forms of placement and other ways of realizing the wish for a child. If these were regulated in a uniform fashion, individuals and couples, who, in the face of reluctant childlessness, are searching for possibilities of fulfilling their wish for a child, would get the necessary support, preparation and ongoing assistance they urgently need. Above all, though, and this must continue to be paramount, it could ensure a more comprehensive protection of children's rights.⁴⁵



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45 REINHARDT: Aktuelle Herausforderungen in der Praxis der Adoptionsvermittlung, JAmt 2013, p. 499.

Adoption from the child's perspective. The children's rights approach in the field of adoptions

Jörg Maywald

The author discusses how the various types of adoption – non-family adoption, stepchild adoption and international adoption – can impact the children. He compiles study results on the influence of international adoptions on behavioural problems and mental health and addresses the issues of the children's wellbeing and children's rights.

The desire to have a child is one of humankind's strongest motivations. Likewise, the desire to be wanted is a necessary component in allowing a child to grow up healthily. When adults are denied their desire for a biological child, it suggests itself that this need should be met in another manner. Adoptions have offered a solution to this problem for centuries. Adoptions connect children who for whatever reason could not develop the feeling of being wanted with adults who long for a child and who then become the legal and social parents for these children.

In order for an adoption to take place, the needs of the child for social parents and the adults' desire to adopt have to come together. The starting positions of each side are fundamentally different, however. While children have the right to have the opportunity to grow up with adults who will take on parental responsibility for them, there is no reverse "right" for the adults to have a child.

The number of children available for adoption in Germany has steadily decreased in recent decades and seems to have levelled out on a relatively low level. Factors responsible for this are the opportunities provided by modern birth control, a growing acceptance of children whose parents are not married and the increasingly "preventive" orientation of children's and youth work (i.e. forestalling problems rather than proactive positive approaches). At the same time there is a strong trend towards wishing to adopt a child. The cause here is the large number of involuntarily childless couples, brought about not least by the growing inclination to put off following through on the desire to have a child, and in doing so, accepting that such a follow through might fail for biological reasons.

The motives for adoption have changed greatly. In the past, family solidarity (in the event of one parent no longer

being available) and economic reasons (lack of workers, desire for an heir/old age provision) dominated, while today it is mainly psychological motives (self-realization through living with a child, non-acceptance of involuntarily childlessness) that play a role. Some applicants also have a strong motivation to help children escape degrading circumstances through adoption.

From the child's perspective, a distinction must be made between adoption by a biological parent's new partner (stepchild adoption) and adoption by individuals previously unknown to the child (non-family adoption), potentially even across national borders (intercountry adoption).

Stepchild adoptions¹

More than half of all the adoptions in Germany – 57% in 2012 (STATISTISCHES BUNDESAMT 2013) – were by stepparents, in other words the new partner of a biological parent. From the child's perspective, being adopted by a stepparent can affirm its sense of belonging in the newly created family. Legal equality (also with regard to inheritance law) for the adopted child vis-à-vis potential children conceived by the biological parent and stepparent is also often associated with a positive effect.

At the same time, a stepchild adoption runs the risk of unnecessarily weakening the relationship between the child and the other biological parent or even of cutting it completely, thereby alienating the child from its origin, which can

¹ Unlike in the introductory contribution by I. ELSÄSSER, the types of adoption are viewed from the perspective of the child here (eds.)

lead to problems in identity development. This is particularly prevalent when the adoption did not occur as a result of the death of the other parent, but after the separation/divorce of the biological parents and subsequent (re-)marriage. It is not uncommon that this is less about the wellbeing of the child and more about affirming the new adult relationship and pushing out the second biological parent.

Non-family adoptions

The number of adopted children placed in families they did not previously know has fallen significantly in Germany in recent decades. It was approximately 1,500 in 2012, accounting for only 40% of all adoptions. In this type of adoption it is often the case that young children are matched with couples who dearly long for children but who could not fulfil that desire. The child is given an indisputable place in the new family and can generally speaking be guaranteed great attention and care.

Often, however, the adoptive parents who are not related to the child underestimate the physical, emotional and mental consequences of the great stressors or even traumas that the child was exposed to during the pregnancy, the birth and the first few weeks, months or years. If the expectations regarding the child are unrealistically high and its origin becomes a taboo, this will sooner or later lead to significant tension and crises in some of the adoptive families.

International adoptions

Around 800 of the non-family adoptions in 2012 involved children from another country (STATISTISCHES BUNDESAMT 2013). This corresponds to roughly one fifth of all adoptions. This proportion has been falling over the past ten years. One figure that must be included is the not exactly known number of adoptions that take place in other countries when the parents subsequently travel back to Germany with their adoptive child, without having involved a German adoption agency.

The large number of interests involved in international adoptions is explosive and has the potential for large number of conflicts. Questions regarding the individual child's wellbeing are closely linked to economic, cultural and political aspects. On the one hand there are a large number of socially parentless children in poorly developed countries that grow up under miserable conditions (even by local standards) that can threaten their health and survival. On the other hand the developed countries have potential, usually well-off parents whose goal it is to adopt a child as quickly as possible.

In this situation there is a great danger of abuse. It is mainly the affected children who suffer. There are not always sufficient checks to see whether there are local alternatives to the adoption; often the matching process does not fulfil professional minimum standards. The biological parents of these children also suffer because they are often made false promises and sometimes they are coerced with financial payments and other incentives to release their child for adoption. And finally the (potential) adoptive parents suffer if their desire for a child is exploited, they fall for disreputable agents, or they are required to pay exorbitant sums in order for an adoption to take place.

Despite the risks, most internationally adopted children benefit from the adoption and sometimes even display surprisingly positive developments. The most comprehensive meta-analysis of 98 studies on the influence of international adoptions on behavioural problems and mental health (JUFFER/VAN IJZENDOORN 2005) came to the following conclusions:

- The starting point of internationally adopted individuals is usually precarious prenatal and perinatal medical care, early separation from the mother, poor care (deprivation) in orphanages or poor families, as well as the loss of the family and culture of origin
- during the period after the adoption there is a quick and significant improvement of the general condition thanks to improved medical, physical, emotional and educational care
- compared to children who are not adopted, internationally adopted children display more externalized and internalized behavioural problems and they are more often in therapy because of emotional problems (especially during the years preceding adolescence)
- nevertheless the majority of internationally adopted individuals master their lives well and the rate of behavioural problems is on a moderate level
- the adoptive parents of internationally adopted individuals are generally highly motivated; they invest a lot in their adoptive children and are willing to accept help when needed
- contrary to widespread opinion, internationally adopted individuals have fewer behavioural abnormalities than children adopted within the same country; one explanation for this could be that the fact of the adoption in the case of international adoptions is visible to everyone thanks to the different appearance of the child and the adoptive parents, in other words it is not kept secret.

Adoptions: the wellbeing of the child takes precedence

When in the second half of the twentieth century the problems surrounding international adoptions could no longer be overlooked, supranational organizations took on the issue. Milestones in international development were the passing of the UN Convention on the Rights of the Child (UNCRC) by the United Nations on 20 November 1989, in force in Germany since 5 April 1992, and just a few years later the passing of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention/HAC) by members of the Hague Conference on Private International Law on 29 May 1993, in force in Germany since 1 March 2002. While the UNCRC primarily outlines material and legal standards, the HAC supplements these standards with binding procedural rules.

Of course the stated triad in the UNCRC that all children have a right to protection, support and participation also holds for adopted children. This group's special need for protection is accommodated through the addition of a specific article. Pertinent here is Article 21 of the Convention. In it, the State Parties commit themselves to ensuring "that the best interests of the child shall be the paramount consideration". With this focus on the child's best interests it is made clear that – unlike in Article 3 of the Convention – the child's best interests do not just constitute "one" factor among many

to be given primary consideration, but that in adoptions no other interest (be it economic or political in nature, or relating to the needs of the adoption applicants) can be equal, let alone superordinate, to that of the child's best interests.

In addition to the unequivocal primacy of the child's wellbeing, the State Parties also agreed the principle of subsidiarity, according to which an international adoption can only be considered as a form of child care "if the child cannot be placed in a foster or adoptive family or cannot in any suitable manner be cared for in the child's country of origin" (Art. 21b UNCRC). To preserve the cultural identity of the child released for adoption, solutions within the child's country of origin are preferable to international adoptions. Finally, the State Parties agreed that (1) "the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption", (2) "that in intercountry adoption the placement does not result in improper financial gain for those involved in it", and (3) that the objectives of the present article would be promoted where appropriate "by concluding bilateral or multilateral arrangements" and that it should be endeavoured "that the placement of the child in another country is carried out by competent authorities or organs" (cf. Art. 21c–e UNCRC).

The goal of the HAC, designed as a multilateral agreement in the spirit of the UNCRC is the safeguarding of the child's best interests and the preservation of basic rights in international adoptions, and especially the prevention of child trafficking. This goal is to be reached through the observation of professional standards, collaboration between the ratifying states and through guaranteeing reciprocal recognition of adoption decisions. The Convention envisages an institutionalized system of collaboration between the authorities of the country of origin and those of the receiving state during the investigation into the situation of the child and its future adoptive parents; it contains detailed parameters about the legal procedures with regard to adoption placement. To implement these goals the ratifying countries commit to setting up central authorities.

The children's rights approach in the field of adoptions

As a result of their precarious situation, children given up for adoption are in special need of protection. Guaranteeing their protection and upholding their rights is best done using a children's rights approach (cf. MAYWALD 2012) that all professionals working in the field of adoptions should commit to.

Characteristic of the children's rights-based approach is that it is not just about the needs of the children but also about their rights. While needs are subjective and situation-dependent, the rights of children are objective and not dependent on individual situations. The children's rights approach forms an orientation framework for the actions of individuals and organizations on the principles of the UN Convention on the Rights of the Child. There are four fundamental principles that characterize this approach: (1) universality, (2) indivisibility, (3) children as the bearers of their own rights, (4) adults as the bearers of responsibility.

The principle of the universality of children's rights

Children's rights hold equally around the world for all children, regardless of what culture or tradition they live in, regardless of the circumstances they are growing up in and what their origin is like. All children are equal with regard to their rights. Boys and girls have the same rights. Non-discrimination is a core objective of human and children's rights.

The principle of the indivisibility of children's rights

All rights children are entitled to are equally important and closely related. The "building of children's rights" is to be understood as a holistic unit. No group of rights is more important than any other. Across the board the rights of protection, support and participation have the same standing. Children are better protected from dangers if they know their rights and they are involved in the decisions that affect them.

The principle of children as holders of their own rights

Children are holders of their own rights. These rights do not have to be acquired by them or earned and they cannot be renounced or disposed of. They are entitled to them simply because they are children.

The principle of adults as bearers of responsibility

The principle of children as holders of their own rights is matched by the duty of adults to take responsibility for implementing the children's rights. Adults are duty bearers and children can expect them to implement their rights. It is primarily parents who are responsible for the wellbeing of an individual child. However, so too are the state, business, culture, sports and the media, organizations and religious communities as well as the various experts working with and for children.

Perspectives

In order to increase the opportunities and minimize the risks for children that are associated with an adoption, a package of measures is required – alongside the protective arrangements already in place – that are all based on the principle of the absolute primacy of the child's best interests. The following measures are useful and sensible:

- comprehensive and obligatory information for (potential) adoption applicants about the needs and rights of adoptive children (not least with reference to the needs and developmental risks of traumatized children and the socio-cultural conditions in the countries of origin in the case of international adoptions)
- professional advice services that are tailored to the special situation of adopted children are to be made available after the adoption, including biographical work for the adopted individuals and helping with self-help
- the establishment of the children's rights approach in the centres approved for setting up adoptions, including further training for the experts working there
- the need for legal reform should be examined so that the standards set out in the UN Convention on the Rights of the Child and the Hague Convention can be better implemented; this includes the matter of the ban on intercountry private adoptions without the involvement of an authorized placement agency in Germany
- the adoption law must be extended to include same-sex

partners, naturally while strictly adhering to the primacy of the child's best interests

- children's rights are to be adopted into the constitution; in particular the cross-departmental rooting of the primacy of the child's best interests must be firmly entrenched
- a stronger link between development-aid policy and children's rights standards, for example through sustainable commitment in the field of development aid policy with the goal of creating alternative care (homes, foster families, adoption), especially in the countries hit most by poverty
- awareness must be raised in the media about the opportunities and risks (child trafficking) of international adoptions, including the publication of the personal reports of internationally adopted children
- there must be increased research funding for the subject of adoptions, with special consideration for the development and the experiences of adopted children and young people



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Literature

JUFFER, FEMMIE/ VAN IJZENDOORN, MARINUS H. (2005): Behaviour Problems and Mental Health Referrals of International Adoptees, *Journal of the American Medical Association*, vol. 293, no. 20, 2501–2515

MAYWALD, JÖRG (2012): *Kinder haben Rechte! Kinderrechte kennen – umsetzen – wahren*. Weinheim: Beltz Verlag

STATISTISCHES BUNDESAMT (2013): Zahl der Adoptionen im Jahr 2012 wieder rückläufig https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2013/07/PD13_250_225.html (most recently viewed 23 Mar. 2014)

The psychological development of adopted children in the first years.

Results of a Swiss adoption study

Thomas Gabriel, Samuel Keller

119 families with 146 adopted children participated in a long-term Swiss study, the data collection period of which will continue until 2015. The parents gave information about their adopted children and their experiences with the adoption processes. Using this as a basis, our authors discuss psychosocial developmental and handling patterns and report some surprising initial results.

The academic literature contains very contradictory statements about the psychosocial development of adopted children (cf. SMOLIN 2005, p. 404 among others). In addition, many scientific studies and reports in the media focus on deviations and problems of adoption that are retrospectively attributed to individual factors of the adoption. This problematic logic has consequences, since couples that adopt spend years confronting these adoption and family images during the phase of forming a family (BARBOSA-DUCHARNE/FERREIRA/SOARES 2012; Kasten 2006).

Often even the professionals in the adoption agencies cannot find answers that sensibly relate to their work in the contradictory and often deficit-oriented literature about the development of adopted children. For that reason the Central Authority for Adoptions in the Canton of Zurich commissioned a study with a runtime of 2009 to 2015 whose aim it was to academically monitor all the adoptions since 2003. The goal of the Zurich adoption study is to allow statements about the developments of the adopted children in the canton of Zurich and make recommendations for improving the official process (GABRIEL/KELLER 2013a).

The problem with isolated examination

Even though the statements about psychosocial development are contradictory, experts agree about the question of what factors are of fundamental relevance (EVAN B. DONALDSON ADOPTION INSTITUTE 2010; JUFFER/VAN IJZENDOORN 2005, 2009; KASTEN 2006; PALACIOS/SÁNCHEZ-SANDOVAL 2006; VAN DER VEGT et al. 2009). These factors of influence can be divided into three areas, “adopted child”, “adoptive parents” and “adoption agencies and authorities”, and can be summarized as follows:

- Adopted child:
Age at adoption, inadequate or barely adequate prenatal and perinatal medical care, number of previous placements, malnutrition, early deprivation, drug abuse by the biological mother, abuse by the biological parents, sibling configuration, disability, externalized and internalized behavioural abnormalities, psychological disorders, health, ties to the family of origin, separation, puberty, the desire to suppress the issue or to get more information;
- Adoptive family:
Age of the parents, preparations, social class and (associated) expectations, motivation, religious affiliation, parents' level of education, economic situation, social networks, presence of biological children, motives and attitudes, parenting style, openness towards external help, quality of the marriage/relationship, changes to the family structure, contact to the family of origin, single parent families, adoption by foster parents
- Adoption agencies and authorities:
Preparation, advice and support after placement, specific knowledge about adoption, crisis intervention, quality and professionalism of the help, determining and implementing interests, caseload per expert, liquidity, sincerity and reliability of the other bodies and individuals involved in the process

However, listing individual factors of influence in isolation does not seem sufficient from a scientific or official perspective, since it is to be assumed that there is an interactive dimension between all of the factors cited. Individual protective factors could become negated, amplified or reversed when confronted with other protective or risk factors. This means for example that many placements already experienced and a greater age of the child will have a significant

impact on the expectations and motives of the adoptive parents. They would, if applicable, include this starting situation into the interpretations, thereby noticing crises faster or being more likely to accept professional help. The risk factors “many placements” and “older age” could have a positive effect when confronted with other factors. However, very little is currently known about this procedural dimension in the process.

Furthermore a focus on protective factors that are not situated in the appearance but in the management of crisis instances (GABRIEL/KELLER 2013b) provide an important addition to already existing knowledge about the development of adopted children. “Failed adoptions” can be explained relatively easily by referring to risk factors. It is only when we look at the processes that take place under adverse conditions and can still be judged successful in their outcome that the inadequacy of this argumentation becomes clear: “children who swim when all predictors say they should sink” (COWEN/WORK 1988). Based on this consideration it was important for the research project to accompany developments with several survey methods, by asking standardized and open questions, and by deepening or supplementing quantitative results in the sense of sequential procedure (CRESWELL/PLANO CLARK 2010, p. 18) with qualitative ones from cases selected in a controlled manner:

- first quantitative data-gathering phase: standardized questionnaires and open questions (n=119) about the process (2009)
- first qualitative data-gathering phase: narrative interviews (n=23) with the adoptive parents and photograph-based survey of the children (2010)
- second quantitative data-gathering phase: standardized questionnaires and open questions about the process (2014)
- second qualitative data-gathering phase: narrative interviews with adoptive parents (2015)

In what follows the focus is largely on the sample, the tools as well as the results of the first quantitative data-gathering phase.

The sample: 119 adoptive families with 146 adopted children from 43 countries

The first phase of the Zurich adoption study dealt with gathering data that reflected the parental view of the behaviour of their adopted child as well as their perception of the adoption process so far. All families that adopted a child in the canton of Zurich between 1 January 2003 (introduction of the new official process) and 20 August 2009 (time of sending) were sent a questionnaire. The sample therefore largely represents the parental view of the child’s development during the first years in the adoptive family. As a result,

there are no puberty phases or other factors that only occur over a longer period of interaction at this time. This restriction produced a total of 195 families that were written to, with 241 adopted children. Of these, 154 families had one adopted child, 36 had two, and five families had three adopted children. In three of these families the adoptions were by individuals (not couples).

The assumption that adopted children in Switzerland (excluding stepchild adoptions) largely come from other countries can be confirmed for the canton of Zurich, where 94% of the adoptions were international adoptions. A good half of all the children were born in three countries: Ethiopia, India and Thailand. Around 6% were born in Switzerland. The remaining 105 children – 45% of the overall sample – came from a further 43 countries, with 43 different cultural, political and legal contexts.

119 families with 146 adopted children responded to the survey, making them participants in the study’s first data-gathering phase; this is a good response rate of 61%.

The tool: Child Behaviour Checklist (CBCL) and open questions

To gather data about the children’s condition and developmental stage, the standardized questionnaire “Child Behaviour Checklist” (CBCL) (ACHENBACH/RESORLA 2000) was used. By evaluating the approx. 100 questions on the children’s behaviour (that is observable by the parents), their condition and developmental stage can be used on six scales with the gradings “above average”, “average”, “below average” and “clinical”. The formation of scales in the Child Behaviour Checklist is based on factor analytical examinations of a sample of 1728 children who represent normal growing up in Western society in the quantitative sense (ACHENBACH/RESORLA 2000). The “averageness” of the adopted children therefore merely refers to the frequency of certain behaviours compared with the average of all the children surveyed with this tool (normal population). For this reason “average” is not to be understood as a value judgement but as a quantitative classification. With regard to the “clinical values” however, the probability that the parents will use external help in these cases (parenting advice, child psychology advice) is demonstrably significantly higher. However, even in this case the result is not to be understood as a diagnosis.¹

The number of comparative studies as well as the possibility of replication (reliability) underpinned the choice of CBCL. In order to pick up on non-standardized subjective perceptions as a supplementing dimension in the quantitative survey already, open questions about the adoption process (annoyances and positive features) and the children (“when is your child happy?”) were added to the data gathering process. The following central results were obtained on the psychosocial development and condition of the adopted children compared to the standardized normal distribution of the CBCL:

- Overall there are hardly any significant deviations compared to the behaviour of children of the same age in the CBCL normal population. As a result, the adopted children surveyed are not to be defined and distinguished as a homogeneous population with regard to risky or above-average developmental and behavioural levels.
- However, it is of note in the internalizing behavioural scales (“emotional rejection”, “worried expression”, “physical

¹ In relation to the physical and mental wellbeing the CBCL corresponds to the international DSM classification (“Diagnostic and Statistical Manual of Mental Disorders”) and is also compatible with the ICD classification (International Classification of Diseases) required by the WHO. The questionnaire has been used around the world in more than 2000 studies to date, including several adoption studies (CEDERBLAD 2003; GROTEVANT/RUEFER 2011; HAWK/MCCALL 2011; HOKSBERGEN 2004; KRIEBEL/WENTZEL 2011; TYSON/SCOTT 2011; VAN DEN BERG et al. 2008); it therefore offers a broad scientific basis for comparison purposes.

Tab. 1
Overview of the Results from the Child Behaviour Checklist

Scale	18 months to 5 years (n = 76)*		5 to 18 years (n = 54)	
Emotional rejection (i) Problems in social intercourse	😊😊 +1,3 % ok -7,1 %	😊 +2,9 % 😞 +0,2 %	😊😊 +12,9 % ok +0,1 %	😊 -15,5 % 😞 +2,6 %
Worried expression (i) Depression, anxiety (i)	😊😊 +17,1 % ok -11 %	😊 -6,3 % 😞 -1,1 %	😊😊 +3,7 % ok +4,0 %	😊 -11,7 % 😞 +0,6 %
Physical ailments (i)	😊😊 +21,1 % ok -4,5 %	😊 -20,8 % 😞 -1,1 %	😊😊 +9,3 % ok +2,0 %	😊 -9,9 % 😞 -5,0 %
Taciturnity, social withdrawal (i)	😊😊 -0,3 % ok -3,1 %	😊 +2,9 % 😞 -1,1 %	😊😊 +1,8 % ok +0,1 %	😊 -4,3 % 😞 +0,7 %
Attention problems (e)	😊😊 +6,6 % ok -9,7 %	😊 +0,3 % 😞 +1,5 %	😊😊 -9,3 % ok +7,6 %	😊 -11,7 % 😞 +11,7 %
Aggressive behaviour (e)	😊😊 +9,1 % ok -7,1 %	😊 -7,8 % 😞 -1,1 %	😊😊 +5,7 % ok +4,0 %	😊 -10,7 % 😞 -2,2 %

On the meaning of the symbols:

- 😊😊 the relevant behavioural abnormalities virtually never occur, which was the case for 50 % of the normal population
- 😊 the relevant behavioural abnormalities occur rarely, which was the case for 34 % of the normal population
- ok the relevant behaviour occurs occasionally, which was the case for 11 % of the normal population
- 😞 the relevant behaviour occurs with critical frequency, which was the case for 5 % of the normal population
- (i) scale of internalizing behaviour
- (e) scale of externalizing behaviour
- Green fewer than average behavioural abnormalities
- Grey critically frequent behavioural abnormalities

*16 children were aged less than 18 months and could therefore not be covered by the standardized questionnaire (CBCL)

complaints”) that there are slightly fewer behavioural abnormalities – a positive anomaly as it were. This means that on many behavioural scales, the frequency of abnormal behaviour falls well below the expected value. This is particularly true for children who have been in their families for less than two years. One way of interpreting this is that this confirms the “honeymoon phase” (OZOUX-TEFFAINE 2004, p. 116).

- The only dimension of child behaviour where there is a risky frequency of behavioural problems (in the “below-average” and “clinical” area) is that of attention problems among adopted children between the ages of 5 and 18. It cannot at this point be said whether this is the result of a greater need for attention, of post-traumatic symptoms (cf. WIEMANN 2008), or of a greater sensitivity among adopted parents.

For visualization purposes the central results of the six CBCL scales that can be compared across both age brackets (identified in the left column) are presented in the table above with specifications of standard deviations. The areas in green are the ones where the adopted children exhibit an above-average positive deviation from the expected values, the grey areas show negative deviation and the white areas are the ones

where the gathered data largely coincide with the expected values.

If we draw on demographic data about the adopted children and compare it with the distributions in the behavioural scales, the results show that the genders are represented equally in both the above-average and the critical behavioural values. The data also shows no link between these findings and the country of origin. Furthermore there are no noticeable correlations when taking the existence of siblings or adopted siblings into account. The age of the child when the time it arrived in the family at the time of the survey (2009) was also not an influencing factor on the values. The results are surprising and yet they should be interpreted with care. It will not be until the second quantitative data-gathering phase (2014) that we will be able to describe the insights into the children’s development – in contrast to the cross-section of the one data-gathering phase.

In the responses to the supplementary open questions, most adoptive parents say that they do not have any worries with regard to their children. If worries are cited, then largely in conjunction with their health and identity development. Most said the best feature was the positive development of the children’s social skills and their personality. The adopted parents surveyed said the best gain was the change to their

lives as well as the increasing cohesion of the new family. The perceived duration, distrust and lack of transparency in the adoption process along with various kinds of ill-feeling in the social environment were all aspects that caused anger or irritation.

In summary it can be said that there is a pleasingly small number of cases to be classed as critical. However, these few cases demonstrate the existence of several risky problem areas on various scales, and critical features listed by parents more than once with regard to behavioural abnormalities that must be taken seriously. Even though quantitatively speaking there are not many children who have multiple problems, their development coupled with the parental behaviour (surveyed in the qualitative survey) must receive special attention.

Psychosocial developments and parental coping strategies

In order to get a more in-depth understanding of the adoptive parents' perception of their children and their development, 23 adopted families were selected in a controlled manner one year after the quantitative survey (2010). Since the adoption had taken place not that long before, the couples' joint stories in the narrative interviews primarily focused on the decisions and influences before and during the process as well as on the transition in the first phases of family life after the arrival of the child. After that, there will be a brief look into those insights of the qualitative survey that highlight the significance of how the parents deal with the children's psychosocial developments.

As a result of their intense theoretical confrontation with influences on the children's development during the adoption process, the future adoptive parents perceive more and more contradictions between seemingly obvious protective and risk factors. They refer to the visibility of the adoption in the social environment, to the age and the health of the future adopted child and to the adults' motives for wanting a child. In the subsequent period, insecurities with regard to the specific set of problems brought about by adoption increase until the arrival of the child. If the adopted child irritates its parents during the initial period of their lives together, many couples do not have the courage to voice their uncertainties to the authorities, to people close to them, or even to their partner, as the following quote by an adoptive mother demonstrates: "If you've spent years being checked by various authorities to see whether you're capable of raising an adopted child, then you won't have the courage to say afterwards: 'I'm not coping now!'" The arrival of the adopted child, and the succeeding period, takes a lot out of the families and sometimes it is too much for them.

The latently deficit-oriented perspective on the adoptive family (to be) during the process can therefore also lead to excessive sensitivity about the development and behaviour of the adopted child. Until the adoptive parents admit to, and allow themselves, the great individuality and the independent interpretation of the child and their own family life, months or even years can pass. This adoptive father explains for

example: "And afterwards, after two, three years, we realized there was nothing negative so we fell into a routine. A good routine. You stop taking pictures of every tiny thing. You're just a family." It appears to be necessary that the finding of a family identity should be associated with confusions.

However, the objectification of the parents' and child's behaviour that is rehearsed during the adoption process is not rooted in experience and can also lead to acute crises if the family do not succeed in gradual distancing themselves from originally over-inflated family ideals or from the fears of adoption-related consequences.

The adoptive parents find – deliberately or unintentionally – different ways to deal with the challenges cited above as well as other challenges related to understanding and interpreting the everyday parenting experience. These parenting patterns significantly influence the interpretation of the child's development and the behaviour, and therefore also parenting situations and the adopted child's role and influence. These patterns also have an impact on how confident or insecure adoptive parents feel in their actions when it comes to unusual events in the interaction with the child or with third parties. The interview analyses revealed the following six coping strategies to be central (cf. in detail GABRIEL/KELLER 2013a):

1. Harmony: "Everything is perfect!"² – Deviations and problems do not exist or are not permitted.
2. Explanation: "It's all because of the adoption" – the parents constantly see deviations and problems in the child.
3. Confusion: "Do others behave this way too? Am I reacting correctly?" – The parents cannot pigeonhole the behaviour or their own reactions to it.
4. Understanding: "Why is this? Why this reaction?" – The parents try to understand the child's behaviour and their own by looking at the (possible) past and the present.
5. Optimism: "The progress is incredible" – there is a focus on progress, deviations and problems are noted but not over-emphasized.
6. Laid-back: "It's like this with everyone. Every child is different" – the parents try to solve deviations and problems as they relate to the present and to their experiences without making comparisons.

These patterns of coping with the parenting role are not constants in a given family; instead they can alternate in the process of family-formation. It is noticeable here that the adoptive parents embark on (adoptive) family life by being either confused and insecure, happy and harmonious, or quite relaxed – and this is not dependent on the adopted child's behavioural abnormalities. It can generally be seen that many families first have to experience the everyday before they can bring it in line with their own positive or negative ideas about the adoption.

Conclusion and prognosis

The results primarily indicate that the fact of the adoption itself does not turn adopted children into an at-risk group or the adoptive family into an at-risk family. In addition, frequent behavioural abnormalities or parental confusions cannot yet be equated to high-risk developments. Adoptive parents deal very differently with the children's behavioural abnormalities. In the data available to date, no correlation

2 These statements are not verbatim quotes from the interviews, but paraphrases.

could be found between the child's behavioural problems and the parents' insecurity. The combination of critical behavioural abnormalities in the child, a great deal of insecurity as to how to act and/or a tendency of the adoptive parents to make the situation a taboo, as well as giving the child a set label, can be seen as problematic or high-risk with regard to the child's development and the observance of the child's wellbeing. This is particularly the case when the circumstances are not situational but long-lasting and entrenched. That is probably one of the reasons why isolated characteristics such as young age at adoption on the one hand or a child with special needs or behavioural abnormalities on the other could not be confirmed as safety or risk factors, respectively, in the relatively small sample of the Zurich adoption study. The interplay between risk and safety factors is, rather, expressed in the fact that confusions and challenges only become a risk when adoptive parents and adopted children are overwhelmed by them, in other words cannot find a realistic way of dealing with the issues in order to diffuse the tensions (cf. in detail GABRIEL/KELLER 2013a). Further data and analyses on the psychosocial development of adopted children in the canton of Zurich and the coping strategies of adoptive parents will be available in 2015.



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Literature

- ACHENBACH, THOMAS M./RESCORLA, LESLIE A. (2000): Manual for the ASEBA Preschool Forms & Profiles. Burlington, VT: University of Vermont Department of Psychiatry
- BARBOSA-DUCHARNE, MARIA/FERREIRA, JOANNA/SOARES, JOANA (2012): Communication openness in the adoptive family and the psychological adjustment of adoptees. In: Proceedings of the 15th European Conference on Developmental Psychology, Porto: University of Porto, 215–224
- CEDERBLAD, MARIANNE (2003): Compilation of research into adoptees and their life after adoption. Stockholm: Swedish Government Official Reports
- COWEN, EMORY L./WORK, WILLIAM C. (1988): Resilient Children, Psychological Wellness and Primary Prevention. In: American Journal of Community Psychology 16(1), 591–607
- CRESWELL, JOHN W./PLANO CLARK, VICKI L. (2010): Designing and Conducting Mixed Methods Research 2nd ed. Thousand Oaks: SAGE
- EVAN B. DONALDSON ADOPTION INSTITUTE (ed.) (2010): Keeping the Promise: The Critical Need for Post-Adoption Services to Enable Children and Families to Succeed, New York: Policy Perspectives
- GABRIEL, THOMAS/KELLER, SAMUEL (2013a): Adoption. Einflüsse auf Kind und Familie. Zürich: infostelle
- GABRIEL, THOMAS/KELLER, SAMUEL (2013b): Krisen und Transitionen im Lebenslauf. In: RIEDI, ANNA MARIA, et al. (eds.), Handbuch Sozialwesen Schweiz, Bern, Switzerland: Haupt, 47–59
- GROTEVANT, HAROLD D./RUETER, MARTA/VON KORFF, LYNN/GONZALEZ, CHRISTOPHER (2011): Post-adoption contact, adoption communicative openness, and satisfaction with contact as predictors of externalizing behaviour in adolescence and emerging adulthood. In: Journal of Child Psychology and Psychiatry 52 (5), 529–536
- HAWK, BRADI N./MCCALL, ROBERT B. (2011): Specific extreme behaviours of postinstitutionalized Russian adoptees. In: Developmental Psychology 47 (3), 732–738
- HOKSBERGEN, RENÉ A.C. (2004): Folgen von Vernachlässigung. Erfahrungen mit Adoptivkindern aus Rumänien, Idstein: Schulz-Kirchner Verlag
- JUFFER, FEMMIA/VAN IJZENDOORN, MARINUS (2005): Behaviour problems and mental health referrals of international adoptees: a meta-analysis. In: Journal of the American Medical Association 293 (20), 2501–2515
- JUFFER, FEMMIA/VAN IJZENDOORN, MARINUS (2009): International adoption comes of age: development of international adoptees from a longitudinal and meta-analytical perspective. In: WROBEL, GRETCHEN/NEIL, ELSEBETH (eds.), International Advances in Adoption Research. London: Wiley-Blackwell, 169–92
- KASTEN, HARTMUT (2006): Scheitern von Adoptiv- und Pflegeverhältnissen". In: PAULITZ, HARALD (ed.), Adoption: Positionen, Impulse, Perspektiven, Munich: C.H. Beck, 242–270
- KRIEBEL, DAWN K./WENTZEL, KATHRYN (2011): Parenting as a Moderator of Cumulative Risk for Behavioural Competence in Adopted Children. In: Adoption Quarterly 14 (1), 37–60
- OZOUX-TEFFAINE, OMBLINE (2004): De la séparation à la filiation. Du couchant au levant, une nouvelle vie pour l'enfant en adoption tardive. In: OZOUX-TEFFAINE, OMBLINE (ed.): Enjeux de l'adoption tardive. Nouveaux fondements pour la clinique. Paris: Edition Eres, 95–123
- PALACIOS, JESÚS/SÁNCHEZ-SANDOVAL, YOLANDA (2006): Stress in parents of adopted children. In: International Journal of Behavioural Development 30 (6), 481–487
- SMOLIN, DAVID M. (2005): The two faces of intercountry adoption. The significance of the Indian Adoption Scandals. In: Seton Hall Law Review, 35, 403–493
- TYSON, EDGAR H./TEASLEY, MARTELL/RYAN, SCOTT (2011): Using the Child Behaviour Checklist with African American and Caucasian American Adopted Youth. In: Journal of Emotional and Behavioural Disorders 19 (1), 17–26
- VAN DEN BERG, MIJKE P./HUIZINK, ANJA C./VAN BAAL, CAROLINE M./TIEMAN, WENDY/VAN DER ENDE, JAN/VERHULST, FRANK C. (2008): Genetic and environmental influences on self-reported and parent-reported behaviour in young adult adoptees. In: Genes, Brain and Behaviour 7, 88–95
- VAN DER VEGT, ESTHER J.M./TIEMAN, WENDY/VAN DER ENDE, JAN/FERDINAND, ROBERT F./VERHULST, FRANK C./TIEMEIER, HENNING (2009): Impact of early childhood adversities on adult psychiatric disorders: A study of international adoptees. In: Social Psychiatry and Psychiatric Epidemiology 44, 724–731
- WIEMANN, IRMELA (2006): "Ihr habt mir nichts zu sagen". Die große Herausforderung der Adoption. In: Psychoscope. Dossier Adoption: Beratung und Forschung, 27 (7), 5–9

Adoption processes after a child is given up anonymously

Claudia Krell

If an infant is adopted whose origin remains permanently unknown after an anonymous birth or after being placed in a baby drop box, this lastingly changes the adoption process. All of the people involved directly and indirectly in the adoption are affected by these changes: the adopted children, the biological mothers,¹ the adoptive parents and the experts at the adoption agency.

Since 1999 several ways of giving up a child anonymously have become established in Germany. In addition to “baby drop boxes” via which a child can be handed over anonymously, there is an option of handing it over during a personal meeting. Furthermore there are many hospitals where women can have their babies anonymously, meaning they do not have to provide information about their identity and can subsequently leave the child in the hospital.

Since their introduction, the services involved in allowing mothers to give their children up anonymously have been accompanied by heated discussions (cf. KRELL 2013). It is controversial for example whether these options do in fact reach women who would otherwise abandon or kill their newborns, as initially assumed; or whether children, whose lives were never in danger, are given up without information about their origin, even though their mothers would have been quite capable of using the help provided by the state. The aspect that because of the absence of legal regulations, or disregard of such as do exist, a large number of very different practices and approaches have developed – in addition to the accusation of abusive application, e.g. giving up older, disabled or neglected children (cf. KRELL 2013; COUTINHO/KRELL 2011; SWIENTEK 2007) – contributes quite significantly to this debate.

To remove some of the uninformed emotion from the discussion, the Deutsches Jugendinstitut (DJI) conducted a nationwide investigation between 2009 and 2011 that was to create a comprehensive empirical foundation for an appropriate discussion of the options for giving up a child anonymously.² In addition to a questionnaire survey conducted among all the youth welfare services nationwide as well as among the known providers of services enabling women to give up a child anonymously, experts in adoption

placement and provision as well as women who birthed or gave up their children anonymously were interviewed.

Empirical Foundation

The quantitative results of the DJI study “Anonyme Geburt und Babyklappen – Fallzahlen, Angebote, Kontexte” [“Anonymous Births and Baby Drop Boxes – Case Numbers, Options, Contexts”], which was funded by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, showed that of almost 1000 children that were birthed or given up anonymously, more than 300 were given up for adoption without the personal details of the biological parents being available (COUTINHO/KRELL 2011). In addition the interviews made it clear that the adoption processes changed markedly if the child to be adopted was given up anonymously. Starting with these results, an examination was carried out, as part of a doctoral dissertation, as to what extent eight factors determined by adoption research as influencing the process of an adoption positively (bonding and openness, accompaniment and recognition, identification and acceptance as well as legal certainty and certainty of action) are equally operative in an adoption process after a

- 1 The biological fathers are rarely active in the context of handing over a child anonymously (or in giving up a child for adoption); rather, they tend to be part of the problematic situation that makes it necessary for the mothers to give their child up in the first place. Scientific insights into the biological fathers are almost non-existent, which is why the following text is largely confined to biological mothers.
- 2 Information about the project as well as a concluding report are available at www.dji.de/projekt_babyklappe.

child is given up anonymously. In order to answer this question, four group interviews were conducted with adoptive parents who had received a child that had been anonymously birthed or given up; these data were then added to that of the DJI study's interview material.

Adopted children: bonding and openness

For adopted children and for children who grow up in their original families, the creation of a secure bond is a central protective factor for growing up successfully. The younger the child is when it enters the adoptive family and the fewer people it has been in the care of until then, the less problematic and the more positive the bonding process can be (BUNDESARBEITSKREIS ADOPTIV- UND PFLEGEKINDERVERMITTLUNG 2007). Results from adoption research show that adopted children who were taken in by their adoptive parents as infants or toddlers have bonds as secure as those of children who grew up with their biological parents (cf. HOKSBERGEN/JUFFER/TEXTOR 1994). Given the inconsistent procedures in actual practice (cf. KUHN 2005; COUTINHO/KRELL 2011), the children of the surveyed adoptive parents were either taken in by the potential adoptive parents immediately, or they were first placed in emergency foster care for eight to twelve weeks. In all cases it was ensured that a few constant individuals took over the care of the infant as quickly as possible. The foster or adoptive parents were promptly informed and started taking care of the children already in the hospital. The switch from being in emergency foster care to being placed in the adoptive family took place quite early and was done very gently.³ Therefore, the best-possible circumstances were created for building a secure bond for which a genetic link is not needed (BRISCH/HELLBRÜGGE 2006).

In addition to the bonding aspect, being open about the adoption process is also very important. A few decades ago adoption processes were still characterized by denial and secrecy; these days experts are agreed that dealing with them openly will have a positive impact on the development of the children and their families, since this openness counteracts the development of family secrets, for example (PAULITZ 2009). An age-appropriate and natural way of dealing with the adoption allows the child to confront the situation in line with his or her cognitive and emotional development and to incorporate the adoption positively into his or her own biography.

The adoptive parents surveyed were open about their child's adoption in family and social contexts (but depending on the context, the anonymous nature of the process was not mentioned in order to protect the child (KRELL 2013)). The children therefore grew up with a natural attitude with regard to this kind of family formation, which provided space for a cognitive and emotional confrontation in line with the children's age (ibid.). This openness was only curbed by the absence of any information about the biological mothers, the original families and the reasons that made it necessary to give up the children anonymously. Knowledge about their

origin, which is of elementary importance, is, in the nature of things, concealed from the children as well as their adoptive parents.

Biological mothers: accompaniment and recognition

For biological mothers who give their children up for adoption, there must be professional accompaniment to allow an appropriate coming-to-terms with the adoption event. This increases the probability that the mothers can integrate their choice to give up their children for adoption in a positive manner into their own biography (TEXTOR 1989). If a woman is left on her own with her decision, the danger of developing psychological or psychosomatic problems in reaction to giving up the child for adoption increases (BOTT 2005). If the biological mother decides to maintain the anonymity permanently, as was the case in all the adoptive families surveyed, she remains alone with the situation that made this step necessary as well as with the separation from the child – accompaniment and support are not possible.

Recognizing the biological mother's decision and fighting stigmatization and discrimination are as important as accompanying her. Women who gave up their children for adoption continue to be morally condemned since they have supposedly withdrawn from their responsibility as a mother and have not taken on the traditionally attributed maternal role. In addition to their own, potentially ambivalent feelings, they are exposed to the negative judgement of their social circle or by society. The adoptive parents on the other hand felt very strongly a positive attitude towards the biological mother as well as recognition for her decision to separate from her child anonymously (Krell 2013). The very anonymity, of course, means that this positive attitude of thanks and respect, which was also shared by the experts in the adoption agencies surveyed and which stands in contrast to the social condemnation and stigmatization, cannot be passed on to the mother.

Adoptive parents: identification and acceptance

Just like the biological mothers, the adoptive parents are exposed to the judgements and reactions of their environment – however, in this case these have largely positive connotations, albeit accompanied by a certain amount of curiosity. Adoptive parents are tasked with fulfilling a complex educational brief for their child, accompanied by the requirement to develop their identity as an adoptive family and to repeatedly negotiate and live out their openness in various contexts. The challenge consists in identifying as an adoptive family, and recognizing their special characteristics without overemphasizing them (HOFFMANN-RIEM 1984). It became clear that the families surveyed confronted the way in which they formed a family, consciously faced the challenges, and strongly identified as an adoptive family. The absence of information about the origin of the children made it more difficult in various places to establish a balance that respects the special characteristic features of the family without focusing on them too strongly or turning them into a problem.

The process of forming a family also includes the acceptance that the child is not a biological offspring, but is

³ Immediately placing the children with the potential adoptive parents is surely most favourable from the children's perspective, since this avoids the unnecessary disruption of an additional change.

instead deeply rooted with its original parents and always will be. In the spirit of acceptance of dual parenthood (*ibid.*), the biological parenthood should be accepted and integrated into the family story in a suitable manner, since it is as inextinguishable as the developing social parenthood. Any existing knowledge, specifically about the biological mothers, can dispel insecurities and contribute to developing a more positive perspective of the original parents (HOLLENSTEIN *et al.* 2003), thereby favouring their acceptance. In the context of mothers giving up their children anonymously, the relevant information is lacking. Nevertheless, or even for this reason, the adoptive parents' awareness of the fact that the children have biological parents, with whom they are genetically linked, in addition to their social parents, is highly developed. It was striking that the adoptive parents had an incredibly benevolent, positive and respectful opinion of the biological mothers, which they passed on to their children and which they also expressed to their social circle (KRELL 2013). However, the lack of information about the biological mothers created an increasing challenge as the children got older.

Matching parents with children: legal uncertainty

Adoption processes are legally regulated and very clearly structured for the safety of the adopted children, the biological parents, the adoptive parents and the professionals involved. By contrast, there are no such regulations with regard to the services surrounding an anonymous handover, with the result that a large number of different processes and procedures have developed over the years. There are no standardized procedures for requesting a guardian, the duration and the nature of the initial placement of the children, or for how to deal with the lack of any details of the parents (*cf.* KUHN 2005; COUTINHO/KRELL 2011). These two situations collide during an adoption process involving a child given up anonymously. The gathered data revealed that it was mainly the experts at the adoption agency who were affected by the resulting legal uncertainty, and consequent uncertainty as to how they should act, since it was they who performed the adoption process and were responsible for its taking its legal course. The preceding anonymous handover of the child required a lot of flexibility in many places and the experts had to accept deviations from normal practice in order to maintain freedom of action (KRELL 2013). Everyone involved in the adoption process is ultimately affected by the resulting legal uncertainty, although the adoptive parents and biological mothers are often not aware of the difficulties and potential consequences (*ibid.*).

Conclusion

Because of a preceding anonymous handover, factors that tend to influence adoption processes positively can only come into play in a limited manner in these special circumstances. A positive evaluation was possible only for the bonding factor. The factors openness, identification and acceptance were curbed as a result of the absence of any information about the biological parents. The factors accompaniment and recognition as well as a secure legal footing could not be given any positive gloss.

In order to create a state alternative to the available options for giving up a child anonymously, a law to expand help for pregnant women and to regulate confidential births came into effect on 1 May 2014 ("Gesetz zum Ausbau der Hilfen für Schwangere und zur Regelung der vertraulichen Geburt"). The procedure is structured and the individuals involved have legal protection. In this way women who want to keep a pregnancy and birth secret can maintain their anonymity to the children themselves, the authorities involved, and the adoptive parents. Their personal details are obtained as part of the procedure and may be made available to the adopted children from the age of 16, provided the biological mother does not, by that date, object to having her information released. The obligatory anonymous counselling that precedes the confidential birth is conducted by experts from pregnancy counselling who are specifically trained for this. The confidential birth is designed to allow children to obtain knowledge of their origin and support women with advice and accompaniment. Only time will tell whether this measure is a viable alternative to the options of anonymously giving up a child and to what extent it will have a positive impact on the adoption processes.



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Literature

- BOTT, REGULA (2005): Die Unterstützung bei der Suche von und nach Adoptierten ist eine Frage der Einstellung und nicht ein Problem von – fehlenden – Paragraphen, publ. by GZA Gemeinsame Zentrale Adoptionsstelle, Zentrale Behörde für Auslandsadoption, Hamburg
- BRISCH, KARL HEINZ/HELLBRÜGGE, THEODOR (2006): Kinder ohne Bindung. Deprivation, Adoption, Psychotherapie, Stuttgart: Klett-Cotta
- BUNDESARBEITSKREIS ADOPTIONS- UND PFLEGEKINDERVERMITTLUNG IM DIAKONISCHEN WERK DER EVANGELISCHEN KIRCHE IN DEUTSCHLAND (ed.) (2007): Adoption aus verschiedenen Perspektiven, Idstein: Schulz-Kirchner
- COUTINHO, JOELLE/KRELL, CLAUDIA (2011): Anonyme Geburt und Babyklappen in Deutschland – Fallzahlen, Angebote, Kontexte, Munich: DJI
- HOFFMANN-RIEM, CHRISTA (1984): Das adoptierte Kind, Munich: Wilhelm Fink
- HOKSBERGEN, RENÉ/JUFFER, FEMMIE/TEXTOR, MARTIN (1994): Attachment und Identität von Adoptivkindern. In: Praxis Kinderpsychologie und Kinderpsychiatrie, Nr. 43/1994, pp. 339–344
- HOLLENSTEIN, TOM/LEVE, LESLIE D./SCARAMELLA, LAURA/MILFORT, ROLINE/NEIDERHISER, JENEA M. (2003): Openness in adoption, knowledge of birthparent information, and adoptive family adjustment. In: Adoption Quarterly, 7 (1), 43–52
- KRELL, CLAUDIA (2013): Anonyme Geburt und Babyklappen – Adoptionsprozesse im Kontext anonymer Kindesabgabe, Berlin: mensch & buch
- KUHN, SONJA (2005): Babyklappen und anonyme Geburt. Sozialregulation und sozialpädagogischer Handlungsbedarf. Augsburg: Maro
- PAULTZ, HARALD (2009): Plädoyer für die Offene Adoption. In: ZKJ, Kindschaftsrecht und Jugendhilfe, 7.2009, pp. 266–268
- SWIENTEK, CHRISTINE (2007): Ausgesetzt, verklappt, anonymisiert. Deutschlands neue Findelkinder, Burgdorf Ehlershausen: Kirchturmverlag
- TEXTOR, MARTIN (1989): Vergessene Mütter, die nicht vergessen können. Leibliche Eltern von Adoptivkindern. In: Neue Praxis 1989, 19, 323–326

Pregnant. Desperate. Fear of discovery. What now? Operation Moses – A Chance for Life

Margit Grohmann

On 15 March 2001 the Frankfurt branch of the Sozialdienst katholischer Frauen e.V. (SkF) (a Catholic women's charity) started Operation Moses as a pilot project in the state of Hesse. This contribution introduces the concept, experiences from the practical work, problems in the target group as well as the collaboration with the municipal adoption service.

The Concept

At the heart of Operation Moses is a free crisis line (0800 7800900), which is available from 6am – midnight. By guaranteeing confidentiality and anonymity, the advice services this crisis line offers are preventative in nature and do not have a high threshold for access. The intention is for pregnant women in existential situations of crisis to be reached before the birth in order to develop prospects and potential solutions with them and to make it possible for the women to have a birth that is medically supervised. The aim here is to avoid children being abandoned and therefore to prevent the endangering of mother and child. Operation Moses deliberately forgoes using a baby drop box. Instead it uses an “arm-to-arm handover”, a personal handover of a newborn into the care of our pregnancy advice experts. As part of the pregnancy advice centre of the Monikahaus family centre run by the SkF, it is incorporated into a network of diverse assistance measures and offers holistic advice and support before, during and after the birth.

The practical work

The basic requirement for contact with a pregnant woman in a particular situation of conflict is the assurance of anonymity. It is only this trust that allowed the women to get in touch with us. This allowed us to get an insight into their specific emergency situation and to develop a joint concept to help them.

Our holistic concept includes practical help, such as accompanying pregnant women to their check-ups by a co-operating (female) gynaecologist, accompanying them to the

birthing clinic as well as to the necessary institutions (registry office, adoption service or youth welfare service) and, at the request of the women, providing support at the birth. In intensive consultation processes we work together with the women to find solutions to problems and ways in which they could live with the child, but we also inform them about legal issues, the right of the child to know its origin as well as about questions relating to the adoption process. Depending on the willingness of the women and their need, we bring in partners such as the adoption service or the youth welfare service.

It is important to us to discuss with the women whether they can give up their anonymity and to inform them about the ways in which the birth and adoption placement can be dealt with confidentially. Because of the right of the child to know its origin, we make this aspect very clear during every consultation.

If a woman still insists on anonymity, it is important to us to gather information important for the child and to record it. We also motivate the mother to give something to the child, such as a first name or a letter. These contributions as well as selected aspects of our records are kept in a “treasure chest” for the child. Analogously to the approach in the adoption process, this information can be viewed by the young person later on, insofar as he or she wishes to do so.

If the counselling process reveals that it would be impossible for mother and child to live together, the child is initially examined in a co-operating paediatric clinic after the birth. As soon as its health allows, it is immediately placed with a suitable adoptive foster family by the adoption service of the city of Frankfurt. An official guardian at the youth welfare service in Frankfurt will be the child's guardian if a woman wants to remain anonymous.

Case numbers

Between 2001 and 2013 we had 46 enquiries to the project. In 29 cases the child was handed over to Operation Moses. The remaining 17 cases were largely enquiries from women all over Germany who could be referred to more local projects. 24 mothers decided to give their child up for adoption, three children were able to stay with their mother, and in two cases the decision-making process is not yet complete. 19 women gave up their anonymity and even took part in their child's adoption process as far as they could. In ten cases the women's fear of being discovered was so great that they could not bring themselves to give up their anonymity.

The fathers' role

Of course we also tried to obtain the fathers' details. This was not easy, since the mothers were either not willing to talk about it, or the information they provided was in very general terms. It became clear that in the majority of cases the father knew nothing about the woman's pregnancy, the relationship to him had already ended, or the women felt under extreme psychological pressure because of the men's behaviour.

Experiences in counselling these women

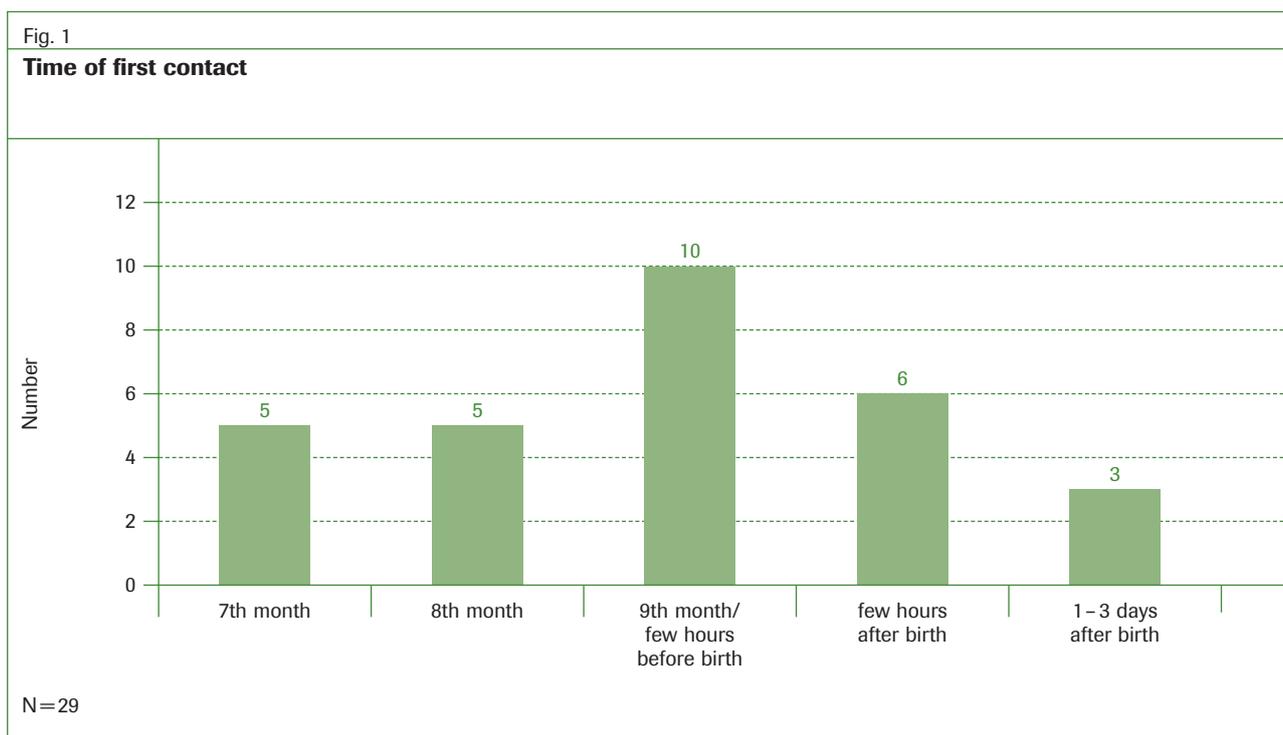
The encounters with the women kept surprising us. We often received calls from women that came across as highly structured; they wanted concrete information, they expressed clear requests and concerns and they were so well oriented that they managed to find their way to the advice centre or the clinic. However, during our further conversations, when they were no longer able to maintain the façade, they talked about how they had kept their pregnancy a secret from their social environment, how they had given birth without medical help and what thoughts and worries they had had about the child's wellbeing.

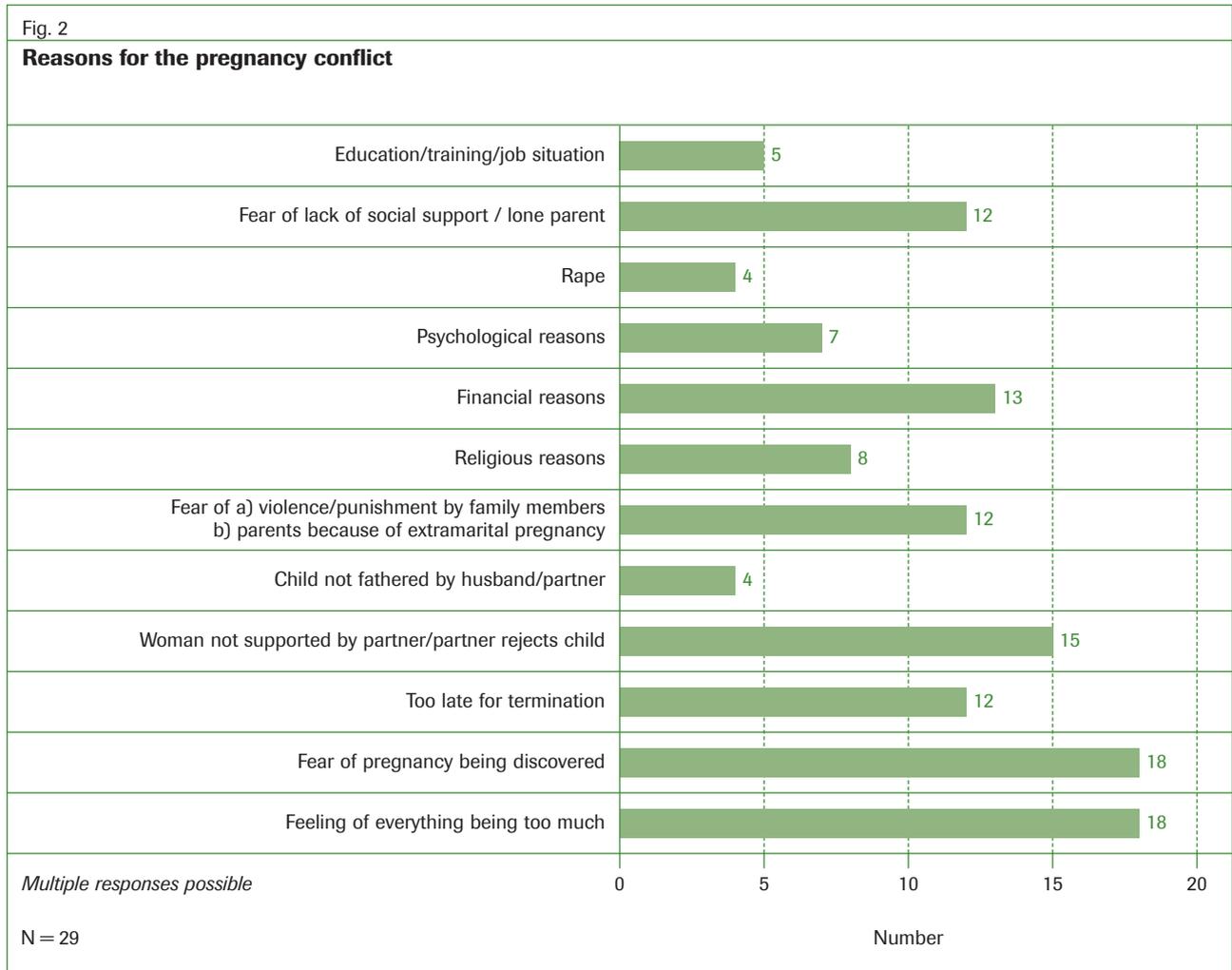
One fundamental experience made by colleagues working in these counselling sessions was that every case was different. Although we had developed a procedure "in the event of an emergency" and obtained many co-operative partners, it was ultimately difficult for us to prepare for the individual problems of each specific case.

Not all of the women got in touch with us before their child was born. Nine women only got in touch after they had given birth on their own. We were called by one woman who had just had her child and urgently needed medical help; we were called by a mother early in the morning who had delivered her baby in the night and who wanted to bring it in; there was the case of one young woman who, without advance notice, arrived at the advice centre with her newborn baby in her bag. Many women only got in touch very late in their pregnancy, when the pressure became unbearable for them because of the impending due date. In some cases the women had already gone into labour, so that immediate action was necessary.

During the consultations we often got the impression that it was "a matter of luck" that the delivery and handover could be performed relatively smoothly. The mother and child could have got into trouble at many points; the question of what reactions that would have caused can hardly be answered retrospectively.

In 20 Moses cases the initial contact took place during the pregnancy, so that the birth could be prepared. There was then also sufficient time for the counselling. The women very often had difficulties taking up the offer of a medical exam and or of counselling. Every appointment had to be inconspicuous and confidential. Sometimes appointments were missed, sometimes there was no contact for days until a woman could get in touch again. The closer the due date came, the more the massive stresses on the women became obvious, as did their fear of being found out. These processes were often accompanied by unpredictable factors and developments in the woman's family, which further increased the acute stress situation and which led to the desire to have the birth induced.





Common to all was that the women subjectively felt their situation was extremely threatening and that they had kept the pregnancy a secret from their environment for a long time; they also went into denial about the pregnancy themselves, in some cases even when the reality could no longer be ignored because labour had started.

Causes of pregnancy conflicts

Every single case, with its specific set of problems and the women’s motivations, initially seemed different and not comparable. Over the course of the project and during the case analyses, some characteristic common features could be identified:

- All the women impart a feeling of being alone, of being emotionally isolated. There was nobody they were willing or able to talk to or confide in. Hopelessness, bottomless emptiness, deep sadness and inner isolation were often perceptible behind an often seemingly rigid and unemotional façade during the conversations.
- At the same time the women did not have information about where they could turn for help. They distrusted the help they knew about, they were scared of being belittled or blamed, or they were themselves ashamed. Closeness and emotional attention were perceived as threatening rather than pleasant, let alone positive.
- A deep-seated feeling of being overwhelmed by the child was tangible in all cases, coupled with the demand the women placed on themselves of having to cope alone. They

had no family support network. Existing family structures were not perceived as protective or helpful but as threatening. Often the women felt that it was their own family who made the conflicts unsolvable.

- Many of the women had not experienced secure bonds in their own childhood. Their stories suggested traumatic bonding experiences that had occurred in the past and that had shaped their personalities. This insecurity was repeated in the current relationships.
- The women often did not show much care and concern for themselves, but they often felt responsible care and concern for the child. For the majority of the women it was not easy to hand over their child; their pain and their desire that the child would have a good life in another family often became apparent.

Collaboration with the adoption service

We have nurtured an intensive and binding co-operation with the adoption service of the city of Frankfurt since the start of Operation Moses. Mutual trust, fully discussing all the viewpoints and a lot of flexibility are all indispensable in order to work together to find the best solutions for the women, children and adoptive parents.

Thanks to our counselling work we were often an important interface between the adoption service and the women who gave up their anonymity. We made it easier for the women to get in touch with the adoption service or social services by setting up contacts and accompanying them to

the meetings, even though several attempts were sometimes necessary. This made it possible for some women to integrate themselves into the adoption process to the best of their ability.

In the cases where the mothers did remain anonymous, we were in touch with the adoption service and the adoptive parents in order to pass on helpful information about our experiences with the biological mother.

Crisis line for pregnant women with a desire for anonymity

The new nationwide crisis line with the anonymous counselling service and its guiding function is a suitable way in which the targeted women, who are at risk of abandoning their newborn child or even killing it, can access help that has a low threshold for them, as the Operation Moses crisis line has shown. The preventive aspect of reaching the women before the birth if possible is important. As our experiences have shown, the crisis line is also used by other individuals seeking help with regard to the subjects of pregnancy and birth. It therefore also helps to spread knowledge of the services available for pregnant women.



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Adoption by same-sex partners

Nina Dethloff*

Over the course of the past ten years the legal framework for same-sex couples and the children growing up with them have significantly improved. The author explains the legal reforms to adoption law and takes a stance with regard to the current regulation, which permits successive, but not joint adoption.

The desire to have a child is often fulfilled in a same sex relationship via adoption. There are also a large number of children already living in such relationships, whose relationship to the social parent will, the intention is, be legally secured through an adoption. When parliament created the opportunity for same-sex couples to enter civil partnerships in 2001, there was not yet any provision made for adoptions. Taking into account socio-scientific studies that looked at how children in same-sex families grow up and under the influence of the Constitutional Court's ruling, the opportunities to adopt have been extended: since 2005 civil partners have been able to adopt the biological child of the other partner via a stepchild adoption. In the future it will also be possible to adopt a child that was adopted by the other partner alone via a "successive adoption". So far civil partners, unlike married couples, continue to be unable to adopt a child jointly.

The diversity of family types and the desire for children

More and more children in Germany are growing up with same-sex partners. There are children living in around 9% of all same-sex relationships (BADEN-WÜRTTEMBERG STATE MINISTRY OF LABOUR, SOCIAL ORDER, FAMILY, WOMEN AND SENIOR CITIZENS 2013, p. 14). This translates into approx. 7000 children (FEDERAL OFFICE OF STATISTICS 2013). The configurations are diverse: often the children in these same-sex

relationships were the product of a previous heterosexual relationship of one of the biological parents. However, they are increasingly being born into same-sex families. Same-sex partners often have the desire for children and a family. Lesbian couples have the option of choosing a heterologous insemination (AID) for one of the partners. This could be an anonymous sperm donation from a foreign sperm bank for example, or a donation by a person they know. Gay male couples on the other hand can only make their desire for a child come true with a woman who will act as a surrogate, which is forbidden in Germany. For this reason it is particularly significant for them to take in a foster child or to adopt as a way of fulfilling their desire for a child. As a result an increasing number of children who are not related to either partner are growing up with same-sex couples (more on this: RUPP 2009, pp. 82 ff.).

Civil Partnership Law of 2001 – no right of adoption

Since the creation of the legal institution of civil partnerships in 2001, same-sex partners have been able to start a partnership that has the rights and duties of a marriage in many areas. One significant difference at first was that the adoption of a stepchild and a joint adoption were not possible. It was assumed that there was not yet sufficient scientific insight into how children grow up in same-sex relationships (more on this: FTHENAKIS 2000, pp. 379 ff.).

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Introduction of stepchild adoption 2005 – a legal institution for two ways of life?

In 2005 civil partners were given the opportunity to adopt the biological child of their partner (section 9 sub-section VII of the Civil Partnership Law), since they are generally already taking on parental responsibility for this child. A prerequisite for this, as in any adoption, is that all the participants involved are agreed, including the other biological parent, and that this adoption is for the wellbeing of the child and that it is to be expected that a parent-child relationship will develop between the child and the adopting adult (section 1741 I 1 of the German Civil Code). Generally speaking an adoption requires a period of fostering that legally precedes it (section 1744 German Civil Code) so that an actual relationship of care must have existed in the event of a stepchild adoption. After the adoption, the child becomes the joint child of both partners (section 9 VII 2 of the Civil Partnerships Law together with section 1754 I German Civil Code). It is only through this provision that the other partner has any right or duty of care; the child has a right to maintenance and there will be inheritance rights between the child and the step-parent.

Traditional stepchildren

If a child from a previous heterosexual relationship grows up in the civil partnership of one biological parent, a de facto parent-child relationship to the other civil partner – as would be the case with a new spouse – can be legally secured through stepchild adoption. It needs to be kept in mind, however, that in the event of such an adoption the family ties to the other biological parent and that parent's relatives are eliminated (section 9 VII 2 Civil Partnerships Law, section 1755 II German Civil Code). As long as there is an intact relationship between the child and the other biological parent, this generally speaking will not be in line with what is best for the child (FRANK 2007, section 1741 marginal no. 42), not least because the child will also lose its maintenance rights and legal inheritance rights vis-à-vis the other biological parent (more information in DETHLOFF 2010, pp. 208 ff.). For this reason a stepchild adoption is considered above all when the other biological parent is deceased or unknown, or has not had any contact to the child for a very long time.

Donor children

Stepchild adoptions in same-sex relationships become very significant in the event where a lesbian couple have jointly opted for artificial insemination with donor sperm. In this case the biological child of the one partner grows up in the relationship right from the start. If the donor is unknown or has agreed to an adoption, the social parent can legally assure her position as co-mother by adopting the stepchild. Once the adoption is granted, she has a parental duty of care and is required to maintain the child. Beforehand, the child, which was conceived with the agreement of the partner and for which both want to have parental responsibility right from the start, does not have that legal protection. In other countries, such as Spain, the United Kingdom and Sweden, a partner who agrees to the artificial insemination of the biological mother immediately obtains legal parent status at the birth (more information: DETHLOFF 2010, p. 46 ff).

Ban on successive adoptions – criticism

Up until recently the regulation in section 9 VII of the Civil Partnerships Law prevented a civil partner from adopting a child that had previously been adopted by the other partner in order to make the child their joint child. Spouses, on the other hand, are permitted to perform a successive adoption.

Constitutional Court: discrimination against adopted children by banning successive adoption

In its ruling of 19 February 2013 (BVerfG, Urt. V. 19. 2. 2013 – 1 BvL 1/11, 1 BvR 3247/09) the German Constitutional Court stated that it held the ban on successive adoptions involved discrimination irreconcilable with article 3 I of Germany's Basic Law: there was unequal treatment because in a civil partnership a biological child could be adopted by the other partner, but that partner could not adopt a child that had previously been adopted individually by the first, even when this was in the child's best interest. There was further inequality because a spouse could adopt a child previously adopted by the other spouse, whereas civil partners did not have that right. This resulted in unequal treatment for the children affected as well as for the civil partners, and this was, in the opinion of the Constitutional Court, not justified by objective reasons.

No justification on grounds reasons relating to the wellbeing of the child

In particular, the ban on successive adoptions could not be justified by claiming that it was harmful for the child to grow up with same-sex parents. Rather, the protected circumstances of a civil partnership could promote a child's upbringing just as much as in a marriage. The vast majority of the experts heard by the Constitutional Court had concluded that it should be assumed that homosexual adults made competent parents. "Despite a certain risk of experiencing social discrimination, the children of same-sex parents are generally well integrated socially and do not stand out psychologically. It is not an uncommon observation in these children to see that they have a lot of self-confidence and feeling of self-worth and that they learn coping mechanisms to deal openly with their circumstances" (BVerfG, Urt. v. 19. 2. 2013 – 1 BvL 1/11, 1 BvR 3247/09, Rn.32).

Investigations into how children in same-sex relationships grow up

Various scientific studies have already found that it is not generally disadvantageous to a child's development to grow up in a same-sex family: a study investigating the circumstances of children with same-sex parents, commissioned by the Federal Ministry of Justice, found that children in these families develop just as well as children in other types of families. Here too it was discovered that children growing up with same-sex parents were not much different in their psychological adaptation from those growing up in other family structures. The study's central result was that it was the quality of the family relationships that was crucial for a child's development, not the family type or structure (RUPP 2009, p. 308). This is echoed by the studies from the Anglo-American world, which have confirmed a comparable emotional, social and psychosexual development in children growing up in same-sex families (CROWL/AHN/BAKER 2008, pp. 401 f.; GARTRELL/RODAS/DECK/PEYSER/BANKS 2005, p. 518). Nor do potential experiences of discrimination by children in

same-sex families constitute a reason not to permit adoption by the civil partner, because such discrimination is the consequence of growing up in a same-sex family, not of the legal safeguarding of a de facto parent-child relationship through adoption (DETHLOFF 2009, p. 147). Openly dealing with discrimination, which children can be exposed to in many situations, is far more crucial (RUPP 2009, pp. 257 ff.).

2014 reform – permitting successive adoption but not joint adoption

After the Constitutional Court declared the current regulation to be unconstitutional, the Bundestag passed a law on 22 May 2014, which came into force on 1 July 2014, opening up the chance of successive adoption to civil partners. This has dealt with the concrete issues raised by the Constitutional Court, but it continued to avoid treating civil partners and spouses (and de facto the children growing up in the respective type of relationship) as complete equals. In Germany, joint adoptions continue to be reserved for spouses only, whereas elsewhere in the world in a growing number of countries joint adoption is being made possible in other contexts (overview in PATTERSON/RISKIND/TORNELLO 2014, p. 195). However, in actual fact the approval of successive adoptions makes possible the goal that would be possible by a joint adoption, namely that the child becomes the joint child of the civil partners. To achieve this, the child merely has to be adopted by one civil partner and then immediately afterwards by the other civil partner in a successive adoption. If civil partners want to bring about a de facto joint adoption in this way, they will have to conduct two adoption processes. This seems to be superfluous and unnecessarily long-winded, stressful and expensive: the first adoption already includes a period where the child is placed with the family (before the adoption is finalized) to allow a relationship to grow between the child and the party willing to adopt; it is then assessed in the adoption process whether the adoption benefits the wellbeing of the child. However, it is part of this process to consider the relationship between the child and the partner of the adopting individual. A further check in a second process is therefore redundant. In addition, conducting a further process can be stressful for the participants, because of a second hearing for example, and it is associated with further costs; in particular, the child is not fully legally protected throughout the follow-up process – it has no legal claim of maintenance towards the second civil partner. Ultimately, excluding joint adoptions gives rise to constitutional concerns just like those that existed before successive adoptions were permitted. The Constitutional Court merely left this question open because it was not the object of the action. It found shortly afterwards, however, that ruling out joint adoptions would “give rise to similar or identical constitutional questions” (BVerfG, Beschluss vom 23. 1. 2014 – 1 BvL 2/13 u. 1 BvL 3/13, Rn. 27).

towards eliminating discrimination against children in such families. However, parliament neglected, in the most recent reform, to give civil partners the opportunity of a joint adoption – something that would have been in harmony with socio-scientific insights and constitutional parameters. Children have a right, regardless of what community they are growing up in, to be adopted when this is in their best interest in the individual case. The overriding goal of every legal ruling must be the wellbeing of the child.

Conclusion

Same-sex families in their different forms are increasingly being seen as part of the social reality and norm. In just the past ten years the legal framework conditions for same-sex couples and for the children growing up with them have significantly improved. The approval of stepchild adoptions as well as, most recently, successive adoptions is a step



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Literature

- CROWL, ALICIA/AHN, SOYEON/BAKER, JEAN (2008): A Meta-Analysis of Developmental Outcomes for Children of Same-Sex and Heterosexual Partners. In: *Journal of GLBT Family Studies*, Vol. 4 (2008), 385–407
- DETHLOFF, NINA (2009): Kindschaftsrecht des 21. Jahrhunderts – Rechtsvergleichung und Zukunftsperspektiven. In: *Zeitschrift für Kindschafts- und Jugendrecht* 2009, 141–147
- DETHLOFF, NINA (2010): Rechtliche Rahmenbedingungen für Regenbogenfamilien in Europa. In: *Zeitschrift für Familienforschung* 2010, Sonderheft 7, 41–51
- DETHLOFF, NINA (2010): Adoption und Sorgerecht – Problembereiche für die eingetragenen Lebenspartner. *Familie Partnerschaft Recht* 2010, 208–210
- FRANK, RAINER (2007): § 1741. In: VON STAUDINGER, JULIUS (ed.), *Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen*, Buch 4, Familienrecht §§ 1741–1772, Berlin: Sellier/de Gruyter
- FTHENAKIS, WASSILIOS E. (2000): Gleichgeschlechtliche Lebensgemeinschaften und kindliche Entwicklung. In: BASEDOW, JÜRGEN/HOPT, KLAUS J./KÖTZ, HEIN/DOPFFEL, PETER (eds.): *Die Rechtsstellung gleichgeschlechtlicher Lebensgemeinschaften*, Tübingen: Mohr Siebeck, 351–389
- GARTRELL, NANETTE/RODAS, CARLA/DECK, AMALIA/PEYSER, HEIDI/BANKS, AMY (2005): The national lesbian family study: 4 Interviews with 10-year-old children. In: *American Journal of Orthopsychiatry*, vol. 75 (2005), 518–524
- MINISTERIUM FÜR ARBEIT UND SOZIALORDNUNG, FAMILIE, FRAUEN UND SENIOREN (2013): Report Gleichgeschlechtliche Lebensgemeinschaften und Familien http://www.statistik.baden-wuerttemberg.de/BevoelkGebiet/Fafo/Familien_in_BW/R20132.pdf [18. 6. 2014]
- PATTERSON, CHARLOTTE J./RISKIND, RACHEL G./TORNELLO, SAMANTHA L. (2014): Sexual Orientation, Marriage and Parenthood. In: ABELA, ANGELA/WALKER, JANET (eds.): *Contemporary Issues in Family Studies*, Global Perspectives on Partnerships, Parenting and Support in a Changing World, Oxford: Wiley Blackwell, pp. 189–202
- RÜPP, MARINA (ed.) (2009): *Die Lebenssituation von Kindern in gleichgeschlechtlichen Lebenspartnerschaften*, Cologne: Bundesanzeiger Verlag
- STATISTISCHES BUNDESAMT (2013): Mehr Paare in eingetragener Lebenspartnerschaft, IM FOKUS vom 20. 2. 2013, <https://www.destatis.de/DE/ZahlenFakten/ImFokus/Bevoelkerung/Lebenspartnerschaft.html> [accessed 18 June 2014]

BROCHURES

Gebe ich mein Kind zur Adoption? [Shall I have my child adopted?]

In a 12-page brochure, the authors, who work for the SkF, a Catholic women's charity, have collected central questions posed by pregnant women, mothers and fathers who are considering having their child adopted. How does the adoption process work, who can help, can the adoption be kept secret, what does it mean for the child – all these and more are answered briefly and concisely.

The free brochure is published by the Adoptions- und Pflegekinderdiensten in katholischer Trägerschaft/ Zentrale Fachstelle des Deutschen Caritasverbandes herausgegeben.

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PFAD Brochures

Die practically oriented brochures published by Pflege- und Adoptivfamilien e. V. (PFAD) cover a broad spectrum of comprehensibly written relevant topics including “contacts between foster children and their families of origin”, “information for foster parents and would-be foster parents and for adoptive parents and would-be adoptive parents”, “guardianship on a voluntary basis especially for foster children” and “puberty –

foster and adoptive children on the brink of a new phase”. Conference proceedings and further services are available on the website.

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Internationale Adoption

January 2014 saw the publication of the ninth edition of the brochure “Internationale Adoption. Hinweise zur grenzüberschreitenden Adoption von Kindern” [International Adoption: hints for cross-border adoption of children] by the federal office of justice. It is designed to give those interested in adopting a child from abroad a first introduction to international adoption procedure and answer some basic questions.

Part 1 contains general matters, for example a presentation of current German adoption law and an overview of the responsible authorities. Part 2 deals with central questions of international Adoption.

The appendix includes original texts such as that of the Hague Convention on child protection and co-operation in the field of international adoption, and important addresses and links. The publication is 90 pages long.

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sex 'n' tips

In the BZgA series “sex 'n' tips” two new issues are available: “sex 'n' tips: Das erste Mal” addresses questions concerned with the “right” time for the “first time”, along with matters concerning emotions, love, desire, contraception and much more. The central message of the leaflet is “Don't be pushed into it; listen to your feelings”.

“sex 'n' tips: Meine Rechte” deals with rights to medical examination and the doctor's duty of patient confidentiality, regulations concerning provision of contraceptives and abortion, parental rights and responsible behaviour, youth protection, protection against sexual violence, marginalization, and sexual rights generally.

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Hilfe und Unterstützung in der Schwangerschaft [Help and Support in Pregnancy]

A new flier from the federal family ministry provides information about financial support available from the foundation “Bundesstiftung Mutter und Kind” for pregnant women in serious difficulty. It explains what benefits can

be claimed, and on what conditions. In addition, the flier contains concise information on maternity leave, midwifery services, and parental benefit. The flier is available free of charge.

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**Vertrauliche Geburt
[Confidential Birth]**

The “confidential birth” model is designed primarily to help those women who want to keep their pregnancy secret. The brochure published by the federal family ministry on confidential birth and the new legal framework deals with the matter in detail on 41 pages.

The website www.geburt-vertraulich.de also informs the women involved on new and existing services for pregnant women. From 1 October 2014 can also obtain anonymous online advice from this site. In addition, targeted and practical information materials are available from www.bmfsfj.de.

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**Väter auf die Geburt vorbereiten
[Preparing fathers for the birth]**

What is important to prepare fathers-to-be for the birth: informed men can better support mothers-to-be and are themselves better protected against stress and excessive demands. The brochure is directed at midwives, doctors and other medical professionals, and urges them to talk to fathers. What aspects do they find important? How can gender-specific information be offered to them in the birth-preparation context? How form should interaction with the man take during the birth? The 44-page brochure summarizes the current state of research.

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Empfehlungen zu Qualitätskriterien für Netzwerke Früher Hilfen

[Recommendations for quality criteria for “early help” networks]

The recommendations in this 20-page brochure were set up by the co-operation and networking working-group of the “Beirat vom Nationalen Zentrum Frühe Hilfen (NZFH)”. They relate to the planning, practice and assessment of “early help” networks, and are structured thematically by structures and resources, processes and their control, results, efficacy and benefits, concept, and orientation.

The quality features for the establishment and design of “early help” networks are seen as ideas and suggestions from a professional perspective. These need to be specified and adapted in the light of local circumstances.

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Beiträge zur Qualitätsentwicklung im Kinderschutz

[Contributions to quality development in child protection]

Further new publications by the national centre for “early help” from the series with the above title have recently appeared.

These consist of services from the project field “Learning from problematic child-protection cases”. They provide a wide variety of practical and professional knowledge for workers in the field through the analysis and evaluation of case studies.

Expert discussions on a national and international level are incorporated, and recommendations for quality development in this field are drawn up.

For example a method of dialectic quality development in municipal child-protection is introduced. A legal opinion provides clarification of a number of different legal questions,

presents framework conditions for the analysis of problematic child-protection cases, and points out shortfalls in the legislative framework.

Further information:

www.fruehehilfen.de/qualitaetsentwicklung-im-kinderschutz

MAGAZINES AND JOURNALS

**GfG info 1/2014:
Geburt und Bindung
[Birth and bonding]**

“Geburt und Bindung: Bitte nicht stören!” [Birth and bonding. Do not disturb!] is the title of this edition of the GfG info, which focuses on midwifery in crisis. The current journal of the Gesellschaft für Geburtsvorbereitung, Familienbildung und Frauengesundheit urges women and societies to re-think, and oppose the Europe-wide trend to the medicalization of birth and to caesarean sections. The authors critically confront current obstetric practice, present studies on the circumstances of birth, and their consequences, and criticize the role of the media in this area.

Individual numbers cost 4 euros plus 1.45 euros postage (inland).

Order from:

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Pohlstraße 28
10785 Berlin
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gfg@gfg-bv.de

**Betrifft Mädchen
[Re: girls]**

The contributions of issue 1/2014 of “Betrifft Mädchen” show how complex and contradictory the “pink phenomenon” is. The magazine offers among other things an introductory culture-analytical contribution to the discussion regarding pink clothes for girls and blue for boys, an article on the importance that girls themselves attach to pink, and an article on the importance of make-up in girls’ everyday lives. Issue 2/2014 of “Betrifft Mädchen” appeared in April 2014 with the focus on “body gates: Körper und Geschlecht” [“body gates: body and gender”]. The complete list of contents can be found

on the website of the publisher, LAG Mädchenarbeit in NRW (www.maedchenarbeit-nrw.de).

Each issue costs 7 euros plus 1.20 euros postage (inland).

Order from:

Juventa Verlag/Beltz Medien-Service
Telephone +49 8191 97000-622
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Dr. med. Mabuse

In the March/April issue, “Dr. med. Mabuse, Zeitschrift für alle Gesundheitsberufe” [Dr. med. Mabuse, journal for all medical professions] looks at the topic of preventive healthcare. In the healthcare sector, prophylaxis always has two sides: on the one hand, healthcare professionals have the task of informing people how to lead healthy lives, and to take steps to avoid the consequences of illness. Secondly, one’s own health should not be put at risk, because health promotion should play a major role especially among healthcare workers.

The topics addressed include the role of professional standards in the care sector, the tension between voluntary and imposed measures in the context of prophylaxis, and the dispute concerning the “morning-after pill”. The doctor and health-policy expert Ellis Huber shows the importance of local authorities in successful health promotion.

Contact:

Mabuse-Verlag GmbH
Kasseler Straße 1a (Ökohaus)
60486 Frankfurt am Main
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STUDIES

**Jungen und Männer im Spagat
[Boys and Men in a Balancing Act]**

The full title of the study is “Jungen und Männer im Spagat: Zwischen Rollenbildern und Alltagspraxis” [Boys and Men in a Balancing Act between Role Images and Everyday Practice]. The theme is the changing awareness and role behaviour of boys and men, and the question of what this means for equality, participation and opportunities. Commissioned by the BMFSFJ (federal family ministry), the author

Carsten Wippermann and his team, in the context of a milieu-specific approach, also inquired into boys’ attitudes to their masculinity, their private and career futures, and their ideas of what it means to become a man, relating the results to the transformation of the roles of girls and women. Detailed chapters are thus also devoted to role distribution in couple households, and to fathers. The study ends by discussing the conclusions for a pioneering, lifetime-oriented equal-opportunities policy for boys and men, an equal-opportunities policy for fairer opportunities for women and men alike. The 172-page publication is free of charge.

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18132 Rostock
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www.bmfsfj.de

**women’s lives 3
family planning in women’s lives**

We introduced the interim report on the study “women’s lives 3” in FORUM 2/2013. It provides the first research results on unintended pregnancy and on pregnancy conflicts, and hence a comprehensive picture of family planning in the lives of 20–44-year-old women. The interviewees provided information on which pregnancies were intended or unintended in the various phases of their lives and given the respective circumstances, how they dealt with pregnancy conflicts, and how they made their decision about whether to continue with or terminate a pregnancy. Further topics of the survey were partnerships, contraception and the desire for children. The report is now available in English, it is 36 pages long, and available free of charge.

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INTERNET

www.pnd-online

The website www.pnd-online offers not only professionals but also pregnant women, fathers-to-be and those desirous of children an overview of the information services provided by the BZgA on prenatal diagnostics, the desire for children, pregnancy and sexuality education. Counsellors from the psychosocial and medical spheres and experts from the educational sphere can obtain, from pnd-online, hints and information on in-service training, events, and networking activities by various organizations.

pnd-online is a signpost to further sources of information: under “Qualifikation”, the BZgA presents information on in-service and further training in pre-natal diagnostics, unfulfilled desire for children, and sexuality education. Other fields are information on psychosocial counselling, overviews of brochures, and the topic of PND in the magazine “FORUM Sexualaufklärung” as well as the regional networking via multi-professional quality circles on PND. Those interested will also find contact addresses of independent counselling agencies which can be approached locally.

www.maennergesundheits

Gender role and health, cardio-vascular diseases and cancer, psychological and sexual health, addiction, the role of father and general health for men are the topics of the newsletter Männergesundheits for May 2014.

Those interested can get in touch via e-mail or via the link.

Contact:

maennergesundheits@bzga.de
www.maennergesundheitsportal.de

Most BZgA media and materials on sexuality education and family planning are available to download as PDF files: www.sexualaufklaerung.de.

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