



April 2014

# The Relevance of Race in Adoption Law and Social Practice

Rita J. Simon

Howard Altstein

Follow this and additional works at: <http://scholarship.law.nd.edu/ndjlepp>

## Recommended Citation

Rita J. Simon & Howard Altstein, *The Relevance of Race in Adoption Law and Social Practice*, 11 NOTRE DAME J.L. ETHICS & PUB. POL'Y 171 (1997).

Available at: <http://scholarship.law.nd.edu/ndjlepp/vol11/iss1/12>

This Article is brought to you for free and open access by the Notre Dame Journal of Law, Ethics & Public Policy at NDLScholarship. It has been accepted for inclusion in Notre Dame Journal of Law, Ethics & Public Policy by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

# THE RELEVANCE OF RACE IN ADOPTION LAW AND SOCIAL PRACTICE

RITA J. SIMON\*  
HOWARD ALTSTEIN\*\*

## I. INTRODUCTION

On August 20, 1996, President Clinton signed into law a transracial adoption provision that prohibits a state or other entity that receives federal assistance from denying "to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the person or of the child involved."<sup>1</sup> The provision also prohibits a state or other entity receiving federal funds "[from delaying or denying] the placement of a child for adoption or into foster care, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved."<sup>2</sup> States which violate the provision would have their quarterly funds reduced by 2 percent for the first violation, by 3 percent for the second violation, and by 5 percent for the third or subsequent violation.<sup>3</sup>

Passage of this transracial adoption provision represents more than twenty years of national debate and research about whether transracial adoptions serve the best interests of the children. The provision, which went into effect on January 1, 1997, should expedite the placement of tens of thousands of children currently in institutions and foster care into permanent loving homes. According to the GAO and William Pierce of the National Council For Adoption (NCFA), there are some 500,000 children currently in foster care. About 50 percent of these children are Black, and some 40,000 to 50,000 of them are available for adoption.<sup>4</sup> Even though Black families have always adopted at a higher rate than White families, Black children tend to remain in institutions and foster care two and three years longer

---

\* American University.

\*\* University of Maryland.

1. Small Business Job Protection Act of 1996, Pub. L. No. 104-188, § 1808, 110 Stat. 1755, 1903.

2. *Id.*

3. *Id.* at 1903-04.

4. These figures have been cited various times in the *National Adoption Reports* published by the National Council For Adoption.

than White children because Black children constitute a disproportionately large share of the children seeking adoption. Passage of the transracial adoption provision should move thousands of these children into permanent homes, but it may not end the bitter debate between adoptive parents and the National Association of Black Social Workers (NABSW), which has opposed transracial adoption since 1971. The NABSW has described transracial adoption as racial and cultural genocide. For example, in testimony before the Senate Committee on Labor and Human Resources on June 25, 1985, William Merritt, then President of the NABSW, reiterated the NABSW's position by testifying as follows:

We are opposed to transracial adoption as a solution to permanency placement for Black children. We have an ethnic, moral and professional obligation to oppose transracial adoption. We are, therefore, legally justified in our efforts to protect the rights of Black children, Black families, and the Black community. We view the placement of Black children in White homes as a hostile act against our community. It is a blatant form of race and cultural genocide.<sup>5</sup>

This article first reviews various state statutes and case law pertaining to transracial adoptions prior to the passage of the new federal transracial adoption statute.<sup>6</sup> Next, this article summarizes the major findings of empirical studies that have been conducted on transracial adoptions going back to the 1970s. These studies involve Black and Korean children who were adopted by White parents, and the studies include a detailed account of the social adjustments and racial identities of Black and Korean transracial adoptees when the adoptees were young adults. Finally, this article discusses where we stand on the public debate and how the research findings have influenced that debate.

---

5. *Barriers to Adoption: Hearings Before the Senate Committee on Labor and Human Resources*, 99th Cong. 213 (1985).

6. We would like to thank the editorial board and staff of the NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY for their assistance in compiling, organizing and summarizing the statutory and case law approaches to transracial adoption. We would particularly like to express our appreciation to Christopher Bopst and Lisa Lukaszewski for their research on this topic.

## II. LEGAL STATUS OF TRANSRACIAL ADOPTION<sup>7</sup>

Adoption, like other family law issues, is the province of the states; the law of the state in which the adoption takes place will control the adoption arrangements. Transracial adoptions are similar to other adoptions except for the role that race may play in the adoption process. Therefore, this discussion of state adoption law focuses on the role of race in adoptions. It describes the current status of state laws and case law dealing with transracial adoption.

### A. *Race in Statutes*

Each state has a set of statutes regulating the placement and adoption of children. These statutes specify that the objective of the adoption law is to serve the best interest of the child. Most jurisdictions do not mention race in connection with the adoption process. However, a substantial minority — eighteen in all — do refer explicitly to race in their adoption laws.<sup>8</sup> Eight of these eighteen states simply provide that the race of one or more of the parties directly affected by the adoption is to be included in the petition for adoption or listed as a finding in a court-ordered or statute-mandated investigation.<sup>9</sup> These eight statutes are silent as to how this information should be used by those in a position to make final decisions concerning adoption.

Another eight of the eighteen jurisdictions — California, Connecticut, Kentucky, Maryland, New Jersey, Pennsylvania, Texas, and Wisconsin — have statutory provisions that are much more in the mainstream of U.S. constitutional law dealing with race: they prohibit the use of race to deny an adoption or placement. Three of these eight states — Pennsylvania, Texas, and Wisconsin — prohibit discrimination on the basis of race in adoption, without qualification.<sup>10</sup> Texas explicitly provides that a court may not delay or deny an adoption on the basis of race. Wisconsin provides that no qualified applicant may be denied

---

7. This section has been adapted from portions of Chapter Two of RITA J. SIMON ET AL., *THE CASE FOR TRANSRACIAL ADOPTION* (1994).

8. These statutes will be cited *infra*.

9. There are seven states and the District of Columbia: COLO. REV. STAT. ANN. § 19-5-208 (West 1990); D.C. CODE ANN. § 16-305 (1989); 750 ILL. COMP. STAT. ANN. 50/15.1 (West 1993 & Supp. 1996); IND. CODE ANN. § 31-3-1-2 (Michie 1987 & Supp. 1996); MO. ANN. STAT. § 453.070 (West 1986 & Supp. 1996); N.Y. DOM. REL. LAW § 112 (McKinney 1988 & Supp. 1996); OKLA. STAT. ANN. tit. 10, § 60.12 (West 1987 & Supp. 1996); S.C. CODE ANN. § 20-7-1740 (Law Co-op. Supp. 1995).

10. WIS. STAT. ANN. § 48.82 (West 1987 & Supp. 1996); TEX. FAM. CODE ANN. § 162.015 (West 1996); 23 PA. CONS. STAT. ANN. § 2724 (West 1991).

the benefits of the adoption statute on the basis of race. Pennsylvania provides that the racial background of the adopting parents or child shall not preclude an adoption. Two more of these eight states, Connecticut and Maryland,<sup>11</sup> specify that an adoption cannot be denied solely on the basis of race. Two of the eight states qualify their prohibitions. Both New Jersey and California provide that an agency may not discriminate with regard to the selection of adoptive parents on the basis of race, but an agency may consider race as a factor in determining the best interest of the child.<sup>12</sup> Agencies in the remaining state, Kentucky, may not deny placement on the basis of race, unless the biological parents have expressed a clear desire to so discriminate, in which case their wishes must be respected.<sup>13</sup>

In contrast to the silence of most states and the admonition of some states that race ought not to interfere with an adoption, Arkansas and Minnesota have laws that specifically require preference for adoption within the same racial group.<sup>14</sup> In both jurisdictions, adoption by a blood relative is preferred first, adop-

11. CONN. GEN. STAT. ANN. § 45a-726 (West 1993 & Supp. 1996); MD. CODE ANN., FAM. LAW § 5-311 (1991 & Supp. 1996).

12. N.J. STAT. ANN. § 9:3-40 (West 1993 & Supp. 1996); CAL. FAM. CODE, §§ 8708, 8709 (West Supp. 1997).

13. KY. REV. STAT. ANN., § 199.473 (Banks-Baldwin 1995).

14. These statutes, if they result in any delay in child placement, would appear to conflict with the new federal law. The wording of the statutes is as follows:

From ARK. CODE ANN. § 9-9-102 (Michie 1993 & Supp. 1995):

(b) In the placement or adoption of a child of minority racial or minority ethnic heritage, in reviewing the placement, the court shall . . . give preference, in the absence of good cause to the contrary, to:

- (1) A relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available;
- (2) A family with the same racial or ethnic heritage as the child, or, if that is not feasible;
- (3) A family of different racial or ethnic heritage from the child, which family is knowledgeable and appreciative of the child's racial or ethnic heritage.

From MINN. STAT. § 259.255 (1991) (current version at MINN. STAT. ANN. § 259.29 (West Supp. 1997)):

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's minority race or minority ethnic heritage in adoption placements.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative not available, (b) a family with the same racial or ethnic heritage. [The statute was amended in 1992 to apply to all adoptions and to add "not sole" after "due" in the second line. Minnesota now appears to be back in the mainstream on adoption and race.]

tion by a family of the same race as the child is preferred second, and adoption by a family "knowledgeable and appreciative of the child's racial or ethnic heritage" is preferred last. Arkansas limits this hierarchical approach to adoption placements involving "minority children," but Minnesota requires racial and ethnic matching for all adoptive children. These statutes attempt to adopt the NABSW policy advocating that Black children should be adopted only by Black parents.

In summary, state legislatures have treated the issue of race in adoption in one of four ways. First, thirty-two jurisdictions do not mention race at all in their adoption statutes. Next, eight jurisdictions mention race in their statutes but are silent as to whether race should be a factor in the "best interest of the child" analysis. Third, eight jurisdictions mention race and use it as a factor in the best interest analysis, but do not allow race to be a controlling factor. Finally, two jurisdictions employ race as a preferential factor in the best interest analysis.

### B. *The Role of Race in Adoption Cases*

Court discussions on the role of race in the adoption process have not provided one specific approach to the weight which should be given to race as a factor in the adoptive placement of Black children. In general, courts have held that race should be considered, but may not be a controlling factor in determining the best interest of a child.<sup>15</sup> Some courts have engaged in an equal protection analysis, applying strict scrutiny to the consideration of race in the decision of where to place Black children.<sup>16</sup>

The general rule of the cases which consider the role race should play in adoption decisions is that race may be considered in determining the best interest of the child, but it may not be controlling. This rule has taken shape in case law over a period of time. For example, in a 1972 case, *Compos v. McKeithen*,<sup>17</sup> the U.S. District Court for the Eastern District of Louisiana was faced with, and struck down, the last remaining state statute prohibiting transracial adoptions. The majority recognized that since "the Louisiana statute making race the decisive factor in adoption subordinates the child's best interests in some circumstances to racial discrimination,"<sup>18</sup> the difficulties of interracial adoption could not justify race as the deciding factor in placing a child

---

15. See the discussion of *Compos v. McKeithen*, *Drummond v. Fulton County Department of Family and Children's Services*, and *In re Davis*, *infra*.

16. See the discussion of *In re R.M.G.* and *McLaughlin v. Pernsley*, *infra*.

17. 341 F. Supp. 264 (E.D. La. 1972).

18. *Id.* at 267.

with an adoptive family. Still, while race could not be the determinative factor in child placement, the court held that "the difficulties inherent in interracial adoption [do justify] the consideration of race as a relevant factor in adoption."<sup>19</sup>

This general rule was again espoused in a 1977 case, *Drummond v. Fulton County Department of Family and Children's Services*.<sup>20</sup> In *Drummond*, the U.S. Court of Appeals for the Fifth Circuit was faced with White foster parents alleging that the denial of their petition to adopt their Black foster child was based solely on race and that this violated their right to equal protection. The Fifth Circuit Court of Appeals upheld the lower court's finding that the adoption petition had not been denied solely on the basis of race, although the decision-makers had definitely taken the race of the parties into account. Thus, the specific issue was whether this limited use of race was valid. The court concluded that considering race as a factor was constitutionally permissible. It noted that

[N]o case has been cited to the Court suggesting that it is impermissible to consider race in adoption placement. The only cases which have addressed this problem indicate that, while the automatic use of race is barred, the use of race as one of the factors in making the ultimate decision is legitimate.<sup>21</sup>

In light of the emerging rule, one court stated in 1983 that failure to consider race as one of the relevant factors is error.<sup>22</sup> The court was faced with competing claims for custody of a Black child from a Black couple with whom two siblings of the child had been placed and an elderly White couple who had raised and cared for the Black child from three days after his birth until the age of four. The elderly White couple had been denied custody and sought review of the decision. One of the grounds of error they claimed was that the lower court had neglected to consider race as a factor in the decision. The Pennsylvania Supreme Court agreed that a failure to consider race in adoption proceedings was erroneous, but that in the circumstances of this case the error was harmless, as the racial factor would have militated *against* the White couple anyway. In the process of discussing the place of race in adoption decisions, the court said that "critical commentary, as well as near unanimous precedent, overwhelmingly adopt the position that the respective races of the partici-

---

19. *Id.* at 266.

20. 563 F.2d 1200 (5th Cir. 1977).

21. *Id.* at 1205.

22. *In re Davis*, 465 A.2d 614 (Pa. 1983).

pants is a *factor* to be considered in a child's placement determination but, *as with all factors, can be no more than that — a factor.*"<sup>23</sup>

In more recent cases, the courts have applied standard Fourteenth Amendment equal protection analysis and subjected the use of race in the adoption decision to strict scrutiny.<sup>24</sup> Even under the strict scrutiny analysis, the courts have found that consideration of race in an adoption is constitutionally acceptable. In *In re R.M.G.*,<sup>25</sup> for example, the District of Columbia Court of Appeals applied strict scrutiny to the District's adoption statute, finding that the District had a compelling interest in placing children with the best adoptive families, and that the race of the child and the adoptive parents was relevant to that compelling state interest.<sup>26</sup> The court reasoned that because adoptees often have difficulty with a sense of identity, and because the attitude of the adoptive parents toward race may be highly relevant to the child's sense of identity, those responsible for an adoption decision "will not be able to focus adequately on an adoptive child's sense of identity, and thus on the child's best interest, without considering race."<sup>27</sup> The court concluded:

In sum, an inherently suspect, indeed presumptively invalid, racial classification in the adoption statute is, in a constitutional sense, necessary to advance a compelling governmental interest: the best interest of the child. It thus survives strict scrutiny — a result that is unusual, as racial classifications go, but not precluded.<sup>28</sup>

---

23. *Id.* at 622.

24. Strict scrutiny assumes that racial classifications are constitutional only if they advance a compelling governmental interest which could not be advanced without making this racial classification, and are narrowly tailored to achieve such an interest. For a more detailed discussion of strict scrutiny and the case law surrounding it, see Davidson M. Pattiz, Note, *Racial Preference in Adoption: An Equal Protection Challenge*, 82 GEO. L.J. 2571 (1994). See also David S. Rosettenstein, *Trans-racial Adoption and the Statutory Preference Schemes: Before the "Best Interests" and After the "Melting Pot,"* 68 ST. JOHN'S L. REV. 137 (1994).

25. 454 A.2d 776 (D.C. App. 1982). For a more detailed examination of *R.M.G.*, see Allen C. Platt, III, Note, *Adopting a Compromise in the Transracial Adoption Battle: A Proposed Model Statute*, 29 VAL. U. L. REV. 475, 487-90 (1994).

26. The concurring judge in this plurality opinion, on the other hand, found that there was "no need to reach the constitutional issue of equal protection." He distinguished adoption from affirmative action, concluding that equal protection is not affected when a court considers race as one of many factors impacting a child's best interests. *R.M.G.*, 454 A.2d at 794 (Mack, J., concurring).

27. *Id.* at 454.

28. *Id.* at 455.



The strict scrutiny test was again utilized in a 1988 case, *McLaughlin v. Pernsley*,<sup>29</sup> with similar results. The question in *McLaughlin* was whether the City of Philadelphia should be ordered to return a Black foster child who had been removed from the care of his White foster parents solely on the basis of race. The court found that the goal of providing for the child's racial and cultural needs was a compelling governmental interest for the purposes of the Equal Protection Clause. However, the court then found that the use of race as the sole criterion for a placement was not necessary to accomplish that compelling state interest. The court held that the decision to remove the Black child from the White foster home violated the equal protection rights of the Black child and the White foster parents.

In a turn from the apparent pattern of approaching racial classifications in adoption, one court in 1995 refused to apply strict scrutiny in a transracial adoption case. The District of Columbia Court of Appeals held in *In re D.I.S.*<sup>30</sup> that equal protection analysis does not require that strict scrutiny be applied to the use of race in adoption decisions. The District adoption statute, said the court, only requires that information on the race of the petitioner and the child be included in the adoption petition, and does not therefore require that the court give it any consideration. Because the statute does not separate persons solely on the basis of racial classification or give preference for that reason, it was not subject to strict scrutiny.

What conclusions can be drawn from this brief discussion of cases dealing with the issue of race in adoption decisions? While there appears to be no single approach adopted by all courts in transracial adoption decisions, a common thread can be highlighted. Race may be a factor in determining where to place a child, but the use of race as the sole reason to make or change an adoption placement is not constitutional. Even though race-based classifications are inherently invalid, the courts are willing to allow race to be considered in adoption placement.<sup>31</sup>

### III. STUDIES OF TRANSRACIAL ADOPTION WITHIN THE UNITED STATES

Before summarizing the major research that has been conducted on transracial adoptees and their families, it is important to state that all of the empirical studies, irrespective of the

---

29. 693 F. Supp. 318 (E.D. Pa. 1988).

30. 494 A.2d 1316 (D.C. 1985).

31. *Cf. Wittmer v. Peters*, 87 F.3d 916 (7th Cir. 1996) (upholding race-conscious selection criteria for boot camp guards).

authors' field of expertise, personal inclinations, or research design, support transracial adoption. They all show that transracial adoption serves the child's best interests.

This review of the research on transracial adoption has three major sections. The first section describes studies in which the adopted children are almost always Black and their parents White. The second section reports studies involving Korean children (all of whom were born in Korea) and White families. Next to Black children, Korean children represent the largest group of transracial adoptees in the United States. The third section reports at some length on the longitudinal study conducted in the late 1960s by Simon and Altstein on mainly Black children who were adopted by White parents and on a more recent study they conducted of adult Korean adoptees adopted by White American families. For the Korean study, the authors used the same research instruments and design that they employed when they interviewed the adult Black transracial adoptees and their families in the early 1990s. The Korean study, which is based only on one-time interviews with adult adoptees, is contrasted with the last phase of the longitudinal study that Simon and Altstein initiated in 1971. Both the adult Korean and the adult Black transracial adoptees and their families were interviewed between 1991 and 1993.

#### STUDIES OF BLACK CHILDREN ADOPTED BY WHITE FAMILIES

The work of Lucille Grow and Deborah Shapiro of the Child Welfare League, published in 1974, represents one of the earliest studies of transracial adoption. The major purpose of their study, *Black Children, White Parents*, was to assess how successful the adoption of Black children by White parents had been.<sup>32</sup> Their respondents consisted of one hundred twenty-five families. Grow and Shapiro concluded that the children in their study made about as successful an adjustment in their adoptive homes as other non-White children had in prior studies. They claimed that 77% of their children had adjusted successfully, and that this percentage was similar to that reported in other studies.

In 1977, Joyce Ladner — using the membership lists of the Open Door Society and the Council on Adoptable Children as her sample frames — conducted in-depth interviews with one hundred thirty-six parents in Georgia, Missouri, Washington,

---

32. LUCILLE GROW & DEBORAH SHAPIRO, *BLACK CHILDREN, WHITE PARENTS: A STUDY OF TRANSRACIAL ADOPTION* (1974).

D.C., Maryland, Virginia, Connecticut, and Minnesota.<sup>33</sup> Before reporting her findings, she introduced a personal note:

This research brought with it many self-discoveries. My initial feelings were mixed. I felt some trepidation about studying white people, a new undertaking for me. Intellectual curiosity notwithstanding, I had the gnawing sensation that I shouldn't delve too deeply because the findings might be too controversial. I wondered too if the couples I intended to interview would tell me the truth. Would some lie in order to cover up their mistakes and disappointments with the adoption? How much would they leave unsaid? Would some refuse to be interviewed because of their preconceived notions about my motives? Would they stereotype me as a hostile Black sociologist who wanted to "prove" that these adoptions would produce mentally unhealthy children?<sup>34</sup>

By the end of the study, Ladner was convinced that "there are Whites who are capable of rearing emotionally healthy Black children." Such parents, Ladner continued, "must be idealistic about the future but also realistic about the society in which they now live."<sup>35</sup>

Charles Zastrow's doctoral dissertation, published in 1977, compared the reactions of forty-one White couples who had adopted a Black child against a matched sample of forty-one White couples who adopted a White child.<sup>36</sup> All of the families lived in Wisconsin. The two groups were matched on the age of the adopted child and on the socioeconomic status of the adoptive parent. All of the children in the study were preschoolers. The overall findings indicated that the outcomes of the transracial (TRA) placements were as successful as the in racial (IRA) placements. And Zastrow commented,

One of the most notable findings is that TRA parents reported considerably fewer problems related to the care of the child have arisen than they anticipated prior to the adoption. . . . Many of the TRA couples mentioned that they became "color-blind" shortly after adopting; i.e., they stopped seeing the child as a Black, and came to perceive

---

33. JOYCE LADNER, *MIXED FAMILIES* (1977).

34. *Id.* at xii-xiii.

35. *Id.* at 254.

36. CHARLES H. ZASTROW, *OUTCOME OF BLACK CHILDREN - WHITE PARENTS TRANSRACIAL ADOPTIONS* (1977).

the child as an individual who is a member of their family.<sup>37</sup>

When the parents were asked to rate their overall satisfaction with the adoptive experience, 99% of the TRA parents and 100% of the IRA parents checked "extremely satisfying" or "more satisfying than dissatisfying." And on another measure of satisfaction — one in which the parents rated their degree of satisfaction with certain aspects of their adoptive experience — out of a possible maximum of ninety-eight points, the mean score of the TRA parents was 92.1 and of the IRA parents, 92.0.

Using a mail survey in 1981, William Feigelman and Arnold Silverman compared the adjustment of fifty-six Black children adopted by White families against ninety-seven White children adopted by White families.<sup>38</sup> The parents were asked to assess their child's overall adjustment and to indicate the frequency with which their child demonstrated emotional and physical problems. Silverman and Feigelman concluded that the child's age — not the transracial adoption — had the most significant impact on development and adjustment. The older the child, the greater the problems. They found no relationship between adjustment and racial identity.<sup>39</sup>

In 1983, Ruth McRoy and Louis Zurcher reported the findings of their study of thirty Black adolescents who had been transracially adopted and thirty Black adolescents who had been adopted by Black parents.<sup>40</sup> In the concluding chapter of their book, McRoy and Zurcher wrote:

The transracial and inracial adoptees in the authors' study were physically healthy and exhibited typical adolescent relationships with their parents, siblings, teachers, and peers. Similarly, regardless of the race of their adoptive parents, they reflected positive feelings of self-regard.

Throughout the book, the authors emphasized that the quality of parenting was more important than whether the Black child had been in racially or transracially adopted: "Most certainly, transracial adoptive parents experience some challenges different

---

37. *Id.* at 81.

38. WILLIAM FEIGELMAN AND ARNOLD SILVERMAN, *CHOSEN CHILD: NEW PATTERNS OF ADOPTIVE RELATIONSHIPS* (1983).

39. In another study of transracial adoptees and nonadopted Black preschool children, William M. Womack and Wayne Fulton found no significant differences in racial attitudes between the two groups of children. William M. Womack & Wayne Fulton, *Transracial Adoption and the Black Preschool Child*, 20 J. AMER. ACAD. CHILD PSYCHIATRY, at 712-24 (1981).

40. RUTH MCROY & LOUIS A. ZURCHER, *TRANSRACIAL AND INRACIAL ADOPTEES* (1983).

from inracial adoptive parents, but in this study, all of the parents successfully met the challenges.<sup>41</sup>

In 1988, Richard Barth and Marian Berry reported that transracial placements were no more likely to disrupt than other types of adoptions.<sup>42</sup> The fact that transracial placements were as stable as other more traditional adoptive arrangements was reinforced by data presented in 1988 at a North American Council on Adoptable Children (NACAC) meeting on adoption disruption. There it was reported that the rate of adoption disruptions averaged about 15%. Disruptions, they reported, did not appear to be influenced by the adoptees' race or gender or the fact that they were placed as a sibling group. When examining adoptive parent characteristics, neither religion, race, marital status, length of time married, educational achievement, nor income seemed predictive of adoption disruption.

In 1988, Joan Shireman and Penny Johnson described the results of their study involving twenty-six in racial (Black) and twenty-six transracial adoptive families in Chicago.<sup>43</sup> They reported very few differences between the two groups of eight-year-old adoptees. Using the Clark and Clark Doll Test (the same measures we used in our first study) to establish racial identity, 73% of the transracial adopted children identified themselves as Black, compared to 80% percent for the in-racially adopted Black children. Interestingly, although three-quarters of the families lived in White neighborhoods, 46% of the transracial adoptees named a Black among their best friends. The authors concluded that 75% of the transracial adoptees and 80% of the in-racial adoptees appeared to be doing quite well. They also commented that the transracial adoptees had developed pride in being Black and were comfortable interacting with both Black and White races.

In a 1992 unpublished report, Karen Vroegh — a researcher in the Shireman and Associates project — concluded,

The majority of the adopted adolescents, whether TRA or IRA (inracially adopted) were doing well. The rate and type of identified problems were similar to those found in the general population. Over 90 percent of the TRA parents thought transracial adoption was a good idea.<sup>44</sup>

---

41. *Id.* at 130.

42. RICHARD P. BARTH & MARIAN BERRY, ADOPTION AND DISRUPTION 3-35 (1988).

43. JOAN SHIREMAN & PENNY JOHNSON, GROWING UP ADOPTED (1988).

44. Karen Vroegh, Transracial Adoption: How It Is 17 Years Later (Apr. 1992) (unpublished report on file with author).

In 1993, Christopher Bagley compared a group of twenty-seven transracial adoptees with a group of twenty-five inracially adopted Whites.<sup>45</sup> Both sets of adoptees were approximately nineteen years old and were, on average, about two years old when adopted. Bagley concluded his study with the following statement:

The findings of the present study underscore those from previous American research on transracial adoption. Transracial adoption . . . does appear to meet the psychosocial and developmental needs of the large majority of the children involved, and can be just as successful as inracial adoption.<sup>46</sup>

#### STUDIES OF KOREAN TRANSRACIAL ADOPTIONS

In 1975 and 1976, D.S. Kim conducted studies that involved four hundred six Korean children between twelve and seventeen years old who were adopted by American families. The research was conducted by the International Adoption Research Project at the University of Chicago and represented the first nationwide study of long-term adjustment by adopted Korean children.<sup>47</sup> The major focus of the study was "to assess the identity and socialization patterns of teenage subjects." The study consisted of two groups: "early group" children who were placed before they were one year of age, and "later group" children who were placed at the age of six or older. The two groups were compared "in relation to the length of placement, transcultural factors, and family environment."<sup>48</sup>

Quoting from D.S. Kim:

The study shows that adopted Korean children tend to progress very well in all areas of their lives, indicating no special problems in their overall, long-term adjustment. Their self-concept was remarkably similar to that of other American teenagers (represented by a norm group in a standard scale with an impressively positive self-esteem). Also, their assessment of various socialization processes appeared to be very healthy. . . . It is significant here to note that a

---

45. Christopher Bagley, *Transracial Adoption in Britain: A Follow-up Study with Policy Considerations*, CHILD WELFARE, May-June 1993, at 3.

46. *Id.* at 294.

47. D.S. Kim, *Intercountry Adoptions: A Study of Self-Concept of Adolescent Korean Children Who Were Adopted by American Families* (1976) (unpublished Ph.D. thesis on file with author).

48. *Id.*

warm and supportive family environment was crucially important and responsible for positive outcomes.

He went on to say:

It is [also] necessary for the child to be aware of personal heritage to develop his full potential or to define his place in society. Therefore, while avoiding ethnocentricity or reverse racism, foreign children can and should be instilled with a positive ethnic identity. Such a positive identity formation can furnish children a useful inclination to self-assertion, advocacy, and determination for their full socialization.<sup>49</sup>

In 1994, the Search Institute published *Growing Up Adopted*, a report that describes the results of interviews with 715 families who adopted infants between 1974 and 1980.<sup>50</sup> When the survey was conducted in 1992-93, the adoptees' ages ranged from twelve to eighteen. A total of 881 adopted children, 1262 parents, and seventy-eight non-adopted siblings participated in the study. Among the 881 adoptees, 289 were transracially adopted, of which the largest single group were 199 Koreans, who made up 23% of the total sample.<sup>51</sup> The Search study reported that 81% of the "same race" adoptees and 84% of the TRAs (of whom 68% were Korean) said, "I'm glad my parents adopted me."

Various "tests" of "mental health," "self-esteem," and "well-being" were given to the inracial adoptees and TRAs. The results are shown in the charts presented below:

#### PERCENT OF ADOLESCENTS WITH HIGH SELF-ESTEEM

	<u>Boys</u>	<u>Girls</u>
National Sample*	51%	39%
All Transracial Adoptees	55	51
Asian TRAs	53	53
Same-Race Adoptees	63	53

[\* National sample of public school adolescents; N=46799.]

49. *Id.*

50. Peter L. Benson et al., *Growing Up Adopted: A Portrait of Adolescents and Their Families* (1994).

51. In addition to the Koreans, there were 27 African-Americans (3% of the sample), 39 Hispanics (4%), and 24 Native Americans (3%) included in the study.

**FOUR MEASURES OF PSYCHOLOGICAL HEALTH  
FOR TRANSRACIAL AND SAME-RACE ADOPTIONS**

Measure of Psychological Health	Range	Scale average		Scale Average (in comparison to same-race group)
Index of Well-Being	0-16	All TRA	11.23	No difference
		Asian	11.40	No difference
		Same-race	11.08	
At-Risk Behavior	0-20	All TRA	1.80	No difference
		Asian	1.55	No difference
		Same-race	1.78	
Self-Rated Mental Health	1-5	All TRA	4.10	No difference
		Asian	4.07	No difference
		Same-race	4.11	
Achenbach	1-120	All TRA	44.63	No difference
		Asian	43.94	No difference
		Same-race	42.29	

**RACIAL IDENTITY AMONG TRANSRACIALLY ADOPTED ADOLESCENTS  
(PERCENT AGREEING)**

	Asian	African American	Hispanic	Native American	All TRA
My parent(s) want me to be proud of my racial background	79	87	83	81	79
Other people of my racial background accept me as one of them	51	65	63	52	54
My parent(s) try hard to help me be proud of my racial background	66	74	60	71	66
I wish I was a different race than I am	22	13	23	14	20
I wish my parent(s) were a different race	4	9	3	14	5
I get along better with people of my racial background	34	35	17	33	30
I feel more comfortable with people of my racial background that I do with other people	9	9	3	19	9
I get along equally well with people of my own racial background and people of other racial backgrounds	80	73	63	86	78
<b>SAMPLE SIZE</b>	<b>173</b>	<b>23</b>	<b>30</b>	<b>21</b>	<b>247</b>

On attachment to their families, the study found that trans-racial adoptees are more likely than same-race adoptees to be



attached to both parents — 65% for Asians, 62% for all TRAs, and 52% for same-race adoptions.

As these summaries have shown, all of the research bearing on transracial adoption support the practice and demonstrate that the adoptees and their families adjust well to each other and that the adoptees are aware of and comfortable with their own racial identities.

#### THE SIMON AND ALTSTEIN STUDIES OF KOREAN AND BLACK TRANSRACIAL ADOPTEES

This section compares the experiences of White families who adopted Korean children in the 1960s and 1970s against the experiences of White families who participated in the Simon-Altstein twenty year transracial adoption study in which two-thirds of the adoptees were Black.<sup>52</sup> The major thrusts of this section are the reactions that the adult Korean and Black adoptees have to their Caucasian-American families, and that the Korean adoptees have to growing up in the United States. The Korean families were initially contacted by the Holt Adoption Agency, from which they had adopted at least one Korean child eighteen or more years ago. After the families agreed to participate in the study, the authors wrote or phoned the families to arrange to interview the parents and their adopted Korean children. The parents' survey was conducted by mail; the children were interviewed by phone.

In the Korean survey, both the parents' and children's questionnaires were adapted from the survey instruments used by the authors in their longitudinal study. The Korean "parent" questionnaire is exactly the same one we used in our 1991 study, except for substituting the appropriate racial background of the adoptees. The Korean "children's" questionnaire was also based largely on the young adult instrument used in the 1991-92 phase of the twenty-year study, but it also included a few items that we asked of the transracial adoptees (TRAs) in 1983-84. We report first the parents' reactions to their experiences.

We began the parents' interview by asking,

Think back, and with the knowledge of hindsight and the experiences you have accumulated, would you have done again what you did — adopt a child of a different race?

---

52. The findings from these surveys are reported in RITA J. SIMON & HOWARD ALTSTEIN, *ADOPTION, RACE AND IDENTITY: FROM INFANCY THROUGH ADOLESCENCE* (1993); and RITA J. SIMON ET AL., *THE CASE FOR TRANSRACIAL ADOPTION* (1994).

Ninety-five percent of the parents of the Korean adoptees and 92% of the parents of the mostly Black transracial adoptees said "yes," that they would have done what they did — adopt a child of a different race. Three and four percent in each survey were not sure and 2% said "no". When asked "Why?", over 80 percent of the parents in both surveys who said they would do it again answered "It was a positive, enriching, rewarding experience;" "because he/she is our child and we love him/her;" "he/she is like our birth child;" and "every child needs a home." Among the five families who said "no" or that they "weren't sure," two sets of parents said they adopted their children when he and she were nine and seven years old, and they had had traumatic experiences prior to being placed with them; five others cited pre-existing physical and emotional problems; and one family said "because we think our child would have been better off with a family of his own ethnic background."

We then asked,

With all the thought and preparation that went into your decision, what about the experience surprised you the most?

The most frequent responses offered by over half of the respondents were: "There have been no major surprises;" "How easily our family and friends accepted our Black or Korean son/daughter;" "How easy it was;" and "How quickly our child integrated/bonded with our family." Sixteen percent of the families in the longitudinal study commented on the paucity of information they had been given about their child's physical, emotional, and social backgrounds, and how complicated the teen years were, "particularly how their child grappled with his/her identity." Five percent of the parents in the "Korean study" also commented about the difficulty surrounding identity issues during adolescence.

Almost all of the parents said that the major impact rearing a child of a different racial and cultural background had on their lives was that "it exposed us to a different culture;" "to different groups of people that we either would not have known or would not have known as well as we do;" "it broadened and enriched our lives;" "it made us more sensitive to racial issues, to what it means to be a minority;" "it made us more tolerant of all different kinds of people, from all walks of life;" and "we saw that an adopted child is no different than a biological child."

Finally, we asked the parents:

Would you recommend that other families like your own adopt a child of a different race or culture?

Eighty percent of the parents in the longitudinal study and 90% in the Korean survey answered "yes," they would recommend that other families like their own adopt a child of a different race. Seventeen percent in the longitudinal survey and 10% in the Korean survey were not sure whether they would recommend transracial adoptions to other families similar to their own. Those who would recommend it said they would tell the family to "love the child as if it had been born to you," to "be aware that the child comes from a different culture," and try to expose him or her to that culture, and to be generally be aware of the responsibility you are taking on. "The real issue is adoption, not transracial adoption." Others said, "It has to do with how you feel about raising a child that is not biologically your own. If you see it as second rate or second best, it will not work. Race is secondary to your general attitude about adoption;" and, "It would need to be something that a family would embrace as a real encounter, a real mission, a family choice, a family direction in which to go. Never do it out of no other alternative to increasing the size of your family." The bottom line, for the large majority of the parents, is that adopting a child of a different race is a good thing to do.

What of the children, how did they respond to their adoptions? Ninety-four percent of the Korean children were born in Korea, about half in Seoul. The others came from Vietnam, India, Bangladesh, and Thailand. Thirty-eight percent were brought to the United States before they were a year old. Another 27% came before they were two years old and 80% arrived before their fourth birthdays. Sixty-nine percent of the first born and 80% of the second born Black children were adopted when they were less than a year old. Twelve and eight percent of the first and second born were adopted before their fourth birth dates.

At the time we conducted the last phase of the twenty-year study, the median age of the Black adoptees was twenty-two, and 85% of them were no longer living at home. For the Korean adoptees, their median age in 1993 was twenty-eight, and 85% of them were also no longer living at home.

Twenty-four percent of the Black adoptees and 30% of the Korean adoptees had completed at least a Bachelor's degree. For over 60% of both the Black and Korean TRAs, their parents had paid, or were paying, for all or part of their post-high school education.

Given the age difference between the Korean and Black TRAs, it is not surprising that one-third of the former, compared to 13% of the latter, were married at the time of the interviews.

None of the Koreans were married to someone of Korean birth, as compared to 20% of the Black TRAs who had a Black spouse.

A comparison of the types of work the respondents in each group reported they were engaged in is shown below:

OCCUPATIONAL CATEGORY	KOREAN	BLACK
Professional	25%	18%
Administrative/Clerical	20	20
Skilled/Service	27	43
Other	11	03
Not Employed	17	16

The higher percentage of Koreans who hold "professional" positions is probably a function of age, which in turn reflects years of schooling completed.

We had asked both groups of adoptees about the racial and ethnic characteristics of their three closest friends when they were adolescents and today (e.g. at the time of the interviews). The results are shown in the chart below.

Friends	Black TRAs		Korean TRAs	
	High School	Current	High School	Current
(In percent)				
FRIEND #1				
White	73.2	53.0	87.9	79.7
Black	14.6	34.0	2.7	5.4
Asian	—	—	4.1	7.4
Latino	—	—	2.0	2.7
Other/Mixed	6.7	9.4	2.0	4.1
No answer	5.5	2.6	1.3	0.7
FRIEND #2				
White	70.8	70.0	87.2	87.2
Black	19.1	23.4	2.7	1.3
Asian	—	—	3.4	6.8
Latino	—	—	1.3	3.4
Other/Mixed	4.5	2.2	2.0	1.3
No answer	5.6	4.4	3.4	—
FRIEND #3				
White	61.8	70.0	84.5	81.8
Black	25.8	22.4	2.0	2.0
Asian	—	—	6.1	8.1
Latino	—	—	2.0	2.7
Other/Mixed	3.4	2.5	2.0	4.1
No answer	9.0	5.1	3.4	1.3

Especially as adults, the Black TRAs are more likely to have Black friends than are the Koreans to have friends of Asian back-

ground. But for both groups the majority of their friends, during adolescence and as adults, are White.

When asked, "When you were dating in high school, were most of the people you dated White, Black, Korean, Asian, or all different types?", 10% of the Korean and 47% of the Black TRAs reported that they were not yet "into dating" when they were in high school. Among those who did date, 80% of the Koreans and 60% of the Blacks dated Whites almost exclusively. Thirty-eight percent of the Blacks dated Whites and Blacks, or Blacks only (11%), compared to 5% of the Koreans who dated Asians. We have to remember that some of the bases for these responses are "who's out there," and with Asians representing 3.5% of the population, the opportunities for friendships and dates are more limited than they are for American Blacks.

For the questions that focused on what it meant to the respondents to grow up in a family with a different racial background than their own, we found that 60% of the Koreans and 75% of the Blacks did not remember when they first noticed the difference. Among those who had been adopted when they were four years or older, almost all said, "immediately" or "at the time I was adopted." Seventy-seven percent of the Koreans and almost 90% of the Blacks said it made "little" or "no difference." Among those Koreans and Blacks who felt it made a difference, their responses were divided almost equally into positive and negative effects. Their responses were also very similar for the following item:

Was being of a different race and ethnicity than your adoptive family easier or harder during various stages of your life?

Forty-five percent of the Koreans and 40% of the Blacks said they "never" or "rarely" thought about it. For the others, adolescence was the most difficult period, followed by early childhood.

In response to the item that asked how people of the same racial background as their own responded to them when they were adolescents, over half (53%) of the Koreans said there were very few or none around to make a difference. Among the Koreans who could answer substantively, 34% said "it didn't seem to matter either positively or negatively." Thirty-seven percent of the Blacks also made that response. Twenty-nine and twenty-six percent of the Blacks and Koreans said they "reacted negatively toward me," and the other thirty-plus percent said they received positive feedback.

In their responses to the following items about the quality of their relationships with each of their parents and their siblings

during adolescence and currently, we see that the large majority of both the Korean and Black TRAs believe they had and continue to have close ties. Their ties are closer to their parents, especially their mothers, than they are to their siblings. There also appears to have been less change among the Korean TRAs between adolescence and adulthood than there was among the Black TRAs between adolescence and adulthood.

MOTHERS				
Quality of Relationship	Koreans		Blacks	
	Adol.	Adults	Adol.	Adults
Very close	41.2	49.3	29.1	45.5
Fairly close	31.8	36.5	32.7	43.6
Quite distant	13.5	5.4	14.5	1.8
Distant	12.2	6.8	23.6	5.5
No answer	1.3	2.0	—	3.6

  

FATHERS				
Quality of Relationship	Koreans		Blacks	
	Adol.	Adults	Adol.	Adults
Very close	38.5	41.2	30.9	43.6
Fairly close	38.5	35.8	34.5	38.2
Quite distant	4.1	2.7	14.5	3.6
Distant	16.2	10.8	18.2	10.9
No answer*	2.7	9.4	1.8	3.6

\* Deceased

The item about the respondents' relationships with their siblings was phrased somewhat differently on the Korean and Black surveys, so that for the Black TRAs we cannot identify whether the sibling is male or female, younger or older. Nevertheless, the results are worth comparing. The first chart describes the Korean adoptees' responses.

KOREAN TRAs								
Sibling	Very Close		Fairly Close		Quite Distant		Distant	
	Adol.	Adult	Adol.	Adult	Adol.	Adult	Adol.	Adult
Older brother(s)	30	30	37	40	18	15	15	15
Older sister(s)	29	29	43	46	12	13	16	12
Younger brother(s)	33	30	50	46	7	8	10	16
Younger sister(s)	27	24	47	48	11	8	15	14

  

BLACK TRAs								
Sibling	Very Close		Fairly Close		Quite Distant		Distant	
	Adol.	Adult	Adol.	Adult	Adol.	Adult	Adol.	Adult
Sibling #1	27.3	30.9	30.9	43.6	18.2	10.9	20.0	12.7
Sibling #2	25.0	20.9	45.4	48.8	15.9	9.3	13.6	20.9

Another way of assessing the quality of the TRAs' relationships with their families may be found in their responses to a series of questions that asked:

Who are the three people you would most likely turn to if you had a serious personal problem / money problem / were in trouble with the law?

"Parents" were the people both the Korean and the Black TRAs named most frequently for all three types of problems. They were followed by friends and then by siblings for both groups of respondents. The questions on the Korean survey were phrased, "Who are the three people you would most likely turn to for help or advice?" The responses showed that 99, 95, and 93% of the Korean adoptees included their parents as one of the three people they would turn to if they had personal, money, or legal problems. Friends were cited second by 73, 42, and 53% of the respondents for each of the problems, and siblings third (48, 34, and 40%).

On the longitudinal survey we asked: "Who are the first, second, and third persons you would seek out if you had a serious personal problem / money problem / were in trouble with the law?" Parents were the first persons named for all three problems, followed by friends and siblings.

Contrary to reports in the media and popular literature, few of either the Korean or Black TRAs tried to locate their birth parents: 8% for the Koreans and 25% for the Blacks. Among the Blacks, all but one tried only to locate their birth mothers; for the Koreans, the few who did try, sought to locate both parents. Almost all of the adopted parents helped the Black TRAs and half of them were successful in locating the birth mothers. Among the eleven Koreans, all of them turned to the Holt Agency for help, and one did locate her birth mother. With such small numbers, there doesn't appear to be much point in pursuing the issue.

Finally, on policy matters, when asked:

Would you urge social workers and adoption agencies to place Hispanic, Korean, Asian, Black, and other non-White children in White homes?

86% of the Koreans and 70% of the Black TRAs said "yes." The Blacks who said "yes" did so without any stipulations, whereas most of the Koreans had some stipulations, though many of them were unrelated to race. The 30% of the Blacks who had stipulations focused on the importance of finding White families "who are willing to make a commitment to exposing the child to his or her birth culture." When followed up with the question,

All things considered, would you have preferred to have been adopted by parents whose racial and ethnic background was the same as yours?

the responses showed comfort and support for their own trans-racial placements.

	<i>Korean</i> (in percent)	<i>Black</i> (in percent)
No	82	67
Yes	6	7
Not Sure	5	4
No Answer	5	22

When asked, "How would you describe yourself?", almost a third of the Black and Korean TRAs identified themselves as such. Describing themselves as mixed is probably an accurate description for many of the respondents in both groups. Only the 20% among the Korean respondents who describe themselves as "White" are dissembling.

KOREAN	(in percent)	BLACK	(in percent)
Korean	31	Black	32
Asian	5	Mixed: Black/white	68
Korean/ Asian-American	27		
Mixed: Korean/ Asian/White/ American	5		
White	20		
American	7		
Other	5		

And, "How do you think being (Korean/Black) by birth but reared by White parents has affected how you perceive yourself today?" One-third of the Korean and one-third of the Black TRAs said in essence "It did not affect my self-image one way or the other." One-third of the Blacks and one-third of the Koreans thought it had a positive effect. One-third of the Blacks said they did not know what effect it had — none said it had a negative impact. Among the Koreans, some 20% thought it had a negative effect with 5% stating explicitly, "It made me feel like a banana."<sup>53</sup>

53. Spokespersons for the National Association of Black Social Workers have dubbed Black children adopted by White families as "oreos," i.e. Black on the outside, with White psyches. The "banana" simile evokes the same image for Korean transracial adoptees.



As for the advice they would give to White parents who have the opportunity to adopt a young child of their (the respondents') racial background, over 91% of the Black TRAs said, in essence, "Do it, but be sensitive to racial issues." The Korean responses were somewhat more diverse; 10%, for example, said "Just do it," but at least 60% mentioned sensitivity to the child's birth culture as important advice they would give.

In sum, the findings reported in the two studies conducted by Simon and Altstein show remarkable similarities in the experiences of the parents as well as the Korean and Black TRAs. In their perceptions of themselves, in their life experiences, in their relationships with their parents and siblings, in the advice they would offer families considering a transracial adoption, and in their support for the practice as a policy matter and for the positive personal results it produced, on all of these issues Korean and Black TRAs are in agreement. And for almost all of the parents of these children, the experience was joyous, positive, and enriching.

#### CONCLUDING REMARKS

After more than two decades in which numerous studies were conducted on the impact of transracial adoption on minority children, the data show unequivocally that transracial adoptions serve the children's best interests. No empirical work has been reported that contradicts that generalization. Concerning our work, we entered this area of inquiry with no social or political agenda. We exit with none.

We were interested in looking at how persons of different races could live together in so intimate an environment as the family at a time when we thought the races could not get much further apart (mid-1960s). Over time, our work has withstood the public's test and various professions' scrutiny. We have written scores of articles and papers, been interviewed on radio and television, debated on panels, acted as pro bono consultants to all types of organizations, and have been called upon as "expert witnesses."

What we found is that in the overwhelming majority of cases, transracial adoption is a win-win situation. The transracially adopted child emerges a highly intact Black or Korean adult, aware of and sensitive to his identity and community. The families live with the knowledge that they have nurtured a productive member of society, at ease in both Black/Korean and White worlds.

With the passage of the federal statute that prohibits a state or other entity that receives funds from the federal government from denying to any person the opportunity to become an adoptive or foster parent on the basis of the race, color, or national origin of the person or the child involved, the opportunity now exists for the field to incorporate empirical data into practice and to define TRA as one in a series of legitimate options available to parentless minority children.

