Creating 'family' in adoptions from care

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Introduction[*]

Adoption may be defined as "the legal process through which the state establishes a parental relationship, with all its attendant rights and duties, between a child and a (set of) parent(s) where there exists no previous procreative relationship" (De Wispelaere and Weinstock 2018, 213). In adoptions from care, state intervention effectively converts an established, or nascent, adult-child relationship into 'family' in the legal sense. From the state's perspective, adoption thus entails the transfer of parental responsibilities for a child in public care to a private family unit, enabling the state to permanently delegate its duties towards a child to this new unit. This seemingly straightforward legal act raises deeper philosophical questions relating to such state 'family creation', particularly when the child's perspective is taken. Such child-centric approach normatively regards children as equal moral beings, who ought to be included in actions concerning them, regardless of their capacity to form and express an opinion. Accordingly, adoption from care can be described as a *moral* decision, aimed at doing what is in the child's best interests. The purpose of this chapter is to explore a suspicion of lack of child-centrism in adoption from care practice, and to illustrate how adopted children's rights are inferior to those of their nonadopted peers. This will shed light on a practice currently lacking transparency and accountability (cf. Burns et al. 2019) and will increase our understanding of how we fail to treat children as equal moral individuals in decision-making that severely impacts children's lives.

The law plays a critical role in adoption, as its status-conferring power determines who falls within the state's protective sphere, and who is excluded from it. 'Parent' is one example, in that the legal status of parenthood confers upon an individual certain rights and obligations concerning a child. This status may or may not align with the social reality of those involved; 'parent' or 'family' as social constructs may well differ from social life as experienced by children and parents in the non-traditional social kinship network formed by adoption, including birth and adoptive family members.

This chapter attempts to provide some child-centric insights to identify relevant ways to improve adoption from care for adopted children. Specifically, the basic premise of adoption, namely the creation of a stable and permanent family for the child, will be assessed through a child lens. A critique of the current approach to adoption as adult-centric is presented, starting with a reflection on the concept of 'family' in the context of adoption. The next part introduces adoption as a moral decision from the child's perspective. Part three considers adopted children's rights, focusing on the consequences of adoption practice on children's rights. Finally, the challenges discussed in this chapter will be summarised and some moderate suggestions for reform will be proposed.

'Family'

The question of what family is has received much attention, yet no universally accepted definition exists, at least not when crossing contexts or disciplines. Some ask if a definition is even necessary, or if we can ignore the decision of *who* is part of *the* family, as long as we know *what* the characteristics of *a* family are (Ferguson and Brake 2018, 11–12). One characteristics-based definition describes family as a multigenerational unit

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consisting of one or more adults, taking primary custodial responsibility for any number of dependent children (Archard, 2010, 9–10), where this unit exists over a substantial period. Temporary foster care as lacking permanence and being contract-based may thus be excluded; however, from a child perspective, placement length does not always predict relationship quality (Andersson 2009). Many alternative 'family' definitions exist; often focussing on caring function over family form. This form-function binary, whilst appealing for its simplicity, fails to persuade precisely because of this simplicity: it does not capture the complexities of 'family' (Ferguson and Brake 2018, 13), which would be necessary for any satisfactory – morally defensible and practically useful – definition of family.

The concept of family is shaped by normative assumptions about personal relationships, which is evident from the tensions between legal and moral parenthood and the different views on what makes one a parent or a family. The law only recognises 'family' as a legal status relationship in some contexts (such as migration), while requiring a more specific familiar relationship in others (such as 'parent') (Ferguson and Brake 2018, 17). This is relevant in the present context, as adoption entails a shift of status attribution, with the consequence that the adopted child receives new (legal) parents. Family is thus not simply a private realm, but a social institution supported by laws. Feminists argue that as a political institution, the family should therefore be subject to principles of justice, as the state cannot avoid interference in families, especially given the state's critical interest in children as future citizens (Satz 2017). In adoptions from care, the state interferes in families in one of the most serious ways, by first breaking legal (and sometimes social) ties with the family of origin, and then deciding and confirming the child's alternative family. Here, the question arises as to how adopted children themselves construe family and to what extent the law's limited possibilities do justice to their experiences.

In adoption, the basic premise concerning 'family' may be best described as a compromise: Birth parents unable to provide (adequate) care for their child are replaced by alternative carers to safeguard the child's welfare. Often, this is the most personally, socially and legally stable option for children (Palacios et al. 2019, 57), and in line with children's rights' emphasis on growing up in a family environment (CRC 1989). This aim to give a child a new, permanent family through adoption is persuasive; yet creating 'family' by legal deed can at best provide the breeding ground for emotional and social family-like bonds. In adoptions from care, this is particularly relevant, as the absence of actual abandonment means the substitution of family is unilateral only and requires justification. This compares to full orphans or abandoned children, where the necessity to find alternative carers is obvious. The severity of neglect or maltreatment, and the resulting threat to the child's health (and sometimes life) seen in many child protection cases provides a justification not only for removal, but also for finding a permanent solution outside of the birth home if the possibility of reunification has legitimately been ruled out.

Ideally, adoption will align the child's experience of *de facto* with *de jure* family, where *de facto* reflects actual bonds and not mere living arrangements. Again, adoption from care is a special case, where the reasons for excluding the birth family entirely from the *de jure* family are far less clear than in cases of abandoned or anonymously-born children. From the child's perspective, social and emotional bonds, lived experience and identity do not necessarily align with legal relationships, as shown by numerous empirical studies (see Blake 2017 for an overview). Familial association cannot be forced, whether through the law or otherwise, and in adoption often fails to fit neatly within the narrow legal notion of 'family'. The law itself here is instructive, in that human rights law recognises the 'right to *respect for* family life' (e.g. Art. 8 ECHR), rather than a 'right to family' or a 'right to family life', as the latter two are beyond the reach of the law. While the former is nonsensical in that we all have family at least in the narrow sense of biological kin, the latter would be impossible to enforce if understood as having meaningful and loving relationships with our family members. Indeed, the human rights approach is more modest in *respecting* family life where it already exists or where it is developing, which poses challenges in cases of very young children (Breen et al. 2020). Stability, the law can provide; meaningful family life not so much.

This is a reminder to view 'family' in adoptions from care from the child's perspective. Adoption should always be 'in the child's best interests' (CRC 1989 Art. 21), yet the child seems absent in much of the process. For instance, the beneficence of adoption is typically framed in terms of outcomes compared to children

remaining in foster care (Vinnerljung and Hjern 2011), and by reference to low adoption breakdown rates in countries such as England and Wales (Wijedasa and Selwyn 2017) as a sign of success in providing stability.[1] This emphasis on "hard" empirical data, however, only expresses one aspect of adoption, albeit an important one. The experience of those affected most by adoption from care, children and adult-adoptees, is rarely considered adequately. Featherstone and colleagues caution that while "adoption may meet the needs of a particular calculative logic, it must be questioned from a perspective that considers ethical and human rights considerations for all concerned, including [the child] herself" (2018, 22). This has also been highlighted by many in the adult-adoptee community, who through the new possibilities of social media have been given a voice that speaks from experience, for instance via the hashtag #AdultAdoptee. The popularity of Nancy Verrier's *The Primal Wound* amongst adoptees demonstrates the desperation of adoptees to be seen, and for adoption to be understood from their perspective. In what has been described as 'the adoptee's bible', Verrier writes:

> What the general population considers to be a concept, a social solution for the care of children who cannot or will not be taken care of by their biological parents, is really a two-part, devastating experience for the child. The first part of the experience is the abandonment itself. […] The second part of the experience is that of being handed over to strangers. (Verrier 2009, 10).

Of course, adoption experience varies from one adoptee to another, and no voice can speak for *all* adopted children. The diversity of views emerging from these discussions is instructive in discovering themes in adoption experiences from the child's perspective and reveal the need to give a voice to the children themselves, during the adoption process and beyond.

The child's perspective in adoption

The child's perspective is a way of conceptualising and including the child in decision-making proceedings. At its heart is the notion of child-centrism, which puts the child at the core of one's considerations. While ideally entailing direct involvement (participation) of the child, constructing a child perspective goes further by also including the child's unvoiced situation in the context of the action to be taken. A child perspective normatively regards children as moral individuals regardless of their capacity to form and express an opinion. In adoptions from care, this is particularly relevant as children are often too young to (fully) participate in the process.

The term 'adoption' has its roots in the Latin word *adoptare*, meaning 'to choose for oneself' (Hoad 2003). With a few exceptions, it is not the child who chooses to be adopted, or by whom,[2] but the decision is made by adults for their own reasons (cf. Malm and Welti 2010), aided by the state 'in the child's best interests'. In child protection, the state makes the decision. Language is political (Orwell 2013) and powerful (Tutu 1999), so regardless of good intentions and empirically-reported benefits of adoption, the very label we attach to a process that begins with a traumatic event for the child (and often others) implies a positivity not everyone involved may experience unequivocally. While for the adopters the completion of the process may also mark the completion of their 'family', the official term of choice for this happening appears to objectify rather than to recognise the child, and denies the fact that someone's gain is someone else's loss, and crucially, for the child it is both. This may or may not involve a deeper trauma or 'primal wound', but from the child's perspective, adoption is not simply an endpoint in a care history, but also the beginning of 'adopted identity' (Leighton 2005). That many adopted children report positive feelings related to their adoption is not in conflict with the idea that this 'adopted identity' may come with significant emotional, social and practical challenges, which are unique to the individual. This highlights the need to involve the

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[1] System differences and lack of comprehensive data render inter-country comparisons of adoption breakdown rates challenging (see Palacios et al. 2018).
[2] Exceptions include older children wishing to be adopted by adults they have a close relationship with, including stepparents they are already living with.

child concerned in the issue of using adoption to create a stable and loving family environment for that child.

Adoption as a moral decision requires taking the child's perspective, even where direct input from the child is limited or impossible (for instance, due to age). Treating children as moral individuals requires openness to a broad range of experiences, feelings, and interpretations of facts. An example is separation trauma, which may occur even in infants. The mother-baby bond may be understood as a profound and special connection (cf. Winnicott 1966), and prenatal bonding has been shown to affect child development (Glover and Capron 2017). However, concluding that *all* children placed in care experience separation trauma, or to the same extent, would be mistaken, warranting instead a child-specific assessment.

Current deficiencies in child-centrism can be exemplified by adoption marketing. While it is not the purpose of a child to 'complete a family' or to 'be saved', this is often how adoption is portrayed by adults for adults. In extreme cases, private and public adoption agencies promote children available for adoption in the same way as animal shelters try to re-home puppies (e.g. One Adoption; AdoptUSKids). Even if online profiles of to-be-adopted children increase the likelihood of adoption, such 'effectiveness' cannot morally justify promoting children in a way that breaches their privacy rights and objectifies them to appeal to adults. It is intrinsically wrong to promote children as if they were goods, irrespective of the outcome for the child: "Even if buyers did not mistreat the children they purchased, a market in children would express and promote the wrong way of valuing them. Children are not properly regarded as consumer goods but as beings worthy of love and care" (Sandel 2012). This argument has force, even where no strong or obvious commercial element exists. Practices such as 'adoption parties' and photo-listings of children available for adoption exemplify how the process of adoption is largely adopter-centric, for adults who are enabled to 'rescue' a child in need and to 'complete' their family –governments' and official adoption agencies' rhetoric, as a simple web search for official adoption information reveals (Table 1).[3]

Table 1. Adoption descriptions on states' official websites (government or official adoption agencies).

Country[4]	Description of adoption	Perspective
Austria*	"There are many reasons for wanting to adopt a child. Adoption offers everyone involved a new opportunity." (Bundeskanzleramt 2020) *(Original: Die Gründe, ein Kind adoptieren zu wollen, sind vielfältig. Eine Adoption bietet allen Beteiligten eine neue Chance.)*	Neutral
England	Government website only describes adoption process.	
	Regional adoption agency (Greater Manchester): "Adoption is life changing. You become the legal parent of a child who cannot – for whatever reason – live with their birth parents. You'll take on the same legal rights and responsibilities of a birth parent and provide a permanent home for the child you adopt. Your child will take on your surname and become a member of your family for life." (Adoption Counts 2019)	Adult-centric
Estonia	"Adoption is a legal procedure in which the legal obligations and rights of a child are created between the adoptive parent and the child similarly to those between a biological parent and a child. The objective of adoption is to find a proper and loving family for children deprived of parental care. […] Adoption must always serve the best interest of the child." (Republic of Estonia Social Insurance Board 2020)	Moderately child-centric
Germany*	"For many couples, adoption is the only way to fulfil their desire to have children. The welfare of the child is always at the centre of adoption placement." (Adoption 2019) *(Original: "Eine Adoption ist für viele Paare die einzige Möglichkeit, ihren Kinderwunsch zu erfüllen. Im Mittelpunkt der Adoptionsvermittlung steht immer das Wohl des Kindes.")*	Adult-centric

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[3] The search was conducted using "adoption + COUNTRY" as search term and identifying the top-listed government website. Where this yielded no description, capital city was used instead (England, Spain). For England, the second largest metropolitan area, Greater Manchester, was chosen for simplicity, as London has multiple adoption authorities.

[4] Selection based on the countries represented in this volume.

Finland	"The purpose of adoption is to promote the welfare of a child by creating a child-parent relationship between the adoptee and the prospective adopter." (National Supervisory Authority for Welfare and Health 2020)	Child-centric
Ireland	"The nature and effect of an Irish adoption order is that the child becomes the child of the adopters as if born to them in marriage with all the rights and duties of parents and children in relation to each other." (The Adoption Authority of Ireland 2019)	Adult-centric
Norway[5]	"The purpose of adoption is to provide a good and lasting home to a child who cannot be cared for by their biological parents." (Bufdir 2019) *(Original: Formålet med adopsjon er å gi et godt og varig hjem til et barn som ikke kan bli tatt hånd om av sine biologiske foreldre.)*	Child-centric
Spain*	Government website only describes adoption process.	
	Regional government: "Adoption is a child protection measure that provides a definitive family to children who, due to certain circumstances, cannot remain in their family of origin." (Comunidad de Madrid 2019) *(Original: La adopción es una medida de protección a la infancia que proporciona una familia definitiva a niños y niñas que, por determinadas circunstancias, no pueden permanecer en su familia de origen.)*	Child-centric
USA	"Adoption is the creation of a new, permanent relationship between an adoptive parent and child. Once this happens, there is no legal difference between a child who is adopted and a child who is born into a family." (U.S. Government Services 2020)	Adult-centric

Translations author's own.

This overview may give reason for hope: descriptions in Estonia, Finland, Norway and Spain are child-centric, Austria is neutral, while England, Ireland, Germany and the USA are adult-centric. This shows that child-centric adoption language and descriptions are possible. However, the comparison also reveals 'saviour' and 'family completion' narratives, as well as those of 'normalisation' and 'opportunity', which may contribute to perpetuating shame or stigma historically associated with adoption, or in soliciting undue gratitude from adoptees. Advocates for those affected by adoption criticise this 'positive adoption language' or 'respectful adoption language' as being respectful only to adopters (OriginsCanada 2009). The connection between language and perspective taken matters: How we discuss adoption reflects our attitude towards children in general, and towards to-be-adopted children. Table 1 shows that child-centrism as an approach rooted in understanding children as equal moral individuals has not been internalised to the extent that it is reflected in our language. This lack of internalised child-centrism is also apparent in the adopted children's rights. While it might be assumed that the status-conferring power of the law serves to align the protection of adopted children's rights with those of nonadopted children, this is far from the case, as will be shown in the next section.

Adopted child's rights

Children in care have been identified as a vulnerable group of children (UN Committee on the Rights of the Child 2013), and some adopted children continue to be stigmatised in society (Baden 2016; Garber and Grotevant 2015). Intersectionality is also often an issue, as many children in care for whom adoptive families are sought are marginalised for several reasons, such as a combination of chronic illness, disability, ethnicity, or gender. In addition, adoption from care may involve complex trauma, from maltreatment leading to adoption as well as from separation, as described above. Therefore, even though adoption outcomes are typically better than available alternatives (van IJzendoorn, Juffer, and Poelhuis 2005), the way adoption is handled from the child's perspective can and should be improved. A crucial point is to introduce a child-centric adoption narrative, which should consider the voices of past, present and future adoptees as a starting point. This will serve to identify shortcomings of adoption as we currently know it.

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[5] Refers to international adoptions. No domestic adoption description, as these are rare in Norway, typically around a dozen per year.

A few words on vulnerability, consent and participation are in order. Describing adopted children as vulnerable is not to victimise or disempower them, but to acknowledge that the separation of a child from her birth parents (at the time and in retrospect) is traumatic, even if we cannot quite fathom how very young children experience such separation. Crucially, the notion of vulnerability is also about responsibility, connoting special responsibilities to those whose interests are vulnerable to our actions and choices (Lindemann 2019, 32), including an obligation to focus on and involve the child in the entire adoption process. Unfortunately, child-centrism appears to be substituted with legalistic mechanisms, such as consent. The child's consent to adoption, as required in Europe (Fenton-Glynn 2013), constitutes no more than the bare minimum of child participation in adoption, and is far removed from actual child-centrism. Depending on age and circumstances, young children are unlikely to grasp fully the relevance of legal 'parent' status, or the wider legal and social implications of its transferral. Beyond consent, a review of adoption from care cases before the European Court of Human Rights (ECtHR) has shown that consideration of the child's views and opinion remains the exception (Breen et al. 2020). While the child's right to be heard has been formalised in Art. 12 CRC, and thus harmonised across the world through near universal ratification of the CRC, the situation concerning adopted children's rights can be best described as messy. Disclosure and access to information rights are patchy, and available documentation following an adoption from care is not fit for purpose.

The role of the law here is instrumental. In adoptions from care, it defines who gets access to which information and under which circumstances. Crucial dimensions are knowledge about the adoption itself, information about birth parents and the circumstances leading to the adoption. While further relevant aspects exist, these are singled out because they relate to information that others – the state, social workers and usually adoptive parents – will have, while the adopted person may not have (full) access to the same information. This cannot be reconciled with a child-centric view of adopted children as equal moral beings. A review of relevant national legal provisions reveals that the rights of adoptees to obtain information about their histories also vary across countries (Table 2). This is surprising, as adopted children are unlikely to differ in a morally relevant way across borders; rather, as a group, they may 'face some unique problems in forging a sense of self' (Witt 2005, 138).

Table 2. Information rights of adopted children in domestic[6] adoptions.[7]

	Parents listed in population/birth registry	Birth certificate information	Duty to tell the child about the adoption	Right to access original birth record / adoption file[8]	Access rights compared to child's consent to adoption requirement
Austria	Both birth and adoptive parents	Current legal parents	No	From age 14	No fixed age for consent to adoption (typically required from age 14).
England	Birth parents, annotated "adopted"; separate Adopted Children Register	Original birth certificate becomes void. Adoption certificate issued, names current legal parents. Short version: no information about adoption, long version: excerpt from registry, includes date of adoption.	No	Age 18	Child's consent not required for adoption, but child's wishes must be ascertained.
Estonia	Current legal parents	Excerpt from registry	No	Age 18**/***	Consent age lower (Age 10)
Finland	Current legal parents	Excerpt from registry	No	From age 12	Same (Age 12)

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[6] International adoptees' rights are often even more limited.

[7] My gratitude to Salomé Adroher Biosca (Spain), Tore Lied (Norway), Katre Luhamaa (Estonia), Conor O'Mahony (Ireland) and Tarja Pösö (Finland) for their help in compiling this information. Please refer to the bibliography for references to national laws.

[8] European Union Agency for Fundamental Rights 2018

Germany	Both birth and adoptive parents	Current legal parents	No	From age 16**	Consent age lower (Age 14)
Ireland	Birth parents; separate Adopted Children Register	Birth parents; sealed upon adoption. Adoption certificate issued, names current legal parents.	No	No legal right. Adoptee may apply to AAI for release of original birth certificate; usually granted where birth mother agrees or where she is deceased. Records provided are often heavily redacted, so that any information that would identify the birth parents is no longer visible.	No legal right to access adoption file. Child's consent not required for adoption.
Norway	Current legal parents; separate Adopted Children Register	Excerpt from registry	Yes	Age 18; actively informed	Consent age lower (Age 12)
Spain	Birth parents, annotated "adopted". Adoptive parents can request to issue a new birth record omitting birth parents (original record is kept and sealed).	Current legal parents	No	Age 18	Consent age lower (Age 12)
USA (California)	Current legal parents; no registry but publicly accessible database from the California Department of Public Health. Original birth record sealed upon adoption.	Birth parents; sealed upon adoption. Adoption Birth Certificate issued, names current legal parents.	No	Limited. From age 21 where birth parent consent given. Access to file by court-order only.	Consent age lower (Age 12)

**Younger children may access this information with their parents' consent.

***Restrictions apply if biological parents or siblings did not provide consent to their identity being disclosed, or if such information is not in the child's best interests.

Source: Country references, all accessed 31 March 2020:
Austria – 'Personenstandsgesetz'. 2013.
https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008228 and 'Personenstandsgesetz-Durchführungsverordnung'. 2013.
https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008627;
England – *Adoption and Children Act*. 2002. http://www.legislation.gov.uk/ukpga/2002/38/contents;
Finland – Adoption Act 2012. 2012/ 22
https://www.finlex.fi/en/laki/kaannokset/2012/en20120022?search%5Btype%5D=pika&search%5Bkieli%5D%5B0%5D=en&search%5Bpika%5D=adoption%20act;
Germany – *Personenstandsgesetz*. 2007. https://www.gesetze-im-internet.de/pstg/BJNR012210007.html;
Norway – Lov Om Adopsjon (Adopsjonsloven) 2017 https://lovdata.no/dokument/NL/lov/2017-06-16-48;
Spain – Código Civil 1889 https://www.boe.es/eli/es/rd/1889/07/24/(1)/con and Reglamento de La Ley Del Registro Civil 1958 https://www.boe.es/buscar/doc.php?id=BOE-A-1958-18486; and
USA (California) – Family Code http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=fam.

Table 2 shows that information about birth parents is not easy to obtain. While nonadopted children can check their birth certificate,[9] adoptees will only see their current legal parents' names. Even where biological parents' names are recorded in the population registry, as in Austria and Germany, these are not accessible to private individuals. Some countries (England, Ireland, Norway) maintain separate Adopted Children Registries, but again these are not publicly accessible. Names play an important role here. 'Name' is explicitly mentioned as part of the child's identity protected by law (e.g. Art.8 CRC), yet emphasis is often placed on the fact that the adopted child will take on the adopter's last name, and even first names may be changed (Table 1). 'Preservation' then seems reduced to keeping a record of the child's original name, for administrative purposes, and possibly for the child to access at some point (Table 2). None of the countries

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[9] Except where paternity (and sometimes maternity) is unknown.

studied issues a post-adoption certificate that includes both birth and adoptive parents, listing only current legal parents. Adoption records are kept, but adoptees often face practical obstacles in gaining access to information. Ireland and California require an application, birth parent information is restricted to non-identifying information unless birth parents have consented, and files may be heavily redacted. Even in countries with a legal right to access adoption information, age limits apply: in most countries, adoptees must reach legal majority while three countries allow adopted *children* access (Austria at 14, Finland at 12, Germany at 16). This is in contrast with child consent to adoption requirements, which are – where applicable – consistently lower (same in Finland).

While nonadopted children typically have access to their family histories, "[f]or an adopted child, the process of creating a narrative of the self may well require knowledge of biological or genetic origins (as far as these are available) and not because these are thought to determine any particular characteristic of the adopted child, but in order to complete the narrative of the self." (Witt 2005, 140). This differential in available knowledge about one's past cannot be fully remedied; however, a child-centric approach would ensure that whatever is available be made more readily accessible. Adoptees should not have to justify their wanting to know, they should have a right to know. Only Norway imposes an obligation on adopters to inform children about their adoption *as soon as advisable* and notifies adoptees of their access rights upon reaching legal majority. All other countries rely on adopters' goodwill to inform children of their adoption.

The findings in Table 2 demonstrate the lack of equal moral standing adoptees have, as they continue to struggle to obtain information that others hold about them. Deliberately depriving any child of this knowledge seems irreconcilable with a view of children as moral agents. This should be a strong argument for the granting of information rights to all adoptees, irrespective of their country of origin or residence.

Conclusion

The purpose of this chapter has been to investigate child-centrism in current adoption from care practice, and to compare adopted children's rights with their nonadopted peers'. While adoption clearly has its place within child welfare measures by providing substitute families to many children who cannot be cared for by their birth families, more needs to be done to ensure that the child remains firmly at the centre of adoption throughout the process, and beyond.

The examples of adoption language and birth records may seem academic issues, but they reveal who currently controls the discourse. Child-centrism urges us to put the adopted child first, and to listen to adoptee voices in progressing adoptions from care. An urgent starting point would be to put adopted children's rights on an equal footing with those of nonadopted children. As moral individuals, children should not be marketed, and they should not have to show cause when it comes to information about their family history. Current access practices reveal a disconnect between many adopted children's holistic social and emotional family and the family created through the legal act of adoption. How much this matters can be seen from recent events in New York state, where in January 2020, a new law came into force, enabling adoptees to obtain copies of their original birth certificates, and thousands of requests were filed within days (Engel 2020). Signing the legislation, Governor Cuomo (2020) said: "Every person has the right to know where they come from, and this new law grants all New Yorkers the same unrestricted rights to their original birth records. […] After years of being denied this basic human right, adoptees will finally be able to obtain critical information about their origins, family histories and medical backgrounds."

While names, certificates and website descriptions may not matter to all adopted children equally, and possibly not at all to some, the key issue is that all children must have their rights respected, and adopted children should have their perspective taken into consideration. Since preferences cannot be determined *a priori*, flexibility is required to accommodate the individuality of adopted children (Krutzinna, in progress). This might require the state to use its powers to create records that allow for multiple sets of parents,

combinations of birth and adoptive names, to ease access to information held on file and to facilitate contact between separated family members if they so wish.

Adoption as a moral decision requires us to consider how it affects the child, and the adult that child eventually becomes. This chapter has highlighted only some aspects of adoptions from care that could be improved to become more child-centric; many others exist. Thus, our collective goal must be to work towards ensuring that adoptions from care always treat children as the moral agents they are.

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