ADOPTION FOR BLACK CHILDREN: A CASE STUDY OF EXPERT DISCRETION

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I. INTRODUCTION

The number of black children needing homes and available for adoption has exceeded the supply of black parents applying to adopt them for a half century or more. In the 1960s a new resource was suddenly discovered for these children—white parents. This type of transracial adoption excited

strong feelings among social workers who were startled that such a thing was even possible, among some white couples who viewed integrated families as perhaps more interesting than other kinds and perhaps as a step toward the creation of a better society, and among some black people who viewed transracial adoption very negatively.

Before the 1960s, transracial adoptive placements had been very rare. However, in almost all states such placements were not prohibited by the controlling statutes which did and do little more than tell all those involved in the adoption process that they should seek to promote "the best interests of the child." The formal rules didn't change in the 1960s. Yet practice—the living law—has been characterized since then by extreme and abrupt shifts that mirrored the state of black-white relations in North American society. Transracial adoption was first regarded as unthinkable; then as something truly good and moral, to be encouraged enthusiastically; then as something to be avoided because it might be an attack on the black family and black culture—or even cultural genocide; and now in the mid-1970s, perhaps as something which might be a good thing, sometimes, in some areas, and often better than other alternatives.

In large measure, the decision to make transracial placements rests in the discretion of social workers, subject to the veto of their superiors and that of lower court judges. Social workers also have the power to make decisions that will influence the likelihood that black families will adopt black children. The professionals gained this degree of control over adoption by holding themselves out as experts and, through their organizations, by seeking legislation granting them a decisive role in the adoption process. The child-care system which evolved is but one instance of a trend that goes back at least eighty years in North America as progressive and liberal reformers have turned to experts for rational solutions to society's problems [Friedman and Macaulay (72), p. 732; Hurst (101); Nonet (169)]. But there has also been a mounting disenchantment with experts. The new reformers seek to subject expert judgments to the constraints of rule making. Now the effort often is to get expert knowledge built into the decision processes at an earlier stage—as the factual base for the drafting of rules and standards [Carlin, *et al.* (26); Davis (42); Handler (92); Lowi (137)]. However, as we shall see, those experts charged with caring for homeless black children have played a role based on skills other than a mere application of neutral scientific principles.

There are black children who need homes now and there will continue to be such children in the foreseeable future. If they are not adopted by some family, something must be done for them by the state. Most of the alternatives to adoptive placement (institutional or foster care) that are presently available are regarded as very much second best by most experts and by the public. Any creation of new, more attractive alternatives would require both legislation and appropriation of substantial funds. This would be difficult to achieve in most states. Thus, adoption of black children by black families, transracial adoption, or both, continue to have instrumental importance as partial solutions to the problem.

Transracial adoption also has strong and mixed symbolic significance. On the part of white families and social workers who promote it, it is a striking rejection of traditional North American views about the separation of the races. For blacks, it may also symbolize paternalism and a denial of black values. Thus, the study of the transracial adoption movement in itself is significant. We feel that it is also an important case study of how a social institution, supposedly created and maintained by legal norms, actually fashions changing responses to shifting social norms without losing its mantle of legitimacy.

This, then, is an article about how those who had the power to make decisions in the name of the society made some judgments, changed their judgments, and failed to make other judgments, and so determined the fate of the children in their charge for better and for worse. First, we will describe and explain, as best we can, what policy has been enunciated for homeless black children and what has actually happened to them over the years. To do this we will consider why a certain group ended up with the power to decide who could adopt whom and how this group has exercised that power. Then we will turn to an examination of what can be said for and against the present system and consider some alternatives.

II. THE PRESENT SYSTEM FOR THE CARE OF HOMELESS BLACK CHILDREN: STRUCTURE AND STRATEGIES

A. THE PRESENT SYSTEM FOR THE CARE OF HOMELESS BLACK CHILDREN

There have long been homeless black children in the United States. Most of them have relatives or friends to take over their care and upbringing—informal adoption apparently is much more common in the black than in the white community [Hill (100); Jones (114); Ladner (132)]. But there are always those for whom substitute families are not immediately available. In such cases public or private social welfare organizations take over. Although some of these black children are taken care of by private black-run organizations, most of them go into a caretaking system run by whites [Billingsley and Giovannoni (10)]. The adoption system was created to deal with healthy, whole, white infants, and the white middle class couples thought most likely to want to adopt. It has a

history of offering poor care and few adoption opportunities to black children [Anderson (3); Community Studies, Inc. (38); Getz (78); Gruber (86); Haitch (90); M. Schapiro (193, 194); Trombley (213); Wachtel (216)]. We will briefly describe the evolution of this system and some of its consequences for black children.[1]

In the early part of this century, adoption was not a common solution for childlessness. Both the willingness to adopt and the way in which it was done were strongly affected by attitudes toward what was labeled "illegitimacy." A childless couple seeking a child might find a physician who knew of an unwed mother willing to surrender her baby to those who would provide a good home, or the couple might go shopping at an orphanage. Once a child was found, the couple would seek a court order terminating the parental rights of the birth mother and another order granting a petition for adoption. Judges always could deny a petition for adoption, but the case was not an adversary proceeding and no one argued against the adoption. Judges lacked the resources to investigate the couple's potential as parents and the skill to evaluate any information that might be found. Judges were busy with other matters, and approving the adoption seemed to make everyone concerned happy. Petitions for adoption were usually granted.

As the supply of babies from unwed mothers and potential adoptive parents grew, some felt that people with more understanding of the problems involved than doctors and lawyers were needed to fill the broker's role. The earliest adoption agencies were voluntary organizations, often connected with a religious group, and staffed by women doing good works in their spare time. These volunteers saw their job as providing children for childless couples as well as helping unwed mothers place children they could not raise.

As the care of dependent children came to be seen as "social work," those engaged in social work sought professional status. Many of them thought that adoption placement called for more than untrained volunteers. The volunteers and professionals joined issue over whether the volunteers took too cavalier an attitude toward preserving the ties of kinship between illegitimate children and their biological mothers or other relatives. On one hand, the professionals talked of conserving "human values" by keeping mother and child together [Parker, (175)]. On the other hand, the volunteers, typically married and motherly, charged that the professionals were seeking to implement academic ideas and, because of their lack of experience, that they would unnecessarily burden unwed mothers with their babies and thus force them into poverty.

The professionals won, and their victory is reflected in adoption statutes. One of the social workers' important strongholds was and still is the Children's Bureau which was part of the United States Department of

Labor until the creation of the Department of Health, Education and Welfare. The Children's Bureau has long sought to influence the content of the adoption statutes passed by the states by issuing commentaries and drafts of model statutes that bear the stamp of expert approval. Generally, judges are now directed by statute to grant petitions for adoption only if it is in the best interests of the child or if the child's interests will be promoted. [See Bodenheimer (12) for proposals for reform of adoption statutes. See Weinberg (221) for a summary of all state statutes to that date.] While such a standard is not very precise, it does tell a judge that the child's interests rather than those of biological or prospective adoptive parents have priority.[2] Moreover, this standard sets the stage for deference to expert opinion. The best interests of a child do not call for application of legal reasoning but for expertise about children and parenting. [See, for example, the Governor of Connecticut's message vetoing a bill that would have given foster parents some rights at the expense of the experts, Conn. Pub. & Special Acts, 1972 Sess., Pub. Act No. 203, p. 9. Compare Mnookin (159).] And social workers stand ready to offer expertise [cf. Parker (175); Lubov (138)].

Some statutes have made one or two specific points about where the best interests of a child lie. Seven states have, or had, laws requiring that adoptive parents be of the same religious faith as the child's biological mother "whenever possible" or "where practicable." Ten more states have, or had, statutes that may make religious matching likely since they require that the religious background of child and applicants be brought to the attention of the judge. [See *New York University Law Review* (168), for a summary of legislation concerning religion in adoption.] Two states had laws calling for racial matching and, more recently, two states (Connecticut and Kentucky) have passed statutes declaring that courts shall not *disapprove* an adoption solely because of a difference in race or religion between child and prospective parents. (Conn. Pub. & Special Acts, 1973 Sess., Pub. Act No. 73-156, Sec. 12; Ky. Rev. Stat. Sec. 199.471, Suppl. 1972.)[3]

Statutes also were passed calling for the licensing of adoption agencies. When this happened most of the agencies connected with religious groups got licenses and continued their work, but their staff changed from volunteers to full time professionals. Until relatively recently, most adoption placement was carried on by such private agencies [Kadushin (119)]. They received into their care the majority of healthy white babies released for adoption, and much of their practice appears to have continued to be oriented toward finding white children for childless white couples. Also until relatively recently, these agencies seldom dealt with black children or black couples applying to become adoptive parents [Billingsley and Giovannoni (10)].

Since the turn of the century, public agencies have been responsible for the majority of dependent children other than readily adoptable white babies. Although these agencies have always made some adoptive placements, the majority of children under their guardianship have been those whose families are temporarily unable to care for them, those whose families have permanently collapsed, and those transferred from private agencies because of problems which private agencies do not have resources to deal with. [For example, see studies of foster care loads by Gruber (86) and Wisconsin Dept. of Public Welfare (225)]. Most black homeless children can be found under public agency guardianship. In the early part of the century they usually lived in institutions; today they are most likely to be placed with a foster family paid to take care of them.

The practice of independent adoption placements did not die out and its continuation has, naturally, been seen as a problem by the professionals. This has prompted more legislation influencing the structure of adoption in ways that affect homeless black children. For most of their history, both public and private adoption placement agencies have had a shortage of white infants without physical handicaps and an oversupply of applicants who wanted to adopt [Klemesrud (128); M. Schapiro (193)].[4] Since many people who want to adopt are relatively wealthy middle-and-upper class couples, a variety of unlicensed brokers—many of them lawyers—have continued to run a market to meet the demand which licensed agencies could not satisfy or refused to do so. Some couples still are served by doctors and lawyers who know of an unwed mother or pregnant woman who does not want to or cannot raise her child, some unlicensed brokers serve out of a spirit of humanitarianism, but others are in the business for profit. (For a recent report see "The Baby Selling Racket," a series that appeared in the *Chicago Sun-Times,* June 13 to 25, 1976.)

Not surprisingly, social workers do not approve of these suppliers' unschooled ways nor of any transfers not overseen by licensed professionals [Hallinan (91); Lukas (139); *New York Times,* December 4, 1959, p. 34; M. Schapiro (193); Schoenberg (195); Smith (207); *Yale Law Journal* (228)]. They stress that the ability to be a good parent is unrelated to ability to find a broker or to buy a child and, despite evidence to the contrary [Eldred, *et al.* (53); Witmer, *et al.* (226)], that placements made without the care and protection of licensed agencies are very risky.

From the 1920s to the present, professional adoption workers and their organizations have sought to limit independent placements [Chevlin (30); Getz (78); Madison (146); Parker (175); Theis (212)]. They have been fairly successful. While the number of adoptions was rising sharply between 1957 and 1970, the number of independent placements did not increase [National Center for Social Statistics (165)]. In 41 states and the

District of Columbia, before judges can pass on petitions for adoption, they must refer them to a professional adoption worker for a report. (In a few states the judges may waive this requirement in the best interests of the child.)

However, there is reason to believe that laws controlling independent placements are not always enforced [Klemesrud (128); M. Schapiro (193); *U.S. News & World Report,* July 30, 1973, p. 62]. Thus the professionals have not ceased trying to improve regulation of independent adoptions. They favor making activity in the black market for babies a criminal offense. In Oregon, for example, the legislature declared that "No private individual, including midwives, physicians, nurses, hospital officials and all officers of unauthorized institutions, shall engage in child-placing work . . ." [Ore. Rev. Stat. §418.300 (1971); see also *Chicago Sun-Times,* June 25, 1976, pp. 4, 51].

More legal changes were prompted by other suppliers of babies who operated in an unorthodox manner. These groups sought to find homes for children who were not perfect-white-infants—particularly foreign children. The evidence available indicates that the idealists' placements have also turned out as well as agency placements [DiVirgilio (45); Isaac (106); Kadushin (118); Rathbun, *et al.* (184)]. However, at the time these unorthodox placements were made they too looked very risky to professionals. They objected that not enough was known about either parents or children before placement, and they obviously feared that many were with families who would be or had been turned down by regular agencies.

The professionals won the day here. Proxy adoptions, the procedure which made international adoption relatively easy, was outlawed, forcing parents who want to adopt a foreign child either to travel to the child's native country or to go through an expensive and time-consuming screening process [Adams and Kim (1)]. The professionals were also helped here by their successful lobbying effort directed toward control of independent adoptions. The net effect of all this was to curtail the first experiments in transracial adoption in the early 1960s and to inhibit any attempts to make an end run around the formal adoption system. And social work professionals are well organized to press for even more laws if they perceive further threats to the system.

This evolution has left us with the following structure that affects homeless black children: Many children, both black and white, are under the guardianship of public and private agencies which have wide freedom to decide what becomes of them. Suppose, for example, a private agency decided that it opposed the adoption of black children by white parents. If it openly announced this as its policy, a group favoring such adoptions might be able to bring a class action to challenge it in court. However, for many reasons this is unlikely to happen. The law is not clear, and such a

suit would be expensive. A group favoring transracial adoption could instead try to mobilize public opinion against agency policy and push for favorable legislation. For example, in the *Coombs* case a court refused to accept an agency judgment that foster parents could not adopt their foster child because she was too bright for them (*New York Times,* March 7, 1960, p. 21 and March 9, 1960, p. 27; *Time,* March 21, 1960, p. 43). The case received wide publicity, most of it very hostile to the agency, and that prompted a statutory change in New Jersey so that now foster parents have the right to adopt their foster children (N.J. Stat. Ann. Sec. 30: 4C-26.5 & 26.7, Supp. 1973). However, the key to the *Coombs* outcome seems to be scandal, and many agency refusals to act are not scandalous news. Other judges have tried to change social work practice and met with defeat [Isaac (107)].

Furthermore, it is not clear that winning a court case or pushing through new legislation would have any impact beyond erasing an undesirable formal standard. An adoption agency need not openly announce its policy against, say, transracial adoption, in which case a challenger who knows that informal policy or individual caseworkers are opposed to transracial adoption would have a difficult burden of proof. Individual caseworkers can carry out their own antitransracial adoption policy by just never finding any white applicants whom they deem suitable for minority children. Generally, the wide discretion granted to adoption agencies means that, as one New York legislator put it, "For all practical purposes the state has not one but 42 different sets of adoption laws . . ." [*New York Times,* December 10, 1966, p. 36; see also Fricke (69); Merrill and Merrill (155)].

Most importantly, until recently agencies have faced few structural demands to take affirmative action for children other than white infants. Private agencies could refuse to give service to unwed mothers whose children would be hard to place for whatever reason, including race [Edwards (52); Heath (97); Trombley (213)]. The custody of any children that private agencies do take and feel they cannot place can be transferred to public agencies.

Until very recently almost all public agencies were organized in such a way that any backlog of hard to place children was made to appear small. This was the result of the organizational division of adoption and foster care services. Children deemed unadoptable or hard to place were sent to institutions or foster families. Unless some placement plan had been made and was actively being pursued, foster children were the formal responsibility of only the foster-care worker. The organizational problem was compounded by the high turnover among foster care workers and large caseloads which meant that individual children were not known to anyone who might have planned for them. In this way children who had no real

chance of being brought up by a birth parent became "lost in the files," drifting to adulthood in foster care which probably was not a good substitute for adoptive placement and was actually damaging to far too many children. The separation of foster care and adoption services further compounded the situation when foster caseloads came to be seen as a problem. Instead of shifting part of the burden to the adoption section of the agency, the tendency was to seek more money to expand the number of foster homes. This situation is particularly relevant in tracing the fate of black children in the system since a disproportionate number of children adrift in foster care were (and still are) black.[5]

Black children are also affected by action at another point in the adoption system. Formal review of adoption agency practices still lies in the hands of courts at the point when they are asked to approve particular petitions for adoption. One striking recent example of the use of this power involved a county judge in Pennsylvania who announced that he would no longer approve the adoption of black, Vietnamese or Korean children by white parents. He explained that "It's great when they're little pickaninnies. They're cute and everybody's a do-gooder. But what about when they're 14 or 15?" (*Milwaukee Journal,* May 6, 1976, p. 1). This kind of judicial response is most unusual, however, and the end of the story suggests that a judge's veto itself may be subject to informal control. After a great deal of publicity and public criticism, apparently in part engineered by adoption workers, this judge seems to have changed his position. Had he not done so, the scandal might have prompted an attempt to gain legislation.

In the usual case the judge does not have much information about the child, the prospective parents, or about other resources that might exist for the child [Katz (123)]. If the agency learns to write persuasive recommendations, few trial judges will have the time, skill, or inclination to look behind them. We have no actual count, but our impression is that courts usually rule in favor of the agency when a decision is challenged. (See, for example, *Ebony,* March, 1963, p. 131, and *New York Times,* November 10, 1962, p. 15.) The possibility that a judge may veto agency action may influence agency policy at times—although not necessarily to change policy as much as to stimulate efforts to get around the judge's position. (For example, if a judge is known to frown on transracial adoption the agency might transfer some applicants and children to an agency in a different jurisdiction.) By and large, then, the legal adoption proceeding is usually regarded as purely ceremonial by judge and agency alike. [See, for example, comments by Broeder and Barrett (20) on the "unreal" quality of cases and literature dealing with the *legal* relevance of religion in adoption.]

The view just presented of how the present caretaking system for home-less black children came about is not quite the same as that presented in social work texts. For example, Bishop (11) saw it this way:

> . . . the agencies are faced with a considerable antagonism on the part of the commu-nity . . . directed toward agency restrictions, which are seen as preventing eligible couples from receiving children and as denying adoption to adoptable children . . . Some of the criticism is a natural reaction to *restriction inherent in law* and in a disciplined casework process . . ." (p. 28, emphasis added).

Similarly, when professionals began to see that there were far too large caseloads of "hard-to-place" children needing homes, it seemed to some of them that the problem stemmed from society which has rejected the children and had not given the professionals the resources to solve the problem created by rejection. [For example, see the editorial in *Child Welfare*, October, 1963, p. 368; Dunne (48); Reid (186).] At the same time, the profession is not totally forgetful of its effective lobbying arm; one can also find in social work texts blunt statements such as this from Boehm (14) in 1965; "A major social work activity has been getting suitable adoption legislation passed . . ." (p. 65). [See also Fanshel (57).]

The evolution of this system and the existence of some blindness on the part of its makers as to where it was drifting is not an unusual story; rather it is more likely typical of any bureaucratic system which evolves through incremental decision making, rationally pursued to deal with or avoid immediate problems. [See, for example, Macaulay (145).] As following sections will describe, when the system was confronted with some of the gross inequities in services to different kinds of children that had evolved, some adoption workers were among the leaders of action to correct those inequities.

B. A History of Decision-Making Affecting Homeless Black Children

1. The System Fails to Offer Acceptable Services to Black Children (1920—1960)

Professional adoption workers were largely responsible for creating a system for dealing with homeless children where the best solution to their problem was adoption. However, the adoption system as it operated was shaped by ideas developed in the placement of white infants, and these ideas may have been important reasons why the system failed to serve black children. In order to understand how the discretionary power of adoption agencies has been used in ways affecting black children, we will

first sketch some important features of the usual agency procedure for placing healthy white infants. It is difficult to look back now and describe precisely the actual practices of most adoption agencies from the mid-1920s to the mid-1950s. There was wide variance between agencies and within agencies over time as supply and demand varied [Kadushin (117); Merrill and Merrill (155); *New York Times*, Feb. 16, 1962, p. 12; Riday (187)]. However, we can outline a model of the most common standards that adoption agencies said they followed, based on the professional liter-ature and, to some extent, personal accounts found in the popular press.

The most important[6] and common of these standards were as follows:

(1) The couple had to have a good income and a middle-class life style, including a well-kept home, perhaps large enough so that the child could have a room of his or her own.

(2) The wife had to be a full-time mother, and she could not desire to work outside the home, even part-time.

(3) The couple had to offer medical evidence that they were infertile; they could have no other children.

(4) The couple's health had to be excellent, including their mental health. However, since most applicants had struggled with infertility for some time, it was assumed that they had residual emotional problems. The psychiatric input into social work ideology was heavily weighted toward a diagnosis of pathology which would, if the ideology were fol-lowed in practice, lead to labeling many idiosyncrasies and nonconform-ing views as symptoms of mental illness. For example, couples were turned down for wanting children too badly, for not seeming to care about their biological childlessness, for holding unusual political or religious beliefs, and for bad experiences with their own parents. Women ran a risk of being rejected if they had frequent headaches, enjoyed sex too much or not at all, and so on.

Most agencies probably did hold fairly close to the announced stan-dards in white adoptions since the supply and demand situation assured them of placing all of their healthy white infants no matter how rigid their standards for prospective parents. Whatever the actual practices, the an-nounced standards and known personal experiences of applicants cer-tainly prompted an image held by many that it was difficult to adopt a child. If these standards were applied to blacks who asked for children, or if blacks believed that they would be, the standards would clearly have acted as a deterrent to many black couples wanting to adopt. Even today, the proportion of blacks with middle-class incomes and housing is far lower than the proportion of whites, and the disparity was greater from the mid-1920s to the mid-1950s. Black mothers are likely to work from necessity or from a desire for better things for their families. Proof of sterility affronts black males at least as much as it does whites. Some

black couples who might be willing and able to adopt already have children of their own. Moreover, the ability of a white social worker—and almost all adoption workers were white—to make judgments about the mental health of a black couple can be questioned. Even if one were to grant a worker's capability to diagnose mental health, few white applicants accept the necessity for the kind of probing social workers think necessary; there is reason to suppose that many blacks would regard such probing as outrageous or frightening when conducted by a white. Then too, adoption agency customs assumed in this early period that those applying to be parents would be interviewed several times by a professional worker in agency offices during normal working hours. Few low-income couples have the privilege of leaving work for such purposes. Finally, experience and better judgment would tell many blacks generally to stay away from situations where they would be judged by white middle-class professionals on the agency's home ground. The net effect of such practices and standards surely limited demand from black couples for children to adopt. [For a review of these problems see Madison and Schapiro (148); see also Aldridge (2); Festinger (62); Fradkin (66); Fricke (69); Wachtel (216).]

Those most likely to consider adoption during this period were married, childless couples earning enough money to feel able to support a child. We have no way of knowing how many black couples, over the years in question, fell into this class, but it seems unlikely that it would be high. Even if we assume that no members of this group were ever deterred by agency standards and procedures and that the latter would be relaxed so that every black couple applying would have been given a child, there probably would have been many black children left unadopted.

The other side of the supply and demand equation is also part of the problem. The most common source of babies available for adoption is unmarried mothers. Known unwed parenthood tends to be more common among the poor. Among other reasons, poor women tend to have little access to contraception and abortion, and blacks, of course, are overrepresented in the ranks of the poor [Madison and Schapiro (148); Sklar and Berkov (206)]. Unmarried black women may more often want to keep and raise their babies than unmarried white mothers—at least in the past—but even so the supply of adoptable black babies is greater than the supply of adoptable white babies in proportion to the population "at risk" for producing them. It is likely that there would be even more known adoptable black babies if services to unwed black mothers equaled those available to whites. Unwed black mothers are not likely to enter maternity homes during pregnancy, and they are less apt to be visited by a hospital social worker than a white unwed mother. If they are seen by a worker, they are often discouraged from giving up their babies because workers do not

think that there are enough foster and adoptive homes for black children. [See Billingsley and Giovannoni (10); Boehm (13); Boothby (15); Deasy and Quinn (44); Herzog and Bernstein (98); M. Schapiro (193); Wachtel (216).] As described above, private agencies have in the past refused adoption services to minorities because they felt that they could not find homes for minority babies. The state agencies have no right to make such refusals, but it has been reported that the State of Wisconsin makes extra efforts to find black unwed fathers and to force them to support children of "low adoptability" [Ball, *et al.* (7); see also, Community Studies, Inc. (38); Costigan (40); Platts (180); Reed (185)].

Thus it may be that adoption into black families never could have entirely solved the problem of black children needing good homes in the years before 1950. The number of black children born of unwed mothers possibly would have swamped the supply of potential black adoptive parents under the best of circumstances. Nonetheless, there is impressive evidence that the rate of placement of available black children in black homes was kept low by the system's usual response to black applicants. Adoption may not have been the solution to the whole problem, but it could have solved more of it if customs developed in the placement of white infants had not stood in the way.

2. Perception of a Problem and First Responses (the Mid-1950s to the Early 1960s)

At any time in any society there are many potential social problems, but only a few come to be recognized and labeled as such by those who might be expected to seek solutions. There are no scientific laws explaining the process of defining the issues on the social agenda. While we cannot establish beyond doubt why many people both inside and outside the professional adoption community came to regard the treatment of homeless black children as a scandal during the late 1950s and early 1960s, we can suggest some of the elements that played a part. Then we can catalog some of the initial attempts to respond by taking small steps that would disrupt existing patterns as little as possible. All of this served to set the stage for more dramatic action which we will discuss in the next section.

First, and most obviously, in the late 1950s and early 1960s, the times were right for concern about black children. Awareness that few black children were adopted in proportion to the number coming into the child-care system can be found in the professional literature as early as 1935 [Murphy (162)]. However, we found very few references to the situation in social work journals during the next seventeen years. Blacks suffered so many social disadvantages and injustices in the Depression that it is not

surprising that adoption reform was not viewed as an important priority at that time. But with the decision of the Supreme Court in *Brown v. Board of Education* (the school desegregation case) in 1954, the problems of black Americans arrived at the center of the stage [Harding (22)]. Many social workers were political liberals, and it is understandable that they would become very concerned about racism found in their own house.

In the 1950's there was also widespread uneasiness about the quality of foster care generally [Boehm (13); Getz (78); Glover (79); Maas and Engler (144); M. Schapiro (193); *New York Times,* Sept. 30, 1955, p. 28]. As we have noted, far too many children, a large proportion of whom were black, were drifting to adulthood in foster care which was supposed to be temporary, but which, in practice, ended only with the end of their childhood. Of course, many foster families have provided excellent homes for their charges. Although by definition their relationship is temporary, they establish strong bonds with their children, offering much love and good care and becoming the true psychological parent described by Goldstein, Freud and Solnit (81). [For example, see cases described by Kadushin (116).] Furthermore, we should note that foster parents for black children tend to be black, relatively poor, and not well educated [Husbands (102); Madison and Schapiro (147)]. Those who criticize the foster care offered by these families may be following their white middle-class biases and overlooking the strengths of black foster parents [Hill (100); Ladner (132); Mandell (149)].

However, although the existence of many good, loving foster families must be acknowledged, the existence of seriously inadequate foster homes must also be faced because they constitute a serious social problem (see footnote 5). Some foster parents were (and still are) indifferent to the development and future of their charges, and some were actually dangerous caretakers. Furthermore, the medical, physical and emotional needs of many of the children in these foster homes were not being attended to by anyone in the agency that was in charge of them. Social workers came to term homeless black children as "socially handicapped" because it was so difficult to find adoptive homes for them [Glover (79); Streit (210)]. While black children may have been socially handicapped by racism and poverty, they were also administratively handicapped because the adoption and foster care systems offered them far less service than was routinely given to white children [cf. Polier (182) who speaks of "professional abuse" of children.]

As one might expect, when both professional and nonprofessional critics began to assert that the care of homeless black children was a scandal, the response of many child care agencies was to do nothing. All plausible solutions seemed controversial and costly, and those who ran these agencies did not see the problem as theirs. Others took only minimal steps to deal with it just as theories of incremental decision making would predict. For example, one early effort was on behalf of children with mixed racial background whose physical features were such that they might pass as white [CWLA (32); Dunne (48); Fradkin (66); Paull (176); Taft (211); H. L. Shapiro (200)]. An attempt was made to develop scientific ways of predicting the appearance of these children when they grew up [Daniels (41); Nordley and Reed (170)].[7] White parents were educated into the genetics of racial mixture [Stern (209)]—it was emphasized that apparently white children with a black forebear will not produce black babies (unless, of course, they take black lovers or spouses).

The 1950s also saw the first of many special efforts to recruit black parents for black children, efforts which, for a variety of reasons, did little to reduce the population of black children needing homes.[8] At the outset, it was assumed that blacks were not interested in adoption of strangers' children because the ratio of applicants to the number of children available was so low [Billingsley and Giovannoni (10); Deasy and Quinn (44); Hawkins (95); Manning (150); Schapiro (194); Woods and Lancaster (227)]. In fact, when one controls for socioeconomic class, the rate of agency adoptions by blacks is slightly greater than that for whites [Herzog and Bernstein (98)]. To some extent the shortage of black homes for adoptable black children reflected little more than that in our economy there are relatively fewer black than white homes that could meet agency income standards.

Some of the recruitment efforts involved using the mass media to publicize actual children needing homes. As we might expect, many social workers found aggressive publicity methods to be highly unprofessional. However, these were the most successful methods since they did often produce a flood of inquiries [Dukette (47); Fricke (67), (69); Herzog and Bernstein (98); *New York Times,* December 25, 1956, p. 31, and April 27, 1964, p. 31; Owens (174)]. But many black couples did not follow through after making the first contact in response to these appeals.

As we have said, part of the failure of these appeals may rest on the inability of the agencies to meet inquiries with what Wachtel (216) terms "sympathetic processing." Later white-controlled agencies gained a better understanding of their problems (and of their biases), but generally throughout the 1960's, all that most adoption workers knew for sure was that they were not doing very well in finding permanent homes for the black children in their care. They usually found themselves at the end of their recruitment efforts with as great a problem as when they started out [Billingsley and Giovannoni (10); Fricke (67); Herzog and Bernstein (98)]. The pool of adoptive parents consisted of the relatively sparse generation

born in the depression years of the 1930s while the babies were being produced by the more abundant generation of the 1940s. Unwed motherhood rates were rising (U.S. Bureau of the Census, 1972) and foster care loads continued to increase (*Children,* January-February, 1967, p. 39).

3. White Parents Adopt Black Children (the Late 1950s to the Early 1970s)

The limited success of attempts to solve the problems of homeless black children prompted an important social experiment. If there were not enough black parents for all of the black children, why not have them adopted by the relatively plentiful white applicants? Of course, not all white applicants were willing to embark on such an adventure, but it became clear that some were. [Whites were more willing to adopt non-whites who were not black, Chambers (27)]. In part, the idea of transracial adoption came about as campaigns to sell black children to black adoptive parents splashed over and reached an unintended audience [Fricke (69); MARCH (151)]—whites who had been turned down earlier when applying to adopt or who faced a long wait for a child; whites who wanted to strike a blow against racism; whites who wanted to integrate their own families for the benefit of themselves and their children; whites who, perhaps, wanted to defy their parents, relatives and friends or to prove how liberal they were; and many whites who just loved children and were responding to children in need. [See Madison and Schapiro (148), for a review of studies of these parents. See also Grow and Shapiro (84); Kribs (130); Ladner (133); Marmor (152); Pepper (177); Shireman and Watson (203).]

Whites had asked for black children, but in the past the conventional answer of almost all adoption agencies was that transracial adoption was impossible [Dunne (48); Lukas (139); Owens (174); M. Schapiro (193); South Carolina Law Quarterly (208); Uhlenhopp (214)].[9] According to the social workers, adoption was hard enough without adding the burdens of objections from relatives, neighbors and friends. Much of their objection rested on the doctrine of matching, developed by the agencies in placing white infants and earlier thought to be very important [Brown (23); Fradkin (66); M. Schapiro (193); Taft (211)]. Blue-eyed blond parents were not to be given brown-eyed brunettes. College-educated parents were not to be given a child of parents whose offspring were thought unlikely to be college material. The idea was that parents and child could establish a better relationship if differences were minimized. The idea was plausible since there is evidence that similarity is important in selecting friends and spouses [Byrne (25)]. However, the real purpose may have been to facilitate hiding or denying the fact of adoption. For example,

[F]oster parents . . . will accept a child with greater warmth if their parents and relatives can say that the child looks so much like his adoptive dad that one doesn't know that he isn't really an own child! [Letter from Iowa State Dept. of Social Welfare, October 29, 1954, quoted in Uhlenhopp (214).]

Perhaps more importantly, an applicant who was not interested in matching ran a risk of being suspected of being neurotically unrealistic [Ball, *et al.* (7); Doss (46); Fradkin (66); Fricke (68)].

Obviously, few friends or relatives of a white parent were likely to say that a black child "looks so much like his adoptive dad that one doesn't know that he isn't really an own child!" And if an applicant who was not interested in matching hair and eye color might be suspected of being neurotically unrealistic, think of the reaction to an applicant who was not interested in matching race.

The position taken by the most professional adoption agencies was reflected in the 1958 edition of the *Standards for Adoption Service* of the Child Welfare League of America. The CWLA Standards are not law nor a restatement of what is typical, but, rather, they are a statement of what the most prestigious organization in the field of adoption sees as the better view. The 1958 *Standards* found transracial adoption very questionable:

4.6 Race
Racial background in itself should not determine the selection of the home for a child.
    It should not be assumed that difficulties will necessarily arise if adoptive parents and children are of different racial origin. At the present time, however, children placed in adoptive families with similar racial characteristics, such as color, can become more easily integrated into the average family group and community.
4.7 Interracial background
Children of interracial background should be placed where they are likely to adjust best. A child who appears to be predominantly white will ordinarily adjust best in a white family, and should therefore be placed with a family that can accept him, knowing his background.
    In such situations it is desirable to have the participation of the appropriate consultants, including a geneticist or anthropologist, in arriving at a decision on how the child should be placed. . . . In selecting a family it is necessary to consider not only the attitude of the adoptive parents, but also that of the larger community within which the child will be living. If a suitable placement is not possible within a given community, the child should be placed elsewhere. . . .
4.11 Physical and personality characteristics
Physical resemblances should not be a determining factor in the selection of a home, with the possible exception of such racial characteristics as color.

Orthodoxy notwithstanding, some social workers and some prospective parents had begun in the late 1950s to think that nationality and strict physical (not including racial) matching were not important for everyone

[Boehm (14); DiVirgilio (45); Fradkin (66); Jenkins (110); Maas (142); *New York Times,* January 28, 1955, p. 13; M. Schapiro (193)].[10] This may have paved the way for serious consideration of transracial adoption.[11] A few cautious experiments began in the very late 1950s and early 1960s. One of these was the Indian Adoption Project, announced in 1960. [See Davis (43); Lyslo (140, 141); *New York Times,* October 31, 1960, p. 34.] Individual agencies began placing some black children with white couples in the early 1960s. [See Fricke (70); MARCH (151); Open Door Society (171); Sandusky, *et al.* (192)].

Many early placements were with white couples who had their own biological children. It was thought that these couples would not need a perfect white infant, as infertile couples might. A few childless couples who were thought to have more strengths than other couples received black children as well.

The early selection of parents to participate in transracial adoption was also affected by a common but unlabeled bureaucratic tradition that arose in placing white infants. We will call this C-matching. Some parents were just barely acceptable to the agency; if graded on an A to F scale, they would receive a C. The agency also had children who just barely passed whatever express or tacit standard it applied to decide which infants were adoptable. They may have had some minor physical defect or their parents may have had a poor social or medical history. Assuming that agency standards were relevant to predicting good parenting, children with special needs should have gone to the A parents while C parents ought to have had less trouble raising A children. However, in the process of matching parents with children, workers tended to match perfect parents with perfect children: A parents got A children and B parents got B children. This left C parents and C children represented by two piles of leftover file folders. It was then natural to match the almost unplaceable child with a couple who had to settle for second best or get nothing at all [Bradley (18); Edwards (52); Fradkin (66); Jenkins (110); Kadushin (117); Schapiro (194)].

Some black children, then, in these new transracial adoption experiments, were placed with couples who were, at best, only marginally eligible for perfect white infants. Thus the C-matching tradition was enlarged to include transracial adoption [Branham (19); Herzog, *et al.* (99)].

The C-matching tradition could cut another way. Many white couples who applied to adopt black children were college graduates. The agencies were reluctant to give these applicants children whose backgrounds were not predictive of intellectual success. Social workers were probably aware that the background of the black children in their charge was shaped more by racism than by intellectual potential, but this awareness didn't help them in matching parents with children.

Many transracial adoptive applicants were likely to explain at least part of their motivation in terms of integrationist values. (See references given at the beginning of this section.) This fit into the spirit of the early 1960s; so did organization and action to promote racial integration. Many parents organized into groups dedicated to promoting transracial adoption and, as they began to see greater problems, to expanding adoption opportunities for all parentless children.[12] Some of these groups—for example, the Open Door Society, which began in Montreal—were used as recruitment, public relations and publicity auxiliaries by agencies and workers eager to expand the movement. Members of these groups reinforced each other's decisions to adopt transracially and encouraged others to do it. Some groups functioned to give social workers much needed reinforcement for unorthodox placements, while others felt they had to push skeptical agencies into the transracial adoptive business and some lobbied for supportive legislation. (Many of the groups put out newsletters, and many have put us on their newsletter list. It is from these newsletters that our evidence for transracial adoptive parent attitudes and activities comes.)

In print the adoption professionals' enthusiasm for transracial adoption lagged behind transracial adoptive practitioners and their customers. What was happening outside the journals was publicized only informally through the colleague system of dittoed and mimeographed reports and word-of-mouth. Some suggestion of the amount of activity unreported in the literature can be found in 1965 in three letters to the editor protesting an article on the paucity of black adoptive homes that did not mention the possibility of transracial adoption (*Children,* May-June 1965, p. 128).

Transracial adoption came of age in the professional literature with the appearance of Fricke's 1965 article.[13] By the mid to late 1960s many of the experiments had become major thriving programs. This was true, for example, in Chicago, Los Angeles, Minneapolis, St. Paul, Montreal, Portland (Oregon), and Toronto. For a time transracial adoption seemed to be the "in" thing for progressive agencies [Sandusky, *et al.* (192); Seidl (197); *Wall Street Journal,* January 9, 1970, p. 1]. Social workers and right-thinking parents could do something about a social problem by making one of the most important commitments people can make. This change in professional opinion and public views was symbolized by the revision of the CWLA *Standards for Adoption Service* in 1968. Ten years made a big difference:

4.5 Race
Racial background in itself should not determine the selection of the home for a child. . . .

It should not be assumed by the agency or staff members that difficulties will necessarily arise if adoptive parents and children are of different racial origin. The agency

should be ready to help families who wish to adopt children of another race to be prepared for, and meet, such difficulties as may occur. . . . In most communities there are families who have the capacity to adopt a child whose racial background is different from their own. Such couples should be encouraged to consider such a child. . . .
  As in any adoption plan, the best interests of the child should be paramount.
4.9 Physical and personality characteristics
Physical resemblances of the adoptive parents, the child or his natural parents, should not be a determining factor in the selection of a home. . . .

One cannot prove that these standards had a significant impact on practice, but, at the least, we assume that some workers could have justified their transracial placements by quoting them to a supervisor or a board which questioned what was being done. And sometimes it took but one worker to start making such placements in an agency.

The popular press found transracial adoption very newsworthy—we found twenty-six separate articles and books considering it in the 1960s. Some of the earliest families were given very positive publicity by such publications as the *New York Times Magazine, Look, Parents Magazine,* and *Ebony.* These were, almost without exception, heart-warming stories with the message that the problems one might expect just did not occur. Many of the authors strongly advocated transracial adoption and attacked social workers for timidity and irresponsibility in tackling the problems of homeless black children.

As a result of this movement and publicity, the number of transracial adoptions increased tremendously. But it barely made a dent in the problem. In 1971, for example, there were an estimated 40,000 to 80,000 adoptable black children under agency guardianship in this country. As Table 1 shows, in that year, only 7,420 black children were placed in adoptive homes, and only 2,574 adoptions were transracial.

It seems fairly clear that adoption workers did not feel free to justify transracial adoption in the professional literature in terms of promoting integration. We found only one sentence in the professional journals in the 1960s suggesting that transracial adoption served the positive value of integration [Fellner (61)]. At the time, this view had an eloquent spokesperson, Clayton Hagen, an adoption social worker. None of his speeches or papers [see, for example, Hagen (88)] was reported in the professional journals until 1972 when one was quoted at length in a review of another's book [Seely and Seely (196)]. Instead, transracial adoption had to be justified as being in the best interest of the black child—not the white family or society in general. As long as the choice was between a white home and what was viewed as bad foster care, one could talk about transracial adoption as being in the best interests of the black child, par-

Table I

	1968	1969	1970	1971	1972	1973	1974	1975
Total black children placed	3,122	4,336	6,474	7,420	6,065	4,655	3,813	4,172
Placements in black families	2,389	2,889	4,190	4,846	4,496	3,574	3,066	3,341
Placements in white families	733	1,447	2,284	2,574	1,569	1,091	747	831
Proportion of black children placed in white families	23%	33%	35%	35%	26%	23%	20%	20%
Number of agencies responding	194	342	427	468	461	434	458	565

Source: Opportunity, A Division of The Boys and Girls Aid Society of Oregon. *1976 Opportunity Report,* January, 1977. For a discussion of problems with these data see Madison and Shapiro (148).

ticularly in the early 1960s. Later this argument would become more difficult to make in the face of black objections.

Even as the transracial adoption wave crested, the skeptics within the adoption community were never completely silent. They continued to warn that transracial adoption was risky and called for the utmost caution, [Fly (64); Grow and Shapiro (84); Herzog *et al.* (99); Sandusky *et al.* (192)]. Many workers were still not convinced that there was evidence that matching parents and child was not important.[14] It had, of course, never been demonstrated that matching *was* important, but the idea was, until the 1960s, widely accepted in the profession and well-buttressed with psychiatric opinion. Some conceded that parents could take a lot more differences between themselves and their children than social workers had thought, but they wondered if racial differences might not be too much for many.

Also, it was never established whether motivation with moral political overtones, such as that found in the case of some transracial adoption applicants, was not neurotic and likely to lead to disastrous outcomes for the child [Chestang (29); Herzog, *et al.* (99); Jenkins (110)]. Moreover, at the time the transracial adoption movement began, and for almost fifteen years thereafter, there were no studies of the impact of transracial adoption upon which to base decisions.

However, early reports of the experiences of the few transracial families were encouraging to the movement. The dire predictions of shattering rejection of transracial families by both the black and white communities were not born out in the early experiences. In fact, two of the most common problems transracial parents reported were the discomfort

of facing attributions of sainthood and moral superiority and the child-raising problem of gushing relatives and neighbors [Fricke (68)]. However, the Cassandras said that the transracial families had just been lucky. The real problem would come when the children entered school, or in adolescence when the children faced problems of dating and finding mates, or problems of finding their identity in the white communities in which they were growing up. Whether or not there will be in fact serious problems for most of the adolescent black children of transracial families is still unknown. Early returns both suggest serious problems for only a few and possibly extraordinary strengths among others [Edgar (50, 51); Falk (55); Fanshel (59); Grow and Shapiro (184, 185a); Hutson (103); Isaac (106); Ladner (133); Los Angeles County (136); *Over the Doorstep*, MARCH (151) 1971 Supplement; Simon and Altstein (205); *Time*, August 16, 1971, p. 42; Whelan (222); Zastrow (232)].

4. A Time of Conflict (the Late 1960s to the Present)

a. Opposition to Transracial Adoption

In the late 1960s, blacks were beginning to fight for power in many institutions in American society, and their claims of right were being heard far more than at any time in the past. Integration no longer was an unquestioned goal, and blacks were not eager to thank whites for favors. Some transracial parents were unpleasantly surprised to meet blacks who objected to their integrated families. Some black voices began to be raised in the professional literature, mainly questioning articles supporting transracial adoption. At first, the main criticism was that it primarily benefited white families and only served to divert attention from the needs of the larger number of black children who would not be adopted by whites in any event [Billingsley and Giovannoni (9, 10); King (125)]. Later it was argued that transracial adoption could be positively harmful to black children [Chestang (29); Chimezie (36, 36a); Herzog *et al.* (99); Jones (113); Katz (122); Ladner (133)].

The counterrevolution was sparked by the National Association of Black Social Workers (NABSW). They stated their views at their national convention in 1972, and then restated them a short time later at the Third North American Conference on Adoptable Children, for the benefit of the professionals and parents most involved in the transracial adoptive movement [NABSW (164); *New York Times*, April 9, 1972, p. 27, April 12, 1972, p. 38; and April 23, 1972, p. 111]. The opponents of transracial adoption stated that no matter where black children grow up, white society will treat them as blacks if they have any black ancestry. The critics of transracial adoption did not believe that white parents could teach their

black children to deal with this. Moreover, black children in white homes were being deprived of their inheritance of black culture. The opponents feared that the motive behind transracial adoption was cultural genocide, that it was a movement to force integration which would swamp black culture and destroy it, that it was an attack on the black family, and that it was but one more example of white paternalism. [See Chunn (37); Ladner (133); Nettingham (167); Williams (223); see also Fanshel (59), for a description of similar fears among Native Americans in reaction to the Indian Adoption Project.]

Not all black professionals or blacks in general bought the NABSW position. Some disagreed but quietly [*Ebony*, March 1972, p. 145 and September, 1973, p. 32; *New York Times*, April 12, 1972, p. 38, April 23, 1972, p. 111, March 16, 1975, p. 44; Rustin (191); Williams (224); see also Herzog, *et al.* (99); Young (231)]. Some accepted much of what the opponents had to say but concluded that white homes would be better than the realistically immediate alternatives [*Children Today*, January-February, 1972, p. 35; *New York Times*, April 12, 1972, p. 38; see also Howard, Royse, and Skerl (100a).]

As might be expected, many parents of interracial families were angered. [See, for example, Johnson (111); *National Adoptalk*, May-June, 1972, p. 1; *Over The Doorstep*, October 1973, p. 12; Vieni (215).] They had committed too much to accept the view that they were harming their adopted children. It was true that in the past they had paid little attention to giving their children knowledge of the black culture [*Over The Doorstep*, Fall, 1970, p. 3; Simon (204)], but this could be remedied. The Open Door Society of Montreal, for example, helped organize black history and black culture courses given by blacks for integrated families.

These parents also countered the anti-transracial adoptive arguments with the charge that they represented black racism. Those whose children were of mixed racial parentage pointed out that their children were not only half black but also half white and said it was racist to deny their white heritage. [For example, see *Over The Doorstep*, 1973, p. 12.] NABSW responded:

> Those born of Black-white alliances are no longer Black as decreed by immutable law and social customs for centuries. They are now Black-white, interracial, bi-racial, emphasizing the whiteness as the adoptable quality; a further subtle, but vicious design to further diminish Black and accentuate white. We resent this high-handed arrogance and are insulted by this further assignment of chattel status to Black people. [NABSW (164), p. 9].

Whatever the merits of transracial adoption or the case against it, it seems clear that those who ran most adoption agencies listened and shuddered,

possibly in fear of black power and possibly for fear that their position on transracial adoption had not been morally right. Each article in the literature that attacked transracial adoption was followed by critical letters defending it. But once again the CWLA symbolized the shift in professional views by amending its *Standards for Adoption Service*. In 1968, section 4.5 said that "racial background in itself should not determine the selection of the home for a child . . ." In 1972 the section was amended to read that "It is preferable to place children in families of their own racial background," but then went on to state that "Children should not have adoption denied or significantly delayed when adoptive parents of other races are available [CWLA (34)]."

This counterrevolution cut transracial adoption by 39% in a single year, just when the movement seemed to be growing rapidly (Table 1). Black-white transracial adoptions had jumped from 733 in 1968 to 2,574 in 1971, according to the best count available, but in 1972 dropped to 1,569. In 1974, the rate and number of transracial adoptions were close to the 1968 levels. The number increased in 1975, but not even to 1969 levels.[15]

b. New Alternative Solutions

As the criticism of transracial adoptions grew, many offered alternative solutions to the problem of finding good homes for the many black children who needed them. Blacks had, themselves, led or staffed the most successful actions to correct the neglect of homeless black children in state guardianship [Billingsley and Giovanonni (10); Michaela (156); *National Adoptalk,* May-June 1971, p. 1; Sandusky et al. (192)]. Thus black professionals were in a position to offer promising solutions. White workers had not paid much attention to their black colleagues' successes (or failures), but if they had read their journals they might have been aware of the probable causes of the previous failures of white-run efforts. Furthermore, these were times when social workers were hearing a great deal about institutional racism, white middle-class bias in the welfare system, and the value of community control. Viewed in the context of adoption work, these ideas led to the development of a number of innovative proprosals. The attacks on transracial adoption in 1972 served to create pressure for implementation of some of these proposals as a way of challenging the argument that transracial adoption was the only or even an acceptable solution to the problems of homeless black children. (Interestingly, the newsletters from the various adoptive parent organizations suggest that much of the lobbying effort came from organizations originally formed to promote transracial adoption.) We will catalogue these alternatives, briefly describe what has happened, and then will turn to the question of the impact of various programs on homeless black children.

Black Professionals and the Adoption of Blacks by Blacks. White workers came to understand that they were more likely to be seen as adversaries than helpers by many in the black community. If potential adoptive parents were repelled by white workers in offices in white areas, then agencies should appoint black workers to staff and run offices in black neighborhoods. At the very least, black workers should be recruited to handle black applicants. These ideas took hold in many agencies, which then changed their organization or staffing patterns drastically [King (125); Kreech (129); Lawder, et al. (135); Sandusky, et al. (192)].

For one example of many efforts, the San Diego County Department of Public Welfare established Tayari in 1971 when it decided that transracial adoption was not appropriate for children of two black parents. The Tayari office is in the black community, staffed by blacks and effectively controlled by blacks. At the outset the staff interviewed black couples who had made inquiries about adoption but then had dropped out of the regular agency program. Results from this survey led to easing access to the agency through such things as meeting prospective parents in their homes after working hours and redesigning forms and bureaucratic procedures to make them less of a deterrent to black couples. Great efforts have been made to gain the confidence of the black community and to deal with relevant problems not previously handled by the regular agency. For example, Tayari has helped grandparents through the procedure of officially adopting grandchildren left in their care so that government benefits might be obtained [Neilson (166)].

Tayari's staff feel very strongly that the black community should be making decisions regarding black children. The concept is not a new one; Catholic and Lutheran agencies have always been allowed by the child welfare system to maintain a proprietary interest in "their own" children. Ball, et al. (7) suggested that one advantage of this system was to minimize religious conflict. [Compare the concern of Jewish leaders about the placing of Jewish dependent children in gentile institutions in the early 1900s as reported by Romanofsky (190).] If blacks had control over black children, it might similarly help reduce racial conflict.

Whatever the rationale for black control, the Tayari type of system seems likely to produce better results than the old routines. Wachtel (216) reported that the number of black children placed for adoption rose as the proportion of blacks in an agency rose. Regardless of the racial composition of the area served, the source of agency funding, and the size of the agency, the greater the white control, the fewer the black placements. Interestingly, Wachtel also found, still controlling for the racial composition of the area served, that the more evidence of professional involvement (meetings attended, journals read, etc.), the fewer the black placements reported. Apparently, there is something about orientation toward pre-

sumably white-dominated professional concerns that mitigates against helping black children find homes.

Wachtel's correlations cannot explain the reasons for the relatively great success of black-dominated agencies. On the basis of the literature on successful programs (cited above) we can speculate that black, community-oriented workers are more sensitive than others to barriers to agency access, have more intuitive understanding of a black applicant's chances of making a good parent, and can make more precise judgments of the risks involved in any situation, thus allowing them to take more chances.

Subsidized and Quasi-Adoption and Permanent Foster Care.   If blacks don't adopt because of financial problems, the agencies could pay them a subsidy to adopt. One can argue for adequate state appropriations to fund such a program on the ground that in the long-run this will save money. [See the review by Madison and Schapiro (148).] This idea is not a new one; mention of it can be found in the CWLA Adoption Standards of 1958. A related idea is permanent foster care or quasi-adoption. If the risk of having a child removed discourages foster parents from becoming attached to the child (and this is what a child needs), or if good foster parents want to keep their ward permanently but fear they don't have enough income to do what they want to do for their child, then the agency should make a contract for permanent support or a commitment to respect the permanence of foster parent-child bonds. This too might save money in the long run.

Many states have passed statutes authorizing subsidized adoption for low income parents or programs to give continued support to existing foster families that want to make their arrangements permanent. However, legislatures have not been generous in appropriating money to support these programs and statutory schemes are often structured to limit what the state must pay out. In our interviews with agency and state personnel we learned that few agencies have pushed usage of subsidized adoption or permanent foster care arrangements; many families who might very much want to make use of these programs do not know about them [Illinois Dept. of Children and Family Services (105); Katz (124)].

One source of the difficulty may be conventional social work theory which holds that all foster placements are temporary by definition and, further, that foster parents should be discouraged from becoming too attached to their wards since this makes removal to better permanent homes difficult. [See, for example, Weaver (220).] Some professionals view giving foster parents rights to adopt or to keep their long-term wards

as erosion of the agency's power to do what is best for each child [Katz (123); *Chicago-Kent Law Review* (31)].

These views, however, often do not seem to fit reality. Many children are in foster care arrangements that have been permanent in all but name. Furthermore, it would seem to be a contradiction in goals to expect good parenting from people forbidden to love their wards. Goldstein, *et al.* (81) have written an impassioned plea that such nonsense be cut out of child welfare policy. The "real" parents, they say, are the psychological parents—the loving caretakers—and having a committed constant parent is the sine qua non of good child rearing. Also, it seems unlikely that many agencies would really have plans to move foster children who have been in a home for a long time, particularly if they are black, since it is difficult to find adoptive parents for older black children.

Another source of the reluctance to pursue subsidized adoption and permanent foster care solutions may lie with the foster parents. Foster families exercising their rights under some of these statutes would lose money. Fees for foster care won't make anyone rich, but they may be critical income for a family that is poor and particularly for families of foster children with disabilities—the "hard to place" children that are often found in foster care. The expenses covered by foster care payments sometimes are more than welfare would cover for one's biological or adopted children. Furthermore, although the popular press reports many cases of foster parents who have very strong desires to claim their foster children as their own, it is not clear what proportion of foster families they represent. All in all, it is difficult to predict how great the usage of these statutes giving foster and adoptive parents new rights and permanent support would become if the states did provide sufficient funds.

Technology to Make the System Work for All Children.   If the system tends to lose track of children in foster care and to neglect finding permanent homes for all children who need them, then one remedy is to establish a monitoring system backed by computer "tracking" [Fellner (61); Gallagher (75)]. Tracking systems are being devised in several states, either as a result of critical self-analysis by agencies or as a result of publicity which brought legislative attention to the problem. Such systems require minimally that someone take note of where each child is and that plans for the child's future be made, reviewed, and updated at specified intervals after case opening. Computer-programmed data retrieval systems mean that all concerned are repeatedly confronted with a record on each child's situation that must be justified. Michigan's experience suggests that even without sanctions for failing to plan for a child, the hoped-for improvement in planning can be achieved (interview with Michigan officials [Sherman, *et al.,* (201)].