

State-to-State Child Adoption Variations: A Political Culture Perspective

Erica Trabing
Bemidji State University

Political Science Senior Thesis

Bemidji State University

Dr. Patrick Donnay, Advisor

April 2015

Abstract

The domestic adoption system throughout the United States has been complex yet crucial in starting millions of families over the years. About 7 million Americans are considered adopted persons, and as many as 100 million Americans have adoption in their immediate families. Though these numbers seem impressive, there are still 130,000 children in the U.S. foster care system waiting to be adopted. Adoptions in the US fall into one of three main categories. The first is adoption of children from the public foster care system, the second is adoption through private adoption agencies or independently, and the final category is that of inter-country adoption of infants and children from other countries. I focus on adoption in the foster care system and agency adoptions. The laws in regards to adopting a child vary quite drastically from state to state. I look into why this is, and what effects these differences have. I accomplish this by incorporating the relevant work on state federalism and state variation in political culture, and then tie these differences to the laws pertaining to adoption in the United States. Findings revealed that states that had an individualistic political culture had different adoption outcomes and laws than those states who reported moralistic and traditionalistic. Moralistic and Traditionalistic states however, were relatively similar in adoption laws and outcomes.

Introduction

The domestic adoption system has become a complex system, yet it has been crucial in starting millions of families over the years. In fact, about 7 million Americans are considered adopted persons, while about 100 million Americans have adoption in their immediate families. Though these numbers seem impressive, there are still about 130,000 U.S children who are in foster care systems waiting to be adopted. There are three main categories of adoption in the United States adoption system. The first is the public foster care system. Here, a minor has been placed into a ward, group home, or private home of a state-certified caregiver referred to as a "foster parent". The placement of the child is usually arranged through the government or a social-service agency, and the foster parents are almost always compensated for expenses. The second category is intercountry adoption, in which those people from other countries can be adopted by United States citizens. The final category is the domestic adoption system, where people who reside in the United States can be adopted through private or public government agencies, or independently if the state allows it.

Adoption has made quite a dramatic shift as both a policy and a concept through the years. In the early 1900s, the primary methods to adopt were through newspapers, orphanages and even what were referred to as "baby farms." Adoptions were more considered as unregulated transfers of children, because there was little paper work done and even less regulation. This is until child welfare advocates began making adoption subject to state regulation. Once adoption became regulated by the states, there was an idea that blood determined belonging, and not the idea that love is what makes a family. Families seeking to adopt would not only look for children to adopt that looked like they did, but sought out children who they thought would be a "rational fit". This brought about the era of race matching, IQ

testing, outcome studies, and developmental tests. Children's family social history was also looked at to see if the child would be considered "eligible" for adoption. The result of this? Child welfare advocates failed the most vulnerable children, because they were now deemed unadoptable just because of their background or culture. Finally, an era of progression arose, when in the late 1900s older methods of defining and creating families gave way under pressure from new ideas and social movements. Children previously deemed un-adoptable because of disability, disease, race, and other factors were now eligible to be adopted. The reform of adoption services was considered a sign of enlightenment, progress, and civil rights within the child welfare world. Without this huge shift in who can adopt, who is being adopted, and what constitutes as a legitimate family today, there would be very little adoption outcome and law variance with the states for me to examine. I analyze certain state level variable outcomes and state laws that pertain to adoption. I set out to answer the question do states with different political cultures have differing adoption laws and adoption outcomes from one another? And if so, why might this be?

Literature Review

Background

I focus on adoption in the foster care system and both public and private adoption agency adoptions. The laws in regards to adopting a child vary quite drastically from state to state. I look into is why this is, and how state's political culture affects these differences. I do this by incorporating the relevant work on state political culture and public policy, and then tie these differences to the laws and child placement outcomes pertaining to adoption. Political socialization and the history of public opinion in America is first discussed, then we move on to adoption history, and conclude the literature review with state's variance with adoption policies and placement outcomes.

Political Socialization and Public Opinion

Daniel Elazar (2014) explains American federalism and federal and state government. He explains the differences in political culture and how it has been observed at the cross-national and subnational levels, and political culture corresponds with a wide array of important social and political phenomena. Elazar builds research in personality psychology and cross-cultural psychology. The study considers whether personality measures compiled in the American states correspond with patterns in political culture. Using measures of personality traits provided by more than 600,000 survey respondents, matches with state-level measures of citizen ideology, political culture, and civic culture are examined. Elazar found three political-culture types among Americans. These types are still viewed as relevant today. He has divided American political culture into three distinct categories: moralistic, traditionalistic, and individualistic. In those states with moralistic political culture, society is held to be more important than the individual.

Individualism is not submerged in any way, but the group recognizes the need of individuals to assign value to the group. Government tends to be seen as a positive force. Serving the community is the core of the political relationship even at the expense of individual loyalties and political friendships. In practice this often results in more amateur participation in politics than in the other political cultures. Upper New England, the Upper Middle West and portions of the west are the central areas for this culture type. In areas with an individualistic political culture, government is seen as having a very practical orientation. Government is instituted for largely functional reasons. An emphasis is placed on limiting government intervention into private activities. It is believed that government should be largely restricted to those areas that encourage private initiative. Private concerns are more important than public concerns here. To a significant degree there is cynicism about government. The Middle-Atlantic States through Illinois, and to the West, is the area most prevalent for this type of culture. In traditional political culture states, social and family ties are prominent. This reflects an older attitude that embraces a hierarchical society as part of the natural order of things. Government is seen as an actor with a positive role in the community, but the role is largely limited to securing the maintenance of the existing social order. Political leaders play a largely conservative and custodial role rather than being innovative. Otherwise, limited government is viewed as best because that is all that is required to meet the needs of those in power. The South is the regional focus for this type of culture. While undergoing change, traditional southern politics have been dominated by "backdoor" arrangements and strict class divisions. I choose to use Elazar's work on political culture to examine a potential cause of State's different adoption laws and outcomes.

Robert S. Erikson, John P. McIver and Gerald C. Wright's "State Political Culture and Public Opinion" (1987) analyzes a data set with over 50 thousand respondents that demonstrated

the influence of state political culture on different social policies. They found that, for individuals, the state of residence is an important predictor of partisan and ideological identification, independent of their demographic characteristics. At the aggregate level, state culture dominates state demography as a source of state-to-state differences in opinion. In general, geographic location may be a more important source of opinion than previously thought. One indication of the importance of state culture is that state effects on partisanship and ideology account for about half of the variation in state voting in recent presidential elections.

Weber and Shafer (1972) help explain a different outlook on public opinion and state decision-making by giving estimates of state public opinion developed by the use of a computer simulation methodology and strength of interest group membership data as variables measuring preferences. Five state policy outcomes, public accommodation laws, school aid laws, right to work laws, teacher unionization laws, and firearms control laws were treated as dependent variables in a multiple correlation analyses, and political system characteristics served as the independent variables. These political system characteristics were found as a more important determinant of state output than the measures of environment and political system characteristics.

Dawson and Robinson (1963) examined the relationship among the extent of inter-party competition, the presence of certain economic factors, and the extent of nine public welfare policies, using the American states as the units for investigation. What they found was that fifty states share a common institutional framework and general cultural background, but they differ in certain aspects of economic and social structure, political activity, and public policy. Therefore, they provide a large number of political and social units in which some important variables can be held constant while others are varied. Going deeper into the factors that

influence social policy, I found some specific policies of adoption as a whole, and was able to find many different ideals those certain groups of people held towards the adoption and the process as a whole.

Adoption History

Ellen Herman, the author of *"Kinship by Design"* provides a basic narrative of the changes that adoption has undergone as both a policy and a concept from the beginning of the nineteenth century through the end of the twentieth century. Her book outlines a basic timeline that displays American's shifting ideas about "matching" children with physically and intellectually similar parents, and reveals how research in developmental science and technology has shaped adoptions. She exposes how truly outdated adoption policies were and how far they have come more recently. The book is divided up into three chronological sections, the first being from 1900-1945 discusses how in the early years of America, child placing methods such as orphanages, baby farms, commercial maternity homes, and even newspaper ads were the dominant adoption methods people used. Agencies paid families to care for children in boarding homes, whereas in working homes, children had to earn their keep. Those children had to work in exchange for food, shelter, and basic education. They were typically "released" once they were 18. Boys were in demand as farm workers, whereas girls were in demand for cooking, and child care. The term that defined these unconstitutional arrangements were called "placing out". Those females who were placed out were extremely vulnerable to sexual abuse. Baby farms: Boarding infants for money and their transfer and sale for profit. Unwed mothers, prostitutes, domestic servants, and destitute or deserted wives often were those who would place their children here. Conditions in these farms were horrible and babies often died on the farms. One Chicago baby farm had a mortality rate of 50%. Organizations such as the US Children's Bureau,

the Child Welfare League of America, and other child welfare advocates began working towards regulating child placing. They made adoption subject to state regulation through investigation, supervision, record keeping, and empirical field studies. Also, created regularized paperwork and procedures to make the adoption process more uniform. The second part covers 1930-1960. Now that adoption was considered safer due mostly to government regulation and child welfare advocate social workers began working more towards "authenticity". Matching became a huge part of the process.

Most families would seek out not only children who looked like they did, but also those who felt that they could be a "rational fit" for their family. Psychologists and Social workers began to increase their efforts to decrease the potential for adoption failure through improving the match between child and parent. Two standardization campaigns conducted by the Child Welfare League of America in the late 1930s resulted in influential policy statements about adoption law and practice. This brought about the era of IQ testing, outcome studies, mental and developmental tests, and looking at family social history. Investigating the reputations of relatives suggested if a child was eligible for adoption. Records of antisocial or criminal behavior of the child's birth parents immensely decreased the child's potential to be adopted immensely.

The final section of the book refers to the time period of 1945-1957. Here, Herman examines how kinship by design has been modified. During this period, older methods of defining and creating families gave way under pressure from new ideas about childhood, adolescence, sex, gender, and other social movements. Matching was put under tremendous scrutiny, special needs adoptions were created, and organized inter-country adoptions began. Adoptions were revolutionized in a huge way, and this ultimately led to many more children

becoming eligible for adoption. Instead of undermining the design itself, adoption revolutions extended regulation, and interpretation. Public protection and professional help failed the most vulnerable children and parents in the country, excluding them because of their color or culture. At midcentury, the special-needs revolution saw professionals alter their ideals on what children were previously considered un-adoptable because of disability, disease, race, and other background factors. This was mostly to do the horrors of the Nazi genocide, racism, and experimentation on the human populations. The same professionals who had normally wanted to restrict adoptions now were advocating to open them. They now celebrated the democratization of adoption services as a sign of enlightenment, progress, and civil rights within the child welfare world. In the mid 1950's, 35% of all children who came to the attention of agencies were refused at the point of intake because of race, age, or disability. These children were no longer shut out of adoption. Those parents seeking to adopt were still placed on hard standards, with psychological tests and home studies. Those mothers who placed their children up for adoption were no longer scorned, but praised for liberating her child to be with a family that can better support the child. Without this dramatic shift in who can adopt, who is being adopted, and what constitutes as a legitimate family, there would be little adoption variance with the states to examine.

Adoption Variance and State's Differences

Jehna Hanan (1997) argues that many of the processes used by both state and private agencies to screen prospective adoptive parents are discriminatory and are not in the child's best interest. The author describes the current adoption processes in the US and examines how the process violates certain constitutionally protected rights by looking at race, age, marital status and other factors. She then looks at recent legislation in California, Michigan and Maine that

rejected these factors in adoption decisions and the successes they had. This is important in comparing ideas because people may feel the exact opposite of this idea. It is just another ideal that goes into the adoption process consideration.

Elizabeth Bartholet (1991) discusses the issue of race matching in adoption. She provides a historical perspective of the issue and examines current race-matching policies in adoptions. In some states, non-white children had to wait in foster care for a same race family rather than be placed immediately for adoption with a white family who is waiting to adopt. She then argues that race-matching policies are inconsistent with the best interest of the child. More recently, race-matching adoption had been eliminated, however a lot of potential parents still seek out to look for same race children to adopt. This is relevant because people might have completely different opinions about this. For example, Cynthia Mabray argues the opposite and says states that had race matching adoption had more successful family outcomes. These certain social policies concerning adoption help paint a bigger picture as to perhaps why states vary in their policies and even their ideology when it comes to same race adoption.

RG Spector (2012) presents a review of family law cases. Several cases involve both child custody decisions and adoption decisions like who can adopt, and the legal rights that go with adoption. Different laws within states in regards to adoption and adoption in foster homes are discussed. Spector goes on to researching the different laws within states and what is being implemented. She also brings up the issue of homosexual parents and their rights concerning adopting a child. Stasser (2008) looks into interstate recognition of adoptions, and how they are affecting children. States are required to give full faith and credit to final adoption decrees from other states, however, recognition of adoptive status does not afford as much protection as one might think. It proceeds to give a number of adoption disputes in the US. This will be helpful

when explaining the different laws concerning interstate adoption and comparing with other states.

Conclusion

America has undergone a shift in political culture. It has been observed on numerous levels and has been determined that a way to measure ideology is through Elazar's three political cultures, individualistic, moralistic, and traditionalistic. It is believed that these political cultures determine a lot of the state's public policy. In looking at the history of adoption, we can determine that an era of progressivism brought about a revolution of sorts, when we as a nation became more socially progressive, adoption did as well, and a result of this led many more children being able to be adopted. Though states have become more progressive with adoption as a policy, states still differ immensely when it comes to laws and adoption outcomes.

Method and Analysis

Analysis

I incorporated relevant work on adoption outcomes from the Adoption and Foster Care Analysis and Reporting System (AFCARS) from the Children's Bureau, an office for the administration for children and families, gathering information on the child who was adopted, and adoption laws from the Department of Health and Human Services, specifically who can adopt, who can be placed for adoption, and who is allowed place another person up for adoption. I compare these outcomes and laws with state's political culture variation from Elazar, combined with data by Pollock. I sought to find out if political culture variance affected or influenced in any way state's differing adoption laws and adoption placement outcomes.

The Adoption and Foster Care Analysis and Reporting System

This is a system that collects case-level information from state and tribal agencies on all children in foster care and those who have been adopted with a government agency. Specifically, I gathered information on the race of the child who was adopted, whether or not the adoptive family received some type of government subsidy, the previous relationship the child had to the adoptive family, and finally, the adoptive family structure, meaning if a single female, single male, married couple, unmarried couple, or a previous relative adopted the child. Figure 1 displays those percent of children that were placed with foster parents, non-relatives, or another family member. Those states who do not frequently place children in the foster care system are usually placing them with non-relative or some other relative.

The Department of Health and Human Services

The Department of Health and Human Services (2013) gives a very detailed record of every state specific laws as to who may adopt, who can place a child up for adoption, and who can be placed for adoption. The beginning of the journal gives detailed information on the state variation as a whole, and then breaks it down by each state and their specific laws. After placing those laws under a yes or no scale of 1 and 0, I placed them in SPSS to further analyze the variation. I analyzed whether or not the State allowed someone under the age of 18 to adopt, if the State required you to be a State resident to adopt, if the State required you to be a married couple to adopt, and whether or not the state allowed homosexual coupled to adopt. I also gathered information on who could place a child up for adoption, whether it be a parent, guardian, agency, or the court.

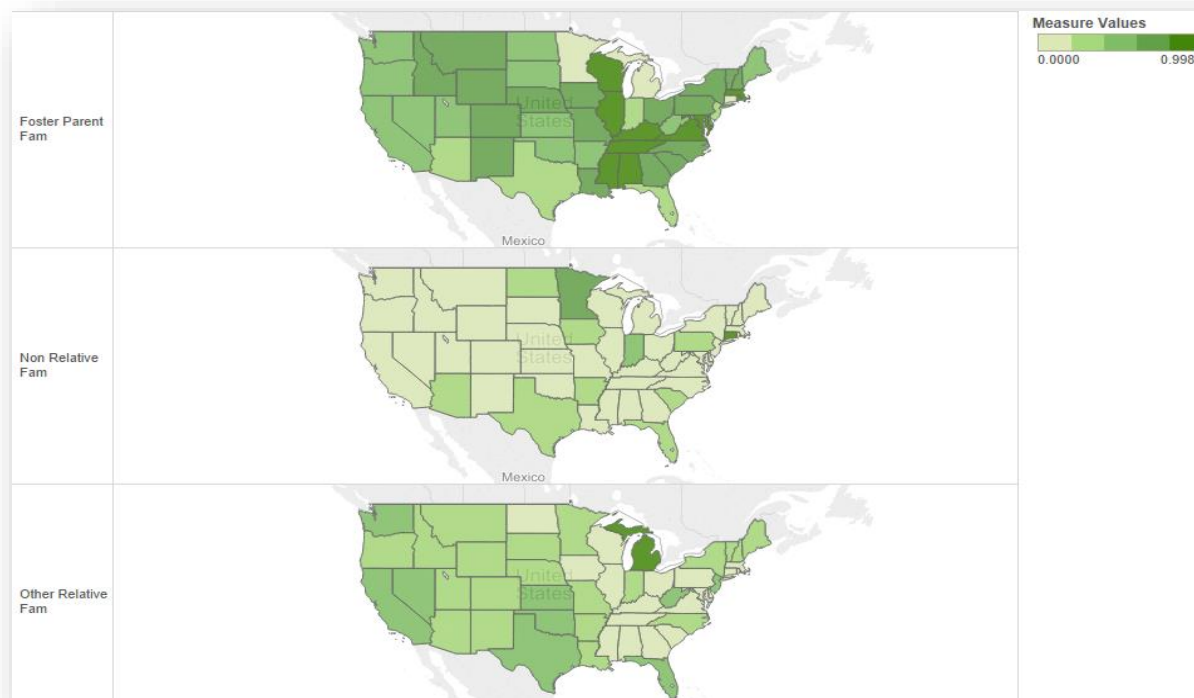
Figure 1: Percent of placements with foster parents, non-relatives, and some other family

Figure 1 presents the percentages of children who were placed with foster parents, non relatives, or some other family member, whether that be an aunt, uncle, grandparent etc. Those states who do not frequently place children in the foster care system are usually placing them with non-relative, or a stranger, or relative families. I found this interesting because it really shows that some states really prefer placing children in the foster care system. After researching why that might be, I found that most states simply don't have enough people that want to be foster parents, and some do.

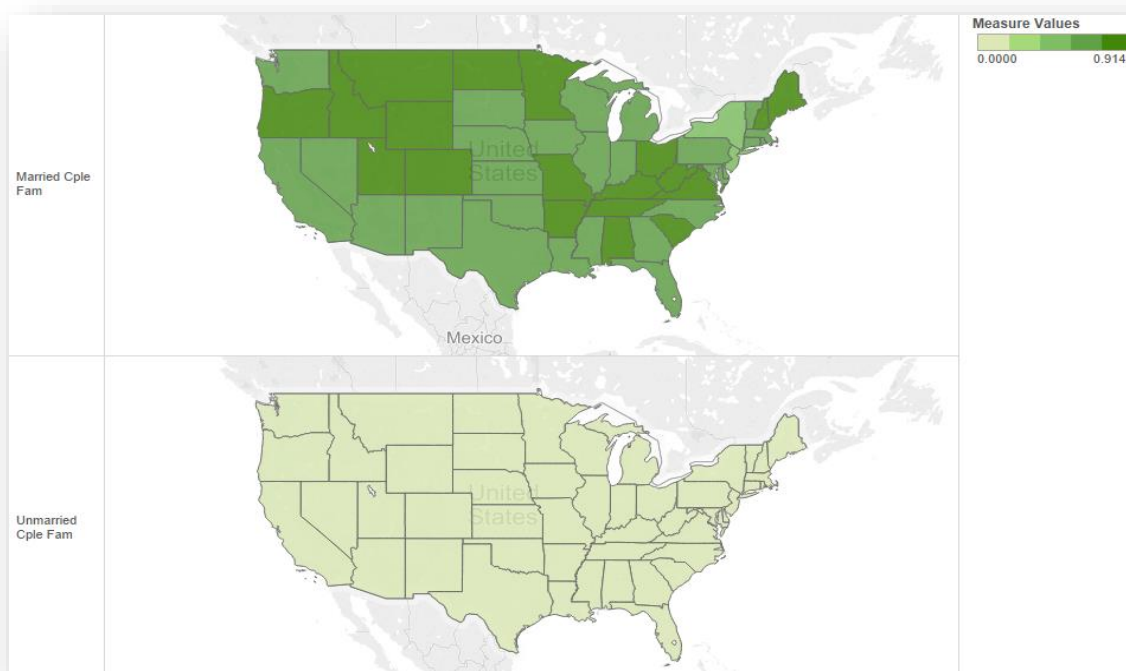
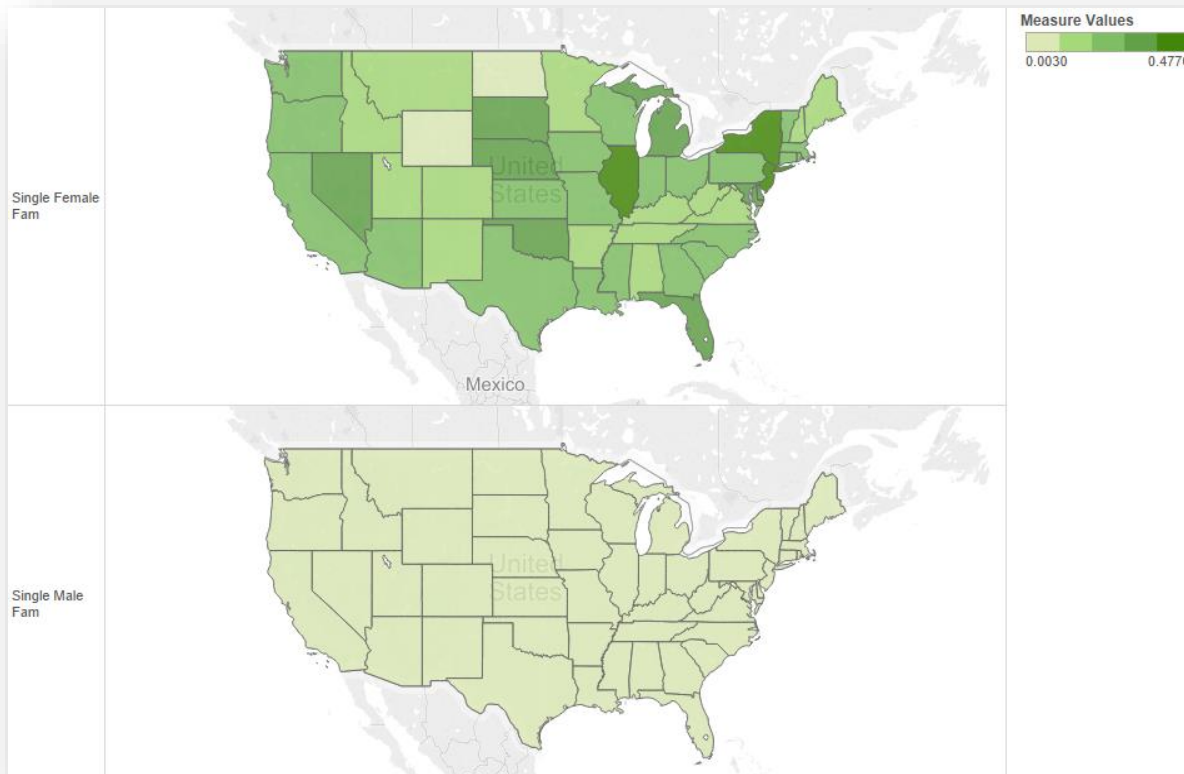
Figure 2: Percent of placements with married couples vs. unmarried couples

Figure 2 displays the percentages of children who were placed with married couples vs being placed with unmarried couples. The statutory laws in most States are largely silent on the issue of adoption by gay and lesbian persons. A statute in Florida prohibits adoption by gay persons. Mississippi prohibits adoption by couples of the same gender. Utah bars adoption by persons who are cohabiting but not legally married; this language could be interpreted to encompass gay and lesbian adoptions. In Connecticut, the sexual orientation of the prospective adoptive parent may be considered, notwithstanding provisions in the State's laws prohibiting discrimination based on sexual orientation. Though states are almost always silent on the topic of gay and lesbian couple adoption, children are almost always placed in married couple families compared to unmarried couple families, suggesting that they do not seek to place children in non-married gay couples.

Figure 3: Single female vs. Single male family placements

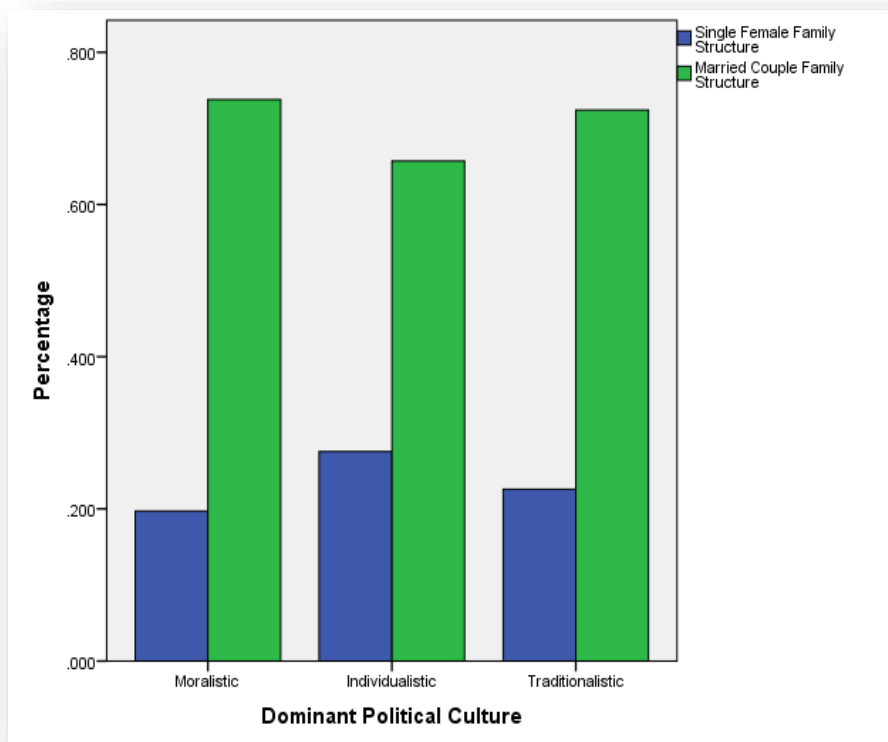
The 3rd figure displays the percentage of children who are placed with single females vs. single males. The results show that with single female placements, states range very low in placement, to almost half of placements are going to single females. Very few placements in any states are going to single males. This might be due to a lower number of males seeking to adopt, and not simply more placements going to females.

Hypothesis Testing

The first hypothesis I developed was that those states that Elazar classifies as more moralistic will have higher adoption percentages of placements with married couples. The second hypothesis developed was that those states that report as more individualistic will have

higher percentages of single females adopting children. I obtained a means analysis to test my hypotheses. Figure 4 displays these findings

Figure 4

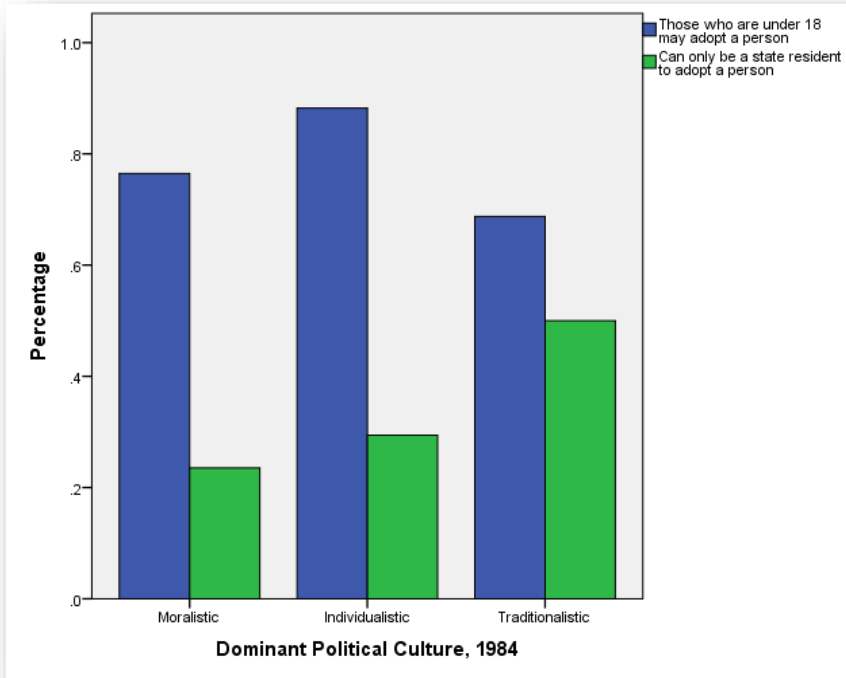


Report

Dominant Political Culture, 1984		Married Couple Family Structure	Single Female Family Structure
Moralistic	Mean	.73788	.19718
	N	17	17
	Std. Deviation	.094137	.073338
Individualistic	Mean	.65718	.27535
	N	17	17
	Std. Deviation	.108788	.105547
Traditionalistic	Mean	.72425	.22588
	N	16	16
	Std. Deviation	.064573	.057970
Total	Mean	.70608	.23294
	N	50	50
	Std. Deviation	.096555	.086641

The second hypothesis I developed was that those states that report individualistic will be more likely to allow people who are under 18 to adopt a child. The fourth was that those states who report traditionalistic will be more likely to require a person to be a state resident to adopt.

Figure 5 displays these findings



Report

Dominant Political Culture, 1984		Those who are under 18 may adopt a person	Can only be a state resident to adopt a person
Moralistic	Mean	.76	.24
	N	17	17
	Std. Deviation	.437	.437
Individualistic	Mean	.88	.29
	N	17	17
	Std. Deviation	.332	.470
Traditionalistic	Mean	.69	.50
	N	16	16
	Std. Deviation	.479	.516
Total	Mean	.78	.34
	N	50	50
	Std. Deviation	.418	.479

Conclusion

While individualistic states differ from both moralistic and traditionalistic cultures together, moralistic and traditionalistic cultures are very similar. Political culture may not play as large of a role in states determining their adoption policies, though it is still significant to discuss. Analysis of adoption policy might be more relevant when studying states by their ideology, demographics, and unique characteristics, rather than Elazar's broad spectrum of political culture

References

- Bartholet, Elizabeth (1991) "Where Do Black Children Belong? The Politics of Race Matching in Adoption" (139 U. Pa. L. Rev. 1163)
- Children's Bureau (2013) "Receiving Adoption Subsidy: 10/1/2012-9/30/2013." Nov. 6, 2014.
- Children's Bureau (2013) "Adoptive Family Structure: (10/1/2012-9/30/2013)." Nov. 6, 2014
- Children's Bureau (2013) "Race/Ethnicity of Public Agency Children Adopted: 10/1/2012-9/30/2013." Nov. 6. 2014
- Children's Bureau (2013) "Prior Relationship of Adoptive Parent(s) to Child: 10/1/2012-9/30/2013)." Nov. 6, 2014
- Dawson, Richard. Robinson, James (1963). Inter-Party Competition, Economic Variables, and Welfare Policies in the American States. *The Journal of Politics*, 25, pp 265-289. doi:10.2307/2127465.
- Elazar, Daniel. Mondak, J. J., & Canache, D. (2014). Personality and Political Culture in the American States. *Political Research Quarterly*, 67(1), 2 41. doi:10.1177/1065912913495112
- Erikson, Robert, John P. McIver and Gerald C. Wright, Jr. *The American Political Science Review*, Vol. 81, No. 3 (Sep., 1987).
- Family Law in the Fifty States 2010-2011: Case Digests. (2012). *Family Law Quarterly*, 45(4), 513-556.
- Flango, V. E., & Flango, C. R. (1993). Adoption Statistics by State. *Child Welfare*, 72(3), 311-319.
- Hanan, Jehnna. *The Best Interest of the Child: Eliminating Discrimination in the Screening of Adoptive Parents*, 27 *Golden Gate U. L. Rev.* (1997).
- Herman, Ellen (2008). *Kinship by Design: A History of Adoption in the Modern United States*. Chicago: University of Chicago Press
- Pannor, R & Baran, A. (1984). Open Adoption as Standard Practice. *Child Welfare*. 63(3), 245-250.
- Ronald E. Weber and William R. Shaffer. *Midwest Journal of Political Science* Vol. 16, No. 4 (Nov., 1972), pp. 683-699

Rymph, C. E. (2012). From “Economic Want” to “Family Pathology”: Foster Family Care, the New Deal, and the Emergence of a Public Child Welfare System. *Journal Of Policy History*, 24(1), 7-25. doi:10.1017/S0898030611000352

Spector, R.G. (2012). A Review of the Year in Family Law: Numbers of Disputes Increase. *Family Law Quarterly*, 45(4), 443-511

Swize, Jennifer (2002) "Transracial Adoption And The Unblinkable Difference: Racial Dissimilarity Serving The Interests Of Adopted Children" (88 Va. L. Rev. 1079.

Stasser, M. (2008) Interstate Recognition of Adoptions: On Jurisdiction, Full Faith and Credit, and The Kinds of Challenges the Future May Bring. *Brigham Young University Law Review*. 1809-1853

US Department of Health and Human Services, Who May Adopt, Be Adopted, or Place a Child for Adoption (2013). Child Welfare Information Gateway.