Current open adoptions
Mothers’ perspectives

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This chapter summarises a qualitative study that investigated mothers’ experiences of mandated contact in adoption, which was introduced in the state of Victoria in 1984. Mandated contact was conceived with the aim of being in the best interests of the child. The study explored the relationship between the right to have contact and the experience of contact itself for the mother. Specifically, the chapter describes the contact arrangements, the contact event, the mother's mental health, information exchange vs face-to-face contact, and the role of the adoptive parents and the County Court of Victoria.

Background
Contact between mothers and adoptive families has been legally mandated and practised in Victoria since the Victorian Adoption Act 1984 came into effect. While other states encourage contact, the inclusion of mandated contact arrangements in a Victorian adoption order is unique within Australia, and legally operationalises the gradual dismantling of confidentiality practices that have occurred internationally over the last forty years. The Victorian legislation recognises the significance of the mother’s relationship to the adopted child and their identity formation (Triseliotis, 1993), as well as upholding the rights of mothers; an antidote to closed adoption practices that excluded them and made them powerless.

The legislation asks mothers to nominate a preferred frequency of contact in the form of face-to-face meetings and information exchange, which, with the agreement of the adoptive parents, is written into the adoption order. In practice, contact is generally set at between one to four times annually. This is a minimum standard and contact beyond the

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1 The 2012 Senate inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices was aware of the sensitivity around language when discussing adoption and this paper will reflect the Senate decision to, wherever possible, use the term “mother” to refer to the person who gave birth to the child.
nominated frequency is at the discretion of the adopting parents. How contact is to be conducted is not prescribed beyond the requirement that the adoption service manage the arrangements for the year between the placement of the baby and the order being ratified in the Victorian County Court.

In a 2005 meta-analysis, British researchers Logan and Smith reported that, in general, studies have supported the belief that openness benefits the mother. However, research has also reminded us that openness is not a universal panacea. Brodzinsky (1990) found that a powerful sense of loss and isolation experienced during the early adoption period accompanied both open and closed adoptions. Reporting on the Minnesota–Texas Adoption Study, McRoy, Grotevant, Ayers-Lopez, and Henney (2007) cautioned that, while fully disclosed adoptions elicited the highest satisfaction, there is no one type of openness that fits everyone’s needs; rather, the level of openness should be decided on a case-by-case basis and all parties should be made aware that changes in levels of openness are to be expected over the course of the adoption. Given the spectrum of expected experience, Grotevant (2000) nominated collaboration as being the quality necessary for successful ongoing adoption relationships. Silverstein and Demick (1994) suggested empathy as being the mechanism for operationalising collaboration when adoption relationships are being negotiated. Their findings were not specific to a mandated cohort.

Meanwhile, for nearly 30 years, Victorian adoptions have included mandated openness. How have mothers experienced that and what is the relationship between the right to have contact and the contact itself?

Between July 2007 and April 2008, to demonstrate a variety of responses, 15 mothers were interviewed who had, since 1984, voluntarily relinquished a child for adoption. The women were recruited through the Catholic welfare service, Centacare; the southern region Adoption and Permanent Care Program; a country newspaper advertisement; and word of mouth. The interviews generated qualitative data that were analysed for themes around the experience of contact. The age of the women at the time of the relinquishment ranged from 16 to 30 years old, mean age 22.4 years. The age of the women at the time of the interviews ranged from 21 to 50 years old, mean age 35.5 years. At the time of the interviews, seven of the adopted children were under 18 (five under 5 years old) and eight children were over 18; the oldest was 23.

**Contact arrangements**

While the legislation was in place at the time of all the relinquishments, only 7 of the 15 mothers had ongoing, face-to-face contact at the time of the interview.

Two mothers had put a temporary hold on their contact: one due to dissatisfaction with the limitations of the contact arrangement and the resultant conflict with the adoptive parents (contact had resumed during the life of the adoption order and she is now in independent contact with her adult daughter); the other was due to the mother’s feelings of betrayal and vulnerability when the adoptive parents adopted a second child (she reported she was going to resume contact “soon”).

A further three mothers had complete breakdowns in their contact with the relinquished child. One was instigated by the mother as a method of managing the “pain” of seeing her relinquished son doing well. The other two breakdowns were despite repeated requests for contact (through the adoption service) from the mothers.

Although the legal obligations are perceived to be in the best interests of the child, both mothers and adoptive parents were making choices about their level of participation
in contact. For the mothers, their withdrawal from contact appeared to be a perceived solution to their emotional response; they managed their feelings by regulating their physical exposure to the adoption.

Three of the mothers had no face-to-face contact (information exchange only) written into the adoption order. One mother, had information exchange in the adoption order for the first ten years only. She had thought:

I can’t have both. I can’t give him up for adoption and then expect to be a part of it, so I just wanted to keep the contact for a certain amount of time and see that he was happy … And then just let them be, basically. (Sue)²

She regretted that decision. Once ratified, the order does not allow the mother to re-negotiate and she received no further information once the child reached ten years old, despite repeated requests. The second had information exchange during the life of the adoption order; however, periodically she had put that on hold as she experienced periods of depression, which she linked to the relinquishment. Since her relinquished child turned 18 she has had no information exchange or direct contact and search procedures were not in place.

The third mother had information exchange that she discovered had not been passed on to her relinquished child by the adoptive parents. He reportedly found the information by accident at age 16. She is now in face-to-face contact with her adult son. He sought her out as soon as he turned 18.

Again, either mothers or adoptive parents within the individual triads were making choices on whether to participate in contact, even in the less immediate form of information exchange.

These experiences demonstrate that, despite legal clarity, contact arrangements broadly reflect the findings of the Minnesota–Texas Adoption Study; that changes in levels of openness are to be expected over the course of the adoption. More specifically, the mandate of openness was not universally applied and that over one-half of the women interviewed had significant difficulties in maintaining contact with their relinquished child, seemingly as a result of the emotional responses experienced by the mother or adoptive parents.

**Mental health**

The 15 mothers completed the Kessler Psychological Distress Scale (K10) (Kessler et al., 2002), which measures symptoms of anxiety and depression and provided a snapshot of the relinquishing mothers’ psychological state at the time of the interview. The K10 allowed a comparison of the mothers to the general Australian population, as identified by the 1997 National Survey of Mental Health and Well Being (Andrews & Slade, 2001; Furukawa, Kessler, Slade, & Andrews, 2003).

Higher K10 scores indicate higher levels of systems of distress. The mean score for mothers was 21.2, compared to the general Australian female population mean of 14.5. The median score for mothers was 18, compared to the general Australian female population median score of 12. One third of participants scored under 15, compared to 68% of the general public, and 13% of participants scored over 30, compared to 3% of the general public. Overall, the mothers demonstrated an elevated level of current anxiety and depressive symptoms.

² All names have been changed to protect privacy.
Responses to contact arrangements

Openness
When recalling the original decision to relinquish their baby for adoption, eight mothers reported that the relinquishment decision was, in part, ameliorated by the promise of open adoption and contact. However, just under half the mothers failed to mention openness as a dimension that they considered in their decision to relinquish.

Entitlement
By definition, contact is an interdependent act that assumes a level of entitlement and requires reciprocity. However, at the time of the relinquishment, most of the mothers remembered feeling a reduced sense of entitlement, which was articulated as a belief that they did not “deserve” contact:

I thought that once I had chosen to give her up for adoption, I actually don’t have the right now to interfere [crying] … don’t deserve to meet, ’cos it was my choice to relinquish her. (Wanda)

Issues of entitlement were influential when making the initial decisions regarding the parameters of ongoing contact, with mothers being highly sensitive to the perceived needs of the adoptive parents. For some, this consideration informed their preference, and was expressed as a reduced presence of themselves; their selves and what they wanted would, almost by definition, be construed as being “too much”:

I expressed what I was interested in … but then I didn’t want it to be hard and fast … I needed to know what the parents would be happy with … I was probably worried that they might think that I might try and take things over or, you know, become more a part of their lives than they wanted. I didn’t want to be a burden, be an imposition, be anything that would make them feel uncomfortable. (Lois)

While three other mothers were also sensitive to the needs of the adoptive parents and felt the need to minimise their presence, they also recognised the necessity of their presence in the life of the child:

Deciding about access and how often I wanted access; that was the most difficult decision I think. I guess because access was such a new concept to me, and to actually figure out what would be right. I thought four times a year might overwhelm them … [but] maybe twice a year isn’t enough for him [her son] to know who I am … It was really hard to decide … I decided on four times a year. (Rita)

Flexibility
The effect of a reduced sense of entitlement appeared to persist beyond the establishment of contact, and continued to influence the ongoing negotiations of contact and its boundaries, even in the most positive open contact arrangements, which were differentiated by flexible boundaries:

We’ve never stepped on their toes … We have never asked them for anything. Given how good it is, I don’t want them to go backwards, but they ring whenever they want. It’s something I’ve never been able to do. I don’t know
why. I don't want them at any point to think that we are trying to become too involved … I don't really want them to go backwards, for them to start having boundaries, like, when it comes to us. If I push them, are they going to stop the way they are? So for that, I am prepared to follow them. (Anne)

Two mothers whose relinquished children are now young adults, relayed narratives that seemingly defined the benchmarks of successful open adoption; that is, independent, enduring, flexible boundaries between all members of the adoption triad. The organising factors were identified as the containment of the mother's pain and grief during contact events, and the mother's evaluation that the adoptive parents valued their presence in the life of the child.

The role of contact
In general, mothers expressed a bittersweet evaluation of contact:

It's better to be happy [and see your child] and hurt, than hurt and not know about it. (Betty)

While the mothers described contrary emotional states, the concrete act of contact appeared to provide a place of reassurance; the decision to relinquish was a good decision because the relinquished child was seen to be OK:

And I say to myself that I have done the right thing … She is doing well, developing, she's happy … How do you know until you see it for yourself? (Sarah)

Face-to-face contact was described as a circumstance where emotional states could be processed; contact provided a place to grieve and heal:

I think [contact] allows me to face the situation and deal with it, because if I didn't see her in the first two years after the adoption, it would have been … more difficult for me. But I saw her growing up from an infant to a toddler and so it was easier … I dealt with my emotions head on … instead of denying everything … And I wanted to deal with and face that emotion right from the start, and I think it's a very healthy thing to do. (Kirsty)

But inevitably the mothers found it hard and contact had its limits:

Contact is bloody hard. It's traumatic and at the end of the day you sometimes go, “Why the hell am I doing this?” ... Look, it was nice and I certainly enjoyed seeing her and being with her, but it's an artificial event, I suppose ... It wasn't about trying to get to know me, it was just going through the motions. (Jacqui)

Information exchange vs face-to-face contact
Face-to-face contact—the continuing physical exposure to the reality of relinquishment—was mostly perceived as being a difficult but necessary process. In contrast, the three mothers who had information exchange only, expressed narratives of the unseen relinquished child that were raw and unprocessed; responses based on fantasy, which felt “surreal” or were destabilising once physical contact began with the adult child.
However, all three mothers agreed that they had “not missed out” by not having face-to-face contact. In fact, they maintained a belief that contact would have made the relinquishment harder. Their reasons echoed the tacit assumption of closed adoption; that the pain of loss can be avoided. However, they also embodied the unacknowledged cost; that avoidance can be painful in and of itself. Two of these mothers suffered recurring episodes of serious mental illness, which they linked directly to relinquishment triggers.

**Adoptive parents**

The attitude of the adoptive parents appeared to be decisive in three circumstances where the contact had begun reasonably enough but had deteriorated over time to the point that contact arrangements had broken down (one temporarily). However, when discussing the option of exercising their rights in court:

> I did [consider going to court] at one stage, but not now. I couldn’t do it to him. There’s just no way, no way I could do it to him … I have no rights anymore … Yeah, I can force them to visit, but what’s the point? The family is just going to make it hard. I don’t want to see him like that … you know, I just want him to think that he’s got the control. (Betty)

Another mother also reported she wouldn’t “force” contact:

> I wouldn’t have forced it because it is Emily’s decision, so to speak, even though I know it would be what she was picking up on. But if she’d verbalised it and said that she didn’t want contact, then I would have just had to accept that … What happened is that Emily saw the psychologist and said to her that she wanted contact, so that was my saving grace. (Jacqui)

Where the adoptive parents had ceased contact, the leverage that the adoption order afforded the mother was rendered either effective or ineffective depending on the perceived wishes of the child. Women with terminated arrangements did not use the power of the court if they thought the child did not desire it, even if they also believed the child’s response was a reflection of the adoptive parents’ influence. The mother’s stance was child-centred.

The ultimate power of the child to decide, independently or in court, was recognised and enjoyed, by one mother:

> And the older she got … you know, she was able to articulate her rights, and I think the parents were scared … If this ever went to court, there was no question that she was going to be looking for contact, if not wanting to live with me. (Arabella)

The existence of legally enforceable contact did have an effect though. While untested, a further two mothers were comforted by the knowledge that their right to contact would be upheld by a court of law. For the mother who had suspended contact:

> I find it reassuring that in the back of my mind I know that I can have contact with him when I want to, that I can ring up and say, “Can we organise contact?” (Trudy)
Discussion
This study highlighted that court-ordered openness does not seamlessly translate into regular contact between the mother and her relinquished child. A difference appeared between what the law provides for and how contact is practised. Face-to-face contact was not universal and, where present, was not universally applied. Some women experienced contact as stated in the adoption order. Some women’s contact went beyond the statute and they experienced independent, enduring, flexible boundaries between all members of the adoption triad. This appeared to become possible when the mother’s pain and grief was not expressed during contact events, and the mother believed the adoptive parents valued their presence in the life of the child. However, the women were not uniformly positive or negative in their descriptions of contact. While contact might have been seen as necessary, “healthy” or reassuring, all the descriptions contained elements reflecting their sorrow and the pain of loss.

The progression of continued contact was, in some cases, reactive to the preferences of the various members of the adoption triad. There were examples of all three members of the adoption triad exercising the power implicit in choosing to participate in contact. In the case of the mothers, this was expressed as a withdrawal from contact.

The mothers appeared to moderate their level of contact in response to their emotional capacity. As a cohort, the mothers experienced above average levels of contemporary anxiety and depressive symptoms. From the outset, descriptions of the relinquishment process contained attitudes of being undeserving and less than entitled to contact, and these feelings appeared to influence any ongoing contact, thus creating a power differential. The mother’s understanding of her place was assessed in relation to the perceived needs of the others in the adoption triad, where the mother did not lead, or, if she did, she perceived the risks of damaging or losing the relationships. The mother’s behaviour was predicated on her perception of the adoptive parents’ limits. This was seen even where relationships were positive, open and fluid.

There is little argument against the value of having a ratified document as a legal protection for all parties. The very existence of the legal rights of the mother has the potential to affect her continued meeting with the adoptive family in a powerful way. Through this instrument, all members are aware that contact is culturally sanctioned, a manifestation of the best interests of the child. However, the study found that often various members of the triad made decisions independent of any legal obligation, and the legal leverage of the court order remained untested. At best, its existence provided comfort through imagined control. Where relationships had broken down, the legal power of court-ordered contact was not used by the women in this study. The wishes of the child were decisive, and this seemingly diluted any sense of entitlement or power, even though the wishes of the child were not perceived as being autonomous but a reflection of the adoptive parents’ influence.

The forms of parenthood created through open adoption are currently expressed in terms of “rights”, and this study has demonstrated the lack of leverage these offer those whom they are designed to protect. Maybe the law is unable to create a commitment to shared parental responsibility and connection within the adoption triad? Maybe the law can only adopt the language and attitudes that uphold an expectation that these qualities exist? The creation of a shared commitment to parental responsibility and connection must precede, but include, the law, saturating the consciousness of all parties, a prerequisite to the formation of open adoption.
The study highlighted that, concurrent with the emotional difficulties of relinquishment and contact, there are perceptions of a lack of power and entitlement. Both factors influence participation in contact. While the law may seek to address the latter, the findings of this study suggest that the role and entitlements of the mother be emphasised in the training of adoptive parents.

References