

The Sky is Falling: Misleading Media Frenzy Over Failed Adoptions

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Introduction

Ever wonder, given the media blitz over every failed adoption, how often it really happens? The media seems to focus on only negative stories, leaving the media consumer with a distorted sense of the danger and its frequency. Take, for instance, the lamentable case of Artyom Savelyev, the seven-year-old boy who was returned to Russia by his adoptive American mother in April 2010. Google reported over 2,500 media stories about this incident alone. Truth be told, failed adoptions such as little Artyom's are actually quite rare.

After what undoubtedly took many months, much paperwork, and much money, Torry Ann Hansen traveled to Far East Russia three times to visit little Artyom in the Partizansk orphanage before adopting him. On the second trip, Ms. Hansen stood in front of a Russian judge and stated she wanted to adopt this child. A final adoption decree was issued based on her representations to that judge and the accompanying paperwork. Little Artyom was then given a Russian passport in his American name, Justin Artyom Hansen. Soon thereafter, the American embassy placed an IR-3 visa in his Russian passport, entitling Justin Artyom Hansen with American citizenship once he landed on American soil. He then lived with his adoptive mother in Shelbyville, Tennessee for over six months before she sent him alone on a one-way flight to Moscow to be greeted in the airport by a stranger she hired over the Internet.¹

¹ See, e.g., New York Times, *In Tenn., Reminders of a Boy Returned to Russia*, April 10, 2010, p. A16. Retrieved from <http://www.nytimes.com/2010/04/11/us/11adopt.html>

Once a contemplated adoption is finalized by court order or decree, as Artyom's adoption was, it is legally binding. Throughout America, a parent cannot simply abandon her adopted son, any more than she can abandon her biological son. By placing her legally adopted son on an airplane with a one-way ticket to Moscow, Ms. Hansen arguably ran afoul of one or more state criminal statutes designed to protect children from endangerment or abandonment.² To dissolve an adoption, the adoptive parent(s) must return to court to set aside the final adoption order or decree. Although there exists no single or central source for tracking adoption *dissolutions* in America, the data that are available suggest that dissolutions of final adoptions rarely occur.

Dissolution Rates

Few studies purport to measure *dissolution* rates. For those few, none appear to be comprehensive. Accurate data is hard to find in part because adoption records are often sealed. In 2003, the U.S. Government Accountability Office (GAO) reported that one percent of public agency adoptions that were finalized between 1999-2000 were later dissolved. The GAO further cautioned that the percentage rate of dissolution could rise

² Although the laws vary from state to state, every state has at least one provision in its penal code to prevent the abandonment or endangerment of children. In fact, media reports indicated that prosecutors in both Shelbyville, Tennessee and Loudoun County, Virginia (where Artyom's grandmother actually placed him on the plane bound for Moscow) investigated, at least preliminarily, the conduct of Ms. Hansen. See, e.g., Richmond Times Dispatch, *No Loudoun Charges Planned In Russian Adoption Case*, April 14, 2010. It appears that the prosecutor in Virginia did not pursue the case because Ms. Hansen lived in Tennessee. See *ibid*.

over time.³ Researchers Barth and Berry observed that dissolutions for infant adoptions is less than one percent, while the dissolution rate for older children is as high as ten percent. Other limited studies put the dissolution rates between three and six percent.⁴ *Dissolution* rates are predictably much lower than *disruption* rates, though the two are often erroneously cited as if they were synonymous.⁵

Data from Adoption Agencies

In the absence of a reliable central source for the number of failed adoptions, the data maintained by the adoption agencies themselves appear to be at least facially valid. Many adoption agencies offer post-adoption services, and many adoptive parents utilize these services. As a result, when a problem first arises, adoptive parents typically turn to the agencies and the resources they provide. In addition, certain state and foreign laws require post-adoption home visits and the submission of post-adoption reports. During these legally required post-adoption visits, adoptive parents may on rare occasions ask the adoption agencies for help with a difficult placement or, on even rarer occasions, to find another family for the adopted child. Further, the contracts between the adoption agencies and the adoptive parents typically contain language calling for the

adoptive parents to permit the agency to find another family for the adopted child in the event the adoptive parents are dissatisfied with the placement. Accordingly, dissolution data reported by adoption agencies appear to be reliable.

A quick survey of some of the adoption agencies in America reveals, perhaps unsurprisingly, consistent results. The adoption agency that placed Justin Artyom Hansen, World Association for Children and Parents (WACAP), reports a one percent dissolution rate after 34 years and over 10,000 placements (see www.wacap.org). KidsFirst Adoptions Services, an adoption agency in Indiana specializing in overseas adoptions, similarly reports only four dissolutions after 11 years and over 700 placements, or approximately one-half of one percent. Bethany Christian Services, one of the largest adoption agencies in the country reports that dissolution rates for 2009 were 0.3 percent for intercountry adoptions and 1.2 percent for infant adoptions.

These reports are consistent with the 2003 GAO report cited above. Although the media spotlight tends to find them, parents who return their legally adopted children are anything but representative of the tens of thousands who adopt every year in the United States. Well in excess of 99 percent understand that the adoption is final and thereafter they remain parents for life, as they would if they had been the birthparents.

Data Regarding Successful Adoptions

The data regarding successful adoptions in the United States, though rarely reported, are somewhat staggering. In 2009, Americans adopted an estimated 140,000 children *in toto* (Chuck Johnson, personal communication, May 6, 2010). Over the last ten years, Americans adopted between 12,700 and 23,000 foreign-born orphans

3 Child Welfare Information Gateway. (2004). *Adoption disruption and dissolution*. Retrieved from www.childwelfare.gov/pubs/s_disrup.cfm

4 See *ibid*. Besides these studies, the Adoption and Foster Care Analysis and Reporting System (AFCARS) does contain data regarding previously adopted children, but only for those who end up in the public welfare system.

5 While some in the adoption community use the term “disruption” liberally, it is technically not appropriate in the context of a finalized, legally-binding adoption. Disruption happens when a prospective parent decides not to adopt a child placed in his/her care through the foster care system. As a general rule, disruption rates are a bit higher than dissolution rates for a number of reasons. First, the foster care family relationships have not yet been finalized by a legally binding adoption. Indeed, the foster care system was designed to give participants a reasonably fair time to become acquainted and to see if the newly-formed familial relations are a good fit for all. Second, the children in the foster care system tend to be older. As a general rule, the older the child, the higher the risk for disruption of a contemplated adoption. Third, children who are available for adoption through the foster care system become so only after parental rights are terminated because of neglect or abuse. As a result, these children often need highly skilled parents who can nurture them past their early childhood traumas.

each year.⁶ Since 1990, when Russia opened its doors to intercountry adoption, Americans have adopted over 60,000 orphans from Russia alone. An estimated 2.5 million children under the age of 18 in the United States are adopted and remain with their adopted parents, according to the latest governmental survey, the National Survey of Adoptive Parents.⁷ That survey also indicates that less than three percent of all adoptive parents say they “probably would not” or “definitely would not” adopt if they were given the choice to adopt their child again, while 87 percent stated that they “would definitely adopt” their child if they had the choice to do it again. These figures suggest that adoption in the United States is a whopping success, notwithstanding media stories to the contrary.

Conclusion

Why do misleading media stories matter? They matter to those who are contemplating adoption and those waiting to be adopted. They *should* matter to any society that wishes to invest in its future. In Russia alone, there are an estimated 700,000–800,000 children in orphanages. Only 15,000 or so (or roughly two percent) are adopted each year.⁸ The United Nations reports that there are an estimated 30–40 million children in the world who desperately need a home, with another 100 million at-risk for becoming orphans.⁹ A growing body of medical research further indicates that life in an orphanage is very

detrimental to a child’s cognitive development.¹⁰ For the orphan who is never adopted, life beyond the orphanage is anything but promising.¹¹ Indeed, one could argue that the existence of orphanages in any society is a ticking time bomb, given the high correlations between orphanage “graduates” and social pathologies. Any media attention, therefore, that fails to acknowledge that a failed adoption is in fact a *rarity* jeopardizes all contemplated adoptions, dashes hope for orphans, and imperils the future of the society that must embrace them as adults.

6 United States Department of State. (nd). *Total adoptions to the United States*. Retrieved from http://www.adoption.state.gov/news/total_chart.html

To put these numbers in perspective, the United Kingdom, a country of roughly 30 million adopts approximately 5,000 children each year, with 300 or so coming from outside its borders. See, e.g., www.baaf.org.uk The United States, a country that is roughly five times the size of the United Kingdom, adopts over 30 times more children in total, and 40–70 times more children via intercountry adoption each year.

7 Vandivere, S., Malm, K., & Radel, L. (2009). *Adoption USA: A Chartbook based on the 2007 National Survey of Adoptive Parents*. Washington, D.C.: The U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

8 Sanghavi, D. (2010, April 25). Adopted boy’s return highlights problem in Russian orphanages. *Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/23/AR2010042302223.html>

9 UNICEF. (nd). *Childinfo: Monitoring the situation of children and women*. Retrieved from <http://www.childinfo.org>

10 Szalavitz, M. (2010, April 20). *It’s the orphanages, stupid!* Retrieved from <http://www.forbes.com/2010/04/20/russia-orphanage-adopt-children-opinions-columnists-medialand.html>

11 See, e.g., www.skywardjourney.wordpress.com/orphan-statistics.