

ADOPTION

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Primary Disciplinary Field(s): Family Law, Sociology, Developmental Psychology, Social Work

1. Core Definition

Adoption refers to the formal, lawful procedure required to permanently transfer the parental rights and responsibilities of a child from their birth parents (or previous legal guardians) to new adoptive parents who are not biologically related to them. This legal process, which is universally governed by jurisdictional statutes, creates a new parent-child relationship that is identical in legal standing and privilege to that of biological progeny, thereby ensuring the child is placed into the care of a family unit for permanence, stability, and legal lineage. The fundamental goal of the procedure, as mandated by modern legal systems, is always defined as promoting the best interest of the child, a principle that guides all decisions regarding placement and parental fitness.

The successful establishment of an adoptive relationship requires the official and irrevocable termination of all existing legal ties with the birth family. This distinction separates adoption from informal custody arrangements, guardianship, or foster care, as adoption establishes a final, lifelong familial structure recognized by the state. While the outcome provides security and permanency for the child, the entirety of the process--from initial contact through legal finalization--is frequently characterized as being both extensive and strenuous on all parties involved: the birth parents negotiating surrender, the adoptive parents navigating legal scrutiny, and the child undergoing the psychological transition.

2. Typologies and Historical Development

Historically, adoption practices have undergone a substantial evolution, transitioning from informal arrangements often focused on securing property inheritance or labor to a highly regulated, child-centric legal procedure, a shift that predominantly occurred in Western nations during the late 19th and early 20th centuries. Early modern adoption was predominantly characterized by secrecy and anonymity, giving rise to what is now known as **Closed Adoption** or **Private Adoption**, which served as the default model for decades.

In the framework of closed adoption, the legal protocol mandates that all records pertaining to the birth parents, the adoption proceedings, and the placement be permanently sealed. In numerous jurisdictions, these records may not be opened again without a direct judicial order granted only under exceptional circumstances, such as demonstrable, life-threatening medical necessity where biological history is crucial for treatment. This historical approach operated under the assumption that the child must have no further relationship with their birth family, aiming to provide a clear psychological break and enable the adoptive family to integrate the child without external interference. The emphasis on strict confidentiality often served to protect the privacy and social

standing of the birth parents, who historically faced considerable stigma.

However, the late 20th and early 21st centuries have witnessed a substantial shift toward transparency and ongoing communication, resulting in the increasing normalization of **Open Adoption**. This model is now commonplace in many regions, recognizing the potential psychological benefits for the adopted individual in knowing their origins. During an open adoption, the birth family--most often the birth mother--maintains some degree of ongoing communication or contact with the adoptive parents. This interaction can vary widely, ranging from periodic exchanges of letters and photographs mediated by an agency to direct, frequent involvement where the birth family plays a non-parental, pseudo-active role in the child's life. The nature and frequency of this contact are typically outlined and agreed upon by both parties prior to placement, often through a post-adoption contact agreement, although the legal enforceability of such agreements varies significantly depending on the presiding jurisdiction.

3. Legal and Psychological Processes

The legal framework underpinning adoption is necessarily rigorous, involving complex, multi-staged procedures designed to verify the suitability of the adoptive home and safeguard the constitutional rights of the biological parents, while always upholding the imperative of the child's stability. A critical component is the voluntary and informed surrender of parental rights by the birth parents, often followed by mandatory statutory waiting periods intended to prevent impulsive decisions and provide a window for reconsideration. Once the termination of parental rights is legally executed, it is typically irrevocable, establishing the clear legal foundation for the new adoptive family unit.

Concurrently, prospective adoptive parents undergo exhaustive scrutiny. Requirements include comprehensive background checks, detailed financial reviews, and mandatory home studies conducted by licensed social workers. These studies assess the physical safety of the environment, the psychological stability of the prospective parents, their capacity for nurturing, and their understanding of adoption issues. The finalization of the adoption typically requires a substantial post-placement supervision period, during which the court monitors the adjustment of the child and the family before granting the final adoption decree.

Psychologically, the adoption process imposes unique emotional burdens on all participants. Birth parents, particularly those relinquishing infants, must navigate profound emotional grief, a sense of loss, and challenges to their identity, often requiring extensive counseling and long-term therapeutic support. Adoptive parents frequently come to the process having struggled with infertility, compounding the high anxiety associated with the intrusive nature of the legal and social work review processes. Following placement, adoptive families face the crucial developmental task of addressing the child's potential issues related to attachment, managing complex identity

formation questions, and addressing the child's origin story in an age-appropriate manner, especially when dealing with older children who carry pre-existing trauma or relational histories.

4. Key Characteristics of Modern Adoption

The Best Interests Standard: Modern adoption statutes across the globe prioritize the concept of the **Best Interests of the Child** as the supreme and non-negotiable standard in all placement decisions. This principle dictates that the court must assess the child's physical, emotional, and developmental needs above the wishes of any adult parties involved.

Regulatory Oversight and Ethics: To counteract historical unethical practices, strict governmental and judicial oversight is maintained across all adoption pathways, including agency adoption (whether public or private), independent adoption, and relative adoption. Regulations are designed to ensure ethical procedures, prevent coercion of birth parents, and safeguard against child trafficking or inappropriate financial transactions.

Post-Adoption Support Services: There is increasing recognition that adoption is a lifelong event requiring continuous support. Consequently, specialized post-adoption services--including mental health counseling, specialized support groups, and resources for managing potential behavioral or identity issues--are becoming standard provisions offered to both adoptive families and adult adoptees.

Varied Pathways and International Regulation: Adoption occurs through multiple channels, including domestic infant adoption, adoption from the foster care system (often involving older children or sibling groups), and intercountry adoption. The latter pathway is heavily regulated by international accords, such as the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, designed to prevent child abduction, sale, or trafficking, ensuring transparency between sending and receiving nations.

5. Significance and Impact

Adoption fulfills a critical societal function by providing permanent, legally secure, and nurturing homes for children whose birth parents are either unwilling or legally unable to provide necessary care, thereby serving a fundamental protective mandate of the state. It profoundly impacts the definition of kinship and family structure in contemporary society, demonstrating that psychological and social bonds can supersede strictly biological ties as the foundation of familial identity.

For the adopted individual, the process is fundamentally linked to identity construction and psychological well-being. While adoption provides security and stability, navigating the reality of biological separation and the dual lineage inherent in their story is a lifelong process. The societal movement toward open adoption is largely driven by a growing psychological consensus that access to one's origins, including biological history and medical background, can be highly beneficial for self-concept, helping to mitigate feelings of genealogical discontinuity or

abandonment often associated with closed systems.

6. Debates and Criticisms

The field of adoption remains subject to intense ethical and operational debates, especially concerning privacy and identity rights. A primary criticism is levied against the continuation of closed records systems, with many adult adoptees and advocacy groups arguing vehemently for the universal right to access their original birth certificates and full health histories. Proponents of openness contend that secrecy infringes upon fundamental human rights to identity, medical history, and self-knowledge. While a growing number of jurisdictions are opening records access, resistance persists, stemming primarily from birth parents who surrendered their children based on explicit legal promises of lifelong anonymity and privacy.

Furthermore, the practice of intercountry adoption has faced significant global scrutiny. Critics raise serious concerns regarding systemic issues such as the coercion of vulnerable birth mothers, inadequate screening of children, and the existence of profit-driven intermediaries that skirt ethical guidelines, sometimes blurring the line between adoption and child trafficking. This focus on matching childless families in wealthier nations with children from developing nations often leads to concerns that efforts to strengthen robust, domestic permanency options within the child's country of origin are being overlooked. Domestically, ongoing ethical debates center on balancing the legal autonomy of birth parents with the state's responsibility to intervene swiftly in cases of chronic abuse or neglect, aiming to prevent children from experiencing extended periods of instability within the temporary foster care system.

Further Reading

[Adoption \(Wikipedia\)](#)

[Child Welfare Information Gateway \(U.S.\)](#)

[Hague Adoption Convention](#)