

## **Adoption Dissolution: Data Mapping in the State of Rio Grande do Sul**

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**Abstract:** Adoption is understood in the Brazilian context as an exceptional and irrevocable act. Statistical data show numbers of adoptions, but there are no official statistics on the return of children/adolescents to institutional care after adoption, even though research indicates the occurrence of the phenomenon. This study sought to map the occurrence of adoption dissolution in Rio Grande do Sul between 2018 and 2020. This is descriptive and documental analysis research on eight processes in which children/adolescents returned to institutional care after the legalization of adoption. Data were made available by the CIJ-RS, referring to all reported cases. Descriptive analyses were performed to map the characteristics of the cases. The results showed non-compliance with what is provided for in the legislation in different areas, especially in the referrals given after adoption dissolution. Further studies on adoption dissolution at the national level are suggested.

**Keywords:** Adoption; Institutional reception; Dissolution of adoption

## **Dissolução da adoção: mapeamento de dados no estado do Rio Grande do Sul**

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## **Introduction**

Adoption in Brazil is governed by the Child and Adolescent Statute [Estatuto da Criança e do Adolescente] (Brasil, 1990) and more recently by the National Adoption Law [Lei Nacional da Adoção] (Brasil, 2009). These norms ensure that the adoption and custody process follows procedures for its legal occurrence. The indication is that this process should only be a last resort, carried out from the institutionalization of the child or adolescent, followed by the removal of family power and thus referral to adoption

(Brasil, 1990; Brasil, 2009). From this perspective, for adoption, the law provides that adopters must go through the registration process for adoption, take courses offered by the National Council of Justice, and be analyzed by a multidisciplinary professional team. When qualified for adoption, they describe the required profile of the child/adolescent and are enrolled in the National Adoption Registry (Cadastro Nacional da Adoção - CNA). The qualification is valid for two years throughout the national territory and must be renewed based on a new analysis (Brasil, 2009).

From the moment a child or adolescent with a profile compatible with that chosen by the adopters is identified, the region's county contacts the adopters to start the adoption process. Thus, after knowing the history of the child/adolescent and the interest of the adopters continuing to exist, the first approximation period takes place. Then, the child/adolescent must be heard so that the involved can understand their perspective on the adoption process and proceed with or halt it. If all agree, the child/adolescent will live with the family for 30 days, which can be renewed for another 30 days. Finally, after the adoption is settled, a judicial sentence highlights the irrevocability of the act, and the adopted child/adolescent is considered to have the same rights and duties as other modes of parenting (Brasil, 1990; Brasil, 2009).

Adoption data are found in the National Adoption and Reception System (Sistema Nacional de Adoção e Acolhimento - SNA) at the website linked to the National Council of Justice (Conselho Nacional de Justiça - CNJ). This website was created in 2019 with the merger of the National Adoption Registry (Cadastro Nacional da Adoção - CNA) and the National Adoption Registry (Cadastro Nacional de Crianças Acolhidas - CNCA) to unify and present all data related to adoption in the country. In May 2021, there were more than 30,000 institutionalized children and adolescents, with 5,000 eligible for adoption nationwide (SNA, 2021).

In Rio Grande do Sul, the numbers reveal 3,423 children and adolescents taken in, of which 658 are available for adoption and 659 are in the adoption process (CNJ, 2021). There have been 549 adoptions since 2019 in the RS, of which 48.8% are girls and 51.2% are boys; 96.4% were described as healthy. Among the characteristics of adoptions, most children were under three years of age and without siblings, 36% were children/adolescents of mixed ethnicity, 27.9% did not inform ethnicity, and 23.4% were designated as white (CNJ, 2021).

Although adoption is irrevocable in Brazil, studies reveal that the phenomenon does occur. The national literature has been calling it *devolução* (return) (Levy, Pinho,

& Faria, 2009; Lima, Bussolo, & Oliveira, 2019; Muniz, 2016), a terminology that has been much discussed (Rossato & Falcke, 2017). Some authors understand that the term “return” may give the perception that the child/adolescent is merchandise (Souza & Casanova, 2018). It could also be seen as the main focus, instead of the adoption process itself, which involves multiple agents such as family and legislation, among others (Lind & Lindgren, 2017; Palacios Jiménez-Morago, & Paniagua, 2015; Randall, 2013).

Other countries where adoption is not irrevocable have a legal provision for adoption disruption –when adoption is interrupted during the legal process– and for adoption dissolution –when the child /adolescent returns to institutional care after having been adopted (Hartinger-Saunders; Trouteaud; Matos Johnson, 2015). Thus, in this study, we chose “adoption dissolution” to name the phenomenon of returning the child/adolescent to institutional foster care after adoption. Although such dissolution is not legal in Brazil, we understand that the phenomenon has happened in practice and that the terminologies used in studies on the theme must be standardized (Brodzinsky & Smith, 2019; Palacios, Rolock, Selwyn, & Barbosa-Ducharme, 2019; Wijedasa & Selwyn, 2017).

In the international context, statistics on the adoption dissolution indicate rates of 2.6% in England (Meakings & Selwyn, 2016), 10.2% in California (Barth, Berry, Yoshikami, Goodfield, & Carson, 1988) and 2% Spain (Palacios et al., 2015), for example. A study in Spain with 69 cases of adoption dissolution sought to understand the characteristics of the process before and after adolescence. The data showed that there is a different profile between the periods of dissolution and how they occurred. Dissolutions before the adopted entered adolescence occurred in the first months of adoption. On the other hand, post-adolescents who returned had spent more time with the adopters and adoption dissolutions were linked to behaviors or violence, such as abuse (Paniagua, Palacios, & Jiménez-Morago, 2019). As previously mentioned, the legislation in those contexts diverges from Brazilian legislation. They allow adoption dissolution, so they have official statistical data that report the phenomenon and research evaluating its risk factors. The authors point out that the main factors for the occurrence of the phenomenon are the child’s age (Paniagua et al., 2019; Smith, 2014), the arrival of adolescence (Maza, 2014; Palacios et al., 2015; Paniagua et al., 2019), number of transitions through foster care institutions (Rolock & White, 2016) and

behavioral and/or emotional problems (Faulkner, Adkins, Fong, & Rolock 2017; Festinger, 2014; White, 2016).

In the national literature, studies seek to understand the damage caused by the phenomenon of returning kids to foster care institutions after adoption from the perspective of professionals, adoptive parents, and children and adolescents (Campos & Lima, 2011; Levy et al., 2009; Lima et al., 2019; Muniz, 2016; Rossato & Falcke, 2017). Professionals indicate children's and adolescents' behavior as the chief motivator for returning them to a foster care institution (Levy et al., 2009; Lima et al., 2019). Adoption parents, in turn, report the lack of monitoring by the State in the post-adoption period and the difficulty in articulating the new demands of parenting (Araújo, 2017; Speck, Queiroz, & Martin-Mattera, 2018). Finally, studies with children and adolescents point to possible damage and emotional scars due to the phenomenon (Alvarenga & Bittencourt, 2013; Campo & Lima, 2011; Lima et al., 2019; Oliveira, Neis, & Falcke, 2020).

A study carried out in Recife, Pernambuco, from 2009 to 2015 revealed, based on the perceptions of foster care professionals, that adopted children and adolescents are returned every two months in the city. The author also informed the possibility of data underreporting, since they did not deal with official sources, but with the memory of professionals from the foster care institutions about the cases attended (Muniz, 2016). We emphasize that the return of the child/adolescent to the foster care institutions after adoption must be notified to the State; however, given the lack of data, we understand that this guidance is not the protocol. The difficulty of obtaining data on adoption dissolution in the national context is highlighted, as there is no legal provision for its occurrence (Shuman & Flango, 2013).

In this sense, seeking to broaden the understanding of the phenomenon and present data that give visibility to adoption dissolution, as its occurrence can generate numerous consequences in the lives of all those involved (Oliveira et al., 2020; Carnaúba & Ferret, 2018; Cruz, 2014; Palacios et al., 2019), this study sought to map the cases in the state of Rio Grande do Sul from 2018 to 2020.

## **Method**

### *Designing*

This is a descriptive, cross-sectional study with document analysis (Creswell, 2010; Gil, 2008).

### *Data source*

Data from eight cases were analyzed in which children/adolescents returned to foster care institutions after the adoption process in the State of Rio Grande do Sul from 2018 to October 2020. Those data were provided by the Department of Childhood and Youth of Rio Grande do Sul.

### *Instruments*

CHECKLIST DATA ON ADOPTION DISSOLUTION: This instrument was created by the authors to meet the objective of the study. The checklist includes data from the adoption process such as: the year of the adoption dissolution; the child's or adolescent's age at the time of dissolution; gender, health situation; whether he/she had a group of siblings; length of time living with the family; reason described in the process for adoption dissolution; and how the court forwarded the case.

### *Ethical and data collection procedures*

This study was submitted and approved by the Research Ethics Committee of the University of Vale do Rio dos Sinos, under protocol 34086220.1.0000.5344. We first contacted the judge responsible for the Coordination of Childhood and Youth of Rio Grande do Sul (Coordenadoria da Infância e da Juventude do Estado do Rio Grande do Sul - CIJ-RS) to analyze the feasibility of the completion of the research project. After permission, due to the Covid-19 pandemic, we collected the data by asking the professionals (social workers) from the coordination in Rio Grande do Sul to fill out the checklist. Thus, the data collected correspond to the cases of adopted children and adolescents who did not remain with the adoptive family, notified to the CIJ-RS by the districts. The identification of those involved was protected, and the documents resulting from the study will remain under the care of the Family and Violence Studies Nucleus (Núcleo de Estudos de Família e Violência - NEFAV) at UNISINOS for a minimum period of five years.

### *Data analysis procedure*

Descriptive analyses were carried out (frequency and percentage) the mapping of the characteristics according to our objectives (children's or adolescents' characteristics; time of coexistence with the families; reason for the adoption dissolution; referrals).

### *Results and discussion*

Data analysis revealed that, since 2018, eight cases of adoption dissolution were notified to the CIJ-RS. We observed that the CIJ-RS professionals called them “frustrated adoptions” [*adoções frustradas*] in the worksheets they completed for our research. Such terminology differs from the literature, which uses “return” [*devolução*] (Levy et al., 2009; Lima, 2019; Muniz, 2016). We believe that “return” is a concept that should not be employed by the responsible bodies, even though “frustrated adoptions” is also full of meaning, as “frustrated” refers to an “action that did not materialize; foiled; whose expectations have not been met; that was not successful” (Dicio, 2021). However, frustration is synonymous with “dissatisfaction, disappointment, heartbreak, failure, setback, failure”, serving the use of the word frustrated to adjectivize the process, not to describe it. Thus, the research suggests one should reflect on the lexicons used and standardize them to treat the phenomenon because the different names impact the invisibility of reliable data (Brodzinsky & Smith, 2019). Therefore, we chose the term adoption dissolution in this study, even understanding that it is not a legally viable terminology in Brazil.

The legislation that regulates adoption provides for the irrevocability of the adoption process after settled (Brasil, 1990; Brasil, 2009). However, the data presented highlight the phenomenon, which needs to be guided by discussions in the legal and social context. Among the analyzed cases, three occurred in 2018, three in 2019, and two in 2020. Thus, using the number of cases of adoption in RS made available by the National Adoption and Reception System (Sistema Nacional de Adoção e Acolhimento - SNAA), we found that in 2018 there were 598 cases of adoption, in 2019, there were 412 cases, and in 2020, there were 177 cases (SNA, 2021). In this way, we can infer a rate of 0.6% of adoption dissolutions over the last three years in the state, considering the cases notified by the responsible districts.

This index is lower than that found in international studies (Barth et al., 1988; Meakings & Selwyn, 2016; Palacios et al., 2015), but considering that the phenomenon

occurs legally in other countries, the comparison is not possible. Even so, a national study on the same theme in Recife presented the rate of occurrence of dissolutions and ruptures in adoption from the perspective of foster care professionals. The data pointed out that every two months, a child or adolescent is returned to foster care in Pernambuco (Muniz, 2016). Although Muniz's (2016) study reports data from Recife, it is clear that there may be differences between the notifications made by reception professionals and by the districts. In addition, considering the data from professionals who follow adoption and dissolution cases in Rio Grande do Sul heard in Rossato's (2020) study, the phenomenon occurs in different cases monitored throughout their professional activities. Finally, we highlight that returning to foster care after adoption must be notified by the districts to the state coordination; so, one might think that cases are being underreported (Oliveira, 2021).

Table 1 presents the description of the cases. Among them, the characteristics of the eight analyzed cases are highlighted:

**Table 1. Case Descriptions**

	Year	Age at adoption dissolution	Gender	Health situation	Time of coexistence	Reason for dissolution	Group of siblings	Forwarding
Case 1	2018	3 years	Male	Healthy	30 days	Negligence	No	Return to foster care and new adoption
Case 2	2018	13 years	Female	Healthy	1,825 days	Inadaptation	No	Return to the foster care institution, remaining so far
Case 3	2018	16 years	Female	Healthy	160 days	Lack of compatibility	No	Return to foster care and be out of foster care upon coming of age
Case 4	2019	14 years	Male	Healthy	210 days	Suspected sister abuse	Yes	Forwarded to a couple who had a socio-affective bond
Case 5	2019	16 years	Female	Healthy	210 days			
Case 6	2019	17 years	Male	Healthy	931 days	Lack of compatibility	No	Return to foster care and new adoption
Case 7	2020	14 years	Female	Healthy	2,920 days	Lack of binding	Yes	Referral to biological family and follow-up with CRAS
Case 8	2020	18 years	Female	Healthy	2,920 days			

Regarding the children and adolescents described in the adoption dissolution occurrences, five were girls, and three were boys, all described as healthy and aged between three and 18 years ( $M= 13.88$ ;  $SD= 4.70$ ). The literature agrees on gender regarding adoption dissolution, and different studies point to the occurrence of both genders (Coakley & Berrick, 2008; Hartinger-Saunders et al., 2015), as observed in this study. Research data also indicate that entering adolescence is a risk factor for adoption dissolution (Maza, 2014; Palacios et al., 2015; Paniagua et al., 2019). In this sense, corroborating the literature, the data presented here highlight that seven of the eight dissolution events occurred during adolescence. This data makes one reflect on the importance of long-term monitoring of adoptive families, as the risk of dissolution may be more linked to the stage of development than to the time spent living with the family.

The time of adoption of the children/adolescents was counted from the approval of the legal process, thus excluding the period of cohabitation provided by law and before final custody. The cases presented heterogeneity in the periods of stay in the adoptive family, starting from 30 days and going up to 2,920 days of coexistence. In a single case, the dissolution happened in the first month of the process, which was linked to the parents-per-adoption's negligence. In the other cases, we see that the motivation for the adoption dissolution was linked to issues of violence and, mainly, to the adolescents' behavior. This perspective is in line with a study carried out in Spain, which indicates that adoption dissolutions during adolescence are marked by a longer period of coexistence and are mainly motivated by the adoptees' behavior (Paniagua et al., 2019). Adolescence is generally a challenge for families (McGoldrick & Shibusawa, 2016), and in the adoptive context, studies show that adopters who seek a late adoption need to question themselves about their availability for bonding (Costa Peixoto et al., 2019). Moreover, the link between adolescence and the autonomy and independence period is highlighted, showing the divergence in parent-child relationships in adoption (Paniagua et al., 2019).

In the literature, in general, the main motivators for adoption dissolution are linked to the children's and/or adolescents' behavior (Faulkner et al., 2017; Festinger, 2014; White, 2016). In the analyzed cases, we found the following motivators: negligence ( $n=1$ ), inadaptation ( $n=1$ ), lack of compatibility ( $n=2$ ), suspected sexual abuse ( $n=2$ ), and lack of bonding ( $n=2$ ). From this perspective, the data of "lack of compatibility" and "lack of bonding" possibly point to the difficulty of establishing the parent-child bond. This data underscores the importance of developing filiation and

parenting roles to assist in the development of the adoption process (Dornelles, 2009; Junqueira, 2014; Lawler, Koss, & Gunnar, 2017; Levy-Soussan, 2010; Oliveira et al., 2020; Silva, 2018; Zornig, 2010).

The bond in the adoption process is gradually constructed (Resmini, 2018). Studies point out that follow-ups in the post-adoption period can help adopters to overcome the difficulties encountered when dealing with the demands of parenting and thus reduce cases of dissolution (Araújo, 2017; Speck et al., 2018). Considering the data on the length of time the adoption lasted and the motivations alleged for the dissolution, this study indicates the need for greater detail about the descriptions of “lack of compatibility/lack of bonding” in periods of adoption that lasted up to 2,920 days. Such data demonstrate that the family life period was long enough to establish this bond, but the justifications for the difficulty are unclear. This research stresses the amount of information that is missing for the understanding of such complex experiences.

Regarding the referrals made in the analyzed cases of adoption dissolution, we perceived a new institutionalization: referral to another adoptive family and an occasional return to the family of origin with follow-up of the Social Assistance Reference Center (Centro de Referência de Assistência Social - CRAS). In the latter case, there is a clear breach of what is provided for by law, as removing family power implies unbinding the child/adolescent from the family (Brasil, 1990; Brasil, 2009). In this sense, we ask how institutionalization, the destitution of family power, adoption, return to foster care and the follow-up of the family of origin by CRAS teams could have occurred, when this act is foreseen and indicated to occur as first aid for the families whose rights are violated even before the institutionalization of the child/adolescent (Brasil, 1990; Brasil, 2009). The data are also fragile in relation to the post-dissolution referral, as they consider exclusively the place where the child or adolescent was allocated, without information about the (psychotherapeutic, for example) follow-ups offered to those involved.

### **Final considerations**

Considering the objective of this study of mapping data from the state of Rio Grande do Sul regarding adoption dissolution, we observe shared characteristics among the eight cases studied. The onset of adolescence was presented as a risk factor for adoption, showing two aspects: first, the phenomena experienced at this stage of the life cycle must be better understood so that families can have the necessary support for

bonding construction in the adoption processes; second, there must be long-term post-adoption follow-ups. We noticed that the reasons given for adoption dissolution were linked, mainly, to the behavior of the child/adolescent, violence, and the lack of bond between children/adolescents and families. Once again, we highlight how much the family follow-up in the post-adoption period by competent professionals to assess risk situations and trained to carry out early interventions would be fundamental to guarantee the rights of children and adolescents.

The non-compliance with legislation in different areas throughout the processes studied here is also highlighted. Even without legal provisions, there are increasing adoption dissolution cases in Rio Grande do Sul and nationwide. Thus, we understand that the irrevocability of the adoption as ensured by the law has not guaranteed the permanence of children and adolescents in their new homes and may be contributing to hinder the recognition of the real dimension of the problem, in addition to hindering the creation of public policies and services that can help reduce cases.

Through studies carried out with professionals who work in adoption dissolution cases in Rio Grande do Sul, it is possible to identify underreporting, i.e., cases that have not been notified by the districts to the state coordination and which, therefore, could not be included in this study. A limitation of this study is that it was done during the Covid-19 pandemic, which resulted in data collection made available by the institution's professionals and not directly through the researcher's contact with the cases. New research is suggested in this context, especially to expand the data to the national scenario, helping develop public policies and measures to prevent the phenomenon.

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