

Adoption in England and Wales - the twentieth century

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- Adoption – ‘classic adoption’ – the popular picture of a childless married couple adopting an unknown baby – really only existed for 50 years – 1920s -1970s
- Even then it was never as simple as that. Pre 2WW a substantial minority of single people – even some men – adopted children.
 - And in the 1950s, a third of illegitimate children being adopted were adopted by their mother or father on their own or by their birth parent with a new partner.
 - And another group of adoptions during this period were of children being adopted by their divorced parent’s new partner.

Before this ‘classic era’ there was a form of adoption in the early 20C – probably closer to what happens now – Poor Law adoption

- Poor Law Guardians – precursors of local authority social services – could take over parental rights for children who were ‘deserted’ or orphans or whose parents were disabled or judged impaired or unfit to have control of them. It could be revoked.
- There has been little research on this but it appears that ‘parental neglect’ was the reason most children were ‘adopted’ in this way
- Most of these children would be fostered out with long-term foster parents but in theory they remained under care of the Guardians who were meant to visit them at least twice a year.
- By the 1920s it appears that Poor Law adoption was in decline. As the Clerk to Southwark Guardians reported in 1920, this was because of “the difficulty of finding really suitable foster parents” even though the Ministry of Health had relaxed the regulations.

- No adoption legislation in the UK until 1926
- Unlike most English speaking countries in the British Empire and former colonies
- First adoption legislation in the UK was the Adoption of Children Act 1926 which covered England and Wales
- It was followed by the Adoption of Children (Northern Ireland) Act 1929 and the Adoption of Children (Scotland) Act 1930

Why did the legislation happen then?

- Growth of organised adoption and adoption societies during and after the First World War
- Pressure from adoption societies, adopting parents and children's charities and the NCUMC for the legalisation of adoption
- The 1920s were an era of domestic legislative reform – divorce and guardianship reform, opening up the professions to women, more sympathetic treatment of infanticide etc - and finally giving women the vote on the same basis as men in 1928. Adoption legislation could be seen as part of this.

What did the legislation say?

- Not a great deal – it was an enabling Act. For the first time it gave all adopting parents the right to go to a court to get a secure legal entitlement to keep their adopted child.
- It laid down that adopters must not be under 25 years old or less than 21 years older than the child
- Married couples could make a joint application to adopt but otherwise applications must be in one name only. Single men could not adopt female children except in ‘special circumstances’.
- If adoptive parents died intestate their adopted children would have no rights to inherit from their estate – too big an encroachment on ancient property rights.
- It didn’t make adoption completely secret – so that relinquishing parents and adopted children could never trace each other, as adoption societies wanted – but it made it hard for them to do so.

What did the legislation not say?

A great deal

- There was no compulsion on adopters to legally adopt their child so informal adoption could continue
- Apart from a 'guardian ad litem' report for the court which was often scanty there was no regulation of the adoption process either before or after the legal proceedings

After the 1926 Act – what happened?

- The Act proved popular – by the mid 1930s over 5000 children were being legally adopted every year
- But concern grew about the way adoptions were carried out, eg:
 - everything was very casual and haphazard - even the most reputable adoption societies rarely interviewed prospective adoptive parents or looked at their homes, and they sometimes made only the most rudimentary checks with referees.
 - notorious maternity homes passed babies on to adoptive parents – taking fees from both parents and the birth mother
 - children were shipped overseas, without any checks or safeguards, particularly to the Netherlands where adoption was frowned on by the authorities

STAMP OUT

our Baby Sellers!



THURSDAY,

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An appalling traffic in unwanted babies is going on to-day, and as the law now stands nothing can be done to end it. There are, incredible as it may seem, unscrupulous people all over the country who make a substantial living by dealing in babies as casually as if they were bales of merchandise and as heartlessly as if they were slaves.

Some operate individually in a modest way; others form themselves into societies with pretentious aims and objects. But in neither case are they under any obligation to register or to give a proper account of themselves.

The baby-farmers, whom we have more than once denounced, are bad enough. They play the part of foster parents—at a price.

At this new aspect of profiteering in unwanted babies, it is much worse. For the baby trader can operate on a much bigger scale, and not only charges a fee for taking the unwanted child, but extracts still another from those who become its foster-parents.

Only the other day we had the shocking case of the Lincolnshire baby traders, Walter and Mary Field, who secured control of six little mites and when one of them died mysteriously had the body consigned to the river.

Well might the magistrate, who sentenced these heartless wretches, declare that they had never heard of a more discreditable case.

In London alone there are countless bogus baby-adoption offices. There is, in fact, nothing to prevent anyone from taking a room and advertising for children or adopters, and charging fees which are often as high as £150.

The fact that 29,000 children are born to unmarried mothers in the course of a normal year provides these people with a big initial field for exploitation.

BUT, apart from this, unwanted babies are to be found readily enough. They may be the children of separated or divorced parents. They may be orphans left to the mercies of callous relatives or "friends." They may even be children that parents themselves don't want.

The adoption of such children by childless couples, or single women moved by the



Little bundles of humanity sold as if they were bales of merchandise

This concern, led by organisations like the NSPCC and the NCUMC , resulted in the setting up of a Departmental Committee to look at the whole issue of how adoption was being carried out in England and Wales.

It was chaired by Miss Florence Horsbrugh MP who was later the first Conservative woman to be a member of the Cabinet.

It presented its report in 1937, citing numerous examples of poor practice and making a number of recommendations which eventually resulted in the Adoption of Children (Regulation) Act 1939. The implementation of this was delayed by the onset of war.

But by 1942 there were so many stories of malpractice of babies being swapped around on railway stations and given away through newspaper adverts that an exception was made and the law was brought in, in June 1943.

The *Sunday Dispatch's* correspondent, 'Elizabeth Ann' claimed to organise at least two adoptions a week through the 'Sunday Dispatch Wartime Aunts Scheme'.

She wanted to free up adoption still further. One of her articles in August 1942 was headlined:

"If You Want to Adopt a Baby—You Will Find a Lot of Red Tape in the Way".

It continued:

"I am looking for someone with a pair of shears sharp enough to cut through a tangle of red tape that is threatening the lives of hundreds, probably thousands of future citizens of Britain ...the red tape ...is that concerned with the business of adoption." (*Sunday Dispatch*, 23 August 1942)

Egs of classified ads in local papers:

"Wanted—some baby-lover to adopt baby girl; love only—Alderson, Flat 3, 182 Lavender Hill, Enfield, Middx". (*Kentish Independent*, 22 August 1941)

"Offered for Adoption, 4 months old baby girl, all rights forfeited—Write P7428, 'Guardian' Office, Warrington". (*Warrington Guardian*, 16 August 1941)

The Adoption of Children (Regulation) Act 1939 began the process of regulating adoption and giving local authorities much of the responsibility for this – although very few were directly involved with organising adoptions.

Measures included:

- adoption societies would have to register with local authorities. The societies would now have to have proper procedures for approving adopters and organising probationary periods and other safeguards.
- financial inducements around adoptions were banned, as were personal adoption adverts
- Informal (ie unlegalised) adoptions were to be regulated by local authorities

Post 2WW

- Immediately post-war, the Curtis Committee findings led to the Children Act 1948 which reorganised children's services into the care of local authorities. It praised adoption as a possible method of dealing with children in care but considered 'boarding out' (fostering) as a more realistic option for children who still had parents living.
- Interviewing the Home Office representative in August 1945 they asked why there were more parents wishing to adopt than children available – “considering how many destitute children there are..?”
- The gist of his reply is not utterly dissimilar from what might be said now:

“There are a large number of factors that contribute to that. One of them is that there are a large number of quite unsuitable people always wanting to adopt children...Then of course there are a great many destitute children who are not available for adoption [because] either their parents are not willing to agree, or their state of health is not suitable. I think mostly the people who want to adopt children want them under the age of two, and I understand from the Societies that the very great majority want girls”.

The 1950s

- More legislation at the end of the 1940s meant that the adoption process was a more streamlined process; the relinquishing parent now had no way of finding out who was adopting her child.
- However it did not alter the rather chaotic way adoptions were arranged – only an estimated quarter of adoptions were carried out by registered adoption societies. Apart from the London County Council very few local authorities were involved with arranging adoptions on any significant scale so all the rest were mainly informal arrangements by friends and acquaintances, or individual professionals like doctors and matrons.
- The Hurst Committee, another Departmental Committee on adoption in 1954, recommended greater involvement of local authorities in adoption – and also suggested that almost any child was adoptable, even if disabled - up to now only healthy white children had been seen as possible adoption material.
- The number of legal adoptions had risen in 1946 to over 21,000 but during the 1950s there were around 13,000 a year.

Child migrants

- The emigration of UK children to British colonies goes back several hundred years but in this context it is most relevant that in the 1950s and 1960s between 3,000-7,000 children were shipped to Australia and a combined total of over 1000 were sent to New Zealand, Rhodesia and Canada - statistics are incredibly vague and for a long time the British Government denied the post-war programme had happened. The final party arrived in Australia in 1970.
- The reasoning behind this was that countries like Australia needed “good, white British stock” – as opposed to the Italians and Greeks who were beginning to migrate there in large numbers in the 1950s. And for the children it was meant to be the chance for a better life.
- In Australia their treatment in large remote institutions in the 1950s is now particularly notorious and the Australian PM Kevin Rudd made a much-publicised apology for it in November 2009. Gordon Brown made a similar but much less publicised apology in February 2010.
- Most of the children involved were in children’s homes or foster care in the UK but in many instances their parents were still alive, if unable to care for them. Many parents were not told their children were being sent overseas; some were told their children had died or been adopted in the UK. Similarly many of the children were told their parents were dead – only to find, 40 or 50 years later that they had not been.

The 1960s

- 1968 saw the peak number of adoptions in England and Wales – over 24,800.
- Official statistics were never very detailed (minimal before the 2WW) but it appears that during the 1960s efforts were made to facilitate Black, mixed race and disabled children being adopted. Some of the adoption societies were completely unprepared to do this but others did so.
- Throughout this immediate post-war period almost 40% of children were adopted by one of their own natural parents. Just over 60% were adopted by other relatives and non-related people and over 90% of these non-parental adoptions involved illegitimate children.
- After 1968 a decline began in the number of illegitimate children offered for adoption as abortion and contraception became more available and as society's attitudes to unmarried mothers changed. The stigma continued but limited levels of social security, childcare and housing were increasingly available so that more and more unmarried mothers could keep their children.

The 1970s

1972 – the Houghton Committee reported on adoption. Its recommendations were incorporated in the Children Act 1975 and Adoption Act 1976.

- Aimed to ‘professionalise’ and regulate adoption work.
- This would be part of a “well-integrated and integrated childcare service” in which local authorities would be central.
- Adoption societies (still carrying out majority of stranger adoptions although already declining in influence as fewer babies available for adoption) would have to work closely with local authorities and would be subject to much more stringent approval criteria – but those that were approved would have greater autonomy. Indeed many small ones subsequently closed down – but the survivors became large and professional.
- Other recommendations which were implemented included the introduction of “freeing a child for adoption”, if necessary by court order against parental wishes.
- And most famous and most controversial – giving adopted adults in England and Wales the right to obtain a copy of their original birth certificate.

1980s onwards

- Rapid decline in adoption from the 1960s. By 1980 registered adoptions had more than halved (10,600) – then halved again to 1998 (4,300). In the years since then it has gone up and down but the total is always between just over 4000 to just under 6000.
- In the 1950s over a third of adoptions involved babies – by 1980 it was 24%, by 1998 – 4%. In 2011 it was 2%, but more children aged 1-4 years were being adopted (62% - cf 34% in 1998).
- Decrease in available babies has changed the nature of adoption. Most adoptions are now about children being adopted out of local authority care.
 - In 1952 these were only 3.2% of all adoptions;
 - In 1968 they were 8.7%.
 - In the 1990s they were a third or more of all adoptions.
 - In 2011-12, 3,695 (3,450 in England and 245 in Wales) children were adopted from care out of the total 4,777 adoptions in England and Wales, (77.3% of the total).