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Abstract

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case basis, but that each student should be given a “basic [floor] of opportunity.” California follows this basic floor of opportunity standard. When the parents and the school districts disagree as to the appropriateness of a child’s educational program, due process procedures are delineated by the IDEA to help resolve the disagreement. Dr. Goetz, however, encourages parents and their attorneys to attempt to negotiate and settle with the school districts informally in order to maintain a relationship that could endure up to eighteen years.

The presumption in IDEA is that no one knows a child better than his or her parents. Over fifteen years of experience has shown Dr. Goetz that parents are their children’s best advocates in both creating and obtaining appropriate educational programs to ensure their children’s success.

JOAN HOLLINGER

Professor Hollinger, a leading scholar on the legal and psychological aspects of adoption, advocated the importance of post-adoption contact for children who are adopted from the dependency system. Children who are adopted hold a legacy from their past and are not “blank slates.” Adoptive parents committed to the best interests of their children are sensitive to their children’s needs to open up or maintain lines of communication with their birth families.

Professor Hollinger discussed several approaches to initiating post-adoption contact. The “choosing” approach describes when biological parents select the parents they want to adopt their child. This approach protects individual rights and allows private decision-making with regard to intimate family matters. In the “retrospective” approach, a child has access to sealed adoption records at the age of majority. He or she gains information about his or her origins and may choose to reunite with their biological family. This may occur with or without the support of the adoptive parents. The “participatory” approach is the most flexible, but also the most frustrating. In this approach, the biological parents can maintain some contact with the child after the adoption is finalized, but the scope of the contact is often ill-defined and the amount of contact may be infrequent and sporadic. Anecdotal evidence suggests, however, that children who have the option of having contact with one or both birth parents report greater satisfaction than children who do not have any contact, especially if the

children had lived for awhile with that birth parent before being adopted.

Most states recognize that a legal adoption can coexist with ongoing contact with the birth family and that the performance, or failure to perform, a post-adoption contact agreement does not affect the validity of the adoption. Yet, despite allowing open adoption agreements, many states are silent on whether these agreements are enforceable. Even when provisions are made for the enforceability, the remedies are often unclear. For example, it may not mean much for a birth parent to be able to enforce a contact or visitation agreement if he/she cannot afford an attorney. Much remains to be done, particularly in the context of dependency proceedings, to protect children's established ties to their birth families as well as their rights to permanent adoptive families.

KATHY JOHNSON

Kathy Johnson is an adoptive mother of two children adopted as infants from Eastern Europe and a volunteer for Kidsave International Summer Miracles Program. She said that adopted children, especially internationally adopted children, are developmentally behind peers. Children in regular family settings start school at age five on average. Children in the dependency system generally start school at age eight. These children have no history of school and are overwhelmed by their recent move to another country and exposure to a completely different culture and language. These children are also physically smaller than their peers due to malnourishment. As a rule, adopted children lose one month for every three months in an orphanage, which is called age appropriateness.

Schools should place these children in earlier grade levels than their age would normally warrant allowing them an opportunity to "catch-up" to their peers. Many of these children have problems such as attachment disorder, post-traumatic stress disorder, poor expressive verbal skills, and even fetal alcohol syndrome. Because of their special needs, these children need more advocates because schools are reluctant to provide special services for them. Many of these children are intelligent and want to learn. They just need advocates to help them.