

Social Work/Maatskaplike Werk

A professional journal for the social worker

Vol. 59, No.1, 2023

Doi: <https://doi.org/10.15270/59-1-1094>

w: <https://socialwork.journals.ac.za/pub> e: socialwork@sun.ac.za eISSN: 2312-7198 (online)

ETHICAL GUIDELINES FOR ADOPTION SOCIAL WORKERS IN SOUTH AFRICA: THE DELPHI PROCESS

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Article accepted: 28 February 2023

ABSTRACT

Adoption involves dealing with legal and ethical complexities, competing rights and addressing the long-term implications for those involved. The principle of the best interests of children and protecting their rights must guide the process. Currently, no ethical guidelines are in place to address South African adoption practices. This article focuses on the findings of a rapid review of relevant national and international ethics documents and adoption guidelines. The Delphi method was used to identify the challenges in adoption-related practices, as well as to develop and refine ethical guidelines for South African adoption social workers, to be included in the South African Council for Social Service Professions Policy Guidelines for Course of Conduct, Code of Ethics, and the Rules for Social Workers.

Keywords: adoption practice; adoption social work; ethical dilemmas; adoption ethical guidelines

INTRODUCTION

Adoption is an important placement option that should be considered for children who do not receive permanent care from their biological parents. Every child has the right to family or parental care, according to the South African Constitution (RSA, 1996), the United Nations Convention on the Rights of the Child (UN, 1989), and the African Charter on the Rights and Welfare of the Child (African Union, 1990). The provision states unequivocally that parents or family members are the preferred caregivers, but it also recognises that family or parental care includes care provided by an adoptive parent (Ozah, 2020). In addition, this provision is

prioritised in the South African Children's Act 38 of 2005 (RSA, 2006) and the Department of Social Development's Adoption Policy Framework and Strategy (DSD, 2010a).

The purpose of adoption is to protect children and to promote the goal of permanency by providing stable and permanent family care. Adoption is a legal process in which the parental obligations and rights of a child's biological parent/s or guardian/s are permanently terminated and transferred to the adoptive parent/s. The Practice Guidelines on National Adoptions (DSD, 2010b), the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (HCCH, 1993), and the United Nations Guidelines for the Alternative Care of Children (UN, 2010) all state that adoption-related procedures and matters must be of the highest quality and based on the best interests and rights of children. Although adoption promotes permanency in a family care setting, it has long-term implications for everyone involved. While the physical separation between the parties is common, a psychological bond that revolves around specific themes endures (Moore, 2012). At the heart of adoption lies decision-making about complicated issues, such as the preferences of birth parents, the severance of family bonds, infertility, genetics, race and culture, loss of identity and possession, and ownership (Koh & Kim, 2020).

Adoption is frequently described as controversial in the field of child protection as it involves the conflicting rights of children, birth parents and adoptive parents (Vorster, 2015). Freundlich and Phillips (2000) confirm that the competing rights of the parties involving knowledge, autonomy, respect, privacy and equity are ethically relevant. Adoption-related ethical dilemmas evolve over time - adopted children grow into adults, and their knowledge of their DNA and historical identity becomes relevant (May & Fullerton, 2020). According to Schweitzer and Pollack (2006), ethical dilemmas in adoption might include the following: a breach of confidentiality regarding the medical status of parties involved, contacting references as part of the screening process, biological mothers 'shopping' amongst adoption service providers to compare potential financial gain, or attempts by mothers to exclude biological fathers. The Donaldson Adoption Institute conducted a study on the impact of the internet on adoption, finding that it is widely used in a variety of positive ways, while also increasing the commodification of children and commercialisation by for-profit brokers (Howard, 2012). This concerning trend confirms the presence of possibly difficult ethical issues within this field of practice. According to Howard (2012), social media, search engines, blogs, chat rooms, webinars, photo listings and other modern communication technologies are reshaping adoption practices. As a result, critical ethical, legal and procedural concerns about adoption professionals, legislators and affected parties are raised (Howard, 2012).

A further major concern in terms of adoption ethics is the continuing drop in the number of children placed, while the demand for children to adopt remains high. This trend encourages illegal and unethical practices. A comparison is frequently made between child trafficking and lawful adoptions. In Kenya, a suspension on resident and inter-country adoptions was recently imposed in response to allegations of child trafficking in connection with adoptions (Kamau & Gitau, 2019). According to the South African Department of Social Development (DSD, 2010b), children are frequently considered commodities because of the involvement of professional fees and costs in adoptions (Vorster, 2019), which might raise ethical concerns. A

better understanding of the ethical issues around the role of race and culture in adoption is also required (Blackie, 2014). Post-adoption support should be improved, particularly because of the ethical concerns about adoptive parents who are left to care for traumatised children (Featherstosne, Gupta & Mills, 2018). According to the findings of Waid and Alewine (2018), families are most in need of support after adoption, particularly during family developmental transitions, as adoption social workers make recommendations that affect the entire lifespan of the parties involved.

Conflicting rights and ethics must be taken into account during the adoption process regarding decision making, legal interventions and counselling. The International Federation of Social Workers (IFSW) developed an ethical code of conduct for social workers that has been accepted by several countries and revised to fit their distinctive needs (NASW, 2017). In South Africa, adoption social workers are also bound by the general code of ethics and rules for social work professionals (SACSSP, 2011). This code was written broadly to apply to social workers in a variety of practice roles and does not address the specific complex challenges related to ethical issues that can arise in decision making and application in adoption practice. Adoption in South Africa is a specialised area of childcare and protection and is regulated by the Children's Act (RSA, 2006), the Children's Second Amendment Act 18 of 2016 (RSA, 2017), and the Social Service Professions Act 110 of 1978 (RSA, 1978). The adoption social worker has the responsibility to maintain unquestionable ethical standards with respect to adoptions and to assist all the parties of the triad in such a way that they negotiate the adoption process in accordance with the spirit of the definition of adoption services (DSD, 2010b). The National Practice Guidelines on Adoptions (DSD, 2010b) provides some practice guidance to social workers when dealing with adoption; however, it does not provide a standardised ethics guideline in dealing with the numerous unique ethical challenges and dilemmas. In a study done by the Human Sciences Research Council of South Africa on the beliefs and perceptions of South Africans about adoption, Mokomane and Rochat (2010) report that practising social workers experienced a lack of consistency and uniformity in the interpretation and implementation of legislation because of limited knowledge and understanding of the unique dynamics of adoptions.

The Children's Second Amendment Act (RSA, 2017) makes provision for social workers in the employment of the DSD who have specialised in adoption services and are registered in terms of the Social Services Professions Act (RSA, 1978) to also render adoption services. The majority of social workers in the employ of the Department of Social Development were historically excluded from rendering adoption services. They therefore frequently do not meet the prescribed requirements to register a speciality. Rochat, Mokomane and Mitchell (2016) and Luyt and Swartz (2022) confirm in their research that participants raised the topic of a lack of access to good and quality adoption services, with specific reference to a lack of knowledge among government social workers regarding the adoption process. The findings indicate significant problems in the implementation of adoption services, including the lack of adoption services by the social workers of the Department of Social Development. The outcome of the ruling of the high court of South Africa in KwaZulu-Natal in the matter between the National Adoption Coalition of South Africa and the Head of the Department of Social Development for the Province of KZN and Others, (SAFLII, 2020) supports the fact that there is a lack of

consistency in the interpretation and implementation of the National Practice Guidelines on Adoptions as well as the Children's Act regarding adoption.

Adoption in South Africa has been promoted by the government in recent years, ensuring permanency and stability for children, and social workers are central to the implementation of the Adoption Policy Framework and Strategy (DSD, 2010a). However, there has been little discussion about the role of the social worker in adoption with regard to ethics and human rights. The situation was similar in the United Kingdom and in 2016 the British Association of Social Workers (BASW) commissioned an Enquiry into the role of the social worker in adoption with a focus on ethics and human rights. This was to provide BASW with up-to-date knowledge and evidence from key stakeholders: social workers, managers, adult adoptees, adoptive parents, birth parents, siblings, policymakers and academics on this aspect of social work practice, with a particular focus on how ethical and human rights issues and legislation are understood and inform practice (Featherstosne *et al.*, 2018). Taking into account the complex decisions the adoption social worker must make, ethical guidelines specific to South African adoption practice could provide significant guidance to address specific challenges related to ethical practices in the adoption process. The findings of the study could assist adoption social workers and policymakers with ethical guidelines to improve adoption services.

RESEARCH METHODOLOGY

The aim of the study was to develop ethical guidelines for South African adoption social workers. The Delphi qualitative research method was used. This method entails the researcher repeatedly asking experts in the field to respond to a specific question in order to reach a consensus on an issue (Kezar & Maxey, 2016). The Delphi method brings together specialists and professionals from a wide range of disciplines who would otherwise be unable to communicate as a group because of geographical and time-related scheduling constraints. This method consists of a series of rounds in which experts provide their opinions on a certain matter (Habibi, Sarafrazi & Izadyar, 2014), and the three-round process allows for refinement (de Meyrick, 2003).

Participants

The Delphi panellists were representatives of the three professional sectors in adoption, two members of the South African Council for Social Service Professions (SACSSP) who specifically deal with adoption issues; four presiding officers of the children's court who issue adoption orders; five adoption social workers of accredited adoption organisations; and five accredited social workers in private practice. These 16 members of the panel were chosen because of their substantial expertise in matters concerning adoption ethics. Equal representation for each group were ensured, resulting in balanced reporting from the different groups.

Data-collection process

During the first round of this study the panellists were asked one open-ended proposition: Identify dilemmas resulting from complex ethics in adoption and make suggestions for possible

solutions that can be used to develop ethical guidelines for adoption social workers in South Africa.

Following the first round, the dilemmas identified and possible solutions were integrated with the information gained from the rapid review. Key concern areas relating to ethical dilemmas in adoption (Creswell, 2013) were constructed. As a preliminary draft, the Delphi panellists' responses to these important areas were proposed as ethical guidelines (Koh & Boisen, 2019). The panellists were then invited, in the second round, to respond to each point to clarify agreements or disputes. The draft was forwarded to the panellists for revision during the third round. New concepts and ideas were incorporated until data saturation was reached. The process was terminated once consensus was established, and no new information was submitted to further modify the recommendations.

The Delphi technique was used to ensure that the study was carried out in a credible manner. Due care was devoted to ethical considerations and there were no risks involved for the panellists who participated in the study, while confidentiality was maintained.

RESEARCH FINDINGS AND DISCUSSION

Eleven major themes emerged in relation to the perceived ethical problems arising in the South African adoption process. The primary ethical themes and the suggestions posited by the Delphi panellists are discussed below.

Theme 1: Adoption challenges involving competing and conflicting rights of parties could span a lifetime

The Delphi technique yielded several ethical difficulties relating to competing rights amongst the parties, both during the adoption procedure and throughout their lives. The right of prospective adoptive families to children appears to be a primary priority, rather than finding suitable families for children in need. This involves the pre-identification of children in temporary care for adoption who have not yet been pronounced legally adoptable. A potential conflict between the rights of birth parents regarding autonomous decision-making and the rights of the extended family emerged, as indicated:

The families are often not even aware that the mother is pregnant; this brings issues of secrecy and privacy rights, and confidentiality. (Panellist 1)

The panel's responses indicate that the ability of adoption social workers to be completely neutral could be compromised. The panellists concluded that the rights of birth moms to make autonomous decisions regarding their unborn children's futures are not always protected. The adoption process participants usually seek to persuade biological mothers not to consider or choose adoption. One panel member, who was supported by seven other panel members, suggested that general hospital staff and non-accredited adoption social workers who lack specific expertise should avoid involvement in adoption counselling. However, it was pointed out that because of a shortage of professionals in certain contexts, this might not be viable. Engagement and capacity building should rather be developed.

The right of birth parents to state a preference regarding the placement of children with prospective adoptive parents pending the legal finalisation of the adoption could be viewed as controversial. Practice models of social workers also vary significantly in this regard.

The rights of parties involved in adoption should be balanced. Adoption social workers must be competent and need training in how to counsel adopted children, birth parents and adoptive parents. Moreover, they should be aware of the different perspectives, beliefs and values that play a role in the adoption process (Siegel, 2013). All parties affected by adoption should have a right to appropriate post-adoption support and services (Featherstone *et al.*, 2018).

Recommendations for ethical guidelines

All adoptions should be approached from a child-centred perspective and whenever possible, children should be involved in the adoption decision-making process. The adoption process should focus on the children in all considerations and decisions, and their rights and interests must supersede any other rights of the parties involved.

Parents who relinquish their children for adoption must be given all relevant information concerning the implications of their decision. Adoption social workers should approach adoptions with cultural awareness, but cultural bias should not influence the birth parents. A uniform pre-identification protocol should be developed and implemented when children are placed in temporary care. The practice requirements for adoption social workers in private practice and accredited child protection organisations should be reviewed.

Theme 2: Ethical concerns about the exploitation, solicitation and coercion of birth parents to consent to the adoption of their children

The Delphi panel's feedback clearly highlighted that there are numerous ethical concerns about the possible exploitation of birth parents and families involved in adoption. It was perceived that birth parents are frequently subjected to unfair pressure to relinquish their children for adoption. It was further suggested that adoption is often prematurely given as an option and marketed as the 'ideal type of placement'. This typically occurs when preventative protective measures are absent, such as family preservation and extensive counselling, leaving desperate birth parents with limited support and possibilities.

As an adoption social worker, you cannot function in isolation. You need support from other resources and colleagues. Private social workers cannot give alternative options to the birth mother as her focus is adoption. (Panellist 3)

The Guide to Good Practice (HCCH, 2012) and the Practice Guidelines on National Adoptions (DSD, 2010b) emphasise that the exploitation and coercion of birth parents in adoptions should be avoided at all costs. These guidelines further specify that it is the responsibility of relevant authorities to guarantee that consent processes are in place to ensure that adoption occurs only after all the required consents have been obtained in an ethical manner (HCCH, 2012).

Recommendations for ethical guidelines

The practice guidelines for national adoptions should address the legal, policy and practice requirements to identify, trace and counsel all parties. All relevant stakeholders should receive

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adoption training on protocol, the rights of consenting parents, ethical considerations and role division during initial engagement and the referral process. Presiding officers must be trained to determine whether consent was granted in an ethical manner and to consider factors such as prior counselling choices, involvement of extended families, legal constraints, excessive pressure applied, and whether parents knew their rights. Before a case is identified for adoption, an accredited *Child Protection Organisation (CPO)* should conduct an initial inquiry into the need of children for care and protection before adoption services are offered.

Both the national adoption practice guidelines together with the practice and organisation policies should address ethical challenges with respect to social media.

Theme 3: Adoption costs and professional fees, and potentially unethical financial gain

The findings from the Delphi technique revealed that the adoption fees charged by different categories of service providers vary quite drastically. Fees charged by social workers in private practice are currently not legally determined. The absence of a reasonable costing model for the different categories of adoptions and service providers, and the absence of the uniformity, standardisation and consistent monitoring of all categories of service providers contributes to the public perception that adoption is a business, which often discredits credible adoption service providers. The study also found an unrealistic expectation is created by social workers regarding prospective adoptive applicants who prefer to adopt from a specific race, such as white babies or children, even though limited numbers of children from this race group are legally available for adoption.

Potential financial gains in an adoption process remain a contentious area of concern within child protection. Some adoption social workers allow direct financial compensation to birth parents regarding housing, studies and transport needs by prospective adoptive applicants. However, this is in breach of the Children's Act, Section 249(2)(a) (RSA, 2006).

According to the Guide to Good Practice issued by the Hague Conference on Private International Law in 2012 (HCCH, 2012), the charging of reasonable fees is supported rather than adoptions with no costs involved. It is not realistic to provide a professional service without covering costs. Adopters may encounter charges for professional services that are not subsidised in a system that is otherwise 'cost-free'. However, service providers rendering child protection and adoption service in terms of Section 157 and 233 of the Children's Act (RSA, 2006) should have non-profit objectives. The Department of Social Development and SACSSP should take responsibility for overseeing the costs imposed.

Recommendations for ethical guidelines

The Delphi panel proposed the following ethical guidelines to be adopted:

- Social workers should be able to invoice clients for operating costs and expenses incurred during an adoption process, as recommended by the Association of Social Workers (ASW);
- Reasonable uniform tariffs/schemes should be developed and applied to various practice settings;

- A regulating body should examine the fees collected and the services provided. Both private practice adoption social workers and CPOs charging professional fees should be monitored and controlled. Practitioner accreditation that violates the provisions of the Adoption and Permanence (Professional Licences) Act should be investigated;
- Non-profit aims should be pursued by service providers providing child protection and adoption services in accordance with Sections 156 and 233 of the Children's Act (38 of 2005). Individuals who cannot afford a fee should be able to receive the service free of charge, either from the Department of Social Development or designated CPOs that receive funding;
- Adoption accredited and designated CPOs providing adoption services must have the competency, infrastructure and governance structure to meet specific operating standards;
- South Africa has a free-market system relying on supply and demand. Prospective adoptive applicants should have the freedom to use the services of any legally prescribed and compliant adoption service provider.

Theme 4: Concerns about the importance and relevance of the right to privacy and confidentiality in adoption

The findings suggest that the role of privacy and confidentiality in adoption may raise ethical concerns. The significance of secrecy extends beyond just one partner to the whole adoption life cycle (Reamer & Siegel, 2007). When presiding officers order adoption social workers to place advertisements to track down alleged biological fathers and in this way reveal identifying information about birth mothers and children, the rights of birth parents and children to privacy in adoption are jeopardised in South African adoption practices.

It is a legal requirement of the court. It is a sensitive issue, as it discloses the identity and details of the birth mother. (Panellist 6)

Confidentiality and the right to privacy are covered in the South African Policy Guidelines for Course of Conduct (SACSSP, 2011), which regulates the process of protecting privacy. The code urges social workers to safeguard the confidentiality rights of parties. However, there are several circumstances in which confidential information might be disclosed, as in court subpoenas. It is critical that in such cases, parties are informed prior to the disclosure of confidential information.

The Professional Board for Social Work has also released an opinion on adoption confidentiality (SACSSP, 2018). Without the express consent of the court, it is prohibited under Sections 74 and 305(1)(b) of the Children's Act (RSA, 2006) to publish any information connected to proceedings that may reveal the identity of children who are involved. A court's request to include identifying information about biological mothers in advertisements would be a severe violation of their constitutional right to privacy, as guaranteed in Section 14 of the Constitution (RSA, 1996). Furthermore, directing social workers to broadcast the names of biological mothers, or to include family members in a decision that goes against the preferences of the parents, is unconstitutional and a violation of standard 5.2.1 of their code.

Recommendations for ethical guidelines

- Disclosure of potentially confidential information should be communicated during the initial stage, and the decision to proceed with adoption should include an understanding of a prospective disclosure. Adoption service providers should take the necessary precautions to protect parties and their rights to privacy and confidentiality.
- When disclosures occur, adoption service providers are legally compelled to inform clients of the boundaries of confidentiality.
- Adoption service providers and child and adolescent care centres should tightly manage marketing campaigns for recruiting and fundraising purposes to avoid the commercialisation of adoptions and potential child targeting. The disclosure of personal information and the publication of confidential information for donation/funding purposes require immediate attention.

Theme 5: Concerns raised about the implementation of Section 239, and the function of provincial adoption panels

According to Section 239 of the Children's Act (RSA, 2006), an application for an adoption order must be supported by a recommendation letter from the Head of Social Development. The Department has established adoption panels to serve as decision-making platforms for issuing Section 239 letters to ensure that all adoption protocols are followed and that legal compliance is exercised (DSD, 2018).

The Delphi panel found that, according to Section 239 of the Children's Act (RSA, 2006), several ethical issues that appear to be associated with adoption panels and the panel accordingly raised concerns regarding competency. These issues include potential breaches of confidentiality because of adoption panel size; the alleged lack of adoption-specific expertise or competence, and even insight of panel members on how to function responsibly; and alleged unethical behaviour by adoption panel members during panel meetings. Some adoption panels also insist on notifying families of biological parents (above the age of 18) who have consented to the adoption of children without the permission of the consenting birthparent. The Department of Social Development has developed a standard operating procedure for panels to achieve a standardised process for managing adoptions across all provinces. According to the Delphi comments, the goal and functions of these adoption panels are unclear, and there is no established methodology in place in most sectors. There have been several documented lawsuits as a result of delays in children's entitlement to permanent family care as a result of a complex process. These reported cases are: *D and Another v Head of Department of Social Development* (SAFLII, 2021); *TT and Another v Minister of Social Development and Others* (SAFLII, 2023); and the case of *Kobus Herbst, Kenneth Williams Tempitope v The Presiding Office of the Children's Court* (Schindlers Attorneys, 2018). In a more recent case, the case of *NACSA v. the Head of the Department of Social Development, KwaZulu-Natal* (SAFLII, 2020), the High Court ruled that the current process for assessing Section 239 petitions violates various fundamental rights of adoptable children, birth parents and prospective adoptive parents. Furthermore, the strict deadline of processing adoptions within 30 days places increase pressure on the procedure.

It was recommended that the proposed ethical guidelines address the standardised composition and competency of panel members, who should be senior social workers with previous experience in child protection and adoption. The purpose of these panels should also be specified in the ethical guidelines.

Recommendations for ethical guidelines

- The composition and qualifications of panel members should be clearly defined and standardised. Senior social workers with prior child protection and adoption expertise should serve on panels. The purpose of these panels should be defined in a policy.
- These panels should oversee the quality and depth of investigations and should not be overly critical of the job done, nor should they insist on personal approaches or viewpoints, but rather focus on what is best for the children. Legislative compliance requirements should be viewed as a secondary concern.
- Panel proceedings should be based on nationally regulated norms, standards and terms. Panel members should be knowledgeable about confidentiality requirements, and all information should be treated with respect.

Theme 6: Issues related to using the internet in adoption

The findings suggested that the widespread use of the internet could have a significant influence on the global commercialisation of adoptions. Concerns have been raised about the use of social media platforms and marketing campaigns to promote adoptions; the use of personal information and stories about children for marketing purposes; fundraising; and desperate birth parents and prospective adoptive parents who use the internet to initiate adoption.

The panel members agreed that the internet poses a risk in terms of protecting the privacy and confidentiality of involved parties. Illegal, unsupervised and unethical support during reunification sessions between parties in non-disclosed adoptions using social media platforms is becoming increasingly widespread and might have legal and ethical consequences. According to Howard (2012), social media, search engines, blogs, chat rooms, webinars, photo listings and a variety of other modern communication tools — all facilitated by the internet — are transforming adoption practices, challenging current laws and policies, providing unprecedented opportunities and resources, and raising critical ethical, legal and procedural issues related to the adoption professionals, legislators and affected parties.

Adoption service providers need to develop a policy on marketing and the use of social media platforms, according to Delphi panellists. This will protect the rights of children to privacy and confidentiality, and promote the best interests of children. There is currently no specific policy addressing potential unethical marketing which can result in exploitation of children. The panel also recommended that adoption service providers adopt a zero-tolerance approach to child exploitation.

Recommendations for ethical guidelines

The use of marketing in child adoption should be done in such a way that it focuses on the best interests of children and children within adoptions are not treated as a means. Adoption practices should take into account new concepts and techniques. The eventual goal should not be the complete severance of relationships during the origin and open adoptions and/or post-adoption agreements. Policies on marketing campaigns and the use of social media platforms should be developed by organisations. These campaigns should preserve the privacy and confidentiality rights of children and promote their best interests.

Theme 7: Concerns about a lack of competency, education, training and knowledge of adoption ethics

According to the findings, many role-players and social workers involved in adoption decision-making processes lack experience, the required postgraduate training, and an understanding of the ethical and legal complexities associated with adoption, which is regarded as a specialised field in South Africa. The disparities in how the various children's courts operate were also emphasised. Concerns have been expressed that the SACSSP requirements for registering a specialist in adoptions in South Africa are not standardised. According to the Children's Act (RSA, 2006), there are three types of service adoption providers: private practice social workers, DSD employees and CPO personnel. Each of these categories has its own set of requirements. Many of the Department's and CPO's social workers lack postgraduate and adoption-specific skills. Furthermore, it was clear that adequate supervisory systems are not always in place:

It is important to have standardisation and uniformity in the practice of adoption for all adoption service providers, including private social workers. (Panellist 8)

According to Mokomane and Rochat (2010), social workers in South Africa lack consistency and uniformity when interpreting and implementing adoption legislation as a result of limited knowledge and understanding of the unique dynamics of adoption. A lack of social workers and resources also has a detrimental impact on the industry. Social workers must be aware of adoption-related literature and have postgraduate education training on how to engage with parties involved in the adoption process within complicated service, legal, and ethical frameworks. Adoption social workers, according to Siegel (2013), must have certain skills.

The national Adoption Policy Framework and Strategy (Department of Social Development, 2010a) emphasises that the complexity of adoption necessitates the involvement of highly skilled and competent social workers. Adoption services are mostly provided in South Africa by social workers from accredited non-governmental organisations, and by social work professionals in private practice. Most departmental social workers have done little adoption work other than referring cases to non-governmental organisations and private practice social workers. According to Mokomane and Rochat (2010), this group of social professionals was historically largely excluded from providing specialised adoption services in South Africa, and the problem may be exacerbated by the Second Amendment Act's inclusion of social workers from the DSD, because they need specialised training and support.

Recommendations for ethical guidelines

- Adoption social workers should be required to have comprehensive knowledge of the childcare and protection systems, as well as the adoption process. A basic understanding of human rights based on ethical adoption practices should also be required by social workers working with children and young people.
- A specialised approach to adoption should be promoted in South Africa's social welfare and judicial sectors. Accreditation criteria and specialist requirements should take specialised postgraduate training and experience into account.
- Adoption is a lifelong commitment. Training parties involved in the adoption process necessitates an understanding of the attitudes, beliefs, views and values that need to be instilled in social workers.

Theme 8: Issues regarding the role of openness and compulsory disclosure in adoptions

Two significant topics about ethical considerations emerged. Children have the right to be informed about their adoptive status, as well as their right to personal and background information after adoption.

The Delphi panel reported that there are still many adoptions in which adoptive parents refuse to reveal to their children that they were adopted. They recommend that the principle that children have a right to be informed about their identity should be included as an ethical guideline, in accordance with the United Nations Convention on the Rights of the Child (UN, 1989) with regard to seeking and receiving information. The book by Keefer and Schooler (2000), *Telling the Truth to Your Adopted or Foster Child* emphasises that intentional disclosure should be a prerequisite in adoption.

The importance of informing a child about his/her heritage is emphasised throughout the process with the adoptive parents. However, we do not always have control over it. In the end, it is the adoptive parents who will decide whether to tell or not to tell the child. In certain cultures, some parents do not believe in telling their child that he/she is adopted. They believe that the child will turn against them. (Panellist 9)

Conflicting views were expressed regarding the rights of children to receive information about their birth parents and the circumstances that led to their adoption, as this might infringe on the right of birth parents to privacy. According to Zappala and Johnson (2009), the rights of birth parents and adoptive parents to privacy and confidentiality in adoption should be based on the principle of mutual consent, which protects the birth parents' right to privacy and the children's desire to access personal information about themselves. Concerns were raised about certain cultural settings: mothers do have the right not to disclose their adoption decision to family members. Adoption social workers and/or adoptive parents frequently obstruct children's access to background and adoption information owing to a lack of awareness, understanding or training. During adoption court procedures, the rights of parties to see and receive copies of reports and supporting material are frequently ambiguous. Access to information is often refused in circumstances of non-disclosed adoptions, but the rights of children to their background information should be respected.

Recommendations for ethical guidelines

- The conflicting rights of adoption parties should be balanced. The rights and best interests of children should be the priority.
- The idea that children have a right to knowledge about their biological identity and background should be affirmed in accordance with the United Nations Convention on the Rights of the Child (UN, 1989) regarding information seeking and receiving.

The potential conflicting rights of extended families to participate in decision-making versus the rights of biological mothers to exclude them should be approached with cultural awareness. The best interests of the children and values relating to self-determination, autonomy and confidentiality must be taken into account.

Theme 9: Adoption issues include addressing cultural and racial bias in a multiracial society

The findings of the panel highlighted that the presence of cultural bias during an adoption decision-making process could raise ethical concerns. Many adoption service providers are unaware of the significance of cultural beliefs in adoptions. Moreover, adoption processes, in general, do not represent an integration of cultural diversity. Race and culture are vital aspects, and our racial identity influences our lives and the way we perceive ourselves. Race must be discussed and children must be assisted to understand their racial ancestry and the way that it impacts on them (Arise, 2018).

According to Mokomane and Rochat (2010), various socio-cultural ideas, attitudes and norms contradict widespread perceptions about the objective of adoption. According to their research, adoption is not commonly regarded as a culturally acceptable alternative. The report also suggests that cultural behaviours and beliefs influence care methods and contribute to South Africa's low adoption rates. Adoption is often referred to as a public, social and political issue. Culture and the setting in which adoption occurs are extremely important (Mokomane & Rochat, 2010). Based on the facts provided, it appears that socio-cultural attitudes and views may impact on decision-making in South Africa regarding adoption procedures and associated matters. Taking into account the finding of considerable cultural hostility to adoption, cultural prejudice must be addressed in the suggested ethical guidelines. To avoid cultural prejudice in adoption practices, it is recommended that adoption service providers be acutely aware of their own cultural bias — they should approach adoption with cultural awareness. When it comes to human rights and cultural practices, Asomah (2015) contends that cultural rights should not be disregarded simply because they conflict with other human rights.

Recommendations for ethical guidelines

- Adoption social workers should approach adoption with sensitivity to cultural differences. Cultural bias should not interfere with the ability of social workers to make objective and sometimes tough decisions.
- Practitioners should be competent and capable of guiding adoptive parents and children in developing skills (parent education) that will assist them to understand racial and cultural identity needs and develop a healthy racial identity throughout an interracial adoption.

- Policies, such as the Register for Adoptive Children and Adoptive Parents (RACAP) (Department of Social Development, n.d.) are strictly enforced to limit interracial adoptions, leaving many children of colour without permanent families. Cultural awareness should be taken into account in the adoption process, but it should not be the only consideration. Human rights and the best interests of the children should be the guiding principles.

Theme 10: A lack of uniformity in South African adoption practices in the recruitment of prospective adoptive applicants, screening, matching, networking, placement and post-adoption support

The Delphi technique findings indicated that there are significant variances in norms and standards in the recruiting, screening and preparation practices of the adoption process. Some practitioners follow a stringent process, including psychological assessments and mandatory attendance of preparation courses, while others merely conduct a few interviews. This lack of standardisation might result in inconsistencies, and quality service delivery could be jeopardised.

The panellists agreed that the ethical guidelines should include uniform policies, norms, standards and practice guidelines that address possible service gaps and ethical problems. Post-adoption services should be made compulsory. Individuals affected by adoption expressed a need for additional specialised services to be provided to them throughout their life, according to a British Association of Social Workers (BASW, 2014) inquiry and research done by Featherstone *et al.* (2018).

Recommendations for ethical guidelines

- A clear policy position on organisationally-based criteria for recruitment methods, the assessment of suitable and proper adoptive applicants, and mandatory minimum norms and screening standards are needed. The matching and placement process of children should be done according to practice guidelines.
- A clear policy position and procedures for the placement of children with prospective adoptive parents prior to determining the legal ‘adoptability’ of children are urgently needed.
- Clearly defined rules and criteria for ethical networking to avoid potential supersession and competitiveness amongst service providers are essential.
- A firm policy position and adoption guidelines on dealing with siblings, children with special needs, and older children are of the utmost importance.

Mandatory parent education and adoption planning, as well as minimum norms and standards in this field, are necessary. Post-adoption services, precise minimum norms, criteria and laws for the necessary post-adoption services must be improved.

Theme 11: Concerns when adoptions are not part of an integrated approach to child protection

Adoption professionals, according to the Delphi panellists, do not always approach the adoption process from a holistic child-protection standpoint. Adoptions are frequently handled as a ‘standalone’, and adoption service providers are unfamiliar with the legislative requirements and practices relevant to child protection. Adoption social workers in private practice are particularly vulnerable, because the scope of their practice is primarily focused on adoption. Accredited CPOs are mostly designated to render other statutory services, and their scope of practice should be broader. Section 157 of the Children’s Act (RSA, 2006) mandates various interventions and forms of alternative care based on the requirement of ‘best interest’.

Recommendations for ethical guidelines

- Adoption should form an integral part of child protection. Prior to statutory intervention, a holistic approach that includes preventative and support services should be used to preserve families and avoid family disintegration. Adoption should be included in broader social programmes addressing poverty and inequality. Adoption social workers should have prior expertise in other areas of child protection and statutory services. Individuals affected by adoption should have a voice in the relationship between their social deprivation and statutory involvement.
- Birth mothers should be educated on adoption issues, and courts should play a larger role in educating them on their options. Social workers should report on measures taken to assist parents with reunification services aimed at preventing out of family placement, as specified in Section 157 of the Children’s Act (38 Of 2005). Social workers should be aware that respecting the rights of children also involves acknowledging the rights of parents and families, and that portraying adoption as the ‘preferred’ or ‘ideal’ placement choice should be avoided at all costs.

CONCLUSION AND RECOMMENDATIONS

According to the authors, there is substantial evidence that adoption ethics are complex. Many aspects of adoption raise ethical concerns, including competing rights among parties to information, autonomy, respect, privacy and equity. There is a compelling need to better understand openness, the role of race and culture in adoption planning, and post-adoption services. There are powerful market forces influencing policy and practice in child adoption in South Africa and around the world. The identification of these issues provides a foundation for ethically shaping adoption policy, legislation and standards of practice.

The rapid review and Delphi technique identified important themes of ethical issues in adoptions globally and particularly in South Africa. Based on the reviewed literature and research findings, it is proposed that ethical guidelines for adoption social workers include the following important ethical standards and be presented to the South African Council for Social Service Professions to add as an annexure to the Policy Guidelines for Course of Conduct, Code of Ethics and the Rules for Social Workers (SACSSP, 2011):

- Balance of competing and conflicting rights of parties in long-term adoptions;
- Prevention of exploitation, solicitation and coercion of birth parents to consent to adoption;
- Prevention of commercialising children for illegal financial benefit;
- The privacy and confidentiality rights of adoptive parties during the adoption process and throughout their lives must be respected and protected;
- Legal and ethically sound adoption panel processes;
- Ethical marketing strategies in adoptions;
- High and uniform standards of adoption competency;
- The fostering of openness and transparency in adoptions;
- Promotion of cultural and racial awareness in adoptions;
- Standardisation of adoption practices in South Africa relating to the recruitment of prospective adoptive applicants, screening, matching, networking, placement and post-adoption support;
- Positioning adoption as an integrated part of child protection in South Africa.

Although the Delphi method is a versatile research tool that elicits expert opinions that can be used for forecasting and issue identification, policy development, or as in this research study the development of ethical guidelines for adoption social workers, it also has limitations. The limitation of this study was the difficulty for Delphi panellists to commit to providing feedback for more than two to three rounds because of their own work and time constraints. It is recommended that the ethical guidelines developed here be further explored in a focus group discussion with adoption social workers.

During the Delphi process, two key themes relating to ethical concerns were not incorporated in the recommended ethical guidelines. One theme relates to the need to have a specialised approach to adoption within the social welfare and judicial sector in South Africa. A future study exploring the functioning of children's courts and the need for specialisation in this area can be recommended.

The interpretations of some of the findings strongly suggest that key role players and adoption service providers view the purpose, relevance and process of adoptions very differently. A study aimed at exploring these perceived differences can provide meaningful insights into the different challenges that are experienced in adoptions in South Africa.

The authors are also of the opinion that the findings identified significant differences in the adoption approaches and practice models used in the various categories of legally mandated adoption service providers, namely social workers in private practice, accredited CPOs and adoption social workers employed by the DSD. A qualitative study aimed at identifying and exploring these differences can provide critical insights into the public perception of the fragmented and inconsistent nature of South Africa's adoption.

The study's findings revealed that there are a limited number of guidelines, ethical codes and policies addressing ethical issues in adoption available in South Africa. There were no case references or formal opinions on what constitutes appropriate professional conduct in the

adoption process. The lack of such ethical practice guidelines leaves social workers with no point of reference when addressing complex questions about adoption ethics. Practicing social workers express concerns about the ambiguity of what constitutes sound ethical practice, and they express a desire for more explicit points of reference to measure the appropriateness of their practice decisions and behaviours. It is recommended that further studies on the ethical issues implicit in adoption practices in South Africa are done.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest regarding the publication of this article.

ETHICS APPROVAL STATEMENT

This study received approval from the Health Research Ethics Committee (HREC) of the North-West University, Faculty of Health Sciences (NWU-00114-18-S1).

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