

# INTERRUPTED RELATIONS:

## *The Adoption of Children in Twentieth-Century British Columbia*

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**I**N EFFORTS TO MATCH RESOURCES with obligations for children, Canadians have regularly employed diverse strategies. In British Columbia, as elsewhere, many biological mothers and fathers have turned to sharing or giving up the care of offspring for intervals from a few days to forever. Parents and children have often attempted to set some of the terms of their separation. The history of adoption in British Columbia supplies one part of this complicated story of interrupted relations. This article takes up the issue of such negotiations in two main parts. In the first, it reviews the efforts of the BC state to determine the adoption of Canadian children over the course of the twentieth century. In particular, it outlines critical options and constraints confronting biological kin. The second section considers how birth parents, families, communities, and adoptees themselves have tried to negotiate the terms by which children have been exchanged. Their efforts profoundly influenced the experience of adoption. As this account demonstrates, both regulation and resistance have contributed to the diversity that is the hallmark of modern family life in British Columbia.

“Interrupted Relations” is part of a broader study of English Canada’s encounter with adoption.<sup>1</sup> Many issues, including international adoption

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<sup>1</sup> This study is tentatively entitled “Belonging: English-Speaking Canadians and Adoption from the Mid-Nineteenth Century to the 1990s.”

and *in vitro* fertilization, go unexamined here. Attention to efforts to sever and to affirm the “ties that bind” is not intended to romanticize or over-estimate the claims and agency of kin.<sup>2</sup> Nor does it suggest that regulators and resisters exist in necessarily hostile camps. Alliances of convenience and substance could develop between those who surrendered progeny and social workers, the preeminent agents of the welfare state.<sup>3</sup> The distinctions that follow do, however, reflect influential dynamics in the construction of modern Canadian families.

#### LEGISLATING ADOPTION 1920-95

The first modern adoption laws – in 1851 in Massachusetts, USA, followed in Canada by New Brunswick in 1873 and Nova Scotia in 1896 – challenged the longstanding common law principle that parents could not divest themselves of legal responsibilities for offspring. They also signaled critical changes in thinking about how to deal with disadvantaged youngsters. First, a mounting sentimentalization of childhood called for girls and boys to be protected and dependent within nuclear families. Second, modern society’s growing bureaucratization demanded the formalization of obligations and rights. Third, fear of youngsters unregulated by respectable families increased.<sup>4</sup> A more complete transfer of girls and boys from one set of domestic authorities to another offered one solution to such concerns. By the time it crossed the Canadian Rockies in 1920, legal adoption had become a recognized part of the arsenal of modern child welfare. While policy makers and front-line workers often took considerable liberties in interpreting their mandate, legislation set terms fundamental to the experience of adoption.

<sup>2</sup> For other studies that point to families’ efforts to retain relations, see D. Purvey, “Alexandra Orphanage and Families in Crisis in Vancouver, 1892-1938,” in *Dimensions of Childhood: Essays on the History of Children and Youth in Canada*, ed. R. Smandych, G. Dodds, and A. Esau (Winnipeg: University of Manitoba Legal Research Institute, 1990), 107-33; B. Bradbury, *Working Families: Age, Gender and Daily Survival in Industrializing Montreal* (Toronto: McClelland and Stewart, 1993); and S. Posen, “Examining Policy from the ‘Bottom Up’: The Relationship between Parents, Children, and Managers at the Toronto Boys’ Homes, 1859-1920,” in *Family Matters: Papers in Post-Confederation Canadian Family History*, ed. L. Chambers and E.A. Montigny (Toronto: Canadian Scholars Press, 1998), 3-18.

<sup>3</sup> The most compelling account of the dilemmas of Canadian social workers remains James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State, 1914-1941* (Toronto: University of Toronto Press, 1983). See also the effective defence presented by social worker J.B. Timpson, “Four Decades of Child Welfare Services to Native Indians in Ontario: A Contemporary Attempt to Understand the ‘Sixties Scoop’ in Historical, Socioeconomic and Political Perspective” (PhD diss., Wilfrid Laurier University, 1993).

<sup>4</sup> The best Canadian treatment of these shifts remains P.T. Rooke and R.L. Schnell, *Discarding the Asylum: From Child Rescue to the Welfare State in English Canada, 1800-1950* (Lanham, MD: University Press of America, 1983).

The British Columbia Adoption Law of 1920 looked simultaneously forward to the adopters and back to the relinquishing kin. As one leading Canadian legal expert, Gilbert Kennedy, professor of law at the University of British Columbia and provincial deputy attorney general, put it, the twentieth century saw a “piecemeal” transfer of “particular rights and obligations from the natural to the adopting family, leaving the common law to fill in the gaps.”<sup>5</sup> Adopted children might inherit from both “natural” relatives and adoptive parents and their legal offspring. Both old and new kin might inherit from adoptees. Secrecy or confidentiality went unmentioned, although “the fact of illegitimacy shall in no case be referred to in the order of adoption.”<sup>6</sup> Unwed mothers’ disadvantages were recognized, at least implicitly, by a 1922 amendment that made their consent unnecessary when their whereabouts were unknown.<sup>7</sup>

An amended Adoption Act introduced modern casework principles in 1935. The superintendent of child welfare was charged to report formally on the adopter(s), the child, and the natural parents. The introduction of a one-year probationary period reassured nervous adopters of time to test the relationship. Much as Ontario had done in 1927, British Columbia sharply limited access to information: only judicial authorization could permit the searching of legal documents relating to the adoption.<sup>8</sup> For adoptees the past was a foreign country to which they were given no maps. Birth parents were not – as they might when placing children in orphanages or reformatories – to retain contact.

Increasingly, adopted children were legally reconstituted as full substitutes for natural offspring. Distinctions such as that marked by a 1945 court decision that prevented an adoptee from inheriting “as the ‘child’ of the adopter” were targeted as relics of less enlightened

<sup>5</sup> G.D. Kennedy, “The Legal Effects of Adoption,” *Canadian Bar Review* 33, 7 (1955): 752. See the largely positive assessment of Kennedy’s 1955 position by R. Splane, a leading Canadian social worker and later professor of social work at the University of British Columbia, “The Legal Effects of Adoption,” *Canadian Welfare* (1 February 1957): 273–5.

<sup>6</sup> See BC Statutes 1920, “An Act Respecting the Adoption of Children.” Until very recently, illegitimacy was very stigmatizing. The abolition of distinctions between “legitimate” and “illegitimate” children has long been a progressive goal. See the argument in Kennedy, “New British Columbia Legitimacy Legislation,” *University of Toronto Law Journal* 14, 1 (1961–62): 122–5. Much later, in 1975, the BC Royal Commission on Family and Children’s Law (hereafter BCRFCFL) chaired by Chief Justice Tom Berger, wished to remove legal and social disabilities of children born out-of-wedlock. It proposed to abolish the status of illegitimacy. When the NDP lost in 1975, the new Social Credit government ignored this recommendation. It was, however, incorporated in Ontario’s Law Reform Act, 1977.

<sup>7</sup> BC Statutes 1922, An Act to Amend the Adoption Act.

<sup>8</sup> BC Statutes 1935, An Act to Amend and Consolidate the Enactments Respecting the Adoption of Children.

times.<sup>9</sup> In 1953 an amended Adoption Act for the first time made adoptees equal in inheritance rights to those “born in legal wedlock” to the adoptive parents. Reluctance to dissolve earlier property relations survived in the maintenance of the right of “inheritance and succession to real and personal property” from natural parents or kindred,<sup>10</sup> but mounting determination to rid children of the past soon doomed this provision.<sup>11</sup>

Legislative revisions in 1956 and 1957 made a child, adopted in British Columbia or elsewhere, the same as if he or she “had been born to that parent in lawful wedlock.” The only remaining connections to the natural kin dealt with prohibitions on incest and marriage.<sup>12</sup> Just as significantly, legislation allowed the exclusion of the public from hearings and further concealment of children’s identity. The question of natural parents’ consent to adoption and their right to revoke, which drew a mixed response from Canadian courts in these years, also received attention.<sup>13</sup> The prohibition of consent from birth mothers during the first ten days after delivery and the requirement of affidavits confirming “free and voluntary” agreement promised more informed surrenders that could not readily be overturned. Other clauses limited occasions for consent. In the event of the failure of adoption, birth parents maintained no rights regarding previously surrendered youngsters. Nor did the “subsequent marriage of the natural parents to each other” give birth fathers any claims. Finally, unless a court decided it was “in the best interests of the child,” an expression often used to benefit adoptive parents, consent once given was deemed irrevocable.<sup>14</sup>

In the 1960s a series of housekeeping amendments further affirmed the permanency of surrenders. Revisions re-emphasized the necessity of informed consent by birth parents, but the relative power of adults in the adoption circle was revealed by the provision that prior adoptions remained valid even if accompanying affidavits “failed to state that

<sup>9</sup> See B.D. Inglis, “Adoption, the Marshall Case, and the Conflict of Laws,” *Canadian Bar Review* 35 (1957): 1027–45.

<sup>10</sup> Kennedy, “Legal Effects,” 815.

<sup>11</sup> On the growing faith in a fresh start in modern Canada, see Veronica Strong-Boag, “‘Today’s Child’: Preparing for the ‘Just Society’ One Family at a Time in 1960s Canada,” unpublished paper, January 2005.

<sup>12</sup> G.D. Kennedy, “British Columbia’s New Adoption Legislation,” *University of Toronto Law Journal* 12, 2 (1958): 297.

<sup>13</sup> See L.K. Penrod, “Adoption in Canada” (Master of Laws, University of Alberta, 1986), 101–7.

<sup>14</sup> BC Statutes 1957, An Act Respecting the Adoption of Children. On the evolution of the “best interests of the child” doctrine in Canada, see S.B. Boyd, *Child Custody, Law, and Women’s Work* (Toronto: Oxford University Press, 2003), 190–1 and passim. See also C. Lindgren, “In the Best Interest of the Child: What Does That Mean? Child Adoption Legislation in Twentieth-Century Sweden,” paper presented at the European Social History Conference, Amsterdam, 1998.

the person consenting appeared to understand fully” what they were signing.<sup>15</sup> In 1964 the reduction of the probationary period to six months from one year before which a final adoption order could be applied for similarly signaled the preference for moving on to new families. In 1968, legislation specified that parental agreement was unnecessary after a child became a permanent ward of the superintendent of child welfare or of a children’s aid society. Only that official or agency had to consent to adoption. Still more notable in demarcating past and future was the requirement that adoption petitions refer to the child “by the birth registration number only” and leave unmentioned the names of the natural parents, except where “necessary.”<sup>16</sup>

Legislative enactments from 1920 to the 1960s meant that, as Attorney-General Kennedy put it, “In a nutshell, adoption is not a separate status with its own rights and responsibilities, but merely a new form or mode of acquiring status as the legitimate child of parents.”<sup>17</sup> The shift brought accolades from provincial child welfare workers whose views were expressed in the *Annual Report* of the Social Welfare Branch in 1956: “Adopted child’ is a term heard more and more often with pride and satisfaction in every strata [sic] of society ... For the child, through the love and understanding of adopting parents and kindred, it holds promise of ... healthy development – physically, mentally, emotionally, and spiritually.”<sup>18</sup>

While individual social workers were often committed to sustaining families and placing children with relatives,<sup>19</sup> they appreciated the potential for fresh starts.<sup>20</sup> Recognizing the hardships facing single parents and increasingly influenced by psychological, rather than moral, explanations for illegitimate births, post-Second World War experts were very tempted to urge the unmarried to move on with new lives and to leave children, the younger the better, behind.

Reconstituted families promised a brave new world of tolerance and inclusion. The regional administrator for the northwest region, which included Terrace, Prince Rupert, and a number of reserves,

<sup>15</sup> BC Statutes 1961, An Act to Amend the Adoption Act.

<sup>16</sup> BC Statutes 1968, An Act to Amend the Adoption Act.

<sup>17</sup> Kennedy, “British Columbia,” 298. See also G.D. Kennedy, “Adoption in the Conflict of Laws,” *Canadian Bar Review* 34, 5 (1956): 507–63 regarding residence and domicile and the recognition of foreign adoptions.

<sup>18</sup> British Columbia, Department of Health and Welfare (hereafter DHW), Social Welfare Branch (hereafter SWB), *Annual Report* (hereafter AR) for the year ending 31 March 1956, p. 56.

<sup>19</sup> See, for example, the arrangement of allowances for an aunt and uncle parenting children of a mother admitted to a sanitarium and for grandparents caring for deserted youngsters in British Columbia, DHW, SWB, AR for the year ending 31 March 1950, 29–30.

<sup>20</sup> British Columbia, DHW, SWB, AR for the year ending 31 March 1954, 56.

rightly worried about the very high proportion of foster kids who were Native – some 85 percent in 1962 – but he was greatly relieved to report that “it is good to see many of these children being adopted by white foster parents.”<sup>21</sup> Similar optimism dominated the first province-wide Adoption Conference in 1967. Religious authorities, policy makers, social workers, and adopters voiced the prevailing sense of progress in hailing new homes for diverse groups of youngsters. In the same decade, liberal-minded BCers opened branches of the Open Door Society to facilitate inter-racial adoptions. And in 1968 the Department of Social Welfare won the Silver Anvil Award from the Public Relations Society of America for “the outstanding contribution of Departmental staff, Children’s Aid Societies, community groups and many volunteers in their imaginative adoption recruitment and interpretation programmes. The programmes included the first adoption recruitment campaign, the JEFF (Joint Effort for Fostering) programme, foster parents’ and youth conferences, the Open Door Society, and the adoption conference.”<sup>22</sup>

A year later, the Department cited its own growing awareness of “the global needs of people” to explain its cooperation with the Adoption Resource Exchange of North America (ARENA). Under its auspices, children, unable to find homes in the province, were placed in Canada, the US, Europe and South America, and a few from elsewhere found welcome in BC.<sup>23</sup>

The 1960s proved the highpoint of hopes for assimilation in new households. Increasingly, the cost of new beginnings began to be counted. What enthusiasts had hailed as rebirth and salvation came more frequently to be publicly damned as abduction, even genocide. By the 1970s provincial ministries grew far more restrained in their hopes for adoption. As provision for Aboriginal children demonstrated, past histories could not be readily discarded.

Although provincial child welfare authorities encountered desperate Native families throughout the twentieth century, adoption legislation had long made no explicit mention of race.<sup>24</sup> In the 1950s, however,

<sup>21</sup> British Columbia, Department of Social Welfare (henceforth DSW), *AR* for the year ending 31 March 1962, 28–9.

<sup>22</sup> British Columbia, DSW, *AR* for the year ending 31 March 1968, 10–11.

<sup>23</sup> British Columbia, DSW, *AR* for the year ending 31 March 1969, 22.

<sup>24</sup> See, for example, BC Superintendent of Neglected Children (hereafter SNC), *AR* for the year ending 31 March 1939, 24. For discussion of commonplace racism, although limited resources meant little service to children of any origin matched social work ideals, see R. Adamoski, “The Child, the Citizen, the Nation: The Rhetoric and Experience of Wardship in Early Twentieth-Century British Columbia,” in *Contesting Canadian Citizenship: Historical Readings*, ed. R. Adamoski, D.E. Chunn, and R. Menzies (Peterborough: Broadview Press,

Ottawa began increasingly to rely on provinces to deal with distress on and off reserves.<sup>25</sup> Indian and Métis children made up a growing proportion of those in care. By the 1960s they were the target of British Columbia's first systematic efforts at transracial placements; however, in 1972 a BC judge's refusal to permit adoption by whites lest the child forfeit Indian status highlighted potential losses. This decision, which prompted an official moratorium on First Nations adoption, went to the BC Court of Appeal, which decreed that status survived adoption and rejected the claim of the would-be adopters that the Indian Act contravened the Canadian Bill of Rights by depriving both adoptive parents and status children of the right, given to others, to "have former ancestry and family ties obliterated."<sup>26</sup> Somewhat contradictorily, but equally revealing of the liberal hopes of the day, the court also argued "that the best interests of the child lay in viewing the child as an individual, and not as part of a race or culture. A good home environment in which the child could build character takes precedence over a return to Indian culture."<sup>27</sup> The question then remained: could Aboriginal origins, including claims to Indian status, be honoured within the context of placements in white households?

In 1973, with the advent the previous year of a New Democratic Party (NDP) government led by social worker Dave Barrett, an amended adoption act provided that "the status, rights, disabilities, and limitations of an adopted Indian person acquired as an Indian under the *Indian Act* (Canada) or under any other Act or law are not affected."<sup>28</sup> This assertion had profound consequences. As one scholar has noted, "the issuance of a status number to an adoptee has the potential to breach the confidentiality of adoption."<sup>29</sup> Continuity with the past was also affirmed in 1975 when the Royal Commission on Family and Children's Law's advocated Native homes for Native Children. However, the NDP defeat in 1975 and the appointment of future Social Credit premier William

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2002), chap. 14. On the failure of social work scholars, although not of practitioners, to take up the issue of the disproportionate apprehension of Native children, see Timpson, "Four Decades of Child Welfare Services to Native Indians," 9-11.

<sup>25</sup> See J. Chupik-Hall, "'Good Families Do Not Just Happen': Indigenous People and Child Welfare Services in Canada, 1950-1965" (MA thesis, Trent University, 2001). Not until 1980, however, did the Department of Indian Affairs and Northern Development publish its pamphlet *Adoption and the Indian Child*.

<sup>26</sup> A. McGillivray, "Transracial Adoption and the Status Indian Child," *Canadian Journal of Family Law* 4 (1985): 455-6.

<sup>27</sup> See D. Saunders, "Family Law and Native People: Background Paper," Law Reform Commission of Canada (Ottawa, 1975), 108-9.

<sup>28</sup> BC Statutes 1973, An Act to Amend the Adoption Act.

<sup>29</sup> McGillivray, "Transracial Adoption," 439.

Vander Zalm as minister of human resources kept further legislative recognition of Native concerns waiting another twenty years.<sup>30</sup>

Other groups could not be ignored. An outspoken adoption rights movement had been mustering since at least the 1960s and, although resistance was often fierce,<sup>31</sup> it became steadily harder to deny. In 1987, legislation provided for an adoption reunion registry to record details supplied by adoptees and natural parents.<sup>32</sup> The language was replete with conditions. Information was recorded only “where the person to whom they relate is an adult and only at that person’s request.” Adopters were to remain anonymous. When both the natural parent and child registered, they would be given information; however, if either died, the survivor would only receive notification of death.<sup>33</sup> Amendments only a short time later, in 1987, reinforced provisions for the anonymity of adopters.<sup>34</sup>

In the last years of the twentieth century, legislators tried to make adoption attractive while simultaneously acknowledging desires to retain a connection with the past. In 1989 they introduced a provision for subsidized adoptions in the hope of enlarging the pool of prospective parents. They also permitted the identities of adopters and “a relative, foster parent or other person” with whom there was a relationship that was considered “to be important for the child’s development” to be disclosed to one another.<sup>35</sup> A year later they permitted adoptions by blood relatives or step-parents without ministry investigation: only “stranger” adopters required real scrutiny.<sup>36</sup> Further amendments in 1991 continued in the same vein, with the introduction of an “active reunion registry” in addition to its “passive” predecessor. Unless a contact veto existed, the ministry had to facilitate reunions upon application from an adult adoptee or birth parent. Adult adoptees could request help in

<sup>30</sup> On Social Credit’s retreat from dealing with Native needs, see Jo Cain, “Urban Native Child Welfare in BC: A Proposal for Matching Services with Client Needs” (MSW, University of British Columbia, 1985).

<sup>31</sup> See REAL Women of BC, “British Columbia Adoption Act Bill 51: Submission to the Honorable Penny Priddy, Minister for Children and Families,” September 1996, online at <<http://www.getset.com/realwomen/rbill51.html>> (30 May 2003). See also P.S. Stevenson, “An Evaluation of Adoption Reunions in British Columbia,” *Le Travailleur social/The Social Worker* 43 (1): 9–12.

<sup>32</sup> In comparison, initial registries were set up by Newfoundland and Labrador in 1983, Nova Scotia in 1981, New Brunswick in 1981, Ontario in 1979, Manitoba in 1981, Saskatchewan in 1970, Alberta in 1985, Yukon in 1984.

<sup>33</sup> BC Statutes, Adoption Amendment Act, 1987.

<sup>34</sup> See BC Statutes 1987, Miscellaneous Statutes Amendment Act (No. 10), 1987.

<sup>35</sup> BC Statutes 1989, Miscellaneous Statutes Amendment Act (No. 1), 1989.

<sup>36</sup> BC Statutes 1990, Adoption Amendment Act, 1990. On the growing number of step-parent and relative adoptions, see M.R. Lipman, “Adoption in Canada: Two Decades in Review,” in *Adoption: Current Issues and Trends*, ed. P. Sachdev (Toronto: Butterworths, 1983), 31–42.

locating birth siblings who had been adopted and birth fathers who had acknowledged paternity. Continuing restrictions on the revocation of consent by birth parents and the fact that only “a compelling medical need” could override contact vetoes also recalled old fears.<sup>37</sup>

The NDP administration led by Michael Harcourt from 1991 to 1996 massively revised legislation. When the 1995 law dispensed with “as if born to,” it acknowledged more clearly than ever that adoption created a different kind of kin group. References to birth parents and other guardians selecting adopters and the latter receiving the “medical and social history of the biological family” and to “openness agreements” between adopters and natural relations or adoptive parents of natural siblings linked new and old. Adopters could now be embedded in pre-existing relations. In much the same vein, the legislation specified that adoption did not necessarily terminate access orders for non-custodial parents. Improved provision for reunion similarly invoked the past. Unless a disclosure veto or no contact order had been filed by birth parents, adoptees nineteen years and older could apply for original birth registrations and adoption orders. Birth parents acquired similar rights. All could request assistance in searches. Other provisions requiring youngsters aged seven to twelve to be consulted, giving birth mothers thirty days to revoke consent, and requiring the superintendent of Family and Child Services to supply information about adoption alternatives to birth parents or guardians also enshrined greater sensitivity to the trauma of transfer.<sup>38</sup>

But openness, as the mention of vetoes and no contact orders suggested, had limits. Recognizing threats to children’s well-being posed by some birth kin, the 1995 legislation made the “best interest” test the ultimate determinant as to whether unmarried fathers would be notified. When birth and adoptive parents were strangers to one another, the child needed only to be identified by a birth registration number. Courts could also order that the identities of adopters and birth parents not be publicly disclosed.

Four groups received special attention in 1995. For the first time since 1973, Aboriginal children were singled out, both by recognition

<sup>37</sup> BC Statutes 1991, Adoption Amendment Act, 1991.

<sup>38</sup> On the debates, see W. Oppel, “Step-Parent Adoptions in Nova Scotia and British Columbia,” *Dalhousie Law Review* 6, 3 (1981): 631-58. For example, between 1970 and 1974 step-parent adoptions in British Columbia represented 34 percent of all adoptions granted (p. 633). See also P. Barran Weiss, “The Misuse of Adoption by the Custodial Parent and Spouse,” *Canadian Journal of Family Law* 2 (1979): 141-60; and C. Williams, “Step-Parent Adoptions and the Best Interests of the Child in Ontario,” *University of Toronto Law Journal* 32, 2 (1982): 214-30. The regular use of adoption to cut legal ties with a biological parent, usually the father, who is divorced from the custodial parent, is a significant sidebar to the story of efforts to sever relations with the past.

of “custom” adoption – a reality already acknowledged by the BC Court of Appeal as an Aboriginal right under the 1982 Constitution Act<sup>39</sup> – and by a requirement for “reasonable efforts” to consult with Native communities. Aboriginal children twelve and older and birth mothers could nevertheless prohibit contact. Equally significant was the provision for applications by “two adults jointly.” Couples need no longer be husbands and wives or even heterosexual. Provision for a “birth fathers’ registry” supplied still another telling comment on shifts in adoption politics. The new act also addressed the global traffic in children. In committing itself to the provisions of the Hague Convention on Intercountry Adoption, British Columbia acknowledged once again that past relations could not always be readily ignored.<sup>40</sup>

The evolution of British Columbia’s adoption law from 1920 to 1995 directs attention to the struggle to define “the best interests of the child.” Up to the 1960s, this was increasingly interpreted as requiring a complete break with the past. By the 1970s new starts were no longer taken for granted. Like other Canadian jurisdictions, British Columbia was forced to find some middle ground between adopters who often wished to be on their own and adoptees and birth kin and communities who refused to sever all ties.

#### THE STRUGGLE TO CONTROL THE SURRENDER OF CHILDREN

Social workers had long observed that British Columbians regularly tried to retain youngsters and, when this was not possible, to set conditions on their transfer. While many unmarried women, such as Anne Petrie in Vancouver in 1967, surrendered babies in hospitals and maternity homes,<sup>41</sup> the majority did not. As one authority has recognized, adoption has never been the “preferred option.”<sup>42</sup> Indeed, for many decades child

<sup>39</sup> Margaret Lord, *Final Report to the Minister of Social Services of the Panel to Review Adoption Legislation* (Victoria: Ministry of Social Services, 1994), 45.

<sup>40</sup> BC Statutes 1995, Adoption Act. In fact, as early as 1973 the concerns of British Columbia, as well as Ontario and Quebec, had “led to the establishment of a federal-provincial committee ... to examine the implications of international adoptions and the establishment of standards.” See Lipman “Chapter 3. Adoption in Canada,” 37. The convention came into force in 1997 when ratified by Canada.

<sup>41</sup> See Anne Petrie, *Gone to an Aunt’s: Remembering Canada’s Homes for Unwed Mothers* (Toronto: McClelland and Stewart, 1998).

<sup>42</sup> E.S. Cole, “Societal Influences on Adoption Practice,” in Sachdev, *Adoption*, 17. This author also argues that “there are probably more middle-class women represented in the voluntary placement group than in the involuntary one” (20). This claim is difficult to confirm but it seems likely, especially perhaps in the 1940s and 1950s.

welfare workers both recognized maternal feeling and hoped to keep the unwed on the straight and narrow by encouraging retention. The heavy infant mortality associated with artificial feeding and institutionalization, and the limited demand for babies with any problematic histories, also deterred any great enthusiasm for separating birth mothers and offspring.<sup>43</sup> In the 1940s and 1950s, Vancouver's Catholic Children's Aid Society was typical of many agencies in giving "special consideration to mothers who wished to keep children, but needed temporary financial help."<sup>44</sup> It reported a significant difference in the numbers of unmarried clients and adoption placements.

TABLE 1  
*Adoption Placements and Unmarried Mothers Served by the Vancouver Catholic Children's Aid Society, 1942-52*<sup>45</sup>

YEAR	NO. OF UNMARRIED MOTHERS SERVED	NO. OF ADOPTION PLACEMENTS
1942	70	12
1943	78	12
1944	92	9
1945	103	12
1946	115	15
1947	125	22
1948	150	24
1949	135	38
1950	135	32
1951	135	49
1952	151	42

<sup>43</sup> The forty-third *AR* (1944) of the Victoria Children's Aid Society argued that it strove for retention until at least the 1930s (37). See the support in *Dsw, AR* for the year ending 31 March 1967: "Services to assist the unmarried mother to keep her child ... are occupying increasing attention. Many ... with the support of a loving husband and father could provide outstanding care ... Yet if they attempt to raise their children alone without the full backing of their own family, they are faced with an almost insurmountable task" (18). On mothers with offspring who were at least initially viewed as "unadoptable" by reason of race or physical, mental, or "moral" disability, see R. Lansdowne, "The Concept of Non-Adoptability: A Study of the Effect of the Concept of Non-adoptability on Case-Work Services to the Unmarried Mothers, and an Examination of the Validity of this Concept" (msw thesis, University of British Columbia, 1949). On one Roman Catholic maternity home, see A. Lévesque, *Making and Breaking the Rules: Women in Quebec, 1919-1939* (Toronto: McClelland and Stewart, 1994).

<sup>44</sup> Cote, "The Children's Aid Society of the Catholic Archdiocese of Vancouver," 60.

<sup>45</sup> *Ibid.*, 75.

The situation was similar in the public sector. In 1947, British Columbia's Social Welfare Branch calculated that 15 of the 617 illegitimate children known to district offices were in agency care; 105 were placed for adoption; 35 had become state wards; the whereabouts of 230 were unknown; and 232 were with their mothers or relatives.<sup>46</sup>

Mothers could draw on traditions of "custom" adoption that had flourished in preindustrial societies, including those of the Celtic fringe and North America's indigenous nations.<sup>47</sup> Many non-Aboriginal Canadian families, including my own, have testified to the persistence of individual exchanges. Private plans thrived best in prosperity. The Second World War, for example, increased the number of children born out of wedlock even as it presented opportunities to keep offspring. As the superintendent of neglected children recognized in 1942: "During the past year, we have had fewer children to place for adoption – one obvious reason being that when economic conditions are better, unmarried mothers are able themselves to make a satisfactory plan for a child."<sup>48</sup> It is equally clear that women found the "help and co-operation of relatives" indispensable.<sup>49</sup> Grandparents might be unhappy, but they might well offer support or even accept the child as their own. Maternal aunts, in particular, regularly supplied temporary or permanent homes for nephews and nieces.

The temper of the times always informed responses. In the 1950s and 1960s, reaffirmation of the heterosexual, two-parent household spurred surrenders. Birth mothers were assured they could leave mistakes behind and ensure better futures for their children. Unlike their supposedly immoral predecessors, they need not be permanently shamed. By the 1970s, as unwed pregnancies grew less stigmatizing and as the women most determined not to give birth had much better access to birth control and abortion, the numbers of infants available for adoption dropped

<sup>46</sup> British Columbia, DHW, SWB, AR for year ending 31 March 1947, 26.

<sup>47</sup> See C. Lewis, *Indian Families on the Northwest Coast* (Chicago: University of Chicago Press, 1970); A.W. Acheson, "The Kutchin Family: Past and Present," in *Canadian Families: Ethnic Variations*, ed. K. Ishwaran (Toronto: McGraw-Hill Ryerson, 1971), 241-65; L. Fainberg, "On The Question of the Eskimo Kinship System," *Arctic Anthropology* 4, 1 (1967): 244-65; J. Rousseau, *L'adoption chez les Esquimaux tununermiut* (Université Laval, Centre d'études nordiques, travaux divers, 1970); M. Lismer, "Adoption Practices of the Blood Indians of Alberta, Canada," introductory note by E.G. Goldfrank, *Plains Anthropologist* 19, 63 (1974): 25-33; J.B. Silk, "Adoption among the Inuit," *Ethos* 15, 3 (1987): 320-30; and Justice W.G. Morrow, "Custom Adoption Law," in Sachdev, *Adoption*, 245-51. For a beginning regarding the Celtic experience, see L. Abrams, *The Orphan Country: Children of Scotland's Broken Homes from 1845 to the Present Day* (Edinburgh: John Donald, 1998).

<sup>48</sup> SNC, AR for the year ending 31 March 1942, 1.

<sup>49</sup> A.M. Angus, *Children's Aid Society of Vancouver, BC, 1901-1951* (Vancouver: Allied Printing Trades Council, 1951), 37.

sharply. Higher rates of retention worried social workers, who observed that many “women require considerable help ... Single parent workers find that many of the younger mothers who decide to raise their children are girls with a paucity of internal and external resources and hence require strong and constant support.”<sup>50</sup> In 1972 the assistant executive director of Vancouver’s Children’s Aid Society described clients who “visit their children regularly in the foster home. Previously our foster parents’ main focus was to care for the child until the child went for adoption ... The focus today is to assist the mother, inexperienced as she might be in some areas, to take her child back. Many foster parents have to almost train the mother in parenthood.”<sup>51</sup> Whereas 1950s mothers might have surrendered babies in hospitals, late twentieth-century successors more frequently waited until lack of resources forced the issue. In the process, children could be hurt and, in any case, older kids attracted fewer adopters.

When birth parents could not keep offspring, they sometimes explored other options. Non-standard arrangements contributed to the recurring unreliability of adoption statistics. As the BC government pointed out in 1946: “It is difficult to estimate the number of private placements ... since many do not come to our attention before legal notification of intention to adopt is submitted, and this may be some time after the child has been placed in the home.”<sup>52</sup> Kin adoptions were the most invisible, but other placements were also hard to monitor. The superintendent of neglected children condemned any mother who sought, as he believed,

to rid herself of a disagreeable responsibility. She pays no attention to the fact that the home offered may be different in religious faith or whether there is security ... Many of these placements are the most difficult we have to deal with ... because the mother knows where the child is and is apt to interfere. One case, in which we are still trying to find a solution, is one where an unstable mother placed her child with the people for whom she worked. Every few weeks she changes her mind as to whether she wants the child adopted ... Even should the adoption be completed legally, the adopting parents’ home can never offer the child complete security because ... the natural mother ... is just unstable enough to keep upsetting the child’s loyalties.<sup>53</sup>

<sup>50</sup> Children’s Aid Society of Vancouver (hereafter CASV), *Staff Bulletin*, vol. 5, no. 59, 23 November 1971, “Report of the Executive Director,” Kingsway Branch, 8. (Mimeograph.)

<sup>51</sup> W.D. McFarland, “Placement Resources Services: Children’s Aid Society of Vancouver,” (Vancouver: Children’s Aid Society, November 1972), 4-5.

<sup>52</sup> British Columbia, Department of the Provincial Secretary (hereafter DPS), the Social Assistance Branch (hereafter SAB), *AR* for fiscal year 1 April 1945 to 31 March 1946, 19.

<sup>53</sup> SNC, *AR* for the year ending 31 March 1941, 3.

In 1950 BC authorities nevertheless had to admit that “most of the 219 children” placed privately were “reasonably safe and secure in their new homes, because it is probably true that the average couple seeking to adopt a child have a genuine warmth and love for children.”<sup>54</sup>

Despite increased state regulation, private placements remained extremely popular. Between 1971 and 1992, despite a drop in overall numbers, private adoptions outnumbered those arranged by the ministry.<sup>55</sup> Whatever the results, and it should be remembered that tragedies were more likely to be reported than were successes, private arrangements had always in fact promised some birth mothers the prospect of more control. For many years maternity homes had offered space in order to enable women and their families to sidestep public scrutiny. Some, such as Nova Scotia’s Ideal Maternity Home, became notorious.<sup>56</sup> In 1939 British Columbia’s superintendent of neglected children highlighted recurring dangers:

The practice of falsifying the name of the unmarried mother and giving her the name of a would-be adopting mother makes it possible for the latter to register the child as her own ... such a practice was carried out in a maternity home now closed ... Children were given to adopting parents either with false birth registrations or with a document purporting to be an adoption certificate ... the tracing of the child is extremely difficult ... We have reason to believe, therefore, that ... children may have been missed and it is doubted whether they will ever be identified.<sup>57</sup>

Experts regularly traced mistakes to the vulnerability of birth mothers. In 1946, the province’s Social Assistance Branch typically condemned the extraction of surrender agreements from mothers too soon after delivery.<sup>58</sup> An admirer of the Children’s Aid Society of Vancouver was still more censorious of premature decisions that placed children “either in hasty and ill-considered adoptions or in commercial baby homes.”<sup>59</sup> In their enthusiasm for profits, “baby farms” readily lost interest in the personal histories of clients. The result might well be short- and long-term devastation for both mothers and infants.

Throughout the twentieth century, social workers remained suspicious of doctors and lawyers who mediated individual exchanges. Officials

<sup>54</sup> British Columbia, DHW, SWB, *AR* for the year ending 1950, 53.

<sup>55</sup> Lord, *Final Report*, 6.

<sup>56</sup> See K. Balcom, “Scandal and Social Policy: The Ideal Maternity Home and the Evolution of Social Policy in Nova Scotia, 1940–51,” *Acadiensis* 31, 2 (2002): 3–37.

<sup>57</sup> SNC, *AR* for the year ending 31 March 1939, 2–3.

<sup>58</sup> British Columbia, DPS, SAB, *AR* for fiscal year 1 April 1945 to 31 March 1946, 19.

<sup>59</sup> Angus, *Children’s Aid Society of Vancouver*, 36.

of Victoria's Family Welfare and Children's Aid Society summed up common sentiments: "Often plans have been suggested by well-meaning friends, relatives, and even some doctors and lawyers – plans which ultimately mean heartache for the girl and frequently complications for adoptive parents."<sup>60</sup> Claims to professional expertise were clearly at stake. In the 1960s, the *BC Medical Journal* still took for granted an important role for physicians, although it advocated coordination with casework professionals.<sup>61</sup> As late as 1973, the superintendent of child welfare publicly chastized two obstetricians, one of whom talked at a "cocktail party" of placing a baby "with a couple who live only a few blocks from the natural mother and father in a small, closely knit community," and another who removed a five-day-old infant from his sixteen-year-old mother, thus jeopardizing the legality of her consent, not to mention causing yet more anguish.<sup>62</sup>

Advertising was another resilient private strategy confronted by social workers' determined opposition. As British Columbia's Social Assistance Branch put it after the Second World War: "It is through this medium that some of the most unsatisfactory adoption placements are made, and it would seem that British Columbia has long passed the point where we can permit a child to be bartered as a household commodity."<sup>63</sup> Typical of the times, in 1950 provincial authorities censured parents who advertised four children "who all needed extensive medical care and treatment."<sup>64</sup> As late as 1980, social workers condemned a Vancouver lawyer's usage of newspapers to troll for newborns for his clients.<sup>65</sup>

The continuing demand for babies, especially "blue ribbon," or white and preferably female, offered some biological parents individual alternatives to legislated pathways. By the end of the twentieth century, private placements dominated the adoption of healthy Caucasian infants. In stark contrast, the race or presumed abilities of some youngsters meant fewer takers. Demand for newborns was nevertheless always high, and the shortfall helped unwed mothers place babies considered "un-adoptable" by child welfare experts. As one observer noted: "When 'the loveliest couples' wait with mute lips and open arms to take her child," it

<sup>60</sup> Victoria Family Welfare and Children's Aid Society and the Fred Landsberg Sunshine Camp, *AR* (1949), n.p.

<sup>61</sup> "Adoption Practice," *BC Medical Journal* 3, 5 (1961): 274; Child Care Committee of the CMA, BC Division, "Statement on Adoptions," *BC Medical Journal*, 3, 4 (1960), 248-9, which also took for granted a crucial role for the doctor before calling in an agency for assistance.

<sup>62</sup> CASV, *Staff Bulletin*, vol. 7, no. 29, 18 June 1973, 5-6. (Mimeo.)

<sup>63</sup> British Columbia, DPS, SAB, *AR* for fiscal year 1 April 1944 to 31 March 1945, 20.

<sup>64</sup> British Columbia, DHW, SWB, *AR* for the year ending 1950, 53. For another example, see SNC, *AR* for the year ending 31 March 1939, 3.

<sup>65</sup> J.A. MacDonald, "Canadian Adoption Legislation: An Overview," in Sachdev, *Adoption*, 51.

was easier for a desperate mother to give away her baby. Poverty might well drive such choices since it was “fairly common for the adopting parents to pay the mother’s medical bills when she placed her child privately.”<sup>66</sup> Nevertheless, as the legislative panel on adoption observed in 1994, “Many birth parents state that private adoption agencies offer a greater selection of potential adoptive parents.”<sup>67</sup>

Older children and fathers sometimes surfaced in private transactions. In 1957 the *Vancouver Province* profiled the type of exchange that haunted welfare professionals. Two fathers, one the parent of a murdered daughter and the other the parent of five youngsters he could not support upon the breakup of his marriage, were portrayed as agreeing to let the former take young Christina. Her seemingly irrepressible birth father was also heard to say of a son: “Now I must find a home for five-year-old David.”<sup>68</sup> In October and December 1960, the *Vancouver Sun* profiled other sad stories. A North Surrey couple facing hard times had, in a written agreement, given their daughter away a year earlier. Although admitting the merits of the new mother and father, they demanded her return. Other natural parents who had surrendered “3 year old Tammy” to a building contractor and his wife proved unable to retrieve her, even when the recipients planned a move to Nova Scotia.<sup>69</sup> A Prince Rupert hospital orderly offered a happier story:

When my wife died, I advertised for someone to look after my 7-year-old daughter. I got replies, but quite a few people were more interested in the money than helping out in a difficult situation. Finally I found some neighbors who took her right into their own family. She stays with me on the weekend and I take her out at every opportunity. She has adjusted well to her new life and is having a ball. When my wife died, I had the choice of leaving her with relatives or bringing her up on my own. My family doctor recommended the latter and I’ve never regretted it.<sup>70</sup>

This father was fortunate in shifting responsibility while maintaining contact. Like others, he assumed the right to make individual arrangements.

Parents’ determination to retain options was similarly visible in attempts to revoke consent to adoption. Legislative prohibitions

<sup>66</sup> Lansdowne, “The Concept of Non-Adoptability,” 39.

<sup>67</sup> Lord, *Final Report*, 45.

<sup>68</sup> B. Metcalfe, “Christina’s New Home?” *Vancouver Province*, 12 July 1957, 1.

<sup>69</sup> See “Parents Seeking Giveaway Child,” *Vancouver Sun*, 26 October 1960, 1; and “Judge Can Please Only One Mother,” *Vancouver Sun*, 2 December 1960, 1, 2.

<sup>70</sup> “Parents on Kids: How Do Fathers Bring up Children Single-Handed?” *Star Weekly*, 24 May 1969, 4.

sometimes proved imperfect deterrents when Canadian court decisions proved unpredictable.<sup>71</sup> One immigrant unwed mother, who, from the perspective of social workers, did not appreciate the New World's up-to-date perspective on consent with "its irrevocable finality," appealed to the Supreme Court, which returned her son in 1958.<sup>72</sup> She was not unusual. In 1960 biological parents were prominent among those who contested some "25 to 30 per cent of the 1,358 adoptions that proceeded to Court in British Columbia."<sup>73</sup>

As stepparent adoptions increased, access of the non-custodial parent, commonly the father, complicated the story of efforts to maintain contact. While biological fathers do not generally have a pretty history in regard to out-of-wedlock offspring,<sup>74</sup> some have treasured paternity. Children's mothers have been frequently suspicious, sensing, often quite rightly, harassment.<sup>75</sup> In Canada all jurisdictions faced challengers to potential severance of access, and in 1985 a leading Canadian legal authority claimed that BC adoption orders neither terminated access orders nor barred applications for access.<sup>76</sup> Provisions for non-custodial parents were part and parcel of renewed deference to blood ties in the last quarter of the twentieth century.<sup>77</sup> Continued access was also the logical counterpart of the Supreme Court's decision that Aboriginal status survived adoption.<sup>78</sup>

Communities beyond the nuclear family could also be very interested in the fate of girls and boys. Some groups with strong collective identities had long made provision for disadvantaged young in institutions such as Victoria's Protestant Orphans' Home, Vancouver's Providence Orphanage, and New Westminster's Loyal Protestant Association Orphanage. The effective control of state institutions by middle-class citizens of European descent meant that they could turn to government agencies to express their preferences both for their own children and for all those designated in need of guardianship by non-kin. Other

<sup>71</sup> See M.E. Hughes, "Adoption in Canada," in *Studies in Canadian Family Law*, vol. 1, ed. D. Mendes Da Costa (Toronto: Butterworths, 1972), 103-78; and C.P. Dane, "Case and Comment: Adoption - Consent of Natural Parent - Revocation," *Canadian Bar Review* xxxv (1957): 836.

<sup>72</sup> British Columbia, DHW, SWB, *AR* for the year ending 31 March 1958, 48.

<sup>73</sup> DSW, *AR* for the year ending 31 March 1960, 43.

<sup>74</sup> See C. Backhouse, *Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada* (Toronto: Women's Press for the Osgoode Society, 1991).

<sup>75</sup> The issues are well set out in Boyd, *Child Custody, Law, and Women's Work*.

<sup>76</sup> Penrod, "Adoption in Canada," 189.

<sup>77</sup> M.J. Schlosser, "Third Party Child-Centred Disputes: Parental Rights v. Best Interest of the Child," *Alberta Law Review* 22, 3 (1984): 401-11.

<sup>78</sup> J.P. Ryan, "The Overlapping Custody Jurisdiction: Co-Existence or Chaos," *Canadian Journal of Family Law* 3 (1980): 124.

groups, such as the Sons of Freedom (a dissident Doukhobor sect) and the Canadian Jewish Congress continued, however, to assert their own claims.<sup>79</sup> Religion has remained a basis for community solidarity. A June 2004 *Vancouver Sun* headlined Quadra Islanders' efforts to oppose the adoption of two foster children, both victims of foetal alcohol syndrome, by a couple who were members of Jehovah's Witness, a religious sect frequently regarded suspiciously by other Canadians. Islanders had many counterparts in affirming their own sense of community against the ministry's claim always to do "what's best for the child."<sup>80</sup>

Aboriginal peoples mounted the most persistent collective resistance to state regulation of adoption.<sup>81</sup> Much as with disadvantaged families of other origins, relatives and neighbours supplied the first line of defence. Custom or traditional adoption was part of the social fabric when Europeans arrived, and such exchanges continued, eventually to win legal recognition. Native critics of state child welfare repeatedly insisted that, "traditionally, the care of a child is the overall responsibility of an extended family, with members of that extended family playing various roles ... This practice has been in place since time immemorial, and allowed our nations to prosper in our lands until the intrusion of European law."<sup>82</sup> Tradition made grandparents appropriate custodians and it made children deserving of hearings. After 1982 Aboriginal commentators cited "customary adoption as an aboriginal right" under the Constitution Act.<sup>83</sup>

<sup>79</sup> See M. Hill, "The Detention of Freedomite Children, 1953-1959," *Canadian Ethnic Studies* 18, 3 (1986): 47-60; and J.P.S. McLaren, "New Canadians' or 'Slaves of Satan'? The Law and the Education of Doukhobor Children, 1931-1935," in *Children, Teachers and Schools in the History of British Columbia*, ed. J. Barman, N. Sutherland, and J.D. Wilson (Calgary: Detselig Enterprises, 1995), 147-60; B. Lappin, *The Redeemed Children: The Story of the Rescue of War Orphans by the Jewish Community of Canada* (Toronto: University of Toronto Press, 1963); and M. Ashworth, *The Forces Which Shaped Them: A History of the Education of Minority Group Children in British Columbia* (Vancouver: New Star Books, 1979).

<sup>80</sup> S. Chu, "Quadra Islanders Fight Adoption of 2 Children," *Vancouver Sun*, 17 June 2004, A1, A2; and A. Bhatti and S. Chu, "Forced Adoption 'Best Thing for Children' Says Ministry," *Vancouver Sun*, 18 June 2004, B5.

<sup>81</sup> Residential schools had previously been used "as a placement resource for neglected, abandoned, or orphaned children of proper age." Quoted in H.B. Hawthorn, C.S. Belshaw, and S.M. Jamieson, *The Indians of British Columbia: A Study of Contemporary Social Adjustment* (Toronto: University of Toronto Press, 1958), 399. After 1945 the omnibus function of residential schools was increasingly replaced by juvenile reform institutions and provincial child welfare agencies.

<sup>82</sup> Community Panel Family and Children's Services Legislation Review in British Columbia, Aboriginal Committee, *Liberating Our Children, Liberating Our Nations* (Victoria: Ministry of Social Services 1992), 10. See also the extended discussion in Canada, Royal Commission on Aboriginal Peoples (hereafter RCAP), *Report*, vol. 3, *Gathering Strength* (Ottawa: The Commission, 1996), chap. 2 ("The Family").

<sup>83</sup> B. Lomas, "Hlugwit'y, Hluuxw'y - My Family, My Child: The Survival of Customary Adoption in British Columbia," *Canadian Journal of Family Law* 14: 2 (1997): 203.

Youngsters in the care of relatives have often escaped scrutiny in both Native and non-Native communities. The allocation of British Columbia's social allowance in 1966 was nonetheless suggestive. In February 330, or 3.45 percent, of reserve recipients were children living with relatives. In March 1966 only 653 youngsters, or 1.01 percent of all BC recipients, were similarly placed. The comparison was all the more stark since, as a proportion of all those aged 0-19 years, the incidence on reserves was "twenty times that for the general population."<sup>84</sup> Aboriginal families were clearly generous supporters of the young, and they often got little help. In 1969 Ottawa and Victoria agreed that Human Resources would "provide child protection services and in-care services" but not "family support services, day care services, infant development or pre-protection services."<sup>85</sup>

By 1976-77 Native children were estimated at some 40 percent of those in care in British Columbia.<sup>86</sup> While they were rarely preferred adoptees, greater racial tolerance gradually opened the homes of whites. Native adopters were unusual: many possible candidates already helped disadvantaged kids or were intimidated by state authorities.

Aboriginal girls and boys were likely to remain in white foster care. As early as 1961, the Vancouver Children's Aid Society reported 160 Indian, or "part-Indian racial origin," girls and boys in paid homes.<sup>87</sup> As Table 2 indicates, the majority of children of Aboriginal heritage placed inside and outside British Columbia were the offspring of interracial unions. While it is impossible to know for sure, the fact that children could draw on only one-half of their lineage may have undermined traditional support in First Nations communities. On the other hand, partial white or Asian parentage made youngsters more appealing to some would-be mothers and fathers.<sup>88</sup>

<sup>84</sup> D.B. Fields and W.T. Stanbury, *The Economic Impact of the Public Sector upon the Indians of British Columbia: An Examination of the Incidence of Taxation and Expenditure of Three Levels of Government - A Report submitted to the Department of Indian Affairs and Northern Development* (Vancouver: UBC Press, 1970), 65-6. The authors interpreted these figures solely as further confirmation of social breakdown of "the normal family unit" (70) and were roundly criticized for this by Wilson Duff (see *BC Studies* 19 [1973]: 128). Stanbury acknowledged this criticism in his *Success and Failure: Indians in Urban Society* (Vancouver: UBC Press, 1975), but his conclusions remained fundamentally the same (209).

<sup>85</sup> C. Mignacco, "Towards Native Control of Child Welfare: The Nuu-Chah-Nulth Tribal Council, 'A Case in Point'" (MSW, University of British Columbia, 1984), 25.

<sup>86</sup> See H.P. Hepworth, *Foster Care and Adoption in Canada* (Ottawa: Canadian Council on Social Development [hereafter CCSD], 1980), chap. 8.

<sup>87</sup> B. Marcuse, *Report to the Community Chest and Councils of the Greater Vancouver Area Committee on the Canadian Indian in an Urban Community (Vancouver)* (Vancouver: Community Chest, 1961), 74.

<sup>88</sup> On the common preference for mixed race rather than full "Negro" children in Montreal in the 1950s and 1960s, see Karen Dubinsky, "'We Adopted a Negro': Interracial Adoption

TABLE 2

*BC children of Indian heritage (Indian status not given) placed for adoption inside and outside of province, 1963-73*<sup>89</sup>

YEAR	NATIVE INDIAN/ NON-WHITE/ NON-NATIVE						TOTAL
	FULL NATIVE INDIAN PARENTS		PARENTS		NATIVE INDIAN- WHITE PARENTS		
	Inside BC	Outside BC	Inside BC	Outside BC	Inside BC	Outside BC	
1963-64	1	0	0	0	38	0	39
1964-65	9	0	0	0	96	0	105
1965-66	9	0	1	0	56	0	66
1966-67	11	0	1	0	62	0	74
1967-68	22	0	1	0	74	0	97
1968-69	25	1	3	0	66	1	96
1969-70	33	1	2	0	99	6	141
1970-71	22	4	5	0	105	8	144
1971-72	36	9	3	0	134	14	196
1972-73	39	2	1	0	97	4	143
Total	207	17	17	0	827	33	1101

Growing levels of apprehension provoked widespread alarm among both Natives and social workers. Tom Berger's *Report on Family and Children's Law* in 1975 confirmed much disillusionment with old practices. So too, two years later, did the recommendation from the Canadian Psychiatric Association that Native adopters be given preference over non-Native adopters.<sup>90</sup> In 1974 BC child welfare officials signaled

and the Hybrid Baby in 1960s Canada," in *Canada's "trente glorieuses": Readings on Family, Community, and Nation, 1945-1975*, ed. M. Fahrni and R. Rutherford, forthcoming.

<sup>89</sup> Table L, *A Survey of Adoption and Child Welfare Services to Indians of BC*, presented on 18 February 1974 to the BC Department of Human Resources by the Union of BC Indian Chiefs, p. 24. (Mimeograph.)

<sup>90</sup> R.T. Dumont, "Repatriation of Children Placed Transracially: A Discussion Paper," prepared for Alberta Social Services, Native Issues (Edmonton: Amicus Populi Consulting Ltd., 1987), 10. See also J.A. MacDonald, "The Child Welfare Programme of the Spallumcheen Indian Band in British Columbia," in *The Challenge of Child Welfare*, ed. K.L. Levitt and B. Wharf, (Vancouver: UBC Press, 1985), 253-65; and J.A. MacDonald, "The Programme of the Spallumcheen Indian Band in British Columbia as a Model of Indian Child Welfare," in *Perspectives on Social Development and Social Issues*, ed. J.S. Ismael and R.J. Thomlison, 237-49 (Ottawa: CCSD, 1987).

their awareness of the need for change by opening, on the Hagwilget Reserve near Hazelton, the province's first on-reserve receiving home with Indian foster-parents.<sup>91</sup> The Ministry of Human Resources (MHR) placed great hopes on the Royal Commission on Family and Children's Law, admitting "the serious suffering that exists among the Indian people of our Province ... and their courageous struggle to re-establish themselves as a noble and independent people."

In the meantime, MHR counted on discussions with the Union of British Columbia Indian Chiefs and the British Columbia Association of Non-Status Indians "to find and develop homes and capacities whereby the Indian families and communities can more readily maintain and care for their own children."<sup>92</sup> Also notable that year, BC child welfare authorities for the first time in an Annual Report claimed that "the wishes of natural parents are not overlooked in choosing a home for their child."<sup>93</sup> Such shifts helped to inspire the appointment of Indian case aids in the Cowichan area as well as the reconsideration of Natives who could not readily match the economic credentials of other prospective adopters.

Aboriginal outrage at the loss of youngsters was widespread, and the Spallumcheen Band stood in the forefront of nationwide protest. In the early 1960s nearly all its children were in the care of Human Resources and in white homes. By the 1970s many had returned to the reserve, some had died, and many were in distress. The band, led by Chief Wayne Christian, himself a former foster kid, formulated its own child welfare by-law and hired a social worker to assist reserve placements.<sup>94</sup> On Thanksgiving Day 1980, the band organized a "Caravan" that occupied the front lawn of the Minister of Human Resources demanding the children's return. It also persuaded Ottawa "to mount a pilot project" on reserve-based child welfare resources and services.<sup>95</sup>

By 1989 many bands were exploring "distinctive and innovative approaches" to child welfare.<sup>96</sup> The legislative committee assessing

<sup>91</sup> British Columbia, DSW, *AR*, for the year ending 31 March 1964. See also G. Elmore, S. Clark, S. Dick, *A Survey of Adoption and Child Welfare Services to Indians of BC* (Vancouver: BC Union of Indian Chiefs, 18 February 1974).

<sup>92</sup> British Columbia, DHR, *AR* (1974), with fiscal addendum 1 April 1973 to 31 March 1974, 25.

<sup>93</sup> *Ibid.*, 51.

<sup>94</sup> J.A. MacDonald, "The Spallumcheen Indian Band By-Law and Its Potential Impact on Native Indian Child Welfare Policy in British Columbia," *Canadian Journal of Family Law* 4 (1983): 90.

<sup>95</sup> *Ibid.*, 93.

<sup>96</sup> B. Wharf, *Toward First Nation Control of Child Welfare: A Review of Emerging Developments in BC* (Victoria: University of Victoria, 1989), 6. These bands included the Heiltsuk (Bella Bella), Stoney Creek (Vanderhoof), Nisga'a (NewAinyansh), Spalumcheen (Enderby), Neskainlith (Chase), Nuu-Chah-Nulth Tribal Council (Port Alberni), Squamish (North

adoption legislation summed up the prevailing response in 1994: “The members of the aboriginal community who spoke to us were very clear that no more children can be adopted outside of their community.”<sup>97</sup>

Such protest helped sustain ministry initiatives such as the appointment of a Native Indian Child Welfare Advisory Committee in Vancouver’s Downtown Eastside and plans for a crisis nursery run by Indian parents.<sup>98</sup> Later, in the 1980s, the Nuu-Chah-Nulth Tribal Council and the Carrier-Sekani Tribal Council signed child welfare agreements with Victoria, which also agreed to consult the province’s other bands. In addition, the ministry committed itself to requiring non-Native homes to keep adoptees in touch with their heritage.<sup>99</sup> In 1988/89, the superintendent of family and child services for the first time delegated full authority to social workers in an Indian child and family service program – the Nuu-Chah-Nulth Tribal Council. The return of the NDP to power in 1991 soon restored the moratorium on adoptions of Native youngsters by non-Natives. Adoption was, however, only one expression of deeply entrenched inequalities. Although the great majority lived with birth parents, Native children continued to be disproportionately apprehended.<sup>100</sup>

Aboriginal peoples did not always agree with regard to solutions. Some urban Native birth mothers had few positive connections to reserves and rejected band involvement.<sup>101</sup> Their resistance caused the Royal Commission on Family and Children’s Law to conclude that “we must support the mother’s right of self-determination.”<sup>102</sup> Tom Berger also discovered adoptees who reported “a positive adoption” by non-Aboriginal families, and he recommended that bands acknowledge such feelings. At the same time, he agreed that adoption, like Indian residential schools, undermined Aboriginal communities.<sup>103</sup> Like the First Nations of the province, Berger understood that the fate of children determined survival, but he, too, had no easy answer to the complex history of misunderstanding and abuse.

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Vancouver), St. Mary’s (Cranbrook), Nimpkish (Alert Bay), and Gitksan-Wet’suwet’en (Hazelton).

<sup>97</sup> Lord, *Final Report*, 10.

<sup>98</sup> British Columbia, Ministry of Human Resources, *AR* 1980–81, 35.

<sup>99</sup> British Columbia, Ministry of Social Services and Housing (hereafter MSSH), *AR* 1988–89, 44; and British Columbia, MSSH, *AR* 1987–88, 3.

<sup>100</sup> K. MacDonald, “First Nations Child and Family Services: Whither Self-Governance?” (LLM, University of British Columbia, 2000); Wharf, “Toward First Nation Control.” The best overall assessment of continuing problems is the RCAP Report.

<sup>101</sup> See, for example, K.J. Daly and M.P. Sobol, *Adoption in Canada* (Guelph: University of Guelph, 1993), 41.

<sup>102</sup> BCRCFCL, *Fifth Report* (March 1975), 73.

<sup>103</sup> Lord, *Final Report*, 89.

Native assertion of the significance of origins has been highly visible, but British Columbia has also housed an active adoption rights movement. In theory inclusive of both Aboriginal and non-Aboriginal members of the adoption circle, the searching community of Parent Finders and other such groups has been predominately white. Fairy tales of “the chosen,” with their stress on the agency of adopters and the good fortune of the rescued, were publicly questioned in the 1950s and 1960s.<sup>104</sup> Time and distance did not necessarily prevent the efforts of blood kin to reunite. After the Second World War Vancouver Island’s Fairbridge Farm School supplied typical examples: one boy returned to Britain for his family while the mother of another “realized a dream of many years when she came out to Canada and established a home for her son.”<sup>105</sup>

Modern searchers have condemned adoption laws that infantilize them. Unlike other adults, they have been barred from critical histories. According to them, “Amnesia is what it feels like being adopted and knowing nothing about your biological background.”<sup>106</sup> However unhappy old allegiances and however rewarding the new, searchers demanded access to original records as they drew on the lessons of post-Second World War liberation movements. In 1974 Joan Vanstone, a searcher, initiated Parent Finders after a meeting for adult adoptees sponsored by Vancouver social worker Honor Mowinckel. Vanstone was also inspired by Jean Paton, the influential member of the searching group Orphan Voyage in the United States.<sup>107</sup> Another BC pioneer was Clare Marcus, the author of *Adopted? A Canadian Guide for Adopted Adults in Search of Their Origins* (1979) and *Who Is My Mother?* (1981). Born in Winnipeg in 1924 to an unwed mother and adopted from a maternity hospital, she worked as a journalist for the *Winnipeg Free Press* and the *Star Weekly*. She also sought her birth parents, eventually moving to Vancouver in the 1960s where, enraged by “a system that denies basic human rights,” she became a full-time searcher and Parent Finder.<sup>108</sup>

<sup>104</sup> See J.S. Modell, *Kinship with Strangers: Adoption and Interpretations of Kinship in American Culture* (Berkeley: University of California Press, 1994), chap. 6 (“The Chosen Child: Growing Up Adopted”). Young birth mothers who were packed off to maternity homes where it was hoped they would remain anonymous and give up their babies were also offered false narratives that promised reintegration into respectable society. See Petrie, *Gone to an Aunt’s*; and B. Wicks, *Yesterday They Took My Baby: True Stories of Adoption* (Toronto: Stoddart, 1993).

<sup>105</sup> British Columbia, DHW, SWB, AR for the year ending 31 March 1954, 58.

<sup>106</sup> Clare Marcus, *Who Is My Mother?* (Toronto: Macmillan, 1981), 92.

<sup>107</sup> See <<http://www.parentfinders.org/>>. See Jean M. Paton, *The Adopted Break Silence* (Philadelphia: Life History Study Center, 1954).

<sup>108</sup> Marcus, *Who Is My Mother*, 15. See also Carole Gault, “Flesh of the Flesh: Adoptees in Search of Their Natural Parents,” *Macleans*, 28 June 1976, 41.

Vanstone and Marcus had much company. Child welfare authorities always had to deal with individual searchers. In 1970 the Vancouver Children's Aid Society (vcas) described a fifty-one-year-old man from Fort St. John who sought his original birth certificate and help in locating natural kin. He wrote that the vcas had placed him, as a baby, with "wonderful parents" who would not reveal his background. At their death, he was alone. The vcas sought his records, which, like many others, were incomplete. Fortunately, "on the back of the file cover, in faint pencil[,] " was a name that could be "cross-referenced." He responded jubilantly, thanking the "wonderful cooperation from all the agencies I contacted" and supplying a story of reunion with his siblings and plans for meeting his mother. He concluded: "thanks to your kind letter and its contents, even after 51 years, I now have a family of my own! Many thanks."<sup>109</sup> He would not have been so lucky if he had contacted the provincial ministry.

Victoria officials nonetheless acknowledged that adoptees searching for "health and social information" consumed increasing resources. In 1971, for the first time, the MHR annual report admitted the "natural desire" for reunion and mentioned a registry.<sup>110</sup> The appointment of the Family and Children's Law Commission spurred further requests for reunions and a provincial registry.<sup>111</sup> In 1975 Justice Berger, sympathetic to the argument that adoptees suffered what the academic literature termed "genealogical bewilderment," recommended providing non-identifying information. Just as revealing of the politics of the day, he deferred to many adopters' rejection of an adoption reunion registry.<sup>112</sup> Private initiative struggled to fill the gap as BC Parent Finders created the first national voluntary registry.<sup>113</sup> Later on Family Services of Greater Vancouver set up a busy Adoption Reunion Registry.

By 1981 requests to the government for information had jumped "from approximately six per year in the 1960s to 30 per month in the mid-1970s." Ministry officials tried to hold the line, but May 1980 brought the first BC application to the Supreme Court for access to records. The judge ruled that "good cause" was not demonstrated.<sup>114</sup> As Tables 3 and 4 illustrate, this rejection proved little deterrent.

<sup>109</sup> CASV, *Staff Bulletin*, vol. 4, no. 27, 19 May 1970, 4. (Mimeograph.)

<sup>110</sup> British Columbia, Department of Rehabilitation and Social Improvement, *AR* for the year ending 31 March 1971, 31.

<sup>111</sup> British Columbia, DHR, *AR* 1975, with fiscal addendum 1 April 1974 to 31 March 1975, 53-4.

<sup>112</sup> BCRFCFL, Appendix F, Sue Stephenson, "Evaluation of Adoption Reunion," 27 February 1975.

<sup>113</sup> Louise K.H. Lam, "Teenage Pregnancy and Parenthood: An Examination of the Nature of the Problem and Related Social Policies and Programs in British Columbia" (MSW, University of British Columbia, 1983), 31.

<sup>114</sup> British Columbia, MHR, *AR* (1980-81), 41.

TABLE 3  
*Inquirers and their relationship to adoptees in selected fiscal years*<sup>115</sup>

INQUIRER	1979-80	1980-81	1981-82
Adoptee him/herself	278	321	360
Adoptee's biological mother	122	131	206
Adoptee's biological father	18	20	17
Adoptee's biological siblings or half-siblings	27	33	36
Other relatives of adoptee	8	12	11
Other than adoptee or member of his/her biological family (including adopting parents, MHR district offices, other provinces' child welfare departments, doctors, lawyers, Indian Affairs)	337	426	421

TABLE 4  
*BC post-adoption services by applicant, 1983-84 to 1986-87*<sup>116</sup>

APPLICANT	1983-84	1984-85	1985-86	1986-7
Adoptee	331	462	552	550
Birth parent	131	242	218	232
Adopting parent	80	159	145	129
Professional	340	181	125	45
Others	29	39	65	141
Total	911	1,083	1,105	1,097

Steady pressure led to the creation of both passive and active adoption registries. By 1994 the provincial panel to review adoption legislation concluded that open records were “consistent with the values upheld by the aboriginal peoples of British Columbia and with many other cultures.”<sup>117</sup> Even the concerns expressed by the Lower Mainland Fetal Alcohol Syndrome/Effect Support Group met with the response that “specific groups of children should not be summarily denied the right

<sup>115</sup> British Columbia, MHR, *AR* (1980-81, 1981-82), various pages.

<sup>116</sup> British Columbia, MSSH, *AR* (1986-87), 32.

<sup>117</sup> Lord, *Final Report*, 28. See also the favourable conclusions found in R. Sullivan and D. Groden, *Report on the Evaluation of the Adoption Reunion Registry* (Vancouver: School of Social Work, University of British Columbia, 1995).

to have ties with their birth families.”<sup>118</sup> The adoption rights movement had come a long way. More difficult to challenge were the original failure by governments and agencies to keep detailed records and the limited ability of cash-strapped departments to track kin.<sup>119</sup>

## CONCLUSION

The history of adoption in British Columbia demonstrates how child welfare authorities tried to work out relationships between adopted children and their past. Early legislation recognized ties to two families, albeit often because suspicions about the heredity of adoptees impeded their full integration into the adopting family. From the 1930s to the 1960s adoption laws, inspired by an increased confidence in environments, attempted to integrate newcomers seamlessly into adopting households. In the last decades of the twentieth century, strengthened efforts to assert control by birth parents, Native peoples, and searchers changed the face of adoption once again. Surrendering families were increasingly likely to retain knowledge and even contact with youngsters, just as they might in custom adoption. Even tragic relations had not stopped daughters and sons, mothers and fathers, and still more remote members of kin and cultural communities from valuing connection with one another.

While adoption has profoundly improved many individual prospects and rescued numerous children from tragedy and abuse, it has also sometimes left injustice and despair in its wake. While far from the entire story, interrupted relations too often obscure an ugly reality that many have an interest in forgetting. Reconnecting with the past makes it more difficult to ignore ongoing relations of disadvantage and advantage that underpin so many exchanges of children in British Columbia and elsewhere.

<sup>118</sup> Lord, *Final Report*, 43.

<sup>119</sup> On the ongoing difficulties for searchers, see the Adoption Council of Canada (<<http://www.adoption.ca>). Figures regarding adoption are also notoriously incomplete, not comparable among jurisdictions, and sometimes just wrong. It is, for example, impossible to create a full run of figures on adoption of any kind in any Canadian jurisdiction.