

## Family Education For Adoption In Spain Expert Report In The Judicial Field

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Article Info	Abstract
<p><b>Article History</b></p> <p>Received: April, 2021</p> <p>Accepted: July, 2021</p> <hr/> <p><b>Keywords :</b> Social, psycho-social and expert report. Adoption in Spain. Ethical values in Social work. Professional actions</p> <p><b>DOI:</b> 10.5281/zenodo.5098058</p>	<p><i>This article presents the historical evolution of the social report, which has been the principal document which Social work professionals have done from their beginnings to the present day.</i></p> <p><i>Evolution towards other required formats, in the civil judicial environment, such as the psychosocial report and the expert report, directly related with judicial approaches to family conflicts and with adoption processes.</i></p> <p><i>The documentary analysis based on ethical values intended to be carried out, gathered in both national and international Codes of Social Work collegial organizations, we show the developments and figures in terms of adoptions in Spain, which show the stability presented by annual national adoption data in Spain, in extant figures from the last decade along with the drop in figures referring to international adoptions in the same period.</i></p> <p><i>After showing what some research says about Spain adoption and the studies published on the theme, along with its early media repercussions which were the fruit of failure to meet intended expectations, a series of action proposals and professional interventions were carried out, along with a series of critical questionings, of the probable causes which led to little success produced by the achievements of three decades in the adoptions area.</i></p>

### Introduction

This article deals with the subject of the social report which social workers have worked on from the beginning of their professional actions in Spain, as the basic documents among those called specific documentation of social work, which they have always used to display their work and professional tasks.

From a review of how scientific literature on how the documentary theme in social work has evolved, we expound on the situation of adoption in Spain, from its regulation, during the democratic phase, up to current data on adoptions done in the last decade, as well as the various problems which have emerged around its application and development.

We take advantage of the opportunity to aim at possible professional action and followup perspectives on adoption cases from consolidated theoretical approaches which have not been extensively considered, at the time of addressing both plans and interventions by professional organizations and national and international organisms to achieve best practices and results.

Thus, the novelty of the proposals made may represent an important milestone, as well as an exciting challenge, to change perspective and focus on the problems presented in adoptions in different ways from the current style, with actions which would involve constructing new family relations which do not presuppose ruptures and incongruencies which themselves bear the difficulties, or even impossibilities, of reaching wellbeing and full development of families, and their members, implied in adoption processes.

Assuming new focuses involving more holistic and global perspectives on the families of the citizens being helped, in the case of both national and international adoptions, avoids denialisms which impede the ability to face and integrate human and social realities of the people who are objectives of professional service. After all, it often seems "as if" the intended objectives at the time of dealing with adoption were not clear and not known in their interests and intentions.

The proposals done address possibilities which, apart from being novel, involve integrating theoretical and practical models which have already been detailed and abundantly exposed in scientific and professional literature for case study and treatment, via phenomenological and systemic models which are highly useful for carrying out social reports, known as reviews or expert reports when taken before courts of law, which is definitively, from start to end, the fundamental objective of this present work.

### 1. Methods

#### 1.1. Specific documentation of Social Work: The Social report

Much has been written about the Social report and its as the professional document *par excellence* of social workers, in Spain and in Latin American countries (Barros, 1960; Colom, 2019; Consejo General del Trabajo Social, 1985; Díaz, Restrepo & Piñero, 1986; Fotheringham & Vahedzian, 2010; García & Rojas, 2004; Giribuela & Nieto, 2009; Gómez, 1988; Gómez, Lorente, Munuera & Pérez, 1993; Munuera, 2002; Pérez, 2000; Pérez, Pérez, Gómez & Munuera, 1989; Santos, 1990).

The Social Family History is the result of the relation established between the social worker and the family in the different interviews done, apart from collaborations with other social networks. Thus, it is the fundamental document for both professional intervention and for creating the other common professional documents, most of which, as in the case of the Social report, are often required by other administrative or organizational establishments, according to the object and means for which they are used (Gómez et al., 1993).

In the Deontological Code approved by the Social Work General Council, during the Extraordinary Assembly of 9 June 2012, the following social work documents are described thusly:

To carry out their functions, social work professionals have specific social work instruments:

*Social history.* Document for exhaustively recording personal, family, sanitary, housing, economic, work, educational and any other significant data on the socio-familial situation of a user, the demand, the diagnosis and subsequent intervention and the evolution of said situation.

*Social File.* Documentary social work support, which records systematizable information on social history.

*Social Report.* Social dictum which serves as a documentary instrument, elaborating and giving an exclusive signature to the social work professional. Its content is derived from study, through observations and interviews, which reflect in synthesis the object situation, valuation, a technical opinion and a professional intervention proposal. (Consejo General del Trabajo Social, 2012)

The preceding definitions of social history, social file and social report (Consejo General del Trabajo Social, 1985; Díaz et al., 1986), which is the one which draws our interest here, show the confusion which exists around them, if one bears in mind that they are cited within a professional Deontological Code for social workers. In reality, it supposes an intent to proclaim professional intervention without determining or indicating how it should be done and carried out, which does not go much further than a declaration of ethical intentions without establishing professional behavior modes, which is what would define or give more meaning to the cited documents.

It becomes at least contradictory and even paradoxical to compare or categorize data referring to family, housing, economics, work, education, etc., among the contents gathered in a Social history, which carries the burden of classifying in the same level such different aspects without relation in either their basis or their ends, and whose comparison creates confusion at the moment of professional action to achieve and maintain what is meant to be the main goal of Social work: favoring the full and total self-development of clients, as well as the greatest personal and social wellbeing possible.

The cited documents also lack references to social and family relations – as would be the case of a family genogram and pertinent transgenerational relations for consideration in adoption case reports – which are definitively the object of any professional action by social workers. This is because in spite of being named as social or professional intervention there is a content vacuum, as reference is only made to terms such as: social diagnosis, object situation, valuation, technical opinion, demand, operative objectives, activities and tasks, resource, timing, evaluation criteria, etc.,. Thus, the Social report has primacy, as a technical dictum, on social history, as a record of professional actions with a family nucleus, as well as its trajectory and evolution.

One widely repeated Social report definition is that which describes it as:

Consisting in the collection of personal background (Family History), supporting family members (primary support network), family dynamics, economic evaluation, sanitary and educational situation, as well as other data relevant for describing and accrediting the current situation of a particular family group. (Hernández, 2016).

This largely coincides with the definition of Social history offered in the Deontological Code, which makes both documents incompatible due to their different objectives, since both intend to gather all family, sanitary, economic, educational, etc., information, while the social report also tries to be a technical dictum of the Social Work professional with an appraisal and an intervention proposal. All of this together may often be incompatible amongst itself, since we must take into account the intended neutrality required to achieve the empathy necessary in the professional actions of all social workers.

Thus, there is an intent to promote a type of professional action based on:

Respecting the client by abstaining from judging them and thereby producing the capacity to explore hidden aspects of their problems. A successful helping relationship is reached when the social worker can create an atmosphere which drives the client to go deeper into their problems, in spite of their doubts, fears and anxieties which are, often, what impede their exploration. (Gómez & Munuera, 2016)

This professional action is what will be incompatible with some types of social diagnosis, which are those which are intended to be highlighted in many social reports done by social workers.

Moix (2004) criticized that among the objectives of Social Work, we can find “satisfying social needs, solving social problems, social change, revolution, etc.”, since the social worker, like any other similar professional, cannot represent a supposed redeeming leader of the world or new messiah, since said pretensions like social needs do not fall within the objectives of Social Work itself, as they tend to be unlimited while, on the contrary, the social resources sent for their fulfillment will always be limited.

The most fundamental part of the actions of social workers, marking the difference between them and other similar professions and placing social workers closer to what it means to put the Human Rights proclaimed in the Universal Declaration of Human Rights from the UN (United Nations) into practice, is belief in the dignity of mankind (meaning both men and women), which involves believing in their intrinsic value because of their humanity, without needing any further title to satisfy their needs, due to belonging to a nourishing society which can free them from fear, from privation, from ill health and from oppression, which can enrich them more than endangering them or taking away from them, where they can develop their individual capabilities, make use of them and access happiness. Qualified social workers prove every day that no failure is final and nothing is ever entirely achieved, nor entirely lost. Many fail due to not finding the right support at the right time. This is why for social work, mankind is not something finished; hence its indispensable contribution to both the self-realization of mankind and the growth of its social functioning, and the progressive humanization of society itself (Gómez, 2019).

### **1.2. The International Declaration of Social Work Ethical Principles**

The International Social Workers’ Federation (FITS, 1994) took up the fact that social workers act simultaneously to help and to control and declared that

when it is provided that social workers act in a role of controlling citizens for the Administration, they are obligated to clarify the ethical implications of this task and, to what degree, this role is acceptable from the viewpoint of social work ethical principles.

Later declarations have given nuance to the cited allusions regarding the actions of social workers in a controlling role over citizens for the Administration, for example the Global Declaration of Ethical Principles and Professional Integrity (FITS, 2014), which includes this Global Definition of Social Work:

Social work is a profession based on practice and an academic discipline which facilitates social change and development, social cohesion and the empowerment and liberation of people. The principles of social justice, human rights, collective responsibility and respect for diversities are fundamental for social work. Supported by social work theories, social sciences, humanities and native knowledge, social work involves people and structures to approach the challenges of life and improve wellbeing.

The attempt to justify the empowerment and liberation of people without citing the family among said dimensions is rather striking, since by trying to exclude it must, therefore, be considered as the dimension to include and approach as fundamental in holistic professional actions, which are those required by family courts.

Family adoption therefore involves difficulties at the moment of being able to structure or, at least, agree on the aspects which should be dealt with by a professional technical report, which would be useful and would help both families and their members to justify their attentions and positive and pertinent evolutions, especially before a court charged with the proper aim and functioning of the legal institution of adoption and its effects.

### **1.3. Psychosocial reports versus expert reports**

Since Family Courts were created in 1982, the “psychosocial teams” of Spanish justice administration advised judges regarding family conflicts, through the psychosocial reports which judges required from them (Gómez & Soto, 2016a, 2016b). These teams were composed of social workers and psychologists, who had some rivalry regarding the psychological and social competencies to draft said reports for courts, with declarations supposing less prominence for social workers in the creation and composition of the narrative, apart from the technical alternatives of psychosocial work in family courts and the tasks carried out by psychosocial teams with families.

What lies around the social image of social workers is a lower esteem of their profession, versus that of psychologists, and the subsequent questioning of their use if they are incapable of evolving in the content of their expert contribution. This means that there is a lack of theoretical discourse on judicial social work arising from a lack of systematization of the practice, but also from a notable absence of training in this discipline.

The social work profession is generalist, handles many sectors, and its training for expert functions is based on specialization, which creates problems if the professional does not acquire the capacity which their academic reality has not provided them. On top of this, until relatively recently social work had a lower academic category.

Another influential matter to highlight is the common belief among judicial social workers that they are there to assist the judge, not as experts so much as assistants, given the need for follow-up on cases which often return repeatedly to courts without any solidification or planning in aid action and its evaluation. This increases debate and puts a new variable in play which complicates interpretations of the role (Gómez & Soto, 2015a, 2015b, 2020).

Regarding psychosocial reports done on adopter suitability (Díez, 2018), these will be referenced hereinafter with detail to the factors which affect them, as they are required by the dependent Public Entity in

every competent Autonomous Community in the application of the Civil Code regarding adoption established in article 176.3 where:

Suitability is understood as the adequate capacity, aptitude and motivation to carry out parental responsibility, attending to the needs of the adopted minors, and to take on the peculiarities, consequences and responsibilities adoption brings.

The declaration of suitability by the Public Entity will require psychosocial evaluation about the personal, family, relational and social situations of the adopters, along with their capacity to establish stable and safe bonds, their educational skills and their ability to tend to a minor as part of their singular circumstances. This suitability declaration will be formalized via the corresponding resolution.

Nobody can be declared suitable for adoption who has been stripped of their parental authority or has its exercise suspended, nor whoever has entrusted the care of their child to the Public Entity.

Regarding the structure and form of the report, there is absolutely no consensus. We prefer the proposal of Navarro (2002) as a valid drafting guideline, as it aims at the convenience of adjusting the report to the ISO Norm adapted in Spain by UNE.

## 2. Results

### 2.1. Expert evidence in Spanish courts

Expert evidence within judicial procedures, especially in the civil area (Soto& Gómez, 2016) must follow the form in which judges and magistrates value different evidence types and social workers' presence in the expert area through psychosocial teams.

The Motives Exposition of Law 1/2000, of 7 January, of Civil Judgment (LEC) describes the nature of expert evidence understanding the dictum of an expert as a means of proof within a procedural framework, within which they do not impose and the court is responsible for the investigation and proof of the veracity of relevant facts upon which the intended tutelage formulated by the parties is based, as the court carries the burden of allegations and proof. Thus, the dictum of an expert designated by the parties can be introduced and the court reserves the designation of an expert for cases where they may be solicited by the parties or be deemed strictly necessary.

There has been controversy about whether scientific tests should be an evidentiary method, or a judicial support, but proof must be submitted to hearing and cross-examination between the parties and not only be used as support for a judicial decision, since practical, technical, artistic and scientific knowledge is more necessary the more complicated and technical judicial relations become.

Experts habitually deal with facts, according to art. 335 of the Civil Trial Law (CTL). These individuals must be distinguished between:

- Scientifically objective expertise, those in which the exactness or inexactness of an affirmation must be verified, and there can be only one answer, e.g. any DNA test.
- Expertise of opinion, which is not about verifying a fact, but appraising or evaluating it. These are evaluative opinions about something, which may be contradictory and demand sound critique from the judge.

Spanish civil legislation has always considered the figure of the expert investigator as a probative means or as a judicial assistant.

Experts in civil procedures are divided into two types (Soto&Gómez, 2016):

- Designated by the parties. This designation has no conditions except that they have the knowledge or title necessary to carry out their investigations (art. 335 of the CTL) or that they are suitable (art. 340 of the CTL). They will contribute to the statement with the demand or rejoinder to the dictum. These experts are subject to disqualification as such under the law of removals and disqualifications.
- Judicially designated. These are numbered by agreement between the parties, ex officio, by lot and running list (of colleges, professional associations, academies or scientific institutions) or by the parties' consent when only one expert can be had. These experts are subject to recusal or abstention cases.

The evaluation of expert evidence is the procedural moment where the judge contacts the expert for evidence, a relation in which the two professionals connect and in which the judge meets a specialist in the task where they must decide and the statement from the expert enters the judicial decision one way or another.

In the verification of family realities and dynamics, it is difficult to determine absolute truths within a relationship framework. These are subjected to lineal thinking, represented by the cause-effect equation, if we reduce the viewpoint to a myopic level. To the degree that the investigative focus opens out, dynamics may be better explained, but this can also involve losing the relationship between behavior, its causes and its consequences.

Proof value criteria must tend towards facilitating responses to following requirements:

- The underlying scientific theory is valid.
- The technique applied to the theory is valid.
- The technique is adequately applied to the occasion in question.

- The proof must be accepted as sufficiently valuable by the general scientific community and a publication about the topic subjected to scientific controversy.
- The methods used must be proven.
- Result error frequency must be determined.
- External review by other specialists must be possible.
- The expert must be adequately qualified.
- Results should be reproducible within the range of possibility.
- Simple criteria comprehensible to courts and juries must be used.

Technical psychosocial teams in Justice administration within Family Courts were created based on Law 30/81, of 7 July, in its modification of the Civil Code, article 92.5, by establishing that “The judge, ex officio or by request from the parties may solicit specialists’ reports”.

## **2.2. Adoption and its evolution in Spain. Its legal regulation.**

There are various normative frameworks with international reach throughout the 20<sup>th</sup> century regarding the rights of children which also influence adoption processes. These include:

- The “Universal Declaration of Human Rights” by the UN in 1948, which included the rights of children.
- The approval of the “Declaration of the Rights of Children” by the UN General Assembly in 1959.
- Starting in 1979, on the occasion of the International Year of the Child, with debates about a new declaration based on new principles, concluding with the UN signing the “Convention on the Rights of Children of 20 November 1989”.
- The “Convention of The Hague” of 29 May 1993, regarding protection of children and cooperation in international adoption.

Regarding national norms, Law 21/1987, of 11 November, which modified several articles of the Civil Code and CTL regarding adoption, transformed the treatment of situations of child vulnerability, dejudicializing them and redirecting them towards the Social Services system. In its preamble, this Law based adoption on two fundamental principles: its configuration as an instrument of family integration, referring essentially to those who need it most, and the primacy of the interests of children. This law also deserves mention, however, because it included from that point on an explicit recognition of Social Work in the normative environment of adoption:

Thus, after this definitive overcoming of purely beneficial optics, we give rise to professionalized action in the business of bringing adoption to a good conclusion. This professional action is what the social worker will carry out, along with other professionals, within multidisciplinary teams, to which the cited Law alludes in the first additional disposition. Out of all these latter facts, we can deduce that social work as a discipline has been recognized implicitly for the first time in our Civil Code. (Gómez, 1988)

The general legislative framework of reference for adoptions is based on:

- Organic Law 1/1996, of 15 January; Judicial Protection of Minors, partial modification of the Civil Code and the CTL.
- Law 39/2006, of 14 December; Personal Autonomy Promotion and Attention for people in dependent situations.
- Law 54/2007, of 28 December; International adoption, modified on 29 July 2015
- Law 26/2015, of 28 July; protection of children and adolescents, with the modification of article 178 of the Civil Code. Every autonomous community has autonomy to handle international adoption processes, being able to opt for this through public channels, through administration, or privately, via an IACE organization. Another route could be to use what the country chosen for adoption demands.

In the investigation on Open adoption in Spain done by Díez (2018) there is evidence about how the studied autonomous communities apply it sparingly, since although said adoption option is considered in the psychosocial report, no specific criteria have been established to evaluate adopter suitability in twelve of the seventeen communities, although five are considering them. Furthermore, the five which have done it differ on forms, and in no case have the criteria been incorporated into autonomic norms. But this notion of Open adoption noted in the law will be useful to us as a scope to open a road towards the goal of new perspectives of professional action of social workers.

The conclusions of the study by Díez (2018) are very significant for this present work, since they state the need for different autonomous communities to take consciousness of the advantages offered by open adoption as a means of protection by putting both the adoptive family and biological family in agreement about the fact of adoption. Its lack involves an absence of training in the professionals in charge of adoption and family placement, as well as among adopting and host families. No specific instruments have been created for exploring and valuing the preparation level of open adoption offerers, and there are also no adoptability criteria nor any criteria for adopter determination in an open adoption regimen.

There is also no interest in creating a Adopting Families Record in an open adoption system, based exclusively on sibling relations without considering other relatives.

Another important modification included in this Law appertains to the Law of International Adoption responding to various needs, since they determine the competencies of the General State Administration, which affect foreign policy, such as the need to start, suspend or limit adoption processes with certain countries, as well as the accreditation of organisms to act as intermediaries in international adoptions, under the terminology of the Convention of The Hague, referring to the aforementioned international adoption collaboration entities, without limiting the necessary intervention of the Autonomous Communities' Public Entities. The greater interest of the minor is emphasized as a fundamental consideration in adoption and the future adopters are defined, not as solicitors, but as people who offer themselves for the adoption process.

The IACEs (International Adoption Collaboration Entities) are now termed accredited international adoption organisms. Furthermore, international adoption guarantee provisions are reinforced indicating that they can only be done via the intermediation of accredited organisms and that in the cases of countries which are signatories of the Convention of The Hague and with determined conditions by intermediation of Public Entities.

Based on legislation, IACEs were created in Spain, which are non-profit entities whose goal is the protection of minors and which are empowered, when required, as intermediaries in international adoption processes (Anzil, 2011).

The various autonomic norms for developing and applying the stipulations of the Civil Code, and other general laws, regarding adoption, in a total of seventeen autonomous communities, apart from the autonomous cities of Ceuta and Melilla which apply their agreements with the Central Administration in its development, are explained in the following documents:

- Decree 282/2002, of 12 November, from the Government of Andalucía, on Family Placement and Adoption.
- Decree 188/2005, of 26 September, from the Government of Aragón, approving the Regulation of the administrative process prior to national and international adoption of minors.
- Decree 46/2000, of 1 June, from the Government of Asturias, approving the Regulation of Family Placement and Adoption of Minors.
- Decree 40/2006, of 21 April, from the Balearic Government, regulating procedures for family placement, adoption and suitability determination.
- Decree 137/2007, of 24 May, from the Government of the Canaries, regulating administrative procedures prior to the constitution of adoption and Adoption Records.
- Decree 58/2002, of 30 May, from the Government of Cantabria, developing the Procedures Relative to the Protection of Minors and Adoption and regulating the Records on the Protection of Children and Adolescents.
- Decree 45/2005, of 19 April, on Adoption of Minors in Castilla-La Mancha.
- Decree 131/2003, of 13 November, regulating the action of protecting at-risk or unprotected minors and the procedures for adopting and executing the measures and actions to carry it out in Castile and León.
- Law 8/2002, from Cataluña, of 27 May, modifying Law 37/1991, of 30 December, on protection measures for unprotected minors and adoption, and regulating special attention for adolescents with high-risk social behaviors.
- Law 4/1994, of 10 November, on minors' protection and care in Extremadura.
- Decree 42/2000, of 7 January, from the Xunta de Galicia, reworking existing regulatory norms regarding family, childhood and adolescence.
- Decree 31/2007, of 25 May, from the Government of La Rioja approving the Regulations on Administrative Intervention in Adoption Matters.
- Law 6/1995, of 28 March, on Guarantees of the Rights of Childhood and Adolescence from the Comunidad de Madrid.
- Decree# 372/2007, of 30 November, regulating administrative procedures regarding adoption of minors in the Region of Murcia.
- Statutory decree 111/2014, of 26 November, from the Government of Navarre, regulating administrative procedures for adoption within its statutory community.
- Decree 114/2008, of 17 June, from the Basque Country Government, regulating actionable procedures for provincial councils to follow regarding adoption of minors.
- Law 26/2018, of 21 December, on the rights and guarantees of childhood and adolescence in the Valencian Community.

Each autonomous community has autonomy to process international adoption procedures, being able to opt for public channels, administrative channels, or private routes through an IACE. However, the country chosen for adoption might not accept one of these paths, necessitating processing through another mandatory path.

An IACE is formed principally by three professional figures: an attorney, a psychologist and a social worker, and their functions are the following:

- Inform and advise on international adoption matters.
- Aid families in carrying out any procedures or obtaining any documents needed.
- Intervene in processing of adoption files between Spanish authorities and authorities in the country where the adoption will be carried out.
- Carry out post-adoptive functions in Spain and the origin country of the adopted minor (post-adoptive followup).

The Professional Colleges of social workers and psychologists have created the Professional Intervention Cycle in International Adoption (PICIA) to carry out necessary psychosocial studies in order to fulfill international adoption processes. As indicated by Mustieles (2000) the expectations of social workers' professional development through PICIA laid in illusions which time erased. It has gradually lost its initial importance in just a few decades from its start, especially due to the decline in adoptions and the marked drop in recent years, as the next paragraph will show.

### **2.3. Figures on adoption in Spain**

As seen in table 1, the evolution of international adoptions in Spain is clearly tending towards decline, according to extant data from 2011 to 2018. These passed from 2573 adoptions in 2011 to 444 adoptions in 2018. The rate of international adoptions per 100000 inhabitants under 18 shows the indicated decline, moving from 30.9 to 5.4, and the same occurs with annual international adoption percentages over the total of adoptions performed, shifting from 78.5% in 2011 to 41% in 2018.

National adoptions show different tendencies as they offer balanced figures, with an approximate median falling within the interval of 600-700 adoptions annually. From this, due to the influence exerted on global data the oscillation descending from international adoption data the annual percentages of national adoptions are rising, going from 21.6% in 2011 to 59% in 2018, while its rate per every 100000 residents under 18 remains stable.

[Table 1]

Graph 1 visualizes the previously mentioned tendencies regarding adoption data in Spain, the fall in international adoptions across 2011-2018 and the balance in national adoptions, as well as the influence on the decrease of total adoptions in the indicated fall.

[Figure 1]

### **2.4. Research findings regarding adoptions performed.**

Various works, studies, and investigations have left multiple evidence perspectives on the knowledge of causes and situations arising from adoptions done in the last three decades (Rodríguez, 2015; Cabanilla & Caveda, 2018; Navarro, 2002; El País, 2012). However, along with all this, there has been little advance in how we approach or face said vicissitudes, since we have to be conscious of the problems first before organizing how we approach them, in search of solutions. From this, we find ourselves taking consciousness of our problems, using the energies necessary to face solving the problems, which have become structural, endemic and, apparently, even necessary for our social relations, as though there was no way, or no idea how, to surpass the problems.

The study by Navarro (2002) shows how adopted people need to know their prior history, which was habitually hidden from them in spite of their lengthy struggle to discover and know their origins. The fact of international adoption makes this obfuscation difficult due to the evidence of physical differences between adopters and adoptees, which has led to posing the transition between the biological and the cultural, as well as notions of origin and identity, ethnicity and race. "The imaginations of the interviewees show images related with earth, the womb, the mother, Africa, the homeland, etc."

Gallego (2013) distinguishes biological parenthood, considered from the private sphere, from adoption as a social resource and competence of public powers to help enforce the right for children to have a family, expressed as the higher interest of the minor. She shows how the leading role of children still needs to be translated into the practice of adoptive filiation, along with the conception which society at large still has about international adoption. She describes adoptive parents as a "consumerist generation" in a demand position, giving rise to fraud and corruption in the adoptive process.

On the other hand, the Ecuadoreans Cabanilla and Caveda (2018) highlight the advantages offered by "Open adoption", already addressed in the previous paragraph on legislation, which allows adoptees to know their true identity and their birth parents, avoiding future disappointment upon knowing they were adopted. Biological relatives can also help in raising the minor and with their needs, helping reinforce their self-esteem, avoiding the pain of "the loss" and the rejection of the adoptive family.

This matches the outlook of Rodríguez (2015), more focused on policies, and who affirms this regarding adoption:

It is a public act, signed off on by the administration and managed by technical know-how. The institution of adoption places the minor at the center of their arrangement, although it does present them as a passive subject who only receives care and attention, not as an active bearer of family wellbeing. It is this consideration which adoptive parents make as their veiled claim in their personal narratives: they want to exercise their right to be parents (for the first time or again, married or single, whether or not

they have biological and/or adoptive children already), they want to give and receive love, they want to be happy and make their children happy.

As a final citation in this paragraph, it is worth citing a newspaper article from *El País* (2012) titled: "Truncated adoptions: Family relations are complicated when children reach adolescence. Spain experiences this phenomenon since the 'boom' of adoptee arrivals in 2005", as an indication of the public repercussions attained by the problem by the start of the last decade.

After indicating that the timeframe in Spain of the adoption boom between 2004 and 2006 had already passed (273% more than in 1998), it affirmed that the first alarms of this problem had sounded since:

In Catalonia 72 minors had been abandoned by their adoptive parents in the last decade. More than half came from international adoptions and were over 10 years old. The Catalan Social Welfare Council announced that it would review its family selection criteria, but experts consider it also necessary to have more information, training and followup on parents to avoid adoption project failure.

Parenting difficulties are not exclusive to adopters, but peculiarities do exist. "They must admit that the Administration will pry into their lives, that children can exercise their right to seek their biological parents, or that they can suffer problems due to their origins", Salomé Adroher, director general of Family and Child Services from the Health Ministry, considers that the Administration "is not solely to blame for truncated adoptions", but recognizes that "we must analyze whether the processes have been right". "This is the time to open debate. As a jurist, I see that it is inconceivable that no community considers having abandoned a child before to be grounds for unsuitability".

Experts conclude similarly: more studies to avoid family failure are needed.

### 3. Conclusions

#### 3.1. Professional proposals for family education

The need for new professional approaches to help everyone involved in adoption passes through the reestablishment of the natural order of its participants, being those people directly affected by the adoption, to avoid exclusions which could have a blind or hidden direct influence on adoption failure. The order which helps is as follows: Biological parents, adoptee children, adopting parents, the Administration, intervening professionals and society at large.

This is extensively developed by Ulsamer (2018) in his work "No wings without roots", since adoptees cannot construct their identity without knowing their origin, i.e., about the negation of everything their biological parents mean: genetically, culturally, psychologically, ethnically, etc. It will also be difficult, if not impossible, for adoptive parents to reach the role of happy parenthood over the negation of the biological parents' reality and the vicissitudes and causes which led to adoption, as a renouncing, a loss, and truly as a traumatic fact for all.

Perhaps this shows how the Administration, in its search to solve this matter by skipping over the indicated order, cannot solve what it intends to solve and why, in the preceding paragraph, the Administration figure speaks about blame in "truncated adoptions" and about studying whether processes have been adequate, since as a jurist she sees it as "inconceivable that no community considers having abandoned a child before to be grounds for unsuitability". With this, she intends to exculpate the Administration she represents by blaming parents, when what actually helps is that every party with a role in adoption takes responsibility for their place in the process.

Constructing identity and personal growth are directly related with the split from the biological parents: the father and mother. Based on this, they expand into the rest: adoptive parents, siblings, family, country, friends, culture, customs, etc. All other problems which are habitually studied and indicated have to do with this schism.

Social work professionals, with their professional reports, often act from a certain blindness, which could only be overcome from a deep transformation if they intend or want to help in a safe way, first for themselves and then for everyone else. To do this, they have to place themselves in the proper site and order and locate everyone else in their place, in order to harmonize with what can be useful and help resolve problems, thereby breaking dynamics anchored in their perpetuation or repetition. Thus, there is a fundamental, visible and simple method for solving problems presented in adoption, which agrees with widely developed family intervention models (phenomenological, systemic, family constellations, etc.) which only need to be cited and referenced here in the bibliography if the reader wishes to read deeper (Gómez, 2007, 2012a, 2012b, 2016).

#### 3.2. The necessary changes of adoption in Spain

The development of this article shows the obviousness of the necessary perspective changes regarding adoptions and where to start looking if new actions and new solutions to social problems are desired. Even though evidence has been given and they seem obvious, indications continue to show that there must be more studies and influence on the blame for recent decades' failures regarding adoptions, which were presented to Spanish professionals (especially in social work) as a panacea and solution to their consolidation and professional development. Thus, there is a need to:



1. Scientifically reconsider the importance of family, biological parents, in areas which sciences including biology, psychology, anthropology, social work, physics, etc., have widely developed, shown and contrasted.
2. Starting from a negation or ignorance of facts, whatever they may be, implies that future facts cannot be abstracted from said ignorance or negation. This was relevant to the discovery of the unconscious by Freud, when he analyzed those young Viennese women who suffered bodily paralysis which Freud (1978) catalogued as hysterical, which were the fruit of denying traumas suffered in childhood and which, upon making them conscious, caused the disappearance of the symptoms treated.
3. The models applied to family therapy which are the closest or most adapted to Social work, from its Victorian beginnings to its later North American development, should be integrated and considered by institutions responsible for both carrying out adoption processes and for consolidation and recognition of Social work and its professionals as the right people to help families and their members.

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