The Psychosocial Report For Adoption In Spain

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Abstract

This article presents the historical evolution of the psychosocial report, which has been the principal document which psychosocial professionals have done from their beginnings to the present day.

Evolution towards other required formats in the civil judicial environment, such as the expert report, directly related with judicial approaches to family conflicts and with adoption processes. 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.

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.

Keywords: Psychosocial work, Expert report, Adoption in Spain, Professional performance.

I. Introduction

This article deals with the subject of the psychosocial 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 follow-up 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.

2. Methods

2.1. Specific documentation: The psychosocial 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 established relation between psychosocial 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 organizational or 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. (Conejo 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.

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).

2.2. 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 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 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 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.

3. Results

3.1. 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 the 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".

3.2. Figures on adoption in Spain

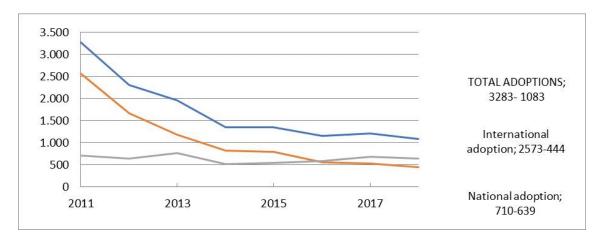
As seen in table 1, and figure 1, the evolution of international adoptions in Spain is clearly tending towards decline, according to extant data from 2011 to 2018. These passed from 2573 adoptions in 2011 to 444 adoptions in 2018. The rate of international adoptions per 100000 inhabitants under 18 shows 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
Data evolution

National adoption	2011	2012	2013	2014	2015	2016	2017	2018
Minors adopted	710	641	770	525	553	588	680	639
Rate 1/100000 > 18 years	11.2	9.3	5.1	7.0	6.8	7.1	8.2	7.7
% of annual total	21.6%	27.7%	39.3%	38.9%	40.9%	50.9%	56.2%	59%
International adoption	2011	2012	2013	2014	2015	2016	2017	2018
Minors adopted	2573	1669	1191	824	799	567	531	444
Rate 1/100000 > 18 year	30.9	20	14.2	9.3	9.6	6.8	6.4	5.4
% of annual total	78.5%	72.3%	60.7%	61.1%	59.1%	49.1%	43.8%	41%
Total adoptions	3283	2310	1961	1349	1352	1155	1211	1083
Rate 1/100000 > 18 years	42.1	29.3	19.3	16.3	16.4	13.9	14.6	13.1

Created from the Statistical Data Bulletin on child protection measures from the Childhood Observatory. Social Rights Ministry and Agenda 2030



Source: Elaborated by the author

3.3. 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 unsuitability".

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

4. Conclusions

4.1. Professional proposals for help

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).

4.2. 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 Spanish professionals to (especially in social work) as a panacea and solution to their consolidation 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.

Acknowledgements

Our thanks to the Universidad Complutense de Madrid (UCM), and to its Department of Social Work and Social Services of the Faculty of Social Work, and Universidad Nacional de Educación a Distancia (UNED), and to its Department of Social Services and Historical-Legal Foundations from the Faculty of Law, who supported the research tasks for the study of Adoption in Spain.

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Francisco Gómez Gómez 3958

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