

# Adoption lawsuit may force change at Gladney

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**FORT WORTH** - Almost from the moment they brought their daughter home from the Gladney Center for Adoption in 1982, Carolyn and Lee Williams have been searching for keys to her volatility.

As a baby, Tammarah slept fitfully and cried frequently. When she got older, she constantly got into trouble for biting, fighting and misbehaving at school.

At 12, she pulled a knife on her mother.

"She did things that just weren't normal," Carolyn Williams said. "She was the worst of the worst.

"I was totally exhausted, and the doctors didn't know what was wrong."

Doctors kept asking for details about Tammarah's birth parents. But when the family asked Gladney for information, the adoption agency said it was "confidential" and "unavailable."

It wasn't until last year -- after a Tarrant County court ordered Gladney to release nearly 800 pages of documents on the birth mother's background -- that the Williams family got a more definitive picture of their daughter, now 21.

Now, in a case that pits adoptive parents against one of the nation's leading adoption agencies, the Williamses hope to unlock from Gladney's vaults similar information on up to 4,000 adoptions dating to the mid-1970s.

In a lawsuit filed in Tarrant County, the Williams family accuses Gladney of violating state law and has asked state District Judge Bonnie Sudderth to allow any adoptive parents or children to see their files.

"I was begging for them back when she was little," Carolyn Williams said. "I wanted someone to help me, and I thought they would be there for me.

"They gave me the records 21 years too late."

Gladney officials say that state laws require them to maintain the confidentiality of the records, and that recently passed laws opening some records don't apply to adoptions handled years ago.

"Times can change," said Gregory Love, a Fort Worth attorney representing Gladney. "But if the Legislature doesn't uncuff our hands to provide something to them, the problem is still there."

Gladney officials say that adoption -- as with any birth -- provides no guarantees that a child will be perfect.

"Any child that you adopt or that is born to you, that child is 'as is,' " said Susan Abbott Schwartz, an attorney for the Gladney Center. "You deal with that child as the issues come to the fore with that child."

Tammarah Williams declined to be interviewed. In a deposition, however, she said she "didn't understand why it took so long" to get the records.

"Now I just wonder," she said. "Would it have changed things?"

### **A new baby**

Carolyn and Lee Williams were so happy to get Tammarah that they didn't ask a lot of questions at first.

Their first child had died at 7 days old, and they desperately wanted to be parents. But they didn't think they could endure another troubled pregnancy.

They turned to Gladney.

The couple told Gladney that they wanted a "low-risk" baby. They didn't want a child in which asthma, juvenile diabetes or epilepsy were in the background of the birth parents, court records show.

Although they indicated that they would accept a child whose birth mother had used "mild drugs" before pregnancy, they didn't want to adopt a child whose biological parents had used "hard drugs" before or during the pregnancy, records show.

They did not want "a child where there is a background of mental retardation or dyslexia," according to the records.

After submitting their application in April 1982, the Williamses settled in for a long wait. Carolyn Williams' nesting instinct took over -- the nursery was prepared, the crib was purchased.

Four months later, they got a call.

Carolyn Williams vividly remembers the day. It was a Thursday. The baby was 7 pounds, 9 ounces and 19.5 inches long. They could pick her up the next day.

"I just started screaming because I was so excited," Carolyn Williams said. "It was so quick. Just what I wanted. A baby girl, and we could pick her up. ... The room was ready. I even had dresses.

"That was the best news I had heard in my life."

Almost immediately, however, the couple began to have problems.

All babies cry, but Tammarah cried endlessly. Even as an infant, she never slept for more than two hours at a time. As she grew older, her troubles increased.

The Williamses repeatedly took Tammarah to doctors, all of whom made the same request: They wanted a family history.

"The psychiatrist and the doctor were telling us they needed to know more about the biological mother," Carolyn Williams said.

The Williamses said they made their first unsuccessful request for information from Gladney in 1986, when Tammarah was 4. Gladney has no record of the request.

By the time Tammarah was 10, she was struggling with depression and began seeing a psychiatrist, they say. She was diagnosed with attention deficit disorder and was taking Ritalin, but the medicine left her even more agitated when it wore off, her parents say.

In 1992, the Williamses again went to Gladney for information.

After that request, they say they were told that Tammarah's maternal uncle had died of cancer, that her father and aunt had diabetes and that another aunt was mentally retarded.

They also learned that Tammarah's birth mother had had two abortions by the time she was 21 and had placed another child for adoption through Gladney.

Tammarah's behavior reached a low point in 1994, the Williamses say.

"She grabbed a knife when I was trying to correct her," Carolyn Williams said. "She picked up the knife in the kitchen and pulled it back. I talked her down from that."

In 1998, the family tried again to obtain information. They hired Bedford attorney Jay Gray, but Gladney informed them in a letter that the birth mother had refused permission for the release of documents.

The letter, however, revealed some new information about the mother: Several of her cousins had had cancer, including childhood leukemia; there was a possible family history of alcoholism; and a grandmother had "mental problems."

Gladney declined to release more details at that time.

The Williamses said they did their best to cope. New drug treatments helped Tammarah with her depression and attentiveness as she entered high school, but they say she traded her agitated state for an obsession with school work.

She finished high school in just three years and graduated from Texas Wesleyan University with a bachelor's degree in accounting in three more. She earned a master's degree in accounting last year from the University of North Texas.

Tammarah left home four years ago, when she was 17, but has been unable to hold a job, in part because of ongoing behavior issues, her parents say. They pay her rent and provide her with a car.

"Gladney has stalled throughout the years by dribbling out information with promises of more information," Gray said. "They just don't like complying."

Gladney was reluctant to discuss details of the case, citing confidentiality. In court documents, however, the agency has repeatedly pointed out that the Williams family has been unable to show a link between Tammarah's problems and any information that was withheld.

"There are no causal links between any failure of Gladney to give psychological records of the birth mother to the Williamses and any condition Tammarah has," Schwartz said. "They never connected that dot. Ever."

The agency has claimed in court documents that officials told the couple everything the law allowed at the time of the adoption.

Gladney has submitted reports to the court that suggest that the Williamses were delighted with their newborn daughter.

"Tammarah is a joy to have," the Williams wrote at one point, according to an internal document filed with the court. "Tammarah is progressing very well."

At any point during the first six months, in fact, the Williamses -- like any adoptive family -- could have returned the baby to the agency, Gladney officials say.

They did not.

Gladney attorneys also point out in court documents that Tammarah Williams has been successful academically.

"She is sharp," Love said. "She is articulate."

In December 2000, however, the Williamses filed a lawsuit against Gladney, accusing the agency of negligence and fraudulent concealment of their daughter's pre adoption history.

They later added a class-action claim that they hope will automatically open the records for other adoptive parents. Tammarah Williams was originally a party to the lawsuit, but she

dropped her claim at a court hearing last month after failing to provide the court with medical evidence.

"From this lawsuit, I'm hoping that the Gladney Center will release the medical information for all of the adoptive parents so if they're having problems with their children, they can get help," Carolyn Williams said.

## **A 100-year legacy**

The Gladney Center has been a haven for birth mothers and their children for more than 100 years.

Originally opened as the Texas Children's Home and Aid Society in 1887, it is the oldest adoption agency in the nation. It has placed more than 26,000 children and worked with more than 36,000 mothers, according to its literature.

In 2002, the agency posted \$6.1 million in revenues and \$26.8 million in assets and, the same year, it moved into a new, \$17.5 million campus in far southwest Fort Worth.

Over the years, Gladney has been recognized for its newborn adoption and maternity services, which include providing pre- and postnatal health care, labor and delivery, food and housing, legal services, counseling, educational programs and job skills training.

"We are about building families. That is what we do," said Paige McCoy Smith, a Gladney spokeswoman. "We are all about finding permanent homes for children that have been entrusted to our care."

Gladney also has earned a reputation as a powerful agency in the adoption world with influential supporters and adoptive families.

President Bush and his wife, Laura, for example, have said they were planning to adopt a child at Gladney until the first lady became pregnant with their twin daughters. Later, the president's younger brother, Marvin Bush, adopted two children from Gladney.

Former Fort Worth Mayor Kenneth Barr and his wife, Karen, adopted their daughter, Katherine, from Gladney in 1978.

"I think Gladney is an outstanding organization that has done miraculous things, and I don't mean to overplay it at all," Kenneth Barr said. "It's been very positive for everyone involved -- the children, the birth parents and the adoptive parents."

Katherine Barr, 26, said it bothers her "a little" that she doesn't know her medical history. But she said that hers was a closed adoption and that her parents knew that from the start. She said she would never seek the records.

"I think the life I've had outweighs the concerns I have about my medical history," Katherine Barr said. "Not knowing my birth parents' genetics has not ever bothered me."

With that kind of clientele came considerable political clout.

In 1997 and 1999, when the Texas Legislature was considering adoption legislation, including opening birth records, then-Gov. George W. Bush took the unusual step of attending a House committee meeting to alert lawmakers that he would veto the bill if it passed.

Now that he's in the White House, the Bush administration has turned to the National Council for Adoption -- a lobbying group in Washington, D.C., formed by a longtime Gladney administrator and others -- to push for passage of the Adoption Promotion Act.

Gladney officials have opposed some efforts to open the adoption process, including providing some background information.

In an open adoption, the birth mother and adoptive parents know each other, and the birth mother may be involved in selecting her child's new parents.

In the closed adoption system under which Gladney has flourished, the birth mothers and adoptive parents never meet, and their anonymity was fortified by laws that make it virtually impossible to open adoption records.

Those laws started to loosen in Texas in the early 1980s, when the state Legislature began passing laws requiring agencies to provide adoptive parents with information on their child's health, social, education and genetic backgrounds.

Although identifying information about the birth parents must be withheld, the laws required release of specific information about the adopted children's parents and extended families, including health and medical histories and any psychological and psychiatric evaluations.

The laws also gave adoptive parents -- and the children, upon reaching adulthood -- the right to examine and copy the records and any other information relating to the children's history. Records are required to be kept on file for 99 years.

"I think [genetic information] is tremendously important with the advances in medical science and the advances in genetic science," said Diane Wanger, a Bedford lawyer who has championed the opening of adoption records.

"In many cases the birth mothers are young, 15 to 20 years old, and they don't have the type of health problems that you want to know about later on."

Gladney, however, has fought the release of records in the Williams case and in a similar lawsuit in Tarrant County that was settled out of court with another family.

Those court records, and the terms of the settlement, are sealed, but Gladney officials argued in that case that the confidentiality of a doctor-patient relationship prohibits release of much of the information.

If the Williamses are granted class-action status by the courts, for example, the agency would be forced to mail notices to up to 4,000 birth mothers alerting them that the courts could

consider opening up their records -- with their names redacted -- to any adoptive parents or children who asked, Gladney officials said.

That notice alone would violate the confidentiality granted to the birth mother, even if her name is never released, Gladney officials argue.

"There is a privacy interest that women expected us to continue to protect forever," Schwartz said. "Either the Legislature has to make an exception for us or create an immunity from Gladney being sued by a birth mother when we provide those records without her consent."

Other agencies, however, regularly release such details.

"Women who are considering adoption for unborn kids want them to have the best life possible," said Adela Jones, director of domestic adoptions at the Buckner Adoption and Maternity Services in Dallas, an agency that promotes open adoption and the release of all medical information.

"The agencies that are ethical want the family to know as much as possible to make an informed decision to adopt a child or not."

### **Looking at the law**

The Williams case could restart the debate about open adoptions in Texas.

In June 2003, Judge Sudderth ordered Gladney to release to the Williams family about 800 pages of documents, including records of psychological and medical testing done by Gladney's staff psychiatrist and psychologist. The judge is also considering the request to certify the lawsuit as a class action.

State officials believe the law requires release of the documents.

State Rep. Toby Goodman, R-Arlington, who championed the move to open records to adoptive families, said that state law requires all adoption agencies to compile comprehensive reports on adopted children and to release the information if requested.

"It specifically says any psychological or social evaluations, any summary of findings, it must be provided," Goodman said. "You would want a couple adopting a child to have all the information possible."

The Texas Department of Family and Protective Services routinely releases records on foster children put up for adoption, even children adopted before the new laws were passed.

"I can't imagine that that information would not be released to the [adoptive] parent," said Gerry Williams, an attorney for the state agency.

And the American Academy of Pediatrics adopted a policy years ago stating that adoptive families need such records because children may have "acute and long-term medical, psychological and developmental problems."

Carolyn Williams said the information might have changed Tammarah's life -- and theirs.

The Williamses contend that Tammarah was a "special needs" child who needed to be placed with a family that could afford the treatment they say their daughter will require all of her life.

And in words that are hard for any parent to voice, the Williamses say they are disappointed in their life with Tammarah: that she is a child who demands a great deal but gives back very little.

The reality is that Tammarah is not the child they wanted, they say.

"As much as we love Tammarah -- as much as we love her -- if we had known this ahead of time, we would not have adopted Tammarah because that is not what we had asked for," Lee Williams said recently, his voice faltering.

"If you have a loving heart, when you get a child, you never give her back," he said. "But we should have had the opportunity to make that decision ahead of time."

Carolyn Williams says she loves Tammarah "with all my heart," but partially blames her three strokes on the stress of raising her daughter.

"I am worried about Tammarah every minute I'm awake," she said. "They said she was from a family just like ours, so I thought everything would be OK.

"She needed more than I could give her. The bottom line is that they broke the law."

## **BY THE NUMBERS**

300: Number of children Gladney places each year. Slightly more than 50 percent of the adoptions are international.

5,000-6,000: Number of calls received each year from people interested in adopting.

19: Average age of birth mothers at Gladney today.

\$25,000: Average cost of a domestic adoption through the center, according to Gladney officials.

2002: Year the center moved from Hemphill Street to a \$17.5 million campus at 6300 John Ryan Drive in southwest Fort Worth.

1992: Year that Gladney's current international adoption program began. It maintains programs in Bulgaria, China, Columbia, Guatemala, Kazakhstan, Russia, Ukraine, Thailand and Mexico.

4: Number of satellite Gladney offices: They are in Midland; Houston; New York City; and Charlotte, N.C.

## KEY DATES

The Gladney Center had its origins in the orphan train movement of the 19th century, when New York, Philadelphia and other East Coast cities sent "leftover" children to other parts of the country. A quick look at the center's history:

### 1887

Year the Texas Children's Home and Aid Society opened. By the early 1920s, it was the state's leading child-placement agency.

### 1927

Edna Gladney was named superintendent of the home. She held the job for 33 years.

### 1941

After the center became a popular place for politicians and movie stars to adopt children, Gladney's life story became a hit movie. *Blossoms in the Dust*, starring Greer Garson and Walter Pidgeon, was nominated for four Oscars.

### 1949

Gladney persuaded the home's board to buy the 35-bed West Texas Maternity Hospital in Fort Worth. She wanted to give mothers a place to live so they could receive good medical care and other social services.

### 1950

The home was renamed the Edna Gladney Home after its longtime administrator. She retired in 1960 and died the next year.

### 1991

The center was officially given its current name, The Gladney Center for Adoption.

ONLINE: [www.adoptionsbygladney.com](http://www.adoptionsbygladney.com); [www.gladneyfund.org](http://www.gladneyfund.org)

SOURCES: The Gladney Center, GuideStar, *Star-Telegram* interviews