

Foster family: Adoption process, filiation, and belonging



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ABSTRACT

The purpose of this paper is to discuss the adoption process as a possibility in the foster family service, as well as to present the importance of affiliation and belonging in the development of the subjective self

of the children and adolescents participating in this service. It also seeks to understand how the process of removing children from their families of origin takes place and how they are reintegrated when this is still possible. The methodology used to carry out this work was a systematic bibliographical review to better identify the results found and thus use concepts from psychology to analyze all the family contexts of these individuals, in addition to demonstrating the importance of monitoring before and after the adoption is carried out. In the end, the aim is to gain a better understanding and give greater visibility to the subject by providing information to people who are interested in the subject, which is of the utmost importance today.

Keywords: Reception, Adopter, Subjectivity, Family of origin.

1 INTRODUCTION

The purpose of this article is to discuss the process of filiation and belonging in cases of adoptions carried out in the Foster Family Service, the main purpose is to show how these processes occur and their importance based on concepts related to Psychology. The choice of the theme was made after the interest in knowing more about The Foster Family Service is effective, as well as the process of removing children from their families of origin and reintegration into another foster care environment, when it is still possible, in addition to the functioning of the adoption and post-adoption process when it is possible to be carried out in the foster care service.

This study aims to analyze how the development of children and adolescents occurs once they are inserted in the welcoming family; investigate how Psychology can contribute to help families who propose adoption; investigate how Psychology can contribute to the development of the child or adolescent once they have been adopted. The delimitation of the theme consists of ascertaining the adoption process of children and adolescents who participate in the foster family service after their attempt to be reinserted into the families of origin and their process of filiation and belonging. It is also intended to understand the role of Psychology in cases of adoption and to understand the concepts that contribute to it.

According to Brasil (2004), the raising of children by families other than their own is a daily



practice that does not have judicial interference and has occurred since the Middle Ages in various ways. For various reasons and contexts, the act of receiving a loved one without ties of consanguinity into the family is practiced with the aim of creating, caring for and protecting (Cabral, 2004).

In Brazil, in 2004, the National Social Assistance Policy included Foster Family Services in the National High Complexity Policy. These foster care programs gained visibility after the insertion of the Adoption Law, Law 12.010/09, which had a great significant impact on the Family Foster Care Programs that were instituted as a service and no longer as a program as they were known before. Programs would be those that have chronological time (beginning, middle and end) and their objective is based on the achievement of goals that are analyzed by pre-established indications. The services, on the other hand, would be those whose objective is to overcome vulnerability and situations of risk to the individual, seeking to strengthen bonds between family members. They are continuous and mandatory. In addition, it became part of the list of protective measures that were provided for in the ECA and need to be ensured by it and follow the technical guidelines of the National Council for the Rights of Children and Adolescents (CONANDA).

In view of the theme of this article, the research problem of this article is highlighted. It seeks to understand how the adoption process can be relevant to the development of the subjective self of the children and adolescents participating in the foster family when this is a possibility and what is the contribution of Psychology analyzing all the family contexts of these individuals.

2 METHODOLOGY

The present research is a bibliographic review, being of the exploratory type, in order to discuss the chosen theme. The present study will be a rectification of the literature, which will be worked with scientific articles and technical books that are related to the theme presented in order to demonstrate relevant data and justify the hypotheses raised.

The bibliographic review is an investigation of the expressive literature, seeks to analyze and describe a certain field of knowledge in search of an answer to a certain theme, thus using scientific articles, books, among others, to discuss in the form of dialogue the notions and conceptions of various authors on the chosen theme. (Bocatu, 2015).

According to Dane (1990), the literature review is of paramount importance, because it is from it that we will define the boundary line of the research that we wish to elaborate from a scientific perspective, therefore, we need to establish key topics, words, authors, journals and sources of preliminary data. Thus, literature review is seen as the initial step of any scientific research (Webster; et al 2002). According to Gil (2007), bibliographic research is exploratory, thus granting greater familiarity with the problem, as well as an improvement of ideas and discovery of intuitions.

It is a narrative bibliographic research, according to Rother (2007), because it is an analysis of



literature that has been published in books, theses, articles and magazines. Thus, its main purpose is continuing education in order to provide new knowledge to interested readers. The survey began in the first half of 2023 and ended in the second half of the same year.

The bibliographic survey was carried out through the digital platform Google Scholar, a search tool that makes it possible to obtain various types of scientific documents, such as theses, dissertations, books, abstracts, scientific articles, among others (Silva, 2016). Thus, keywords were used to obtain better results in the search for articles to be used in this work, such as "adoption", "filiation", "belonging" and "foster family service". As exclusion criteria, articles and dissertations that did not present what was proposed to what was being researched, such as the ways in which the host family acts, were excluded.

3 RESULTS AND DISCUSSION

In force in article 101 of 1990 of the ECA (Statute of the Child and Adolescent), the foster family is a service that has the objective of a protection measure where it is often necessary to remove children and adolescents from their families of origin when this is the only alternative found to interrupt violations of rights existing in this family bond. However, this is a provisional measure, considering that in many cases, after the problems found are solved, these children can be inserted into their family of origin again (Eca, 1990).

In this way, the welcoming family helps in the process of constructing the subjective self of children and adolescents, because, by assisting in all the processes that have gone from their removal from the family of origin to their possible adoption, and having the guarantee of the child's rights, they will have a family base, which makes it possible to re-signify their existing experiences and those they will build with the new family will possibly have a good education of the child. your subjective self.

When the situation is considered to be one of risk or vulnerability, it then has state intervention, so the reception is formal and the person responsible is also under state intervention, as he or she has not fulfilled his or her legal responsibilities. Thus, the family is seen by the state's technical team, which will have this follow-up until reintegration into the family of origin or placement in the host family. In this sense, the welcoming family does not have the purpose of replacing the family of origin, but rather to offer necessary aspects for the development of the child to happen in a necessary way. (Cabral, 2004)

According to Law No. 13,509 of 2017, the maximum time that a child or adolescent can stay in health care services.

Foster care is 18 months. In this case, the main objective of foster care programs is to interrupt the process of violations that children and adolescents suffer, promoting reintegration into their families of origin and, if reintegration is not possible, to refer them for adoption.

(...) Foster care can be defined as the action that leads a child, adolescent and even adult to live



together, being a transitory or also permanent member of another family that is not his/her own. The host family receives this member and is responsible for the care without mediating ties of affiliation. Thus, when he is linked to a family, he does not acquire the legal character of a child (Luna, 2004; p.99).

The first Juvenile Court was created at the beginning of the twentieth century, which began to view childhood as a differentiated sector, an object of protection. As early as 1923, the Juvenile Code was approved and it was only from 1940 onwards that a concern with the fate of children and families considered to be in extreme poverty began, as a form of intervention by families without judgment.

According to the Federal Constitution of 1988, in its Article 277, it is the responsibility of the family, society and The State guarantees children and adolescents as a full priority, guaranteeing the right to life, health, food, leisure, professionalization, education, culture, dignity, respect, family and community life and freedom. In addition to protecting them from any form of discrimination, exploitation, negligence, violence, oppression and any kind of cruelty (Brasil, 1988).

With the Federal Constitution created in 1957, Law 3.133, the possibility of adoption came into force, which consists of the person over 30 years of age having been married for five years or if their sterility was proven, could carry out the adoption as a bilateral form focused on the adult in order to make up for the lack of heirs. (Brazil, 1957).

According to Law No. 12,010 of 2009, in Article 4 of the Federal Constitution of 1988, interested parties who are over 18 years of age can adopt, regardless of their current marital status. However, the child to be adopted must be at least sixteen years younger than the person who will adopt him or her (Brasil, 1988).

According to Article 39 of the Statute of the Child and Adolescent, the adoption process is considered an affective process, because there is a desire to filiate, which can be irrigated, because after the desire of the family and the child to carry out the adoption, there is a determination by a judge to the registry office annulling their first birth registration so that a new birth certificate containing the surnames of the new family can be created (Eca, 1990).

Adoption is exceptional, as it only happens after numerous unsuccessful attempts to return to the families of origin and also after all the technical studies are carried out, that is, it is a definitive and irrevocable way. Adoption is the process that transfers rights from the family of origin to the adoptive family. According to Article 43 of the ECA, adoption should be granted when it presents real advantages for the adoptee and is based on legitimate reasons (Eca, 1990).

The psychosocial teams participate in all stages and are responsible for their progress in the adoption process, from the withdrawal of their family power, in which the family will go through a process of evaluation of their conditions for maintaining or removing the child from the family nucleus and their context of vulnerability, to their complete insertion in the coexistence with the family that will adopt them (Nabinger, 2010).



Thus, the psychosocial teams are of paramount importance throughout this process, considering that they helped the adoptive family and also the child who will be inserted in this family. Below, the relevance of the family in the construction of the subjective self of the child or adolescent who will be inserted in a new family will be discussed.

3.1 ROLE OF THE ADOPTIVE FAMILY IN THE CONSTRUCTION OF THE SUBJECTIVE SELF

According to Sá (2005), belonging in the encounter with the natural intensifies the feelings that make us up as a whole, such as dialogue, collectivity, solidarity and loving-kindness that are considered potentiators in the construction of identity, multiple relationships and in the construction of otherness.

According to Vargas (1998), taking into account Bowlby's Attachment theory, he points out that the new family provides a secure base for the child or adolescent, contributing to the reconstruction of their identity so that the child has expectations of a possible overcoming of care standards, this will all depend on the bond and how much the parents will be willing to do so. In this process, the importance of the new family in playing all the family roles and going through all the cycles that both the child or adolescent and the family will go through is highlighted.

The family has the role of ensuring the continuity of the human being in all its generations, being seen in a context of transmission of life, culture and development, they have a great role, being the first context of socialization of the subject, transmitting a progressive process of socialization and individuation (Gonçalves, 1997; Musiti et al., 1996).

A secure relationship with parental figures facilitates exploration, discovery, acquisition of skills, and the development of positive schemas of positive self-perception (high self-worth and self-efficacy) and of what can be expected in relationships with others (the belief that others are trustworthy and available). (Pierce et al., 1990 cited by Cutrona et al, 1994 p.369).

Hamad (2002) argues that for the child, the most important thing is that he is able to construct for himself an identity as a subject, taking into account his history and the history he will build with the adoptive family. With this, we can verify how the adoption process is important for the development of the subjective self of the children and adolescents participating in the foster family.

In this way, the state, the family and also society become responsible for guaranteeing the rights of children and adolescents for their situations of violation and for the ways to overcome them. Article 4 of the ECA states that the rights of children and adolescents are protected as a duty of the family, society and the state. Article 18 says that it is everyone's duty to ensure dignity; Article 19 is related to the guarantee of family and community coexistence, both with the families of origin and later with the substitute families, having as its central objective to prevent the rupture of something that may influence the development of the children.

Data show that some children who lived in orphanages had blocked language development and



social interaction, and are more likely to develop learning problems due to lack of stimulation, emotional attention and affectionate bonds (Ballone, 2009).

(...) The notion of "childhood" as a social construct can only be fully understood when it is situated within a concrete context (...). (Fonseca, 2006, p.27). (...) childhood is a particular, rather than a universal, way of thinking about the child (Cohn, 2005, p. 21).

The Federal Constitution (Brasil, 1988) defines that it is the duty of the state to guarantee and promote the social basics to those who need it, guaranteeing their psychic and affective health. Thus, the role of Psychology in guiding and visualizing all these processes that the family and the child have gone through and also the cycles is observed, in this way, it aims to promote the psychic health of both the family and the child and adolescent in the pre and post-adoption process.

According to Winnicott (1983), due to the crises and tests that families have gone through, a sufficiently good environment is defined as the ability of the surrogate family to be able to provide security and continence, thus making it a stable environment.

The holding performs different functions in different moments of life and its importance is maintained, since support and recognition are essential elements in the affective life of the human being. Thus, it is possible to affirm the absolute necessity of the holding company in the process of inserting the adopted child into his or her new family. We can therefore affirm the absolute necessity of the holding company at such a delicate moment as the beginning of the adopted child's coexistence with his new family (Alvarenda & Bittencourt, 2013).

Thus, it is possible to verify the importance of having an affective and safe environment so that the children and adolescents who will be inserted in the new family can go through all the phases and tests and thus have enough experiences that helped in the construction of their subjective self from the new experiences. Next, we will discuss the role of Psychology and how it contributes to children and adolescents and also to families during the adoption process.

3.2 ROLE OF PSYCHOLOGY IN THE ADOPTION PROCESS

In view of what has already been pointed out during this work, it is understood that it is of paramount importance to accompany the professional psychologist during the process of removing the child from his or her family of origin, as well as the insertion of the child in the family of adopters and the monitoring of the period of coexistence and future particularities of the family in being heard. in order to reduce psychological damage in the children or adolescents to whom they will be inserted into a new family and also to assist the surrogate family.

According to Silva, et al (2017), the legislation provides that a psychologist and a social worker are present in the courts responsible for adoption. The role of the psychologist in the legal context is multidisciplinary. (Weber, 2011). However, there is no protocol for action, which can often lead to overlapping functions and a lack of consensus on the role that will be played by the psychology



professional.

For Psychology, this adoption process is seen as a constitution, a new family formation that aims at a secure base, affection and an opportunity to fulfill the dream of having children and also for the development of both the adopters and the adoptee. Therefore, Psychology aims at the promotion and preparation of both the child where it is intended to reintegrate him into the family of origin and the reintegration into a new family base.

According to Brandalise et al. (2013), the Psychologist's main attribution is to clarify communication, as well as family interaction, in all judicial contexts that may occur. Among its main attributions, Tibola & Kemmelmeier (2012) demonstrates that the following are carried out: psychological interviews, application of tests resulting in a prognosis; field studies, home visits and visits to shelters; makes referrals to therapy and specialized care; participates in the cases, monitoring how the child and the family are adapting; issues reports and opinions; carry out the registration of couples interested in adoption and also adoptable children; provides support family training; It promotes the prevention of family and institutional violence against children and adolescents.

According to Alvarenga and Bittencourt (2013), the psychology professional, after the adoption process, provides various services and guidance to the adoptive family, in order to enable a better adaptation of the child and the new family in this process they experienced. Psychologist as a facilitator in this process, aiming to help in the emotional stability and healthy affectivity of the new family, as well as assisting in the establishment of a bond of trust between the adoptee and the new family

It can be seen from numerous studies that during this process the parents suffer a great deal of anguish and the children experience the grief of their mother of origin. Thus, it is important that both carry out follow-up in this process to heal the existing wounds and so that the parents are able to create a sufficiently loving and welcoming environment for that subject who will be inserted in this family bond, as well as to work on a possible rejection. At this time, the psychosocial team is essential in the follow-up in view of the difficulties they have experienced (Silva, et al, 2020).

In some cases, children and adolescents may present attention deficit, learning difficulties, impairments in formation and affective bonds, impairments related to their defense mechanisms, affective deprivation, aggressiveness and several other aspects, and the role of the professional in these cases will be extremely attentive to minimize these problems and carry out the necessary follow-up (Cavalcante, 2020).

Support groups are of great relevance considering that with them it is possible to elaborate interventions consistent with the reality of countless adopters who are going through this process, as well as to hear from other people who are not in their bond and who understand their momentary feelings, thus providing moments of listening and welcoming to these children and adolescents.

If the motivation is not clear or is stigmatized or loaded with suffering (such as marriage in



crisis; helping poor children; seeking companionship; unelaborated grief, either due to infertility or the death of a child), we suggest that, in addition to support and reflection groups, professional help be sought to better express and elaborate the feelings that permeate the desire to adopt. Adoption should be carried out when there is security of wanting to be a father or mother and of the will of a child of yours to raise (Aconchego, 2016, p. 13).

Psychology professionals in these contexts seek to provide care and guidance in order to promote a viable adaptation between the family and the child who will be inserted in this family environment. In this way, with the help of psychology it is possible to transform the reality of adoption. Bearing in mind that from this it will be possible to provide a space for listening, reflection, welcoming, and support for both the family and the adopter about all the feelings and processes that both have passed this process.

In the adoption process, technicians are fundamental not so much to select (which is what most adoption agencies do), but to prepare: clarify, inform, instruct, educate, raise awareness, demystify prejudices and stereotypes, modify motivations, unveil vocations, refine desires... most of the people registered in the Adoption agencies are eager to participate in this space of reflection, but they are only registered, judged, examined, scrutinized, investigated and interpreted in the slips of their verbal reports. (Weber, 1999; p. 37)

According to Barboza (2000), the interests of children depend on interpretation and observation in order to guarantee their rights as citizens with concerns that go beyond legal aspects, they need a humanized look verifying all their biopsychosocial aspects. Thus, the work of the psychologist inserted in this context will be to aim at the best interest of the child or adolescent and not that of his or her family of origin or the surrogate family, which often becomes present in this process.

Legal Psychology is the specific area of activity in this context, which presents contributions both for the child and for the family that is involved in this process. With it, it is possible to acquire support from the field of Law also for both socio-legal studies and the mental health of those involved. However, it is possible to perceive that this debate is not currently being discussed and there are no materials on this subject, which is harmful and brings invisibility to the professional who works in this legal field.

4 CONCLUSION

With the presented, we can conclude that Psychology is of paramount importance in all the processes that the child or adolescent goes through, as well as the family that will enter the adoption queue in order to accompany both and carry out the necessary guidance, as well as support groups for families and for children or adolescents. Psychology can help the family and the children or adolescents who are adopted in different ways and the area of Psychology designated to adoption cases that has the greatest contributions is Legal Psychology.

In view of the provisions of the text, filiation, belonging and adoption help the child and



adolescent in their formation of the subjective self, because all children deserve to grow up in an affective home where they can create their identity from the experiences they have with their family, because it is in the construction with the family that the child or adolescent will form their human subjectivity.

It is important to emphasize that the theme is not currently being debated, which hinders the visibility of the theme, of the professional and also in the production of articles, because there are not many articles and theses with this theme. In view of this, more debate should be given to this issue, bringing greater visibility to this issue of paramount importance to society.

It is suggested that future field research be carried out in order to observe in practice how the adoption process occurs and the role of Legal Psychology during the processing of the processes, as well as continue to be carried out in order to expand the contents related to this theme in order to promote more information to those interested and thus present quality of life to those involved.



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