

The Question of Identity in the Context of Child Adoption

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Abstract

In defining the adoption process, most scholars emphasize its legal dimension. Nevertheless, the psycho-social dimension arising from the effects of adoption must not be overlooked. The psycho-social implications of adoption permeate all procedural stages—from the assessment of prospective adoptive parents and the matching process to the role played by social workers throughout the adoption, and especially to the formation of the adopted child's identity. Self-development in the adopted child is a complex and challenging process, as it requires integrating dual aspects: on the one hand, the connection to biological parents and origins, and on the other, the bond with the adoptive family and its culture. For this reason, the adoptive family's ability to foster bicultural competencies in the adopted child is essential. Identity-related dimensions in the adoption process concern not only the child's development of self but also the experiences of adoptive parents and birth parents. All of them go through a difficult process of adapting to the realities of adoption—a process marked by fears, infertility-related psychological burdens, and profound moral and emotional reflection.

Keywords: *Adoption; identity of the adopted child; psycho-social dimensions of adoption; identity of adoptive parents; cultural identity in adoption;*

1. The Legal and Psycho-Social Nature of Adoption

Regarding adoption, there is still no comprehensive definition that captures the full complexity of the phenomenon. Most authors have approached adoption primarily as a legal process (Neamțu, 2003), involving multiple implications in administrative law, civil law, constitutional law, family law, or labor law (Neamțu, 2003).

According to Sillamy's Dictionary of Psychology, "adoption represents the deliberate act of a person who wishes to legally take, as a son or daughter, a child whom they did not biologically conceive" (Sillamy, 2000). Cătălin Zamfir defines adoption as an act through which someone becomes the legal parent of a child who is not their natural biological descendant (Zamfir & Vlăsceanu, 1998). The Encyclopedia of Social Work (Minahan, vol. 1, 1987) defines adoption as a method, supported by law, of establishing a legal parent-child relationship between individuals who do not share a natural biological connection.

In Romania, Law no. 273/2004 on the legal regime of adoption, published in the Official Gazette on June 23, 2004, defined the adoption process in Article 1 as a "legal operation through which a filiation bond is created between the adopter and the adoptee, as well as kinship ties between the adoptee and the adopter's relatives".

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Over time, the text of the law underwent several revisions, and some articles—including the one defining adoption—were removed and incorporated into the new Civil Code, Articles 451–482 (Official Gazette, Part I, no. 409 of June 10, 2011). Through this measure, adoption became a general institution of civil law, reshaping the regime of filiation. At the same time, a clear separation emerged between the legal relationships generated by adoption and the legal act itself, which is regulated by the special law no. 273/2004, revised and republished in 2016 (Official Gazette no. 739 of September 23, 2016).

In legal terminology, the concept of adoption has three distinct meanings: legal act, legal relationship, and legal institution (Reghini, 1995):

- As a legal act, adoption refers to the expression of will by the persons who, according to the law, must consent to the adoption.
- As a legal relationship, adoption describes the civil kinship bond resulting from the adoption act approved by the competent court.
- As a legal institution, adoption refers to the entire set of legal norms regulating both the adoption act and the legal relationships that arise from it (Reghini, 1995).

Before the entry into force of the new Civil Code on October 1, 2011, the Family Code regulated two types of adoption: restricted-effects adoption (Articles 67–78, now repealed) and full-effects adoption (Article 79, now repealed). Restricted-effects adoption established that the adoptee and their descendants became relatives of the adopter while maintaining kinship ties with their biological relatives. Full-effects adoption meant that the adoptee and their descendants became relatives of the adopter and the adopter's relatives as if they were biological children, while all kinship ties with biological parents and their relatives ceased. Both forms had implications for the identity of the adopted child. Currently, Romanian legislation regulates only one type of adoption, which corresponds in its effects to the former full-effects adoption.

Another distinction regulated by Law 273/2004 is that between domestic adoption and international adoption. These two categories are defined in Article 2, paragraphs (c) and (d). Domestic adoption is defined as “adoption in which both the adopter or adoptive family and the adoptee have their habitual residence in Romania” (Official Gazette no. 739 of September 23, 2016). International adoption is defined as “adoption in which the adopter or adoptive family and the child to be adopted have their habitual residence in different states, and, following the approval of the adoption, the child will have the same habitual residence as the adopter” (Official Gazette no. 739 of September 23, 2016).

Beyond its legal character, practice has shown that adoption also entails much deeper psycho-social implications experienced by the children and families involved. The psycho-social nature of adoption is primarily shaped by its purpose. As provided in Article 39, paragraph 2 of Law 272/2004 on the protection and promotion of children's rights, adoption is an alternative protection measure that may be instituted only when “efforts to reintegrate the child into the family or extended family have failed” (Official Gazette, Part I, no. 788 of November 19, 2009). Article 7 of the Methodological Norms of June 25, 2004, concerning the development of the

individualized protection plan, identifies domestic adoption as the last alternative protection measure (Official Gazette, Part I, no. 1008 of November 2, 2004).

Moreover, this protection measure is guided by clear principles regulated in Article 2 of Law 273/2004 (Official Gazette, Part I, no. 788 of November 19, 2009):

- *the principle of the child's best interests;*
- *the principle of raising and educating the child in a family environment;*
- *the principle of continuity in the child's upbringing, considering their ethnic, cultural, and linguistic origin;*
- *the principle of informing the child and taking their opinion into account in accordance with age and maturity;*
- *the principle of promptness in carrying out all acts related to the adoption procedure.*

Additionally, Emergency Ordinance no. 102 of September 3, 2008, amending and supplementing Law 273/2004, introduced another guiding principle: the principle of ensuring confidentiality regarding the identifying data of the adopter or adoptive family, as well as the identity of biological parents (Official Gazette, Part I, no. 557 of June 23, 2004).

Another reason supporting the psycho-social nature of adoption is the responsibility of civil society to safeguard the rights of the child as defined by law. The Romanian state grants civil society both the right and the responsibility to intervene in the protection and respect of children's rights (Official Gazette, Part I, no. 557 of June 23, 2004). Society's involvement in the adoption process rests on three fundamental principles:

- Every child has the right to a permanent, continuous, and nurturing relationship with a person or parent who provides long-term love and care. A child must feel like a meaningful member of a family. This right takes precedence over the natural parents' right to maintain legal custody when such custody is physically or emotionally harmful.

- The primary responsibility of the family is to provide an environment conducive to the child's development; therefore, society must offer services that enhance families' ability to fulfil this essential role. When a family fails to do so, society becomes responsible for quickly ensuring alternative solutions that meet the child's physical, mental, and emotional needs.

- Society's intervention in the parent-child relationship is a serious action that should be considered only when the child's right to a safe and nurturing home is at risk.

2. Psycho-social Implications of Adoption. The Child's Identity

2.1. Legal Identity

From a legal standpoint, the identity of the adopted child is regulated by the same identification norms that apply to any natural person, representing a process through which the individual's position within legal life is determined (Jugastru, 2016). The attributes used to identify any natural person include: the name (surname and given name), civil status, and domicile, to which several markers specific to

modern society are added, such as the personal numeric code, blood group, digital fingerprints, and genetic profile (Jugastru, 2016).

The surname and given name of adopted children constitute personality rights and elements of individualization, just as they do for any other natural person. According to the new Civil Code (art. 2608), adopted children acquire their name in accordance with the law governing the effects of adoption—namely, the national law of the adoptive parent. An exception applies when the adopters are spouses; in such cases, the child's name is determined pursuant to the law governing the general effects of marriage (Official Gazette of Romania, Part I, no. 409 of 10 June 2011). In other words, by establishing full filiation with the adoptive parent and severing legal ties with the biological parents, the adopted child takes the family name of the adopter.

Domicile is likewise a non-patrimonial personal right and an attribute of legal identity, designating the place where the individual exercises their civil rights and freedoms (Jugastru, 2016). The legislator understands domicile as a person's principal place of residence. It is distinct from "residence," which denotes a secondary and temporary dwelling, and from "habitual residence," understood as the "principal centre of a person's activities" (Jugastru, 2016). For an adopted child, domicile changes upon the approval of the adoption and the establishment of filiation with the adoptive parents; consequently, the domicile of the adoptive parents becomes the child's domicile.

With regard to civil status, this refers to the civil position of a natural person and encompasses elements related to filiation (born within marriage, born outside marriage, adopted, born to unknown or abandoned parents), family status (married, unmarried, divorced, widowed, kinship relations), and biological characteristics (sex and age) (Jugastru, 2016). Through adoption, a new legal filiation is created, whereby the biological parents lose their legal rights and obligations. The child acquires patrimonial and personal rights toward the adoptive parents, equivalent to those of any biological child. Duties of maintenance, inheritance rights, guardianship, and legal representation are transferred to the adoptive parents. According to Article 23 of Law 119/1996, filiation established by a court decision is formalized through the issuance of a new birth certificate by the local public community service for population records or by the civil status officer of the municipality corresponding to the adoptive child's domicile (Jugastru, 2016).

2.2. *Psycho-Social Identity*

From a legal standpoint, once an adoption is granted, the adopted child becomes the son or daughter of the adoptive family, and the legal ties with the biological parents are severed. Biologically and emotionally, however, this connection never fully disappears. Adopted children typically develop a natural curiosity about their origins and the circumstances of their birth, as these elements are essential for constructing a coherent sense of self. In supporting children in the formation of an accurate identity, three key issues emerge: the registration of birth and access to information on the child's origins (Fenton-Glynn, 2014); the balance between the child's right to know their background and the biological parents' right to maintain a relationship with the child relinquished for adoption; and the adoptive family's right to

privacy. These questions arise both in domestic and international adoptions, though the latter often involves additional complications that must be addressed. The legislator attempts to reconcile these dimensions by introducing the principle of the child's best interests, which must guide all decisions affecting the child.

2.3. Losses Experienced by Adopted Children and the Construction of the Self

Research and professional practice alike indicate that adopted children often experience the separation from their biological parents as a profound sense of emptiness—a feeling that something essential is missing from their inner world. This occurs even among children who have never met their birth parents; as they reach the age at which individuals typically search for a deeper sense of self, they begin to ask questions about their origins and the circumstances that led to their adoption. The emotional impact is even more pronounced for children who were separated from parents they knew and to whom they were attached. These children undergo a mourning process marked by emotional and behavioural responses ranging from shock and depression to anger, despair, and hopelessness (Brodzinsky et al., 1993).

Regardless of how the separation is experienced, all adopted children confront a series of losses that affect essential components of their identity: the loss of origins and genealogical continuity; the loss of a complete sense of individuality; the loss of growing up alongside biological parents; the loss of contact with extended kin; the loss of elements of their social and family history; the loss of knowledge about their genetic heritage; and, in the case of international adoptions, the loss of their native language (Brodzinsky et al., 1993).

During my work as a social worker, I collaborated with adolescents in residential care who had been abandoned in early childhood. Attempting to construct their family genograms proved extremely challenging: none of them possessed information about their families of origin, nor had they had access to their family histories or collective memory. Their frustration was palpable, and for us, as social workers, the effort to reconstruct fragmented family networks felt like piecing together puzzles with missing components. Brodzinsky et al. emphasize in their study the deep sense of rupture experienced by adopted children and the decisive role that the experience of loss plays in their search for selfhood. This phenomenon echoes H. J. Sants's (1964) concept of *genealogical bewilderment*, characterized by episodic reactivations of the emotional void linked to one's unknown past, often triggered by significant life events such as birthdays, marriage, or the birth of one's own children.

2.4. The Identity of the Adoptive Family

The identity of the adoptive family plays a crucial role in the harmonious development of the adopted child and in the child's integration into a safe and stable environment. The identity of the adoptive family extends far beyond the legal status of parenthood. It encompasses the family's values, traditions, communication patterns, relational dynamics, and parenting style. In the adoption process, assessing the family's identity is essential to ensuring compatibility between the child's needs and the adoptive parents' capacity to meet them. Child Protection Services and the courts therefore evaluate the parents' emotional stability, their level of empathy,

patience, and ability to provide support and to manage potential trauma experienced by the child.

Adopted children, particularly those who have lived through loss or separation, find themselves in a vulnerable stage of identity formation. The manner in which the adoptive family communicates about adoption, about the child's history, and about the values they promote directly shapes the child's sense of belonging and security. A family that clearly understands its identity and its adoptive role can offer the child a coherent and predictable environment, essential for emotional and psychological development.

Another important aspect concerns the adoptive family's ability to adapt its identity to the child's cultural and individual needs. In international adoptions or in cases where children come from different backgrounds, adoptive parents must be aware of cultural differences and foster respect for and appreciation of diversity. This involves not only integrating the child into the adoptive family, but also valuing the child's roots, thereby strengthening their sense of personal identity.

2.5. The Identity of the Biological Family and Its Losses

Adoption is a complex process that involves not only a change in the environment in which the child will live, but also a series of emotional and psychological consequences for all parties involved. An often overlooked yet essential aspect is the identity of the biological family and the losses it experiences as a result of the child's adoption.

The biological family represents the child's roots—their initial connection to life and to the cultural, social, and emotional values that shape the beginning of their existence. This identity is built through a series of unique family relationships and experiences, which are inevitably affected once separation through adoption occurs. Losing a child may generate a deep sense of emptiness, guilt, or failure among members of the biological family, particularly when the separation is not their choice or when it occurs without adequate psychological support.

The loss of family identity may manifest emotionally through grief, sadness, anxiety, or depression. It may also carry social consequences, as biological family members may feel stigmatized or judged by their community. Practically, biological parents may struggle to maintain any form of connection with the child, especially in closed adoptions, where information about the child's life is limited or entirely absent. This lack of continuity hinders the healing process and can lead to long-term frustration and misunderstanding.

Although painful, the loss of the biological family's identity does not necessarily imply a complete rupture. In open adoptions, biological parents may maintain direct or indirect contact with the child, allowing them to reconstruct part of their family identity and to participate, in some capacity, in the child's life. In all cases, acknowledging and validating the emotions of biological parents is essential for the psychological balance of the entire family system involved in adoption.

2.6. Cultural Identity

In the specialized literature, cultural identity is defined as "the ensemble of

beliefs, social behaviours, rituals, customs, traditions, values, languages, and institutions of a culture” (Harf et al., 2015). The issue of ethnic and cultural identity development among adopted children began to gain relevance in the 1970s, against the backdrop of political debates in the United States regarding the appropriateness of transracial adoptions and their association with a form of “cultural genocide” (Harf et al., 2015). From this perspective, the identity-related challenges faced by adopted children acquire psychosocial, religious, linguistic, anthropological, and biological dimensions, which will be explored further below.

Following adoption, a child’s life undergoes profound transformation. They move into a new environment, join a new family, and must adapt to new rules. Even in the context of domestic adoption, cultural differences exist and may be either significant or subtle. Cultural variation within a single country may occur between regions, between rural and urban settings, across levels of education and aspiration, through differing affective styles, or through adherence to distinct religious traditions.

A key concept in understanding the identity development of adopted children is that of ethnic identity. According to Phinney (2003; cited in Harf et al., 2015), ethnic identity differs from cultural identity and refers to the sense of belonging to an ethnic group. The author distinguishes three dimensions of ethnic identity: identification with the ethnic group, the sense of belonging to that group, and the intensity of one’s ethnic identity (Phinney, 2003). Ethnic distinctions are common in Romania, especially in regions where multiple national minorities coexist. This reality has implications for adoption practices, as inter-ethnic adoptions are frequent and often involve both cultural and physical differences between the child and the adoptive parents. The most visible ethnic distinctions occur in adoptions involving children of Roma origin, who may be socially identifiable through their physical features. In any adoption, physical differences between the adopted child and the adoptive parents raise the issue of alterity (Harf et al., 2015) and its integration into both the filiation process and the construction of the self.

A Roma girl raised in residential care, who met her biological parents at age 16, once confided: “I’m afraid of gypsies. Even though I know I’m a gypsy and my parents are gypsies, I’m afraid of gypsies. I visited their home. They treat me well, but they seem strange, and I’m scared of them”. Having grown up in a placement center without exposure to people from her own ethnic and cultural background, she was unable to identify with the Roma community and instead internalized the majority group’s perceptions of Roma people. Similar dynamics arise in transracial adoptions, when a child’s physical characteristics reflect a racial group different from that of the adoptive parents. Children perceive these differences and may feel abnormal as a result, which can generate severe psychological reactions (Muntean, 2013) with a devastating impact on self-identity formation. As several authors note, in cases of genealogical bewilderment—a confusion arising from the absence of personal identity markers—adopted individuals often develop a strong interest in the cultural heritage of the ethnic, racial, or national group to which they belong by birth (Ormond, 2018). For this reason, the role of adoptive parents in fostering the child’s bicultural competencies is essential.

Adoptive parents must understand the distinction between assimilation,

which implies the non-acceptance of diversity and the conditioning of love upon conforming to what is familiar and socially sanctioned, and integration, which entails accepting and understanding ethnic, racial, and cultural differences and adapting the entire family system to these forms of alterity (Amici dei Bambini, 2003). Sanford N. Katz notes that “adoption is not the same as conceiving one’s own child”. It represents “the nurturing and integration of another person’s biological child into one’s own family. Failing to acknowledge this reality means idealizing adoption” (Brodzinsky et al., 1993).

Developing bicultural competencies in the adopted child involves enabling them to understand, accept, and integrate both the adoptive family’s culture and their culture of origin, without allowing these cultural layers to come into conflict. The level of bicultural understanding achieved by children is strongly influenced by the adoptive parents’ beliefs regarding the importance of bicultural socialization and by the maintenance of social networks within both cultures. A study on the significance of cultural identity, conducted on a sample of British families who adopted children from Romania, shows that not all adoptive parents are willing to support the child’s interest in exploring their cultural heritage (Beckett et al., 2008). Child protection professionals therefore work continuously to help adoptive parents become aware of their role as mediators between the two cultures (their own and the child’s), as integrators of both aspects of the child’s identity, and as guides who help the child navigate and resist racial, ethnic, and cultural prejudice.

Another significant cultural distinction is religious identity, which becomes relevant when the adoptive couple adheres to a different faith than that of the adopted child. The most frequent instances of religious differentiation in Romania appear among Christian denominations—Orthodox, Roman Catholic, Protestant, or Neo-Protestant. According to the Romanian Civil Code, adoptive parents do not have the right to impose their own religion on a child under the age of 14. Article 491, paragraph 1 of the Civil Code states: “Parents shall guide the child, in accordance with their own convictions, in the choice of a religion, under the conditions provided by law, taking into account the child’s opinion, age, and degree of maturity, without obliging the child to adhere to a particular religion or religious denomination” (Official Gazette of Romania, Part I, no. 409, June 10, 2011). After the age of 14, the child is free to choose their own religious affiliation, as specified in paragraph 2 of the same article.

2.7. Telling a Child, They Were Adopted

Adoption is a profound act of love and nobility, but it also entails a responsibility that requires transparency and respect for the child’s identity. One of the most sensitive moments in the life of an adoptive family is when parents decide to tell the child that they were adopted. The way this information is communicated can have a significant impact on the child’s emotional development, trust, and family relationships.

Honesty forms the foundation of a healthy parent–child relationship. Concealing the truth may lead to confusion and feelings of betrayal as the child grows and discovers the reality independently. Nevertheless, the timing and manner in which this information is revealed must be adapted to the child’s age and level of

understanding. For younger children, simple and clear explanations, accompanied by assurances of love and security, are sufficient. Older children or adolescents may benefit from more detailed discussions, including the reasons for adoption and the history of the biological family, if such information is available.

It is essential that parents communicate this message in a safe and nurturing environment, reassuring the child that their love and commitment are unwavering. The child's emotions—confusion, sadness, curiosity, or even anger—should be acknowledged and validated. Parents must be prepared to listen and respond to questions without minimizing the feelings expressed. Ongoing support, empathy, and open communication help the child integrate this knowledge without losing trust in their parents.

Telling a child about their adoption is not merely conveying a fact; it is also helping them build a healthy sense of identity. Knowing their origins can contribute to developing a sense of belonging and integrating their life story. Adoptive parents play a central role in cultivating an environment where the child feels accepted and loved exactly as they are.

2.8. Open Adoption

Depending on the level of transparency and contact with the biological family, adoption can be classified into two main types: closed adoption and open adoption.

Closed adoption is characterized by the absence of any contact between the adopted child and their biological parents. Information about the birth family is typically confidential, and the child receives a new legal identity, sometimes even a new name. Traditionally, this form of adoption was used to protect the child from potential emotional trauma, but it can create challenges in forming a personal identity. The lack of information about biological origins may generate intense curiosity, confusion, or anxiety during adolescence and adulthood, particularly regarding genetic heritage, medical history, or cultural roots.

In contrast, open adoption involves maintaining some level of contact between the child and their biological parents, either through direct meetings, correspondence, phone calls, or intermediaries. This approach allows the child to know their origins and develop a more complete sense of identity, reducing feelings of loss and disconnection. Adoptive parents also benefit from informational support regarding the child's past, which can facilitate adaptation and understanding of the child's behaviour. However, open adoption requires emotional maturity and cooperation from all parties involved to prevent conflicts or confusion regarding roles and boundaries.

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