


## NARRATIVES OF INTERRACIAL ADOPTION: LEGAL AND SOCIAL REFLECTIONS THROUGH ART

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### ABSTRACT

This article addresses interracial adoption from legal, social, and cultural aspects, analyzing the challenges faced by white parents and black children in a context marked by structural racism. Using the This Is Us series as an example, it is highlighted that love between parents and children alone is not enough to deal with the complexities of interracial adoption, and it is essential that parents develop racial literacy. The research, based on a literature review, indicates that interracial adoption requires a continuous commitment to confronting racism inside and outside the family environment. Thus, it is concluded that art cooperates to understand the nuances of this process and exposes the need to prepare parents to offer genuine care, thus preventing adoption from adding a new emotional wound to the one already imposed by abandonment.

**Keywords:** Interracial adoption. Structural racism. Cinema. Racial identity. Racial literacy.

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## INTRODUCTION

Interracial adoption is a theme that involves legal aspects, and social and cultural dimensions, which go beyond mere legal formalities, transposing itself to the cultural and identity dimensions of the adopted child. The act of adopting a child of a different race than the adopter challenges traditional conceptions of family and racial identity, especially in Brazil, a country whose social structure is marked by roots of racial inequalities and the perpetuation of structural racism.

The adoption process, whose main objective is to provide family life and the healthy development of the child, often comes up against issues related to the construction of racial identity and the confrontation of daily discrimination, when these adoptions result from interracial relations.

In this context, the research problem of this work is based on the following question: how does structural racism influence the experience of black children adopted by white parents? Are white parents who adopt black children prepared to provide the support they need to face a world where racism is structural?

The general objective of this study is to analyze the challenges of interracial adoption in Brazil in the light of fundamental rights, with emphasis on the racial, cultural, and aesthetic dynamics that impact the development of adopted children.

The research also proposes to examine the relevance of continuous racial literacy for adoptive parents, showing that the simple self-declaration as non-racist is insufficient to guarantee the well-being of children in a society still marked by structural racism.

Furthermore, this work proposes to demonstrate how art, in the form of cinema, as represented by the series *This Is Us*, can function as an instrument capable of faithfully portraying the nuances of interracial adoption, as well as the subtlety of the violation of fundamental principles of law within the family itself.

## METHODOLOGY

The present research adopts the qualitative methodology, focusing on the bibliographic technique, to deepen the understanding of the challenges and impacts of interracial adoption in Brazil. The bibliographic technique consists of the analysis of previously published materials, such as books, scientific articles, legislation, jurisprudence, and institutional documents that address the theme from different perspectives.

To achieve the proposed objectives, the research will be developed through a critical review of the literature, investigating the theoretical contributions of scholars of Law, Social Sciences, and Psychology on adoption, racial identity, and structural racism. The study will also make use of normative sources, including the Statute of the Child and Adolescent (ECA), the Federal Constitution of 1988, and international human rights treaties applicable to the theme of adoption and the protection of the rights of children and adolescents.

In addition, the documentary analysis will be complemented by reflections on media representations of interracial adoption, especially through the series *This Is Us*, considering its impact on the construction of social perception about family dynamics and the challenges faced by black children adopted by white parents.

The use of audiovisual productions as an object of analysis is justified by the ability of art to reflect and problematize social realities, providing elements that enrich the legal and sociocultural debate.

The research will therefore seek to establish connections between the legal and sociocultural aspects that permeate interracial adoption, demonstrating how academic literature, legislation, and popular culture can contribute to a deeper understanding of the experience of these children and the dilemmas faced by their adoptive parents.

This approach will make it possible to highlight the importance of continuous racial literacy in the adoption process, underlining the need for effective preparation of adopters to deal with racial issues sensitively and responsibly.

## **ADOPTION IN BRAZIL**

### **CONCEPT OF ADOPTION: A PARALLEL BETWEEN LAW AND ART**

The conceptualization of legal institutes is a notable challenge, especially in the context of family law, considering that the family is a plural, dynamic entity subject to constant transformations.

Family relationships are guided by affection, which, according to psychoanalysis, originates from interaction, coexistence, and the formation of bonds. The affection relevant to Law is that which manifests itself in human relationships, whether of a legal or meta-legal nature (Simão, 2013).

Adoption, conceptualizing it, and defining its legal and legal contours is a complex task. Dias (2021, p. 328) recognizes this difficulty, highlighting the multiplicity of aspects that involve the institute. For the author, "adoption is a legal act in the strict sense, whose

effectiveness is conditioned to the judicial seal. Adoption creates a fictitious bond of paternity-maternity-filiation between strangers, analogous to what results from biological filiation".

Within this delimitation effort, Diniz (2010, p. 1147-1148) proposes the following definition:

Adoption is the solemn legal act by which, observing the legal requirements provided for in Law 8.069/90, arts. 39 to 52-D, someone establishes, regardless of any consanguineous or related kinship relationship, a fictitious filiation bond, bringing to his family, as a child, a person who is usually a stranger to him.

Within the Greek tradition, adoption acted as a strategy to give continuity to the family, to the religious tradition of the home, and the place of the family within the *polis*. The bonds were considered as legitimate as a biological filiation and could happen at any time in the life of a person who, by choice or tragedy, finds himself disconnected from any family bond. Although it did not occur with the best intention of the adoptee, adoption in Greece has an important place in the development of the alliance between families and the city (Themudo; Rocha, 2024). Simão (2013) also contributes to the understanding of the concept, highlighting the evolution of adoption throughout legal history, explaining that "after overcoming the Roman model, in which adoption served to strengthen political ties and constitute heirs, the institute incorporated the notion of affection. Adoption is based on paternal-filial love, establishing bonds that imitate biology, but which result from a choice and not from chance".

From a normative point of view, the Statute of the Child and Adolescent (ECA) establishes fundamental guidelines for adoption. Article 41 of the ECA provides that "adoption attributes the condition of the child to the adoptee, with the same rights and duties, including succession, disconnecting him from any bond with parents and relatives, except for marital impediments".

However, the legal text still reflects a traditionalist view, prioritizing the genetic link and treating adoption as a last alternative, applied only when all possibilities of keeping the child or adolescent with the natural family have been exhausted (Dias, 2021, p. 328). The strictly legal conception of adoption, focused on legal and formal aspects, represents only one of the dimensions of the institute and is perhaps the least significant (Grisard Filho, 2001, p. 25).

In this context, art, especially in literature and cinema, offers a humanized perspective on adoption. According to Pereira (2020, p. 4), "Art can help us understand and deepen legal concepts". In the book *O Arroz de Palma*, Francisco Azevedo, without dealing directly with the institute of adoption, presents a concept that values affective ties above blood relations:

If it's good blood if it's bad blood... I have no idea, Antonio. "So what, my dear?" What does it matter? Today, old man, here in this kitchen, I find the dialogue that has gone a long way. We are all tributaries of a single river, I told her. Arteries of a single vein that flows into the heart: the artistic vein. Creators of ourselves, we invent and reinvent ourselves relentlessly, daily (Azevedo, 2008, p. 124-125).

Thus, it is clear that Law and Art share a common humanitarian base. While Law seeks to formalize and regulate adoption through legal definitions, Art illuminates the emotional, affective, and human nuances of the institute, enriching the understanding of its complexity and social impact.

## BRIEF CONSIDERATIONS ON THE HISTORY OF ADOPTION AND ITS LEGISLATIVE FRAMEWORK

Adoption is not a recent phenomenon, but a legal institute that has undergone significant transformations throughout history. In Brazil, adoption practices date back to the colonial period, being influenced by different social and normative contexts.

Since the sixteenth century, there have been records of the adoption of indigenous children by Catholic missionaries, whose objective was religious conversion and cultural assimilation. During the eighteenth century, institutions such as the *Rodas dos Expostos* emerged in the cities of Salvador, Rio de Janeiro, and Recife, where babies were anonymously left for adoption. Although these practices represented a rudimentary form of child protection, they were later criticized and abolished as new conceptions of children's rights were consolidated (Silva; Craveiro, 2017, p. 2).

From the twentieth century onwards, the State began to play a more active role in regulating adoption. The Minors Code of 1927 (Mello de Mattos Code) was the first Brazilian legislation to regulate the protection of children, albeit from a welfare perspective. The Statute of the Child and Adolescent (ECA), enacted in 1990, represented a legal milestone by guaranteeing the full protection of children and adolescents and prioritizing family and community life.

The legislative evolution continued with Law No. 12,010/2009 (New Adoption Law), which reinforced the principle of the best interest of the child and humanized the adoption process. Also noteworthy are Decree No. 3,087/1999, which promulgates the Hague Convention on Intercountry Adoption, and Law No. 12,955/2014, which gives priority to the processing of adoption processes for children with disabilities or chronic illnesses.

The Federal Constitution of 1988, in its article 227, reinforces the right to family and community life and establishes equal rights between biological and adopted children. Although the Constitution does not expressly address interracial adoption, its fundamental principles, such as the dignity of the human person (art. 1, III) and equality (art. 5, caput), guide the interpretation of infra-constitutional norms to ensure the protection of the racial identity of the adopted child.

In the context of interracial adoption, the principles of human dignity and equality are essential to ensure that black children adopted by white families have their racial identity recognized and valued.

The principle of dignity imposes the need for the adoption process to take into account the cultural and ethnic specificities of the child, while the principle of equality requires that opportunities be guaranteed without racial discrimination.

Thus, interracial adoption must be guided by the full protection of the child, guaranteeing him a family environment that respects his identity and provides him with emotional, psychological, and social support. The adoptive family must be the first foster care center capable of ensuring that the child fully exercises his fundamental rights, contributing to his formation and development in a society still marked by structural racism.

## **INTERRACIAL ADOPTION: RACISM, LAW AND FILM**

### **DATA ON INTERRACIAL ADOPTION**

Interracial adoption, defined as adoption in which parents of one race adopt a child of another, presents challenges that outweigh the usual difficulties of the adoption process. According to Levinson (2013, p. 166-175), interracial adoption occurs mostly between white parents and black, brown, or Indigenous children, a reality that, in Brazil, is directly linked to socioeconomic and racial disparities.

Brazil, a country with one of the largest black populations in the world – second only to Nigeria (Almeida, 2003) – has 55.5% of the population composed of browns and blacks, according to data from the Brazilian Institute of Geography and Statistics (IBGE). However,

although numerically expressive, this population is underrepresented in the social, political, and cultural spheres, characterizing itself as a "minoritized majority" (Schwarcz, 2024).

To understand this paradox, it is essential to recognize that racism is a structuring element of Brazilian society, being the result of the conventional ways in which political, economic, legal, and even family relations are established. Structural racism is not configured as a social anomaly or an institutional deviation; on the contrary, it is the norm that permeates and conditions social and institutional interactions.

Data from the National Adoption System corroborate this reality. According to the latest survey, carried out in September 2024, there are 4,908 children available for adoption, while there are 35,747 registered suitors. Among the children eligible for adoption, 68.8% are black or brown, evidencing a significant racial disparity.

On the other hand, the majority of Brazilian adopters are white people (Sampaio, 2014). A study conducted by Barros (2021), which interviewed 74 participants from 45 adoption processes, revealed that 86% of women and 81% of men declared themselves white.

Another survey pointed out that 31% of white parents adopted brown children, while only 4.5% adopted black children. In the context of international adoption, 44% of foreigners opted for interracial adoptions of brown children, and 12% adopted black children.

Given this scenario, a fundamental question arises: are white parents who adopt black children properly prepared to offer the necessary support for their children to face a society in which racism is structural?

## RACIAL COLOR BLINDNESS AND INTERRACIAL ADOPTION: SILENCE, IDENTITY, AND CHALLENGES

Currently, we live in an era marked by "racial colorblindness", a concept that refers to the denial of racial dynamics and their social implications. This phenomenon unfolds in two main dimensions: "color evasion," which attempts to ignore race as a differentiating factor, and "power evasion," which minimizes or denies the existence of structural racial inequalities, promoting the idea that everyone has the same opportunities regardless of their race (Neville, 2013).

In the family context, especially among white adoptive parents, it is perceived that many are not prepared to understand and deal with the multiple ways in which racism,



prejudice, and discrimination affect their black children (Moxon, 2019). In addition, it cannot be ignored that the adoption process requires a considerable adaptive effort.

The child, when separated from his biological family, faces the mishap of overcoming the initial feeling of helplessness and adjusting to a new family structure, which may include linguistic, behavioral, and cultural differences.

In the case of interracial adoption, the adaptive challenges are enhanced by the racial and cultural distinctions between the child and his or her new family. The construction of belonging can be hindered by the invisibility of differences, reinforcing a process of racial alienation within the adoptive home itself.

The case of Silvia, a ten-year-old black girl adopted by a white family, illustrates these setbacks well. Referred to therapy due to school difficulties and family conflicts, Silvia faced feelings of displacement and low self-esteem (Levinzon, 2013, p. 155). His parents, who belonged to the upper class, never discussed racial issues in the family environment, making the topic taboo. This silence was reflected in her fragile racial identity, aggravating her sense of not belonging.

Levinson (2013, p. 170) concludes that "the great difficulty that Silvia's family had in dealing with the racial issue reflected their ambivalence about adoption. Silvia's latent sadness indicated the mismatch with her parents, who did not understand her need for recognition and validation of her racial identity."

This case illustrates a violation of the fundamental principles of human dignity and the right to equality, provided for in the Federal Constitution. When Silvia's parents neglected her racial identity, they deprived her of the right to fully recognize herself in her origin, impacting her emotional and psychological health.

Faced with this scenario, Ribeiro (2019, p. 13-14), in *Pequeno Manual Antirracista*, warns that "never enter a discussion about racism saying 'but I'm not racist'. What is under discussion is not a moral, individual position, but a structural problem [...]".

Therefore, even before they understand the dynamics of racism that affect their children, white adoptive parents need to recognize their prejudices and understand how racism operates within them and in the environment in which they live. This process of self-reflection is particularly challenging for those who reproduce racial color blindness, as they tend to minimize or deny the importance of race in their children's lives.



Thus, the denial of racial differences perpetuates inequalities and also deprives adoptive parents of the ability to offer the necessary support for their children to face structural racism and build a legitimate sense of belonging in the family nucleus.

## ART EXPLAINING LIFE: INTERRACIAL ADOPTION AND CINEMA

In addition to understanding the complex dynamics of racism and offering the appropriate emotional support to black children, white adoptive parents must also be aware of another aspect of fundamental importance: attention to the cultural and aesthetic specificities that accompany the process of interracial adoption.

The care of seemingly trivial aspects of everyday life, such as aesthetics — which includes, for example, hair and skin care — has a symbolic dimension, as it is intrinsically linked to the construction of racial identity and the appreciation of the child's cultural roots.

Raising a child of a different race from his parents involves more than acknowledging the existence of racism; it requires the ability to actively engage with the identity and cultural needs of these children, which are often invisible to parents who do not share these experiences.

The series *This Is Us*, directed by Dan Fogelman, portrays, with remarkable sensitivity, the challenges inherent in interracial adoption, following the trajectory of Randall, a black boy adopted by white parents, and exposing the tensions and complexities that permeate this relationship throughout his life.

An emblematic example of this dynamic is found in the episode "The Pool" (season 1, episode 4), in which the difficulties faced by white adoptive parents when dealing with cultural and identity issues that are fundamental to the development of a black child in a predominantly white family environment are subtly addressed.

In this episode, the Pearson family visits a public swimming pool, where Randall experiences interactions that highlight their racial difference.

The scene that corresponds to the theme of this article occurs when Randall realizes that his mother is in doubt about the application of sunscreen on him, evidencing her lack of knowledge regarding the specific care of a black child.

After noticing such neglect by his mother, Randall joins a group of black children, and, upon finding him on the other side of the club, Rebecca is approached by the mother of one of these children. The woman explains to Rebecca how to properly care for

Randall's hair and points out that, after getting out of the pool, it is important to apply moisturizer to the skin to prevent it from turning gray.

Taking the opportunity, Rebecca also questions whether she should apply sunscreen to Randall, highlighting her uncertainty about the care needed for her son. It is important to highlight that, in the aforementioned episode, Randall is approximately 7 years old, which leads to consider that Rebecca for 7 years had not yet become aware that Randall needed specific aesthetic care about the other children because he was a black child.

According to Baxter (2006), interracial adopted children begin to perceive racial differences from a very early age, especially between three and seven years of age, a phase in which interactions with parents and the community significantly influence their self-image and perception of racial belonging.

This fact is corroborated in the scene mentioned above, when Randall, still a child, realizes that his mother, Rebecca, hesitates when deciding whether or not to apply sunscreen to him. At this moment, Randall demonstrates a certain early awareness of his racial difference, something that is already beginning to shape his perception of belonging and identity.

In addition, in a study conducted by Morgan and Langrehr (2019), it was found that parents with higher levels of perception of racial microaggressions and institutional discrimination scored lower levels of "racial color blindness". On the other hand, parents who had higher levels of impression management tended to score higher on racial color blindness, which made them less able to accurately identify both racial microaggressions and the stigma associated with interracial adoption.

It is noted that most interracial adoptive parents have not experienced life from the perspective of a racial minority, which puts them at a disadvantage when trying to identify microaggressions and other subtle forms of racial discrimination that their children may face. Thus, these parents must receive continuous training and support to develop appropriate cultural competence.

Although some authors recommend carrying out evaluations and training before adoption, others defend the importance of post-adoption follow-up, in which parents can receive specific guidance on cultural competence and racial dynamics (Massatti, Vonk, Gregoire, 2004).

Also in this sense, according to Lee (2003), adoptive parents who deny or ignore the racial and ethnic differences between parents and children, for example, may be more likely to adopt parental strategies of cultural assimilation, which, in turn, can contribute to poorer mental health.

On the other hand, adoptive parents who recognize and accept racial and ethnic differences may be more inclined to adopt parenting strategies of racial enculturation and inculcation, which may contribute to a more positive development of racial/ethnic identity and better mental health (Lee, 2003).

It is observed that there is a distinction between cultural assimilation and racial enculturation. Cultural assimilation, which often involves the denial or minimization of racial differences, seeks to integrate the adopted child into the adoptive family culture, often at the expense of the child's own racial and ethnic identity.

This strategy can be harmful, as it ignores the unique racial experiences that Black children have, as well as weakens the bond with their cultural heritage. In contrast, racial enculturation is an approach that recognizes and values racial differences, encouraging the child to connect with their own racial and cultural identity.

Given this counterpoint, it is relevant to highlight that most white adoptive parents believe they are doing enough to promote the racial and ethnic development of their interracial adopted children (Moxon, 2019).

Often, these efforts focus on activities such as participating in cultural festivals, preparing dishes typical of the child's culture of origin, and offering books and films related to the child's culture of birth.

While these initiatives, such as cultural festivals and the consumption of materials related to the culture of origin, are valid, they are not sufficient to ensure the healthy development of the racial and ethnic identity of interracial adopted children.

What is needed is racial literacy, where white adoptive parents recognize that mere cultural exposure is no substitute for coping with the daily racial issues that their children will inevitably experience. To this end, parents must understand the importance of additional training, which includes input from external sources, such as members of the black community, experts in structural racism, and cultural educators.

There is no denying that the behavior of adoptive parents is as important as their attitudes in shaping the perspective of their adopted children. Families, whose children attended racially integrated schools, lived in integrated communities, and accepted their

children's black racial identity tended to have children who felt more positive about themselves as black people (Baxter, 2006).

In addition to the need for racial literacy, the literature points out that interracial adopted children need to develop an identity that integrates their physical appearance, their birth heritage, and their cultural upbringing. However, these children and their families deal with greater challenges, such as racist comments and racial provocations, when compared to adoptees of the same race. To overcome these setbacks, adoptive parents must improve their skills, knowledge, and awareness to help their children adjust and develop adaptive skills throughout life.

In this sense, it is observed that cinema has the power to shed light on family dynamics that often remain invisible to those who do not experience such experiences directly. For legal professionals, it becomes a tool for awareness and reflection, fundamental for the formation of a more conscious and humanized legal practice.

By understanding structural racism, legal operators who are involved in the adoption process will be better equipped to guarantee full protection to interracial adopted children, ensuring that their fundamental rights, such as the dignity of the human person and equality, are fully guaranteed.

Understanding structural racism is indispensable not only for adoptive parents but also for all entities and professionals involved in the adoption process. Racism does not arise the moment the adoption is completed; It precedes the process itself, manifesting itself from the choice of adoptive parents to the institutional dynamics that permeate the adoption system. Therefore, it is up to social workers, psychologists, judges, and lawyers who work in these areas to recognize and consciously deal with racial issues, ensuring that black children adopted by white families are not only welcomed but also understood in their racial and cultural integrality.

White parents who intend to adopt black children need racial literacy. Pre- and post-adoption training and preparation programs are crucial to equip these parents with the knowledge and tools necessary to deal with the racial issues that will inevitably arise in their children's daily lives.

Therefore, the role of adoptive parents, as well as the professionals who accompany them, goes far beyond providing affection and material security. Interracial adoption imposes on all those involved the challenge of breaking through the invisible barriers of

structural racism, promoting true social and cultural inclusion of black children in white families.

It is then up to society and the legal system, together with the entities involved, to ensure that these parents are properly prepared to exercise their role consciously, ensuring that their children grow up with a strong and resilient racial identity, ready to overcome the difficulties of a society still marked by racial discrimination.

## CONCLUSION

Interracial adoption goes beyond the mere creation of family ties; It is a phenomenon that unveils historical layers, tensions identities and challenges the very sense of belonging. It is a process that challenges both adoptive parents and adopted children to face issues that society often prefers to ignore, especially due to the prevalence of racial color blindness.

The difficulty in recognizing and dealing with the implications of race in the constitution of the identity of black children adopted by white parents highlights a fundamental aspect: the need for effective racial literacy on the part of adopters.

Racial literacy, as advocated by Ribeiro (2019), is not limited to an individual stance against racism, but rather to the recognition that it is rooted in social and institutional structures. The denial of this reality, in addition to depriving the adopted child of the valorization of his or her racial identity, violates fundamental principles enshrined in the Constitution, such as the dignity of the human person (article 1, III, of the Federal Constitution) and the principle of equality (article 5, caput).

The omission of parents about the racialization of their children's experience can result in profound negative impacts, affecting their psychological and social development, as demonstrated in the case of Silvia, whose identity was weakened by the absence of racial recognition and validation within her family nucleus.

The context of interracial adoption therefore requires that adoptive parents, in addition to welcoming their children and providing a safe and loving environment, ensure that they are respected in their entirety, including their racial and cultural identity. The lack of preparation of adopters to deal with such issues ends up significantly compromising the child's sense of belonging and generating emotional impacts that last throughout life.

In this sense, art, especially cinema, plays a relevant role in giving visibility to the complexities of interracial adoption. The series *This Is Us* exemplifies this phenomenon by

sensitively addressing the challenges faced by Randall, a black boy adopted by white parents, and how the non-recognition of racial differences can result in an identity vacuum.

The television narrative demonstrates that, although love and intention are vital elements in adoption, they are not enough to guarantee the full development of the child's racial identity if they are not accompanied by a critical understanding of the racialization of their experiences.

The dilemma of interracial adoption in Brazil is intrinsically linked to the structural inequalities that permeate society. Systemic racism, combined with the historical marginalization of the black population, imposes barriers to the identity construction of adopted children that must be overcome through conscious and anti-racist parenting.

In this way, the racial literacy of adoptive parents becomes a fundamental instrument to mitigate the impacts of racial discrimination and enable these children to develop a solid and positive identity.

The commitment of adoptive parents must go beyond offering a safe and affectionate home, also encompassing ensuring that their children have access to cultural and racial references that strengthen their self-esteem and their sense of belonging.

These parents must be willing to promote open dialogues about racism and discrimination, allowing their children to have the necessary support to face the challenges imposed by a society still deeply marked by structural racism.

Therefore, the success of interracial adoption cannot be measured only by the legal formalization of the parental bond, but, above all, by the commitment of adopters to ensure that their children grow up fully recognized and valued in their racial identity.

The fight against racism must be a collective responsibility that involves parents, and the legal and social institutions responsible for the adoption process. Only in this way will it be possible to ensure that interracial adoption fulfills its true purpose: to provide not only a home but an environment that respects values, and strengthens the identity and dignity of black children adopted by white families.



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