OBCforCT.org

ACCESS CONNECTICUT

ACCESS CONNECTICUT is a grassroots effort dedicated to passing legislation that will restore the human right for adult adoptees, born in Connecticut access to their original birth certificate (OBC). Members of ***ACCESS CONNECTICUT*** believe that Connecticut adoptees have been denied the human right that all other residents of Connecticut have – the right to obtain a non-certified copy of their original, unamended birth certificate from vital records. Adoptees had the right to obtain copies of their OBC until the Connecticut legislature unjustly removed that right in 1974.

Results from a survey performed by the Center for Survey Research & Analysis at the University of Connecticut indicate that more than four in five Connecticut residents (85%) and 82% of Connecticut's registered voters would support a law that would allow adult adopted children to obtain copies of their original birth certificate. ***ACCESS CONNECTICUT*** believes it's time for the Connecticut legislature to listen to their constituents and restore the human right for Connecticut born adult adoptees to obtain copies of their original birth certificates.

Legislation similar to that supported by ***ACCESS CONNECTICUT*** has precedence in a number of states. Most recently New Hampshire (2005), Maine (2007) and Rhode Island (2011) have passed legislation restoring the right for adult adoptees born in their states to obtain a non-certified copy of their original birth certificate. In these states over 400 legislators, nearly 70% of their legislators voted in favor of restoring the human right to its native born adult adoptees to obtain their OBC. New Hampshire became the 5th state, Maine the 6th state and Rhode Island the 7th state in the U.S. to allow all its adult adoptees to access their original birth certificate along with Alabama, Alaska, Kansas, and Oregon.

ACCESS CONNECTICUT recommends the following legislation become law which respects the rights of adult adoptees to obtain their original birth certificate as well as respecting the rights of birth parents to express their desire for contact from their biological children.

At the age of 21 adoptees can request a non-certified copy of their original birth certificate by filling out a Preadoption Birth Record Application Form and send it to the Vital Records Office. The new law will allow a birth parent to fill out a Contact Preference Form to express their desire for contact with their biological child in one of the following three ways:

- I would like to be contacted
- I would like to be contacted but through an intermediary of my choosing, i.e. the placing agency, personal friend, etc.
- I do not want to be contacted.

ACCESS CONNECTICUT is actively looking for new members across the State of Connecticut who is willing to work to change Connecticut's adoption law to allow adult adoptees to access their original birth certificate. If this is legislation you would like to support please contact Jane Servadio, a birth mother from Milford CT, at 203-874-2023 or janerino@optonline.net or Eileen McQuade, a birthmother from South Windsor, CT at 561-279-7714 or eileen2155@gmail.com or Carolyn Goodridge, an adoption professional, 860-258-3400 or at Carolyn.goodridge@cafap.com, or Paul Schibbelhute, a birthfather, at 603 -930-2091 or at pschibbe@aol.com

ACCESS CT----It's the Right Thing to Do----ACCESS CT

EVAN B. DONALDSON

adoptioninstitute

EVAN B. DONALDSON ADOPTION INSTITUTE

FOR THE RECORDS II:

An Examination of the History and Impact Of Adult Adoptee Access to Original Birth Certificates

Policy & Practice Perspective

July 2010

Funded and Prepared by: The Evan B. Donaldson Adoption Institute

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Executive Summary

At a time when an array of complex adoption-related concerns are being discussed from Haiti to Moscow to Beijing, within the adoption community in our country, one seemingly simple question continues to receive the most consistent, intense attention: Should adopted adults, like all other Americans, be allowed to have their original birth certificates? Indeed, for over a generation, no other adoption issue has generated more debate or caused greater division.

Today, more efforts to restore adult adoptee access to original birth certificates (OBCs) are being mounted than ever before. In the three legislative sessions that have begun since the Evan B. Donaldson Adoption Institute's November 2007 publication of "For the Records: Restoring a Legal Right for Adult Adoptees" (of which this report is an update), OBC legislation has been introduced from coast to coast. In the 2009–2010 sessions alone, lawmakers in at least 11 states considered the issue – and in at least one, Illinois – they have enacted a statute in recent weeks significantly expanding OBC access, making theirs the seventh state to do so in the last decade. During the same period, Massachusetts has implemented a narrower OBC access law, while activists in several more states, including New Jersey and Rhode Island, have been organizing, fund-raising, and taking other steps intended to result in yet more legislation.

Though support is clearly growing for the "open records" movement, as it is often called, proponents are hardly declaring that victory is on the horizon. Most of their efforts have been unsuccessful, and many of the OBC laws that have been enacted are compromises that grant access to some adoptees but not to others; these compromises open an emotional divide among advocates on whether they are championing the majority or betraying those left behind.

A major reason such compromises are offered – and why more states have not enacted access legislation – appears to be that much of the debate has been muddied by misunderstandings about the history of the issue, misconceptions about the parties involved, and mistaken concerns about the consequences of changing the status quo. It is commonly argued during the legislative process in every state, for instance, that OBCs are sealed to protect the anonymity that birthmothers were promised, and that changing the rules now would undermine their lives and be harmful in other ways (such as increasing the number of abortions). An examination of the research and other evidence, however, shows that all those assertions are flawed or incorrect.

This paper examines the most current evidence related to restoring adult adoptee access to original birth certificates, updating the Adoption Institute's 2007 *For the Records* report.

A lengthy examination and analysis of the arguments on both sides of the debate leads to these primary findings:

- **Barring adopted adults from access to their original birth certificates wrongly denies them a right enjoyed by all others in our country, and is not in their best interests for personal and medical reasons.**
- **Alternative solutions to providing adopted adults access to their OBCs, such as mutual consent registries, are ineffective and do not adequately address the needs of adopted persons.**
- **The overwhelming majority of birthmothers do not want to remain anonymous to the children they relinquished for adoption and support (or do not oppose) those children's access to their OBCs.**

- **Providing adult adoptees with access to their original birth certificates does not threaten the integrity of adoptive families or the institution of adoption; indeed, the evidence suggests that the opposite is the case.**
- **In other countries and in U.S. states that have restored adopted adults' access to OBCs, or never sealed these records at all, there is no evidence of any of the significant negative consequences critics predict.**

Based on these findings, the Adoption Institute recommends significant changes in current adoption law and policy in order to restore adopted persons' rights to information about their origins and heritage – and to achieve equality for the members of all families, regardless of how they are formed.

Recommendations

- ***Every state should restore unrestricted access to original birth certificates for all adult adoptees, retroactively and prospectively.*** The experiences of many other countries, of U.S. states where birth certificates have never been sealed from adopted persons, and of those states that have restored access, all indicate that there are few if any problems when access is granted. There is no significant legal, experiential or factual rationale for denying adopted adults the right to access their OBCs – a right that is enjoyed by all non-adopted Americans. Allowing access with the provision for contact preference forms is a practical solution that affords birthparents a greater opportunity to express their wishes – and therefore greater "protection" than they currently have with sealed records.
- ***State laws that provide access to original birth certificates to a limited number of adult adoptees should be amended to enable them all to obtain these documents and thereby be treated equally.*** Allowing some adopted citizens access while denying it to others is inequitable on its face. The evidence in states that place restrictions on who may obtain OBCs is the same as it is in states that allow universal access; i.e., none of the predicted negative consequences occur. So there is no substantive reason to prevent an expansion of their laws to include all adopted persons once they reach the age of majority.
- ***No agency, attorney, social worker or other adoption professional should promise birthparents that their identities will remain concealed from their children.*** There is no constitutional, legally enforceable "right to privacy" for birthparents from the children they created. Some states that sealed OBCs in the past have opened them and more are likely to do so in the future. Moreover, courts may open records upon petition and, finally and most pointedly, it is becoming increasingly possible for birthparents (among others) to be found via the internet, through search professionals, and with other modern resources. As a consequence of all those factors, it is clear that anonymity cannot be assured with any certainty; promises of lifelong confidentiality are therefore contrary to best adoption practices.
- ***A national adoption registry should be implemented to enable all adopted persons and their birthparents, no matter where they reside, to participate.*** Registries should not ever be viewed as an alternative to access to OBCs, and the evidence is clear that state-specific mutual consent registries are generally ineffective. A well-publicized national registry, however, would allow adoptees, birthparents and other family members to find each other across state lines, thereby mitigating some current problems and playing an important role until all states restore the right of adopted adults to access their original birth certificates.
- ***Confidential intermediary services should be available throughout all states, even after original birth certificates access is restored.*** Many if not most adopted persons, birthparents and other involved parties prefer to search and make contacts themselves – but some want or need help. Confidential intermediaries can be valuable resources to provide

guidance and support for those who are unsure about making contact to obtain information or to arrange a reunion. Ideally, these services should be either subsidized by the state or made available at a very reasonable cost to participants.

Conclusion

Some opponents of restoring access to original birth certificates cast adult adoptees' desire for this basic information about themselves as a matter of curiosity, a simple interest that can be satisfied through other means, while others express seemingly substantive concerns about the implications of altering current law. Some proponents of unsealing OBCs focus on search, reunion and medical information as the key issues, while others say the bottom line need not include any of those issues because the debate is really about equal rights and social justice.

Wherever one stands, this much is clear: The laws on the books in most states do not benefit the vast majority of the affected parties, and therefore should be changed. Modern adoption practice, with its emphasis on openness, honesty and family connections should be the operating model. It is time to end the secrecy that has not only resulted in shame and stigma for nearly everyone concerned, but also has undermined the institution itself by sending a signal from the very start – at the time a birth certificate is issued – that adoption has something to hide.

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SETTING THE RECORD STRAIGHT: WHAT WERE BIRTHMOTHERS PROMISED?

Birth certificates were never sealed to protect birthparents. Birth certificates of adopted persons were not closed for most of U.S. history. When that practice began in the 1930s, the intent was not to protect birthparents; rather, there were two primary reasons for sealing OBCs: to keep birthparents from interfering with adoptive families and to protect adopted children from the stigma of illegitimacy. There is no evidence that any birthparent was legally given a promise of confidentiality – i.e., they were not guaranteed anonymity in state law or in the relinquishment documents they signed. For instance, legal scholar Elizabeth Samuels (personal communication, July 6, 2009) in her review of 50 relinquishment documents from 21 states, found no evidence that women were given any legal promises of confidentiality. To the contrary, when documents referred to future contact, it was to protect adoptive families from birthmothers' communications, and it was stated that the birthmothers were not entitled to any information about the children they relinquished. Conversely, agencies often provided birthparent identifying information to adoptive parents, in some cases on the adoption decree.

Anonymity could never be guaranteed. While adoption agencies and individual workers may have given oral assurances to birthparents of lifelong confidentiality from adoptees, it is clear in retrospect – however well intentioned – that they could not be guaranteed. States have long allowed adoptees to petition the court to gain access to original birth information; some have been granted, and the possibility of that occurring was always present. As early as the 1970s, adoption agency practice began shifting toward greater openness and more connections between a child's original and new families. Today, most domestic infant adoptions involve knowledge of, and often contact among, birth and adoptive family members. Moreover, the sealing of OBCs occurs only when an adoption is finalized and NOT at the time of relinquishment, two events that often take place six months to a year apart. Thus, if a relinquished child was not adopted, or if the adoption was annulled, the OBC was not permanently sealed and replaced with an amended document.

Court cases in states that have restored access to OBCs have considered the interests of both birthparents and adoptees. Courts have held that a) there is no enforceable contractual guarantee to birthparent anonymity from adoptees, b) there is no constitutional right to privacy protecting birthparent anonymity from adoptees, and c) there is no statutory guarantee of birthparent anonymity from adoptees (Doe v. Sundquist, 1999; Doe 1-7 vs. Oregon, 1999).

Birthparents overwhelmingly support contact. The vast majority of birthmothers do not want to remain anonymous to the children they relinquished for adoption. Confidentiality for most was not a choice, but an inherent – and sometimes imposed – part of the adoption process. Even those who desired confidentiality at the time of the relinquishment have often changed their minds over time as their life circumstances changed. All existing studies of birthparents report the overwhelming majority are not opposed to being found by their adult children. For example, all 125 interviewed in one major study were open to contact (Ayers-Lopez, Henney, McRoy, Hanna, & Grotevant, 2008) and the Maine Department of Human Resources Task Force on Adoption (1989) found that every birthparent of 130 surveyed wanted to be found.

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There is a significant body of evidence suggesting that the proportion of birthparents who wish to remain anonymous to their relinquished offspring is extremely small. The most visible indication of this reality is the small number who filed no-contact preference forms in states and countries that grant adopted adults access to their OBCs but have a provision for birthparents to register whether they want contact. The table below reports data on no-contact preferences registered in four states where access was granted unconditionally. It also includes the number of disclosure vetoes filed in Delaware, where no OBC is provided if a veto is on file. The number of birthparents filing no-contact preference forms in all of the four states granting unconditional access was 1 percent or less of the number of OBCs released. (It would be a much smaller percentage still of all birthmothers who had relinquished children in these states.) One analysis indicates just 1 of every 2,000 birthmothers request no contact after changes in their states' OBC access laws (AAC, 2009).

Birthparent No-Contact Preferences and Disclosure Vetoes Filed

State	Access Results
Alabama	From 8/2000 to 7/2009, 4,227 adopted adults obtained OBCs. 207 contact-preference forms filed; less than 1 percent said "no"
Delaware	From 1/1999 to 10/2006, 695 adopted adults obtained OBCs. 16 did not receive complete OBCs as a result of disclosure vetoes.
Maine	Since 1/2009, 542 adopted adults have obtained OBCs. 8 no-contact preference forms have been filed.
New Hampshire	From 1/2005 to 6/2009, 1,224 adopted adults obtained OBCs. 12 no-contact preference forms have been filed.
Oregon	From 5/2000 to 5/2009, 10,189 adopted adults obtained OBCs. 494 birthparents have requested contact, 85 requested no contact.

While there are undoubtedly some birthparents who have kept their secret from family members and would prefer to continue doing so, they constitute a small number compared to the majority who want to know what became of their children and have no desire to be protected from the possibility of contact. In reality, keeping OBCs sealed does not guarantee protection to many if not most birthparents anyway, since courts can unseal information, states can amend laws, and adoptees without OBCs can successfully search by utilizing the internet or professional searchers.

Knowledge helps people heal. Most birthparents have a psychological need to know what became of the children they created, and such knowledge furthers their well-being. Research on birthparents in the era of confidential (closed) adoptions suggests a significant proportion struggled – and sometimes continue to struggle – with chronic, unresolved grief. The primary factor bringing peace of mind is knowledge about their children's well-being (Dominick, 1988; Roles, 1989, Wells, 1993; Field, 1992). So, if one aim of public policy in the realm of adoption is to "protect" and otherwise assist birthparents, it appears that keeping these records sealed – for most of the women affected – accomplishes the opposite of the ostensible goal.

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SETTING THE RECORD STRAIGHT: WHY IS OBC ACCESS IMPORTANT?

An overview. Advocates for adult adoptees' access to their original birth certificates (OBCs) believe that adoptees have a fundamental right to know core facts about themselves – facts that further their knowledge about their medical and genealogical histories, as well as about their basic identities. They believe that adoptees deserve equality with, and should receive the same rights and privileges as, their non-adopted peers. They assert that denying adoptees access to their OBCs discriminates against them solely on the basis of how they entered their families. The following public policy considerations support unrestricted access.

OBCs and positive adoptive identity. Over the course of their lives, adopted individuals face the challenge of exploring the meaning of adoption and integrating it into their being. All adoptees search for answers to these basic questions and other related ones. The type of information they need and want varies and can change at various periods in their lives. Those who feel a strong need for information but cannot find satisfactory answers can feel profound powerlessness and can experience emotional struggles that are detrimental to their mental health and life satisfaction (Brodzinsky, et al., 1992; Triseliotis, 1973). They often want this information not only to learn important things about themselves, but also to pass on to their children and grandchildren.

Vital medical information. Another reason many adopted adults seek their OBCs is to learn their birthparents' names, so they can expeditiously obtain up-to-date, and ongoing, medical information. Medical and genetics experts have recognized family history as the strongest predictor of risk for many common illnesses such as heart disease and diabetes, among others (Collins & McKusick, 2001). Adoption agency collection of birthparent medical information historically has been inconsistent and incomplete, and has captured only a "snapshot" of the data provided at the time of relinquishment. That means, at best, the information is 18 years old when the adoptee reaches the age of majority.

Many federal public health agencies agree that family medical and genetic data aids in the prevention, early detection and treatment of thousands of inherited diseases. These data can be of vital importance in the diagnosis and treatment of genetically based conditions and illnesses, and insurance companies often will not pay for specific screening tests unless a genetic risk is identified. Knowing family medical history is also critically important to prevent and treat chronic diseases such as cancer, heart disease and diabetes. Over 6,000 genetic and rare diseases afflict more than 25 million Americans, and about 30% of early deaths are linked to genetic causes (NIH, 2009). In addition to informing their own and their children's medical treatment, adoptees also seek biological relatives to explore opportunities for transplants and other medical treatments that are most effective with donors who are close kin.

Professional organizations' research and guidance. As early as 1971, the American Academy of Pediatrics' Committee on Adoptions recognized: "The most helpful thing a human being can learn in life is to be conscious of himself as an individual, and to be aware of who and what he is. Determining identity is a difficult process for some brought up by his natural parents; it is more complex for the individual whose ancestry is unknown to him" (p. 948). The Child Welfare League of America, which sets standards for best practices in adoption, advises: "The interest of adopted adults in having information about their origins has come to be recognized as having critical psychological importance as well as importance in understanding their health and genetic status. Because such information is essential to adopted adults' identity and health needs, the agency should promote policies that provide adopted adults with direct access to identifying information" (2000).

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The Adoption Institute's (2009) study of identity among 468 adult adoptees – the most extensive such research to date – found that adoption is an increasingly important factor in adoptees' lives. When asked to cite the experiences or services that were most helpful in achieving positive identity, U.S.-born respondents rated contact with birth relatives as most important; the vast majority (86%) had taken steps to find their birth families, and a sizable minority (45%) had made contact. This study and an earlier review of other studies (Muller & Perry, 2001) indicate that at least half of adopted adults search for identifying information and/or to make contact. In a primary adoption study, nearly three-quarters of adoptees felt they "need[ed] identifying information to complete their sense of identity" (Sachdev 1989).

Court approval, registries, confidential intermediaries: not effective substitutes to OBC access.

- **Court approvals.** In about half of the states and Washington, D.C., the only mechanism for adopted persons to obtain their OBCs is to petition the court for its release, contingent on a judicial finding of "good cause." Without standards defining "good cause," adopted individuals' ability to obtain their OBCs can result in arbitrary and inequitable treatment. Some courts have accepted psychological need as constituting good cause, while others have determined that even extreme medical need is insufficient. In responding to petitions to unseal records, courts weigh the demonstrated need of the adoptee-petitioner against the presumed interests of the birthparent, who is not a party to the proceedings and whose desires are therefore unknown. Courts often conclude the birthparent's presumed interests outweigh the adoptee's stated need.

- **Mutual consent registries.** Mutual consent (or "passive") registries allow adopted persons and birthparents to express their willingness to share information and/or make contact, but they have flaws that make them ineffective. If only one party registers, for instance, the state does not typically seek the other to determine his/her interest in releasing or receiving information. These registries are also usually poorly funded and understaffed (Kuhns, 1994; Lum, 1993; Strasser, 1994; Mitchell, Nast, Busharis & Hasegawa, 1999). A survey of state registries reported: "Locating a staff member knowledgeable about registry operations in at least half of the 21 states surveyed required between 8 and 10 phone calls. ... Only 3 states had made any noticeable effort to actively promote their registries" (Mitchell, et al, 1999, p. 33). They also make few matches: reunion rates through them range from "a high of 4.4% to a median of 2.05%" (Samuels, 2000–2001, p. 432). In a 1998 survey, 14 of 18 states had match rates of less than 5% (Busharis, Nast, & Micheli, 1999). Registries are also state-specific, so they cannot facilitate matches across borders, and require adopted persons to know the date and place of their birth (the latter of which is sometimes altered on their amended birth certificates).

- **Active registries/confidential intermediaries.** Active registries requiring an intermediary to contact the other party when one party registers are somewhat more effective than passive ones. A request for information triggers efforts by an intermediary to locate the sought-after person and to determine if he/she is amenable to identifying information being exchanged. In most states, however, they are not well publicized, depend on the program's resources, and make only one attempt at contact. Because information is not shared unless the other party agrees, the seeking party may be left without recourse if others cannot be found or do not want to pursue the matter. The underlying problem with mutual consent registries and confidential intermediary programs is the lack of control experienced by the registrants (Cahn and Singer, 1999), as well as the reality that they do not work for many. In addition, none of the alternatives to OBC access address the issue of achieving equal rights for the millions of people affected.

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SETTING THE RECORD STRAIGHT: WHAT ARE THE NEGATIVE CONSEQUENCES?

OBC access does not precipitate conflict. Scholars' reviews of states and countries where original birth certificates can be accessed indicate none of the adverse impact predicted by opponents occurs. In an overview of the social impact of unsealing adoption records in the U.S., Great Britain and Australia, E. Wayne Carp found "a vast gap exists between the *fear* by birth parents and adopted adults that their privacy will be violated and the *reality* that few or no offenses are committed" (2007, p. 29).

The reality in America. Kansas and Alaska have never sealed their adoption records, and there is no evidence this has created problems in either state. In states that have restored OBC access, opponents' concerns have not materialized. For example, after examining the first five years after Oregon restored access, Carp reported that there were no reports of a birthmother's privacy being violated, of a family being hurt or shattered as a result of the release of an OBC to an adult adoptee, or of any violation of a no-contact preference request. The state's adoption program director concluded, "We here in Oregon have learned ... that in the crafting of public policy, the fears of a few ... cannot necessarily be generalized to all of the public that is affected" (Busharis & Hasegawa, 2005).

The reality in other nations. Triseliotis' (1992) research on the impact of OBC access worldwide found that "open records" have been the rule in Scotland since 1930 and in England since 1976, with no evidence of misuse or abuse by adopted persons, and the experience of countries such as Finland, Israel and New Zealand – where OBCs are accessible – is similar. Carp (2007) found the same in New South Wales, Australia. Other nations that provide OBC access include Germany, the United Kingdom, Belgium, Holland, Sweden, Norway, Denmark, Iceland, some Canadian provinces and Taiwan.

OBC access does not increase abortion rates. There is no evidence that allowing adopted adults to access their OBCs causes women to choose abortion over adoption because the former is anonymous. Data in states where adult adoptees have always had OBC access (Kansas and Alaska), in those that have amended their laws to allow access, and in those that keep OBCs sealed do not show a discernible relationship with abortion rates. The rates in Kansas and Alaska are lower than the national average, and states that have reopened OBCs have lower abortion rates after access than before. This trend comports with England and Wales, where adoption records have been opened (Affidavit of Frederick Greenman, 1996). There is limited information about any relationship between the decision to have an abortion and to relinquish a child for adoption; however, in a survey of 1,209 women and in-depth interviews with 38 women about their reasons for choosing abortion, none noted the promise or lack thereof of confidential adoption as a factor (Finer, Frohwith, Dauphinee, Singh & Moore, 2005).

OBC access does not decrease adoption rates. Comparative state data on rates of infant adoptions: per 1,000 abortions, per 1,000 live births and per 1,000 non-marital births do not support the proposition that OBC access will result in fewer adoptions. The infant adoption rates in Kansas and Alaska, which have never sealed OBCs, are much higher than the national average. Adoption rates vary markedly from state to state. Where OBC access has been restored prior to 2002, two states had adoption rates higher than the national average and two had lower ones. In comparing adoption rates in five states with access (Kansas, Alabama, Delaware, Oregon and Tennessee) to bordering states without access (Nebraska, Georgia, Pennsylvania, Washington and North Carolina), those states with access had higher adoption rates. (NCFA, 2007; Evan B. Donaldson Adoption Institute, 2010).

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March 6, 2012

Co-Chair Terry B. Gerratana
Select Committee on Children
Room 011, Capitol Building
Hartford, CT 06106

Subject: Research on Catholic Dioceses positions on the impact to adoption in their states after passing adoptee access to original birth certificate legislation.

Over the last few years we have spoken with many organizations around the state of Connecticut to understand their position on passing legislation similar to SB 296 that would restore the right for adult adoptees born in Connecticut to obtain a copy of their original birth certificate (OBC). I have been particularly interested in the varying positions of the Catholic Church in other states that have either restored the right or have always allowed adoptees in their state to obtain their OBC. The following information is research that I have recently undertaken that speaks to the retrospective positions of the Dioceses in those states. I have forwarded this report to the Archdiocese of Hartford but have not heard back from them yet.

For several weeks now I have been trying get the retrospective position of the many Dioceses' in those states that have passed or are considering passing legislation that allows all adult adoptees in their states to access their original birth certificates, including Oregon, Alabama, New Hampshire, Maine, Rhode Island and Georgia. The two states that have which have never closed their records to adoptees are Alaska and Kansas. At this time I have received very positive responses back from most of the following Diocese's listed below. The Diocese of Anchorage and Diocese of Kansas City are working on providing me with their retrospective position on always allowing adult adoptee access to their original birth certificates

Archdiocese of Portland Oregon (Passed legislation in 1998)
Diocese of Birmingham Alabama (Passed legislation in 1998)
Diocese of Manchester NH (Passed legislation in 1998)
Diocese of Portland Maine (Passed legislation in 1998)
Diocese of Providence Rhode Island (Passed legislation in 1998)
Archdiocese of Atlanta Georgia (Pending legislation)
Archdiocese of Anchorage Alaska (Never closed records)
Archdiocese of Kansas City (Never closed records)

Oregon

In 1998 Measure 58 a ballot measure passed in Oregon restoring the human right for adult adoptees to obtain their OBC, I contacted Mary Jo Tully, Chancellor, at the Archdiocese of Portland Oregon **to** get their retrospective position on the passing of adoptee access legislation in Oregon, Ms. Tully provided this information to me"

"***Since, the person who was the Executive Director in 1998 is no longer here I did some investigating myself. I believe that we did not take a position on this measure (which passed incidentally) because Oregon has an initiative policy that results in many signature gathering efforts and many, many initiatives. Our policy is to only take positions on those initiatives with a strong religious component. In late 1997, for instance, we were working very hard to repeal the Assisted Suicide* Law. *Ballot Measure 58 was upheld after being challenged by several birth mothers. Oregon's open records policy has been in effect since the summer of 2000."***
Mary Jo Tully

Alabama

In 2000 Alabama Governor Don Siegelman signed into law HB-690, a bill that allows adult adoptees unconditional access to their original birth certificates and other documents in their files held by the Department of Vital Services. I spoke with Tom Cook D.S.W, Director Catholic Family Services at the Diocese of Birmingham to get his retrospective position on the passing of adoptee access legislation in Alabama. Mr. Cook clearly indicated that the Diocese of Alabama supported the passage of HB-690 in 2000. He indicated that he would have someone in his office provide me a report with details of the Diocese position in a few days.

New Hampshire

In 2004 while adoptee access legislation SB335 was in the New Hampshire legislature the Diocese of Manchester did not support this legislation. I recently spoke with Joseph Naff, Director of Clinical and Family Services of New Hampshire Catholic Charities. He indicates "***that although several birthmothers contacted the Catholic Charities Office concerned about the passing of SB335 Mr. Naff indicated there have been no problems or no negative impact to adoption since the passing of SB 335.***" Additionally, Steve Wurtz Registrar on New Hampshire Vital Records and Jack Lightfoot Former Director of Advocacy Child and Family Services, indicated they had no knowledge of any problems or lawsuits as a result of passing adoptee access to their original birth certificate legislation in New Hampshire.

Maine

In 2005, while adoptee access legislation was in the Maine legislature, the Diocese of Portland did not support this legislation. In 2010 I spoke with Mr. Marc R. Mutty, Director of the Office of Public Affairs for the Diocese of Portland to get his retrospective position on the passing of adoptee access legislation in Maine. He indicated "***from his perspective, he knew of no particular problems or complaints that have resulted from the implementation of this law and they were pleased with this outcome."*** Additionally, according to Donald R. Lemieux, former State Registrar and Director of the Office of Data, Research and Vital Statistics and Former State Senator Paula Benoit both indicated they had no knowledge of any problems or lawsuits as a result of passing adoptee access to their original birth certificate legislation in Maine.

Rhode Island

In Rhode Island we reached out to and spoke with Mr. Michael Guilfoyle, Communications Director and Father Bernard Healy Government Liaison for the Diocese of Providence to get their position on adoptee access to their original birth certificate legislation. In 2009 they indicated that they would be taking a neutral position on this legislation, a position which they held through 2010 and 2011. On July 1st, 2011Governor Lincoln Chafee signed into law in Rhode Island Senate Bill 0478 Sub A, legislation restoring the human right for adult adoptees to obtain their OBC. Several weeks after the bill passed I spoke with Father Healy to ask him why the Diocese of Providence had taken a neutral position on this legislation. He simply stated that "***this was not a fundamental issue for the Diocese of Providence***" and that they did not need to oppose this type of legislation.

Georgia

On February 21, 2012 Georgia Bill HB 748 passed in the House Judiciary Committee and is shortly to go to the Georgia House for a vote. Catholic Charities of Atlanta has provide a letter of support for HB 748 stating that
"Being a Georgia Association of Licensed Adoption Agencies associate member, we have worked with Representative Buzz Brockway to bring HB 748 to the General Assembly because we believe strongly that Georgia-born adult adoptees should have their civil right to obtain a copy of their Original Birth Certificate (OBC) restored to them." The complete letter from the Catholic Charities to the Georgia Legislature is attached to this email.

As you can see from my data there hasn't been any negative impact to adoption, no lawsuits or any problems in any of the states that have passed access to OBC legislation. Even the Diocese of Manchester, New Hampshire and the Diocese of Portland of Maine, who opposed the original legislation, have indicated there have been no problems after their states have passed access to OBC legislation. The representative from the Diocese of Portland even indicated that they were pleased with the outcome after the passing of this legislation in Maine.

Of the two dioceses that remained neutral or did not oppose access to OBC legislation, (the Archdiocese of Portland Oregon and the Diocese of Providence Rhode Island,) they chose not to oppose this legislation because they indicated that this was not a fundamental issue for their dioceses.

The Diocese of Birmingham Alabama and Archdiocese of Atlanta, Georgia have showed their support by publicly acknowledging their support for restoring the human right for adult adoptees in their states to obtain their original birth certificates. The letter written by the Catholic Charities of Atlanta in support of HB 748 to my knowledge is unmatched by any other Catholic Charities in America.

In closing, I hope the Select Committee on Children will consider the retrospective and current positions of the Dioceses discussed in this report while considering SB 296. It is clear from reputable sources from other states that passing access to OBC this legislation will not have any negative effects to adoption in Connecticut. We look forward to learning the Diocese of Hartford's position on this important human rights issue. Please do not hesitate to contact me for any additional information or for any questions you may have.

Sincerely,

Paul Schibbelhute
New England Regional Director
American Adoption Congress
15 Seminole Dr
Nashua, NH 03063
pschibbe@aol.com
603-930-2091

Catholic
Charities
Atlanta
Providing Help. Creating Hope.

February 8, 2012

Senator David Shafer
421-F State Capitol
Atlanta, GA 30334

Re: HB 748

Dear Senator Shafer;

I'm reaching out to you as the previous adoption director of Catholic Charities Atlanta and current Manager of our Post Adoption Services to please help us support HB 748. We hear from the Georgia Association of Licensed Adoption Agencies (GALAA) and the American Academy of Adoption Lawyers all the wonderful work you have done in the name of Adoption. I would like to borrow some of your time by having you read some of the background on HB 748.

Being a GALAA associate member, we have worked with Representative Buzz Brockway to bring HB 748 to the General Assembly because we believe strongly that Georgia-born adult adoptees should have their civil right to obtain a copy of their Original Birth Certificate (OBC) restored to them. , when a child is adopted the child's OBC is replaced with an amended birth certificate showing their adoptive parents as their parents and changing their name to the name given to them by their adoptive parents. The adoptee's OBC is then sealed, pursuant to legislation passed by the General Assembly in 1941. Currently an adoptee's OBC is *only* available "upon order of a court of competent jurisdiction."

We believe it is important to know the reason for the 1941 legislation, because only then can you know if it is appropriate to change the current law. The 1941 General Assembly sealed the records to protect the "*bastard*" child, and the adoptive family; from embarrassment and ridicule (today we would say it protected them from "bullying"). Well as you know, the term "bastard" no longer appears in the Georgia Code (in fact, it was replaced with "illegitimate" and that term was replaced with the current "born out of wedlock"). Gone also is the stigma associated with an out of wedlock birth; therefore, it is no longer appropriate that an adult adoptee has to obtain an order from a court of competent jurisdiction to be able to obtain a copy of their own birth record. Other states have unsealed adult adoptee's OBC's and litigation in those states has confirmed that a birth parent has no privacy right that would be violated by the disclosure to the adult adoptee of their OBC. After all it is a record of adoptee's birth.

You may also hear from representatives of GEAR - Georgians for Equal Access to Records and the American Adoption Congress asking you to support HB 748 as there is a large grassroots effort to get Georgia's law changed this year.

Simply put HB 748 will restore the right to Georgia-born adult adoptees to obtain a copy of their original birth certificate (OBC) by merely paying the standard fee to Vital Records; like anyone else born in Georgia can do.

This type of legislation is supported by national organizations such as the American Adoption Congress, Concerned United Birthparents, the Evan B. Donaldson Adoption Institute, National Association of Social Workers (NASW), Child Welfare League of America (CWLA), and the North American Council on Adoptable Children (NACAC). Locally it is supported by GALAA - the Georgia Association of Licensed Adoption Agencies, and by GCAL - the Georgia Council of Adoption Lawyers, in addition to GEAR - Georgians for Equal Access to Records.

We believe that you would agree with us, that every adult adoptee should have the right to obtain a copy of his own original birth certificate, should they so desire. We graciously thank you for your time and support.

Sincerely,

Sandra Valencia Thompson , LPC
Manager of Clinical Services

Joseph Krygiel
Chief Operating Officer

Contact information for the Dioceses that I have provided data for in this report.

Oregon

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Summary of Proposed Changes to Connecticut's Adoption Law and Vital Statistics Statutes

1) Law would allow **only an adult adoptee born in the state of Connecticut, 21 years of age or older** to get a non-certified copy of their original birth certificate. A right that all Americans enjoy today.
   - An adoptee will fill out a Pre-Adoption Birth Record Order Form

   (See sample form at http://www.sos.nh.gov/vitalrecords/Publications/certificate_app.pdf)

2) **The law provides birth parents the right to express their desire for contact with their biological child by means of a Contact Preference Form** (see provided sample form). This form will help prevent unwanted contact by allowing parents to indicate the following options for contact: (Sample www.sos.nh.gov/vitalrecords/Publications/Contact%20Preference%20Form.pdf)
   - I would like to be contacted;
   - I would prefer to be contacted only through an intermediary; or
   - I prefer not to be contacted at this time. If birth parent indicates no contact preference they may complete a Birth Parent Updated Medical History form.

   (See sample form at www.sos.nh.gov/vitalrecords/Publications/Medical%20History.pdf)

   Adoptee will still receive the original birth certificate even if the birthparent requests no contact.

3) **Bill would become law 12 months after passage** which will allow for:
   - The Vital records office time to create forms and procedures that should help them implement the new legislation into their policies seamlessly as did the New Hampshire and Maine Vital Records Offices.
   - Wide spread media coverage of the bills passing.
     Including Television, Radio, Newspapers, Agencies, National Media, Child Welfare League of America
   - Will allow birthparents time to send in their contact preference forms indicating their preference for contact, prior to the issuing of OBC's to adoptees.

4) **A Birthparent can change their preference for contact at any time** by submitting an updated contact preference form.

5) **Does not allow adoptee access to other documents** including:
   - Counseling notes from work with birthmother
   - Discussions related to relationships
   - Terminated pregnancies
   - Court records of adoption hearing

6) This change in legislation **will provide a mechanism for birthparents to express their desire for contact** where one does not exist today.

7) **The Connecticut Vital Records Office shall maintain and make available to the general public on a quarterly basis or more frequently if possible:**
   a. Number of original birth certificates released since the effective date of this bill;
   b. Number of contact preference forms filed; and
   c. Number of birth parent(s) who indicated on the contact preference form that they would like to be contacted, would like to be contacted but only through an intermediary, or do not want to be contacted.

AFFIDAVIT/CONSENT TO TERMINATION OF PARENTAL RIGHTS
JD-JM-60 New 10-83

STATE OF CONNECTICUT
SUPERIOR COURT
COURT OF PROBATE

For Court Use

INSTRUCTIONS

1. Print or type; this form must be filed with every consent termination.
2. Attach original to Superior Court form JD-JM-40 or Probate Court form PRC-90 or PRC-104.
3. This affidavit may not be executed by a mother within 48 hours immediately after the birth of her child. (Public Act '83-404)

TO ☐ SUPERIOR COURT AT ☒ COURT OF PROBATE

ADDRESS OF SUPERIOR COURT

FOR PROBATE DISTRICT OF

DISTRICT NO.

NAME OF PARENT WHO IS CONSENTING TO TERMINATION OF PARENTAL RIGHTS

DATE AND TIME OF BIRTH OF CHILD

In the matter of _____ _____ a person under the age of eighteen

I, THE PARENT NAMED ABOVE, REPRESENT that I voluntarily and knowingly consent to the termination of my parental rights. Termination means "the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of the child or the religious affiliation of the child." Gen. Stat. § 45-61b (g) (Inheritance rights cease upon adoption.) I understand that no action taken with respect to my consent to termination of my parental rights affects the parental rights of the other parent.

I FURTHER REPRESENT that I understand the termination of my parental rights to mean that I will NO LONGER have the following legal rights and responsibilities upon the effective date of termination:

1. the legal right to custody, guardianship or control of the child; I will have no legal right to care for the child or make any decisions on behalf of the child;
2. the legal right to have contact with the child or the legal right to see the child for any reason whatsoever. No agreement made to visit the child will be legally enforceable;
3. the legal right to obtain the child's birth certificate;
4. the legal right to any state or federal benefits I may have been receiving for the child;
5. the legal responsibility to support the child and to pay for the child's maintenance, medical and other expenses but I MAY be responsible for support of the child until the effective date of the termination;
6. the responsibility to care for the child or make any decisions on his behalf.

I FURTHER REPRESENT that I have considered the following:

1. the child will be legally free for adoption following the termination and I will have no right to notice of the adoption proceedings nor any right to participate in the proceedings;
2. as an alternative to the termination of my parental rights, the nature and extent of family and counseling services which may be available through an agency which could improve the relationship between the child and me or reunite the child with me;
3. the child's feelings and the emotional ties of the child toward me;
4. the extent to which I may have been prevented from maintaining a meaningful relationship with the child by actions of the other parent of the child or any other person, or by my economic circumstances.

I FURTHER REPRESENT that I am aware that the child, upon reaching his 18th birthday, may have the right to information which may identify me or other blood relatives.

SIGNED (Parent)

IF PARENT IS A MINOR, SIGNATURE OF GUARDIAN

☒ This is to certify that the above document was signed in my presence after having been read by the subscriber who stated that she (he) understood its contents.

☐ This is to certify that the above document was signed in my presence after it was read by me to the subscriber in the language understood by her (him) and that she (he) further stated that she (he) understood the contents of this consent and authorization for adoption.

SUBSCRIBED AND SWORN TO BEFORE ME ON (Date)

SIGNED

This form was first generated in 1983 and although it has been revised several times since, it has always included the highlighted sentence. What surrendering mother, reading it, would or not consider rights from her child?

AFFIDAVIT/CONSENT TO TERMINATION OF PARENTAL RIGHTS

JD-JM-60 Rev. 1-10
C.G.S. §§ 17a-112, 45a-707, 45a-715

STATE OF CONNECTICUT
SUPERIOR COURT
COURT OF PROBATE
www.jud.ct.gov

Instructions

1. *Print or type; this form must be filed with every consent termination.*
2. *Attach original to Superior Court form JD-JM-40 or Probate Court form PC-600 or PC-601.*
3. *This affidavit may not be executed by a mother within 48 hours immediately after the birth of her child.*
4. *If a minor parent is consenting to the termination of parental rights, a Guardian Ad Litem appointed by the court shall assure that such minor parent is giving an informed and voluntary consent.*

Court use only
Docket number

To ☐ Superior Court ☐ Court of Probate	Address of Superior Court	
	For Probate District of	Probate district number or juvenile venue number
Name of parent who is consenting to termination of parental rights		Date and time of birth of child/youth

In the matter of _____, a person under the age of eighteen.

I, the parent named above, voluntarily and knowingly consent to the termination of my parental rights. Termination means "the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of the child or the religious affiliation of the child." Gen. Stat. § 45a-707 (Inheritance rights cease upon adoption.) I understand that no action taken with respect to my consent to termination of my parental rights affects the parental rights of the other parent.

I understand the termination of my parental rights to mean that I will no longer have the following legal rights and responsibilities upon the effective date of termination:

1. the legal right to custody, guardianship or control of the child/youth; I will have no legal right to care for the child/youth or make any decisions on behalf of the child/youth;
2. the legal right to obtain the child's/youth's birth certificate;
3. the legal right to any state or federal benefits I may have been receiving for the child/youth;
4. the legal responsibility to support the child/youth and to pay for the child's/youth's maintenance, medical and other expenses, but I may be responsible for support of the child/youth until the effective date of the termination;
5. the responsibility to care for the child/youth or make any decisions on his/her behalf.

I have considered the following:

1. the child/youth will be legally free for adoption following the termination and I will have no right to notice of the adoption proceedings nor any right to participate in the proceedings;
2. as an alternative to the termination of my parental rights, the nature and extent of family and counseling services which may be available through an agency which could improve the relationship between the child/youth and me or reunite the child with me;
3. the child's/youth's feelings and the emotional ties of the child/youth toward me;
4. the extent to which I may have been prevented from maintaining a meaningful relationship with the child/youth by actions of the other parent of the child/youth or any other person, or by my economic circumstances.
5. My consent today in the Superior Court for Juvenile Matters may permit the Department of Children and Families to seek to terminate my parental rights to another child of mine under the age of seven. It may seek to do so without giving me more than ninety (90) days to rehabilitate, if such child has been found neglected by the court.

I am aware that the court must conduct a hearing before approving the termination of parental rights even if both parents consent to the termination.

I am aware that the child/youth, upon reaching his/her 18th birthday, may have the right to information which may identify me or other blood relatives.

Signed *(Parent)*	If parent is a minor, signature of guardian ad litem

☐ *This is to certify that the above document was signed in my presence after having been read by the subscriber, who stated that she (he) understood its contents.*

☐ *This is to certify that the above document was signed in my presence after it was read by me to the subscriber in the language understood by her (him) and that she (he) further stated that she (he) understood the contents of this consent and authorization for adoption.*

Subscribed and sworn to before me on *(Date)*	At *(Town)*	Signed *(Judge, Assistant Clerk, Notary Public, Comm. of Sup. Court)*

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act *(ADA)*. If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at *www.jud.ct.gov/ADA/*