

Planning and Development Committee JOINT FAVORABLE REPORT

Bill No.: SB-972

AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH RECORDS BY ADULT

Title: ADOPTED PERSONS.

Vote Date: 3/25/2019

Vote Action: Joint Favorable Substitute

PH Date: 3/15/2019

File No.:

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SPONSORS OF BILL:

Introduced by:

Planning and Development Committee

Co-sponsors:

Rep. Josh Elliott, 88th Dist.

Rep. Fred Camillo, 151st Dist.

Rep. Edwin Vargas, 6th Dist.

Rep. Jason Doucette, 13th Dist.

Rep. Michael A. Winkler, 56th Dist.

Rep. Kim Rose, 118th Dist.

Rep. Rick L. Hayes, 51st Dist.

Rep. Tom Delnicki, 14th Dist.

Rep. Cristin McCarthy Vahey, 133rd Dist.

Rep. David Michel, 146th Dist.

Sen. Bob Duff, 25th Dist.

Rep. Anne Dauphinais, 44th Dist.

Rep. Jeff Currey, 11th Dist.

Sen. George S. Logan, 17th Dist.

Rep. Robin Green, 55th Dist.

Sen. Derek Slap, 5th Dist.

Rep. Gary A. Turco, 27th Dist.

Rep. Tom Arnone, 58th Dist.

Rep. Henry J. Genga, 10th Dist.

Rep. Bill Simanski, 62nd Dist.

Rep. Gregory Haddad, 54th Dist.

Rep. Anne Meiman Hughes, 135th Dist.

Rep. Robin E. Comey, 102nd Dist.

Rep. Peter A. Tercyak, 26th Dist.

Sen. Steve Cassano, 4th Dist.

Rep. Kenneth M. Gucker, 138th Dist.

REASONS FOR BILL:

The bill will allow any adult adopted person, or their children or grandchildren, to access a copy of the adopted person's original birth certificate, regardless of the adoptee's date of birth. Currently only adoptees born on or after October 1, 1983 are eligible to receive their original birth certificate in Connecticut. That cutoff date was used because that was the date the State changed the adoption form, adding a clause stating that the birth parents' identities may be disclosed. The form was silent on the subject of identity disclosure before that date. Currently this primarily impacts adoptees who were adopted during the 1940s, 50s, and 60s.

The substitute language changes some of the responsibilities relating to issuing original birth records and related filing from the Dept. of Public Health (DPH) to the registrar of vital statistics of the town of an adopted person's birth or to the Dept. of Children and Families. The DPH had written testimony on the original language that they anticipate high demand resulting in a heavy workload that could not be absorbed within current resources and could lead to delays in processing other types of vital records. The substitute language also establishes a 30 day window for said registrar to issue the birth record, that the request should be made in writing, and clarifies some wording.

RESPONSE FROM ADMINISTRATION/AGENCY:

Raul Pino, M.D., M.P.H.

Commissioner, Connecticut Department of Public Health (DPH)

They write a brief background on the bill, summarized above, then state that the Department has concerns related to the fiscal impact of the legislation and the heavy workload for the very high number of anticipated requests. Substitute language has since moved some responsibilities in the legislation to town registrars of vital statistics or to the Dept. of Children and Families.

NATURE AND SOURCES OF SUPPORT:

Representative Kim Rose, 118th District

Rep. Rose writes of her own positive experience finding out about her biological father and maternal grandmother and this leading to finding additional extended family, and she points out that millions of people are using other non-state methods to attempt to find these sorts of answers already, such as commercial DNA kits and Facebook groups. She states that while others' experiences may not be as happy as hers, it is a basic human and civil right to know one's biological origins and what health issues may run in the family, and describes the potential passage of this bill as providing equal protection under the law and an end to discrimination.

Karen Caffrey, LPC, JD

President, Access Connecticut Now, Inc.

They write to describe the history of the law as currently written, which they characterize as being based on an archaic, anti-women mentality and the shaming and stigmatization of pregnancies outside of marriage. They also state that the effected children, now adults, were incapable of giving consent or waiving rights, as they were infants at the time, and that they and their children have suffered negative health consequences due to their lacking family medical history. They believe that this bill would achieve equality, transparency and consistency in state policy regarding adoptee's access to records: adopted citizens will be equally entitled to a true and accurate birth certificate; they will benefit equally from established state policy to obtain and use current family medical history to protect their health; privacy will be improved for adoptees, birth parents and other family members by going directly to original records via statute rather than less private consumer DNA testing and social media companies; and permanent secrecy does not exist currently, as identity can already be disclosed when the birth parent dies.

Cindy Wolfe Boynton**President, CT Chapter, National Organization for Women (NOW)**

They write to compare the current law that this bill seeks to change with historical “woman-protective” laws which were supposedly in women’s favor but are now seen as having oppressed and impeded their opportunities to participate in and contribute to society, such as those barring them from serving on juries, being lawyers or working other higher paying jobs. They state that specifically this current law which denies a class of adoptees an equal right to their birth certificate was based on the premise that any woman who had become pregnant “out of wedlock” should be shunned and shamed, and the claims of “privacy” are thinly veiled efforts to silence and marginalize women. They add that keeping the current laws in place demeans women who relinquished children as weak, less than competent adults who require special legal protections, given only to children and the legally incompetent, to handle their most basic affairs, and is disrespectful of their autonomy. Finally they say that adult adoptees are also discriminated against through the non-consensual deprivation of a basic birth right to know their origins that is enjoyed by all other citizens.

Desiree Stephens**Member, Board of Directors, Access Connecticut Now, Inc.**

She writes that the current law is discriminatory and that there needs to be one fair and consistent policy. She explains that she has personal experience with a similar policy in New York State, where she was born, and describes how she felt dehumanized whenever she dealt with authorities who were able to know information about her life that she was not. She found her birth father using a consumer DNA test, even though he himself had not taken one, and states that passing this bill would be the more private option. She writes that before 1975, adoptees who reached adulthood had the legal right to request their original birth certificate, and because of this no birth mother from before that time could have been promised confidentiality by a CT agency. However she says that they all understood that their information was private from the public, as all original birth certificates are already. Finally she writes of her birth mother passing away from a malignant brain tumor at age 47, and how she was never reunited and would have been deprived of this health history had she not gone to extraordinary lengths to find her family. She states that adoptees right to seek the best possible healthcare for themselves and their children includes a complete and up to date health history and that in addition to the Connecticut State Medical Society (see below) the American Academy of Pediatrics also supports laws such as this.

Connecticut State Medical Society (CSMS)

They write that they fully believe that this bill will lead to improved patient care and medical health, as family health history helps physicians and other health care practitioners provide better care for patients, and that this is consistent with the CT DPH’s mission and its joining of the U.S. Surgeon General’s Family History initiative. They state that the current distinction between adoptees who are between about 18 and 34 years old and those who are about 35 appears arbitrary, does not advance public health, and family health history information is vital to all persons as they grow older and helps physicians educate and treat patients.

Stephen A. Wanczyk-Karp, LMSW**Executive Director, National Association of Social Workers, Connecticut Chapter (NASW-CT)**

They write that their association’s policy statements call for “the needs and rights of adult adoptees to have access to legally available information regarding their birth and family

medical record” and they believe now is the time for this right to be made legal in CT for all adoptees. Social workers and other health care providers can be hindered in their treatment of an adult adoptee due to a lack of biological health information and this may directly affect both prevention and acute treatment options. They state that such lack of key information due to an unnecessary legal barrier should be seen by all as unacceptable. They explain that it can also be psychologically stressful on an adult adoptee to not have full information on biological health conditions nor an original birth certificate. Finally they suggest that there can be protections put in place to allow a birth parent to indicate whether they want contact to be direct or through an intermediary and that surely this is a better approach than the use of various products now on the market that provide for family history searches.

Mandy Krahenbuhl

President, Concerned United Birthparents, Inc. (CUB)

They write that it is a civil right to know one’s original identity including genetic roots, medical history and biological history, and they say that while the vast majority of birthparents want to be reunited with their adult children, in the end this is not relevant, as an adoptee’s right to their birth certificate is absolute. They introduce CUB as an organization developed since 1976 to support parents who have relinquished a child to adoption, and write that for many years lawmakers have spoken for them without asking their opinion or examining the evidence. They say the attempt to protect their privacy is misguided and actually perpetuates the shame that was originally inflicted on them. They describe the promise of confidentiality to birthparents as a myth, cite research done by Elizabeth J. Samuels, Professor of law at the University of Maryland (Prof. Samuels submitted testimony on the very similar HB 5408 in 2018) and state that the experience of other states that have opened their records indicates that more than 99 percent of birthparents are open to contact by their surrendered adult children. Finally they explain why consumer DNA testing makes public exposure of birth parents much more likely than providing an adoptee with their original birth certificate.

Michele Mudrick

Legislative Advocate, CT Conference of the United Church of Christ

They write on behalf of their 233 congregations and 67,000 members in our state, which they say is the largest Protestant denomination in CT. Their delegates and ministers voted on a Resolution in 2015 for the right of all adult adoptees to access their original birth certificates and true and accurate information about their origins, acknowledging it as a matter of equal justice, civil rights and equal standing for those who have the need to know their identity, medical histories and genetic information in order to make decisions about their health care throughout their lives, including to save their lives. They add “all of God’s children deserve access to their original birth certificate”.

Antoinette Spinelli

President, CT Towns Clerks Association

They do not explicitly support or oppose this bill but state that town clerks are responsible for maintaining the vital records of towns and they welcome the opportunity to have a seat at the table to discuss relevant statutes. They have met with the committee chairs and the President of Access CT Now, Inc., encourage further dialogue, and request that they be involved in drafting of this legislation.

Erica Curry Van Ee

President, Michigan Adoptee Collaborative

She points out that in addition to adoptees born after September 30, 1983, adoptees born before January 1, 1944 also have access to their original birth certificates, as do those born between those two dates if their parents are deceased. She writes that this bill will bring equity and consistency to the law and lists some supporters of this movement, some of whom have written testimony on this bill summarized above but others who have not: Episcopal church, United Methodist churches from Western Connecticut/New York Conference, CT Bar Associations, and National Foster Parents Association.

The following 288 individuals and organizations have also submitted written testimony in support (they generally appear to be original compositions rather than a copy-and-paste form letter):

Marie Anderson

Coordinator, The ALMA Society

Marcy Axness, PhD

Early Development Specialist, Parenting for Peace

Claudia Corrigan D'Arcy

Director of Outreach and Advocacy, Adoptive and Foster Family Coalition of NY

Margaret Doherty

Executive Director, Connecticut Alliance of Foster & Adoptive Families (CAFAF)

Kathy Flaherty Esq.

Executive Director, Connecticut Legal Rights Project (CLRP)

Renee Gelin

President, Saving Our Sisters - SOS, Incorporated

Laurie Goldheim

Adoption Director, Academy of Adoption & Assisted Reproduction Attorneys (AAAA)

Carolyn Goodridge

Social worker, Past President, CT Council on Adoption

Marley Greiner

Exec. Chair, Bastard Nation

Jeff Hancock

Board of Directors, Adoptee Rights Coalition

Mary Ellen Hass, LCSW

Chief Operating Officer, Executive Vice President, Family and Children's Agency

David R. Leonard

Physician Associate, Brunel University London

Cynthia McGuigan

Board Member, Fostering Network Changes

Susan Myers, LMSW

**District Supervisor, Social Worker, Adoptions from the Heart
President, Connecticut Council on Adoption (CCA)**

Adam Pertman

President and CEO, National Center on Adoption and Permanency (NCAP)

Marci Purcell

Board President, TX Adoptees Rights

Brooke Randolph, LMHC
Founder and Director, Counseling at The Green House

Galo Rodriguez
President, CEO, The Village

Randi S. Rodriguez; Deborah Kraemer
Executive Director; President, 'r kids, Inc.

Elizabeth J. Samuels
Professor of Law, University of Baltimore School of Law

Jean A. S. Strauss
Producer, Director, Silver Tandem Productions

John F. Suggs
Founder and President, Family Orchard, LLC

Richard Uhrlaub, M.Ed.
President, Adoption Search Resource Connection (ASRC)

Jennifer Zinck
President, CT Professional Genealogists Council

Aabey-Hammond,
Tracey

Acker, Paul

Aderhold, Kathy

Aghajanian,
Kathleen

Alessi, Peter

Alfano, James

Anderson, Gretchen

Anderson, Lois

Anderson, Michael

Aparo, Andrea

Applebaum, Helen

Arpin, Arthur

Augustus, Diane

Bachner, Suzanne

Barstein,
Christopher

Barth, Jane

Bayless, Maureen

Berg, Loretta

Berry, Kevin

Blum, Linda

Bowman, John

Boyle, Maureen

Brant, Mona

Brown, Andrew

Brown, Bonnie

Brown, Eliza

Brown, Kristin

Brush, Coco

Burke, Matthew

Burns, CarinA

Burns, Sarah

Cain, Theresa,
Ph.D., LICSW

Cannon, Thomas

Carangelo, Lori

Carroll, Theresa

Cassella, Jennifer

Cathryn, Fitzgerald

Champ, Polly U.

Chang, Julia

Chant, Cheryl

Ciak, Kathryn

Clausen, Linda

Clements, Eleanor

Clements, Irene

Cohen, Mary

Collings, Patty

Cooper, Marisa

Corbeil, Karin

Cottril, Ardella

Crisafulli, Linda

Cummings, Donald

Dageford, Brenda

Davis, Etta

Dewell,
Rochelle Burbank

Dobmeier,

Mary-Beth

Dominique, Steven

Donahue, Brian

Donahue, Daphne

Donovan, Arlene

Dotson, Laura

Douglas "Dee
Spring"

Drennen, Eileen M.

Druesedow de
Thelwell, Anissa E.

Dusky, Lorraine

Edwards,
Diana, Ph.D., LPCC

Edwards, Jane, JD

Elizonda, Miki

Ellerby, Janet

Elliot, Steven

Epp, Susanna

Eshelman, Amanda

Fable, Jan
Luckingham

Fahlsing, Jennifer

Faraci, Michelle

Farkas, Jill

Farrow, Moses

Finchler, Beth

Flanagan, Patricia

Florin, Patricia

Folkman, Amy

Franklin, Linda

Franklin, Peter

Frey, Jan

Fulton, Virginia

Funaro, Gina

Furstein, Maggie

Gall, Coty

Gall, Francis

Gall, Jessica

Gall, Lori

Gardinier, Nicole

Gardner, Alexis

Genovese, Anne

Ghoston, Jennifer

Gill, Susie

Girard, Catherine

Gladish, Kevin

Goodyear, Carol

Goodyear, Dawn

Grazioso, Leigh

Greenwell, Elizabeth

Griffin, Susana

Grubb, Lynn

Grusse, Ellen

Gueniat, John

Guimond, Rita

Gustafson, Christine

Guzman, Franca

Hafdahl, Paula

Hafetz, Robert

Halligan, Diane

Hamilton, Margaret

Harlow, Holly

Hattayer, Shirley

Haupt, Carolyn

Hawes, Jacqueline

Hawes, Patrick

Higley, Linda

Hinkle, Melinda	Maloy, Margaret	Nussbaum, Dena	Selleck, Laura
Hixson,	Marra, Donna	O'Connor, Grace	Sharon, Melanie
Theresa, LCSW	Martin, Connie	O'Dell, Betty	Sharp, Priscilla
Hoard, Carolyn	May, Deborah	Odell, Colleen	Shaw, Barbara
Hoffman, Gretchen	McCarthy, Dorian	Osbrej, Gary	Shifflet, Eileen
Holden, Richard	McClone, Katalina	Ostern, Erika	Simmons, Roynn
Holt, Betsey	McGee, Sharon	Palmer, Penny	Sinclair, Barbara
Hook, Diane	McHugh, Kathleen	Partridge, Penelope	Smith, Melanie
Horgan, Nancy	McHugh, TJ	Paul, Marla	Staats, Stephanie M.
Huggins, Rhonda	McIntyre, Michelle	Perkins, Katy, LCSW	Stadler, Jeannie
Humphrey, Jennifer	McQuade, Eileen	President and	Stecker, Eileen
Jaffe, Anne	McQuade, Richard	Clinical Director	Stromberg, Julie
Jeffery, Mary	McQueeney, Kristin	Perry, Gail M.	Sugar, Barbara
Johnson, Allison	McVerry, Brenda	Peterson, Lee	Syzmanski, Carol
Jones, Katherine	McWeeny, Melissa	Petrie, Susanna	Tannenbaum, Gaye
Jowdy, Diane	Menten, Michael	Phillips, Zara	Trumm, Mary
Kanzee, Stephen	Merkel,	Pillarella, Gail	Tunes-Nichols,
Katzfey, Lynne	Susan, MSW, LSW	Pinto, Renee	Marina
Kelleher, Deb	Merrigan, Erin	Potter, Beverly	Uhrig, James
Knight, Deniece	Mertens, Eileen	Praty, Lorna A	Van Reenan, Jo Ann
Lane, Terri	Michael, Erin	Prince,	Vanech, Terri
LaRue, Linda	Miller, Lynne	Katherine, Esq.	Verrier, Nancy
Leathery, Rebecca	Mitchell, Trudy M.	Pringle, Lori	Vitelli, Melanie
Levin, Fran	Moen, LeAnn	Quesnel, Karen	Vitt, Theresa
Lipowicz, Rachel	Moen, LeAnn	Reynolds, Alaina	Waggoner, Karen A.
Lonning, Lucy	Moore, Melody	Riben, Mirah	Walters, Catherine
Lopez, Dr. Julie	Morrison,	Ricardo, Rebecca	Wasserman, Runa
Luce, Gregory D.	Margaret S.	Richards, Sophie	Watanabe,
LyBurtus, Margaret	Morrison, Tyler	Ridghaus	Myrna, Ph.D.
Lyon, Iren	Mowchan, Kathleen	Romeo, Mary B	Watson, Holly
Lyons, Diane	Mullen, Karlene	Ruhe,	Waugh, Marilyn
Mabry, Thomas	Muller, Brian	Barbara J., Esq.	Weaver, Brad
Macke, Sally	Muller, Eileen	Ryan, Carole	Weber, Angela
Mackinnon, Leslie	Muller, Linda	Salzano, Frances	Welsh, Carol
MacPherson,	Mummert, Stevi	Ryan Frisbie	White, Kathleen
Mandana	Mummert, Lu Ann	Sassaman, Marlene	Wilkes, Bill
Mahfouz, Virginia D.	Murray, Bill	Schaefer, Carol	Wilkes, Claire
Makara, Sylvie	Nelson, Nancy	Schmitt, John	Wood, Jen
Malfatti, Claudine	Newton, Joan Marie	Scott, Jamie	Wood, Tina
	Norris, Betsie		

NATURE AND SOURCES OF OPPOSITION:

Marek Kukulka

Chief Executive Officer, Catholic Charities, Inc., Archdiocese of Hartford

They write that it is important to consider that agreements had been made with biological parents that ensured confidentiality when adoptions were determined to be "closed" and that there are already existing processes in place for an adult adoptee to reunify with their biological parents or obtain a medical history through agencies like Catholic Charities. They state that they have had many successful reunifications when both parties were receptive to

their reaching out at the request of one party. However, they say some birth parents have very personal and strong feelings that the adoption of their biological child through their agency under the law at the time would be honored: some don't respond, respond with anger believing that they were promised anonymity, state that their current families are unaware of the child they allowed to be adopted, or "do not want to go back to that time in their lives." They relay that one birth mother expressed that receiving a letter from Catholic Charities was "like ripping open a sealed wound all over again."

They also included two attached letters, from a birth father and his current wife, who wished to remain anonymous but write in opposition to the bill. They write of the experience of his having arranged an adoption through Catholic Charities thirty-six years ago and receiving a letter from them last year, and the decision to share ancestral and medical information and a letter but have no further contact and remain anonymous.

The following organization also submitted written testimony in opposition:

David Reynolds

Deacon, Catholic CT Public Affairs Conference

Reported by: Edward Waters

Date: 4/1/2019