



March 11, 2019

Written comments regarding Senate Bill 972, respectfully submitted by Adam Pertman, President and CEO of the National Center on Adoption and Permanency, a New England-based nonprofit organization:

Thank you for reviewing these comments on SB 972, restoring the right of adopted persons to obtain copies of their original birth certificates upon reaching the age of majority. The issue you are examining is far more important than most people perceive it to be, both in practical terms for the tens of millions of Americans that it stigmatizes – I refer here to both first/birth parents and adopted people – and symbolically, because we keep secrets about things we are ashamed of or embarrassed about. So, when we seal birth certificates, we send the clear signal that adoption is somehow a lesser way of forming a family, because it has something to hide from the very start.

Thank God, we are emerging from the period of our history in which people actually believed that was true, a period in which adoption was a shadowy secret, in which we denigrated nearly everyone touched by this wondrous institution, in which we even turned the words “you’re adopted” into an insult. My children are not an insult, and neither are anyone else’s, regardless of how they came into a family or why they left one. But some remnants of those dark days remain, and sealed birth certificates are one such remnant.

It is also difficult to learn much about secrets. As a result, many myths, misconceptions and stereotypes have come to be widely accepted – even by some professionals in the adoption field. The National Center on Adoption and Permanency, which I am proud to head, has no formal ties with any interest group. It is an independent, nonpartisan not-for-profit education organization that was created for one principal reason: to improve laws, policies and practices – based on the best available research and experience – so that they enable children and their families to succeed. Providing accurate information to policymakers is one way that NCAP furthers its mission.

I’d like to start by offering an obvious observation, one I hope you will keep in mind as you consider the arguments of those who want to retain the status quo. It is simply this: The critics of restoring the right to access original birth certificates warn that approving this change will trigger an array of dire consequences – from ruined lives, to increased abortions, to fewer adoptions, and on and on. Whether the critics are right is no longer the subject of conjecture or speculation. Over a dozen states around the U.S. have done what you are considering doing, and two states (Kansas and Alaska) never sealed adoption-related records.

So now, we can see with our own eyes what calamities might have transpired as a result. And the answer, very simply, is “none.” The news media in those very diverse states – from Alabama to New Hampshire to Tennessee to Oregon – contain no horror stories about stalker adoptees or weeping women. Furthermore, the statistics in those states show no inkling of rising rates of abortion or falling rates of adoption.

All of this information, and far more, is contained in two comprehensive, research-based reports published by the Donaldson Adoption Institute, which I led for almost a dozen years before founding NCAP. They are entitled “For the Records I” and “For the Records II” and are available for reading/download by clicking [here](#) and [here](#). I would also be happy to provide printed copies of these reports upon request.

Viscerally appealing arguments can be made by anyone, on any subject. Compelling anecdotes and singular experiences can be produced by any side, in any argument. So, in order to form the best possible laws, policies and practices, it is vital that we examine real evidence, solid research, and broad-based knowledge. Here, in bullet form, are a few things that we know. I have not included any disputed findings but offer, instead, only those confirmed by hard data, widely accepted studies, or pervasive experience.

- First, as you may already know, it is a historical fact that adoption-related records – in every state except Alaska and Kansas – were sealed explicitly to protect adopted children from the stigma and shame of illegitimacy, and to prevent first/birth mothers from trying to see their children again; in addition, some social workers also personally wanted to protect biological mothers from the stigma and shame of unwed motherhood. The clear legislative and professional intent was to prevent access to those records by the public, not by the parties to an adoption themselves. Historically, the notion that birth certificates were sealed to ensure the anonymity/privacy of birth mothers is untrue, irrespective of whether providing anonymity/privacy is a good idea or not.

- Second, it's important to stress that adopted persons are not stalkers, ingrates or children in search of new mommies or daddies. They are simply adults who want the same information the rest of us receive as a birthright. In his book "Roots," Alex Haley wrote: "In all of us there is a hunger, marrow deep, to know our heritage, to know who we are and where we have come from. Without this enriching knowledge, there is a hollow yearning; no matter what our attainments in life, there is the most disquieting loneliness." Research, experience and instinct all affirm Haley's eloquent observation. And adopted people are not exempt from the laws of nature. They love their parents – their adoptive parents – just as much and are just as loyal as if they had been born to them. But a large majority want to know about their genetic, medical and cultural roots.

Adopted persons who obtain their original birth certificates in states where that is permissible may or may not form relationships with their biological kin; those decisions are up to the adults involved, and I believe it should not be the role of government to make the decision for them. Moreover, many if not most adult adoptees do not even make contact; for them, just having the most basic information about themselves is enough; it makes them feel they are treated equally, and it makes them feel whole. The fact is that access to their documents has become an issue that is separate from the question of "search" anyway. That is because, as a result of the Internet, DNA testing and other modern-day resources, many if not most adoptees who want to find their birth relatives can do so with or without their original birth certificates.

- Third, the notion that a lack of anonymity leads women to have abortions rather than place their children for adoption is fiction. It may sound correct intuitively but, in fact, just the opposite occurs in practice; moreover, it appears that women are at least as likely to carry their babies to term and place them into adoptive homes if they believe they will have ongoing knowledge about what happened to those children. The evidence is in the growing number of states where adoption records have most recently been unsealed, and it extends much further and for much longer: In Kansas and Alaska, the only states in which records were never closed, there consistently have been fewer abortions and more adoptions than in states that border them or in the country as a whole.

- Fourth, on the critically important question of the first/birth mothers' desires, the research is unambiguous: Every study I am aware of relating to whether they want anonymity/privacy clearly shows the vast majority do not – and that applies to those who were verbally assured of anonymity as well as those who were verbally assured they would one day have contact with the children they bore; yes, many were promised exactly the opposite of anonymity, but those promises are seldom publicly discussed.

Depending on the study, between 90 percent and 95 percent of birth mothers do indeed want some level of information or contact with the lives they created. That doesn't mean they want to give up their privacy, but there's a huge difference between privacy and secrecy. And it doesn't mean they necessarily want the information or contact right away – some only want it years later, when they've had enough time to deal with the personal and emotional consequences of their action or, increasingly often, when they discover

they have genetic or medical information they want to share. It is also highly significant that only a tiny percentage have taken advantage of the opportunity to say “no” to the release of birth certificates and other records in all of the states that have unsealed them in recent years.

During my tenure leading the Donaldson Adoption Institute, I am proud to have instigated the most comprehensive study to date on birthparents, titled “Safeguarding the Rights and Well-Being of Birthparents in the Adoption Process; I would be happy to provide a copy upon request, or you may view it by clicking [here](#). Even among those who truly thought they wanted anonymity at the time of placement, the majority eventually change their minds. Life is not a snapshot, after all, and few of us would want to live forever with the decisions we made at the age of 17, or even 25. Yet the core argument against allowing access to birth certificates is predicated on the mistaken belief that birthmothers are of one mind – and that it will never change. This is not only a fundamental misunderstanding of research and experience, on a human level it assumes a woman can carry a child, part with it and then just “move on,” as though she has given away an old record player. That view – essentially relegating women to the role of baby-making machines – pervaded adoption for generations. Thank God, it is changing radically and adoption practices are being reshaped in comprehensive, historic ways as a result. The bottom line is that birth certificates remain sealed in most of our country today because of lingering myths and mistaken stereotypes.

- Finally, denying access to original birth certificates contradicts the stated desires of almost everyone directly affected, and it flies in the face of majority opinion throughout our country. That applies to first/birth mothers, who seldom choose not to be contacted in states where they can state a preference; it applies to adopted people who – once they are adults – appear to overwhelmingly favor access to their records; it applies to a large and growing number of adoptive parents, a clear majority of whom have already told their children about their origins anyway; and, according to a national survey, it applies to the American public as a whole. The survey, which had a 3 percent margin of error, asked this question: “Should adopted children be granted full access to their adoption records when they become adults?” Eighty-four percent responded, “Yes.”

I respectfully ask you to put aside the aberrational anecdotes, emotional appeals, and corrosive myths on which too much public policy relating to adoption has been based for far too long. Instead, please examine the research that has been conducted and the experience of states across the U.S. I believe, after you do, you will come to the same conclusion as that 84 percent.

Please feel free to contact me at 617-332-8944 or apertman@ncap-us.org if you have any questions or want more information. With gratitude for your attention and important work,



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