

**TESTIMONY OF MAREK KUKULKA, Chief Executive Officer
Catholic Charities, Inc. - Archdiocese of Hartford
AGAINST**

**S.B 113 AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH RECORDS
BY ADULT ADOPTED PERSONS**

Planning & Development Committee Public Hearing, February 21, 2020

Senator Cassano, Representative McCarthy Vahey, Senator Champagne, Representative Zawistowski and esteemed members of the Planning & Development Committee: Catholic Charities of the Archdiocese of Hartford opposes Senate Bill 113- An Act Concerning Access to Original Birth Certificates by Adult Adopted Persons.

It is important to consider that agreements had been made with biological parents that ensured confidentiality when adoptions were determined to be “closed.” Biological parents had made this decision based on a variety of individual circumstances at the time. Therefore, this proposal doesn’t allow for the confidentiality of the biological parents whose understanding was that identifying information would remain confidential.

Catholic Charities understands the intent of the proposed bill -- that is, the importance of knowing one’s identify and history as well as access to a medical history. However, there are already existing processes in place for an adult adoptee to reunify with his/her biological parent(s), as well as obtaining a medical history. Agencies like Catholic Charities have been able to facilitate the search process for adult adoptees when adoptions are closed. We have had many successful reunifications when both parties have been receptive to our reaching out based on one or the other party beseeching Catholic Charities to do so.

We also understand the very personal and strong feelings that some birth parents have that the adoption of their biological child through our agency under the law at the time would be honored. When asked to reach out by adoptees to their birth parents, some birth parents have never responded or others have responded with anger that they were trying to be reached since they believed that they were promised anonymity. Some birth mothers have stated that they have not shared with their current children and spouse the pregnancy of the child they allowed to be adopted. Some birth parents do not want to go back to that time in their lives according to responses we have received. A birth mother expressed that it took years to get over the adoption and receiving the letter regarding our search was like ripping open a sealed wound all over again.

Attached with this testimony are two letters. One letter is written by a birth father and the other letter is written by his wife. The letters explain the highly emotional matter. I urge members of this Committee to read the letters, as they represent the side of the matter before you that is not represented in person at this hearing.

Catholic Charities understands the very deep and personal emotions regarding an adoptive search on both sides of this issue. We understand the need to know one’s identity and we want to assist in

that search whenever possible. But, we also feel an obligation to birth parents who came to our agency in a most difficult time in their lives and asked Catholic Charities to place their child in adoption. To respect this decision under the law at the time, we respectfully ask that you not move forward on the bill as proposed.

Attachment A

Attachment B

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May 22, 2018

To the Connecticut General Assembly:

I am writing to support Catholic Charities and other organizations that represent people involved in adoptions and their families who are opposed to changing Connecticut's General Statutes concerning access to original birth certificates by adult adopted persons. I am a person who relinquished my rights to a child whose adoption was finalized prior to October 1, 1983 and I wish to express my experience and perspective regarding this matter.

I was a teenager when I relinquished my rights and did so for the benefit of the child as the pregnancy was unintended and unwanted, this was a very difficult time in my life, and I was not capable of being a parent. Although I have never felt guilty or regretted my decision to relinquish my rights, I have always considered the circumstance and my decision to be extremely private. More than 35 years later, that expectation of privacy has only become more hardened.

I did sort my life out and found the love of my life. We have been married for nearly 32 years and have three adult children. I shared my circumstance with my spouse very early in our courtship as the foundation of a loving relationship is built on trust. However, it has always been a very tender subject and one that we would rather not have to discuss. Moreover, we had always presumed that this was a private and closed adoption and would therefore remain private. This presumption was the basis for our decision to not share this part of my life with our children.

Early in 2018, I received a certified letter from Catholic Charities asking if I was the person who relinquished their rights to a child who is now an adult adopted person for whom they were conducting a search. Needless to say, the letter came as a shock and the consequences have tested my spouse and I individually as well as tested our marriage. Fortunately, our relationship is very well founded, and our love and commitment is getting us through this difficult time.

I did respond to the letter from Catholic Charities confirming that I am the person that was being searched for. I also wrote a letter to the adult adopted person and provided my medical history. The letter clearly stated that I did not want a reunion or any further contact and provided the reasons for this decision, which was based on my desire and right to privacy and to protect my family.

I thought that this was the end of having to relive a moment in my life that is hurtful to me and my spouse. Then I learned that there was proposed legislation to change the statutes that govern access to original birth certificates by adult adopted persons. This proposed legislation would allow adult adopted persons whose adoption was finalized prior to October 1, 1983 to obtain their original birth certificate and learn the identities of the persons who relinquished their rights. The same identities which had been safeguarded for at least 35 years. As one of those persons, I can tell you that this proposed legislation is an invasion of privacy. More specifically, this would be an invasion of thousands of families' privacy – it would effectively invade their homes and very likely cause some level of harm to their loved ones.

I can tell you from my own direct experience that, through an intermediary such as Catholic Charities, adult adopted persons can successfully search for the persons who relinquished their rights. These found persons can then decide what amount of information and/or contact they are willing to provide. This protects both the privacy of the adult adopted persons and the persons who relinquished their rights. Therefore, changing the rules to allow all adult adopted person to unilaterally obtain their original birth certificate and the identities of the persons who relinquished their rights is not fair and is not justified.

I urge every member of the Connecticut General Assembly to consider how they would feel if their most private information was made available to a complete stranger and their house was invaded and loved ones harmed with that information. That is what this proposed legislation feels like to me. Please do not disregard the privacy of thousands of people who, like me, currently have the legal right to decide if they want to allow a complete stranger into their home or not. That is not to say that adult adopted persons are not well intended – I believe that most are. However, I also believe that there are some who are not well intended and that even for those with the best of intentions there will be unintended consequences that will be harmful.

Although the right to privacy is not explicitly stated in the US Constitution, it is alluded to in the Fourth Amendment, which states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause...". This proposed legislation would violate the privacy of persons who relinquished their rights and their families by making their identities known and no longer "secure in their persons and houses". I can't understand why the General Assembly would support legislation that reduces an individual's right to privacy but suspect it is based on a false narrative that all persons who relinquished their rights through a closed adoption wish to be found and reunited with their adult adoptee. Some do and some do not but in either case, the current search process through an intermediary such as Catholic Charities works as is and maintains the privacy of all parties. I also ask the General Assembly to be considerate of the generation that this proposed legislation would affect – those who are in their fifties and older – and recognize that persons of this generation have lived their lives with a higher presumption of privacy than it appears younger generations do.

I expect that letters such as this expressing opposition to this proposed legislation are rare as those that relinquished their rights are the silent majority. Please do not take our silence as indifference or acquiescence but rather understand the double bind we are in: how can we protect our privacy and remain private? That in itself is an argument for not changing the current legislation as our side of the argument is underrepresented. It is incumbent on the General Assembly to understand the views of the underrepresented and fairly weigh both sides of the argument based on protecting the rights of all affected parties and not just those that have the loudest voice.

Thank you for your consideration.

May 22, 2018

Attachment B

Dear Members of the Connecticut General Assembly:

As the spouse of someone who relinquished their rights to a child thirty-six years ago, I am what is called the invisible "fourth leg" of the adoption triad and I am writing to respectfully ask that proposed legislation allowing adoptees access to original birth certificates (OBC) be opposed.

The birth of this child occurred when, at nineteen years old, my spouse's life was fraught with turmoil within their own immediate family. Completely alone they dealt with everything that was happening. With the birth my spouse understood they were not equipped to raise a child in the way it deserved. Truly thinking of what was best for the child, they wrote a heartfelt and deeply thoughtful letter to this child and with the desire and understanding that their identity would remain private through a closed adoption arranged by Catholic Charities, they signed papers terminating their rights. The knowledge that my spouse's identity would remain private helped them to be able to slowly piece their life back together.

Earlier this year, my spouse received a certified letter from Catholic Charities (CC). The letter was a request from CC to confirm that they were in fact the person who terminated their rights to a child born thirty-six years ago. That child, now grown, was requesting ancestral and medical information and possibly contact. Feeling vulnerable, my spouse reached out to CC to understand exactly what options were available to them. After much soul searching and many, many nights staying up late talking, my spouse again chose to remain anonymous. Although my spouse is now a grown adult in a stable, loving, and supportive environment the sentiment and desire for privacy they had when they were 19 remained. Now 55, my spouse once again wrote a heartfelt and deeply thoughtful letter to this now adult adoptee. With the help of the kind people at CC this adoptee was able to have their ancestral and medical information questions answered and my spouse was able to respectfully decline direct contact and maintain the privacy they desired.

However, the lingering difficulty has been to become aware of proposed legislation that would allow open access to birth certificates of adoptees in closed adoptions. My spouse and I oppose such legislation. To pass such legislation would break the covenant made at the time of the closed adoption. It would usurp the rights of the person who chose to remain anonymous. My spouse's identity would be outed against their will by the very government whose legislation allowed them the privacy they chose at the time of the adoption and chose again just a few months ago. To pass OBC legislation is an absolute violation of their most basic right, the promised right to privacy.

Additionally, OBC legislation assumes to know the desires of the parties better than they know themselves and assumes all parties want the same thing. OBC legislation assumes to define as a parent even those persons who have terminated their rights to a child. OBC legislation assumes all people involved in an adoption consider themselves extended family. OBC legislation assumes that through the signing of closed adoption paperwork these people live in secrecy and shame and loss lingers in their lives; that only openness will assuage the loss and that they want to live their lives transparently. OBC legislation assumes all adoptee ancestral or medical questions will be answered through the possession of an OBC. Lastly, OBC legislation assumes an individual is only complete with access to an OBC.

I refute all these assumptions. My spouse stated, if faced with making the decision again, they would again choose a closed adoption and privacy. They do not consider themselves a parent of this

person nor do they consider themselves extended family; there is no relationship. My spouse has not lived their life in secrecy and shame with a sense of loss but has instead lived with honesty and dignity knowing the choice they made so long ago was the right and best choice. They do not want to live transparently, they want to live privately. The possession of an OBC does not provide ancestral or medical information nor does the possession of an OBC provide identity completion. Rather, identity completion comes through a life well lived. The healthy development of a life well lived does not come by asserting one's desire over another, as would occur with OBC legislation, but comes through mutual respect and civility. This mutual respect and civility can be achieved through compromise. Rather than mandate and force relationships through OBC legislation where none exist, instead encourage unity of the adoption triad with the use of an intermediary that facilitates the respectful sharing of information as my spouse and the adoptee did through CC.

The pro-OBC movement has also used the argument that the enactment of OBC legislation would preserve privacy because it would allow direct contact between parties rather than revealing questions being asked through a DNA registry. However, as is shown by my spouse's example, not everyone in the adoption triad is searching and not everyone in the adoption triad wants direct contact; concurrently, OBC legislation and DNA registries are not mutually exclusive. The OBC legislation would not remove the possibility of someone asking questions because of a discovery of genetic similarities. In fact, in order to maintain privacy in a DNA registry inquiry situation a response of "I'm sorry, I have no information" negates the very result a searching adoptee seeks. Again, the passage of OBC legislation would force upon those who chose privacy the revealing of their identities, undesired direct contact, and the inability to remain private.

This past Spring, we closely watched H.B. 5408 in the 2018 Connecticut assembly. I read all the letters posted online supplied during the public comment period. There appeared to be no letters sharing my spouse's sentiment and this may lead you to believe that my spouse is in the minority in their desire for privacy, but they are not. CC shared with us that one third of people contacted by a searching adoptee do want contact, one third want no contact and do not share information, and one third respond the same way my spouse did; they provide ancestral and medical information but choose continued privacy. CC also asked if we would be willing to attend public meetings or meet with legislators to discuss this topic. How ironic, for my spouse's voice to be heard about their desire for privacy regarding the most personal of matters my spouse would have to reveal their identity! Because of this, it appears there is so little opposition to OBC legislation and little if anything is heard in the form of dissent.

In closing, I again ask that OBC legislation be opposed, while empathetic to the needs of adoptees for information, there is no intrinsic value in the knowledge of a name. The value is in the exchange of information. As my spouse did through CC, the exchange of information can occur through the use of an intermediary mechanism which is a good working compromise. The purpose of an intermediary mechanism is to facilitate the non-threatening consensual exchange of information and, if parties agree, even contact. An intermediary mechanism is available to all sides of the adoption triad, is not exclusive to CC, and is supported by current legislation. My deepest hope is that every person in the adoption triad, even those in the invisible fourth side like myself, is treated with respect and civility; those with questions receive compassionate answers and those who choose to maintain their right to privacy have their choice honored. It would be wrong to pass OBC legislation that would allow one to come at the expense of the other.

Thank you for your consideration, J. Doe