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SB113—Original Birth Certificate Access

Joint Committee on Planning and Development

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Submitted Testimony in Support

Submitted by

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Bastard Nation: the Adoptee Rights Organization is the largest adoptee civil rights organization in the United States. We support only full unrestricted access for all adopted persons, to their original birth certificates (OBC) and related documents.

We are happy to support passage of SB 113, an inclusive bill that when passed:

- restores the right of Original Birth Certificate access to those adopted before October 1, 1983. without restriction (currently only those born after that date have access;)
- permits the release of the OBC to a deceased adoptee's adult child or grandchild;
- contains a genuine voluntary confidential Contact Preference Form which lets a birthparent register a preference regarding contact without abrogating the right of access to the OBC

We urge you to support this bill and pass it into law.

Unrestricted OBC access is not a “privacy” or “birthparent confidentiality” issue. In fact, “privacy” “confidentiality,” and “anonymity” are not synonymous either legally or linguistically.

The passage in 2015 of Public Act 14-133 which restored the right of OBC access to Connecticut adopted persons whose adoptions were finalized after October 1, 1983, shows that the legislature understands the justice in OBC access. Unfortunately, 30,000 of the state’s adoptees were left behind in that limited law—their records remaining sealed and available only through a court order. SB 113 finishes the job making all Connecticut adoptees subject to the same right of access and due process.

There is no evidence in any state that records were sealed to “protect” the reputation or “privacy” of biological parents who relinquished children for adoption. On the contrary, records were sealed to protect the reputations of “bastard children” and to protect adoptive families from birthparent interference.

Courts have ruled that adoption anonymity does not exist. (*Doe v Sundquist, et. al.*, 943 F. Supp. 886, 893-94 (M.D. Tenn. 1996) and *Does v. State of Oregon*, 164 Or. App. 543, 993 P.2d 833, 834 (1999).

Laws change constantly, and the state, lawyers, social workers, and others were never in a position to promise anonymity in adoption. In fact, in the over 50 years of the adoptee equality battle, not one document has been submitted anywhere that promises or guarantees sealed records and an anonymity “right” to birthparents.

Identifying information about surrendering parents often appears in court documents given to adoptive parents who can at any point give that information to the adopted person. (In some states adoptive parents, at the time of the adoption order, can petition the court to keep the record open.) The names of surrendering parents are published in legal ads. Courts can open “sealed records” for “good cause” without birthparent consent or even knowledge. **Critically, the OBC is sealed at the time of adoption finalization, not surrender. If a child is not adopted, the record is never sealed. If a child is adopted, but the adoption is overturned or disrupted, the OBC is unsealed.**

The influential American Academy of Adoption and Assisted Reproduction Attorneys in 2018 passed a monumental resolution in support of adoptees’ right **to full access to our OBC, court, and agency records.**

Legislation needs to catch up with technological reality. We are well into the 21st century. The information superhighway grows wider and longer each day, and adoptees and their birth and adoptive families are riding it, utilizing the Internet, social media, inexpensive and accessible DNA testing services, and a large network of volunteer “search angels” to locate their government-hidden information and histories. Thousands of successful adoption searches happen each year—many in Connecticut alone—making adoption secrecy virtually impossible. The minuscule number of birthparents or so-called “professionals” who believe that restricted OBC or records access or no access equal adoption anonymity are greatly mistaken. The fact is, nearly all successful searches are done *without* the OBC and other court documents.

OBC access is not about search and reunion. It is about the right to one’s own state-held birth record. Rights are for all, not some. Clearly, Connecticut law discriminates against the state’s adoptees with its tier-access time frame based on the date of adoption finalization.

There is no state interest in keeping original birth certificates sealed from adult adoptees to which they pertain. Nor does the state have a right or duty to mediate and oversee the personal relationships of adults. Those who claim a statutory right to parental anonymity through sealed records promote statutory privilege and state favoritism. Tens of thousands of Connecticut adoptees were left behind in 2015. The passage of SB 113 brings them back home.

SB 113 and its sponsors get it right.

SB 113 creates equal birth certificate access for all Connecticut adoptees. It treats the state’s adoptees as equal with the not-adopted, and post-October 1, 1983 adoptees. It stops the humiliating onerous legal (and sometimes costly) process for adoptees simply to get their own birth certificates. SB 113 reflects the simple inclusive, unrestricted access process that ten states have on the books (Kansas, Alaska, Oregon, Alabama, Colorado, New Hampshire, Maine, Rhode Island, Hawaii, and New York,

New York’s 40-year battle for OBC access ended when on January 15, OBCs were opened to all New York adoptees upon request without restriction. In only three days, over 3,600 adoptees filed for their record of birth. The bill that unsealed records was passed 196-12.

For reasons unknown, last year’s SB 972, nearly identical to SB 113, which had the support of hundreds of organizations and individuals (recorded on the State of

Connecticut SB 972 Legislative page) was “temporarily passed” but not revisited; thus, never getting the floor vote that the bill and Connecticut adoptees deserved.

SB 113 should be a priority bill this session. There is no tenable reason to punish 30,000 adopted persons whose only “crime” was to be born and adopted on the wrong side of an arbitrary date.

Please support Connecticut in being a leader in adoptee equality and adoption reform. Return unrestricted and unconditional OBC access to *all* Connecticut adoptees. When SB 113 comes up for a vote, please vote DO PASS and urge the bill be sent to the floor ASAP for passage. It’s the right thing to do!

Bastard Nation Mission Statement

Bastard Nation is dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adoptee’s historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or intermediary systems in place of unconditional open records, nor any other system that is less than access on demand to the adult adoptee, without condition, and without qualification.