What is “Adoptee Rights”

“Adoptee Rights” refers to the movement that seeks to retroactively restore adult adoptees access to original birth certificates (OBCs) through “Access Legislation.” Over 6 million U.S. born adult adoptees have difficulty accessing their OBC. This is because laws in 44 States do not allow adult adoptees to access the birth certificates they were born with the same as all other citizens.

How is “Access Legislation” different than “Open Adoption?”

“Open adoption” is a term that refers to contact arrangements made between the original/birth parents and adoptive parents of a youth adoptee (under 18). “Access Legislation” refers to legislation that allow adult adoptees their OBCs the same as all other citizens. Even in “open adoption,” the adoptee’s OBC is sealed. OBC access is about equality; it is not about search, reunion, or contact arrangements.

What States & countries have “equal access?”

Alaska and Kansas have never sealed the OBCs of adoptees. Maine, New Hampshire, Oregon, and Alabama have restored equal OBC access to adult adoptees. Other States, such as Rhode Island, Tennessee, and Illinois, allow access with minimal restrictions. Globally, equal access is given to adult adoptees in places such as Alberta, Australia, Argentina, British Colombia, Brazil, Denmark, England, Finland, Germany, Israel, Mexico, Newfoundland, Northern Ireland, Norway, New South Wales, New Zealand, Ontario, Scotland, the Netherlands, South Korea, Venezuela, and Wales.

Who supports Adoptee Rights & Access Legislation?

Several major organizations support Adoptee Rights: Holt International, National Association of Social Workers of Pennsylvania, The Evan B. Donaldson Adoption Institute, North American Council of Adoptable Children, Child Welfare League of America (over 800 member agencies), Parents for Ethical Adoption Reform, The National Adoption Center, Spence-Chapin, Concerned United Birthparents, and several major religious groups such as the Episcopal Church and the Presbyterian Church of America.

Who opposes Adoptee Rights?

A small number of adoption facilitators, lawyers, and special interest groups oppose Adoptee Rights. The opposition typically consists of a few religious entities, Pro-Life organizations, and various branches of the ACLU. The support or opposition offered by these groups varies by State. The only national organization that has historically opposed Adoptee Rights is the National Council for Adoption (NCFA), with over 60 member agencies. However, the NCFA has recently ceased public opposition of Adoptee Rights. One of the largest NCFA member agencies, Holt International, has long publicly supported Adoptee Rights.
### Why is equal access so important?

Laws that do not allow adult adoptees equal access are historically based on stigmas associated with pre-marital birth and motherhood and adoptive kinship. Keeping these laws on the books maintains a problem-focused approach that pathologizes being adopted. If we believe that adoptees have strengths and good qualities, we should treat them as such, rather than create barriers that stigmatize their desire to have the same government-issued document as every other citizen.

Information relating to one’s race and ethnicity are often incorrect on the amended birth certificate. By preventing adoptees from accessing the correct, original document, adoptees experience the erasure of their heritage.

An increasing number of adult adoptees have difficulty meeting identification requirements presented by government offices. Voter ID laws, passport requirements, driver’s license requirements, and job security clearances present challenges to many adult adoptees who cannot access their OBCs.

Adult adoptees descended from the First Nations, and their future generations, are denied membership and benefits from their tribe of origin because they cannot prove they were born to a tribe member.

Despite The Hague’s requirement that inter-country adult adoptees be given their original information, these adoptees are often still blocked from access because of the birth record access laws in the U.S. State they may have been re-adopted in.

### Myth #1: “Access Legislation will increase abortion rates.”

States that restored access to adult adoptees show a decline in abortion rates after the implementation of the legislation. *The American Adoption Congress, Abortion and Adoption Data from States Who Have Enacted Access, 2010*

States that never restricted adult adoptee access have adoption rates and abortion rates that are comparable to the rest of the U.S. *The American Adoption Congress, Abortion and Adoption Data from States Who Have Enacted Access, 2010*

A recent survey of women who had abortions and also considered adoption did not mention desiring anonymity in adoption as a concern. However, the women did report that the idea of one’s child being out in the world without them made adoption unfavorable. *The Guttmacher Institute, Concern for current and future children: a key reason women have abortions, 2008*

“[A]lmost no women choosing adoption today seek anonymity or express a desire for no ongoing information or contact.” *The Evan B. Donaldson Adoption Institute, Safe-guarding the rights and wellbeing of birthparents in the adoption process, 2006*

Should any correlation between Access Legislation and abortion rates be made, it would seem that opening access is statistically more likely to have a positive impact on abortion rates than continuing discriminatory access policies would.

### Myth #2: “Access Legislation violates the confidentiality of original/birth parents.”
The amending and sealing of birth certificates was designed to hide the identity of the adoptee, not the original family.

The most prevalent types of adoption demonstrate how sealed birth certificates are not about confidentiality. Step-parent adoptees and foster care adoptees are already likely to know their original information and original family, even with sealed OBCs. For inter-country adoptions, The Hague requires that original information be given to inter-country adoptees. The confidentiality myth for OBCs targets private domestic infant adoption, a type of adoption representing only a small portion of adoptees—all whose birth records are sealed—in the United States.

"There has been scant evidence that birthmothers were explicitly promised anonymity from the children they relinquished for adoption." [Evan B. Donaldson Adoption Institute, Policy perspective: for the records, 2007]

The adoptee is a client of adoption. It is unethical for adult adoptees to be held to alleged agreements made on their behalf as children when they were unable to consent.

Combined statistics from Access States that keep track indicate that less than 1% of original parents have a preference for anonymity. [The American Adoption Congress, Statistics for state implementing access to original birth certificates (OBC) laws since 2000, 2011]

A birth certificate is a government-maintained document. Its release is not seen as a “privacy issue” for those who are not adopted, even if they have sensitive family issues.

Per the Pennsylvania House Journal, the 1984 Pennsylvania law that sealed adult adoptee access to OBCs was opposed by original mothers.

**Myth #3: “Confidentiality in abortion means anonymity should be offered in adoption.”**

Abortion is a decision about pregnancy. Adoption is a decision about parenting. Confidentiality is guaranteed to women in abortion because of privacy in health care. “Anonymity” through unequal access to OBCs for adoptees suggests that one citizen (the mother) should control how the government can treat another citizen (the adult adoptee). These issues should not be seen as one in the same.

It should be noted that accessing one’s birth record is not considered to violate confidentiality in reproductive health care for individuals who are not adopted and thus they are not required to obtain their mother’s permission to view their OBC. The OBCs of adult adoptees should be regarded no differently.

“There can be no legally protected interest in keeping one's identity secret from one's biological offspring; parent and child are considered co-owners of the information regarding the event of the birth.” [Federal Register, Model State Adoption Act, 1980]

**Myth #4: “Mutual consent registries will solve this issue.”**

Mutual consent registries do not address an adult adoptee’s entitlement to be treated equally under the laws of their birth State.

Since 1985, Pennsylvania laws have favored the concept of “mutual consent.” This is despite the fact that...
statistics to measure effectiveness were not recorded in some cases and recorded statistics indicate that mutual consent registries are ineffective. Poor advertisement and low match rates are hallmarks of mutual consent registries across the U.S.

For example:
- Pennsylvania’s old medical history registry (AMHR) received over 2,500 applications from adoptees and 800 submissions from parents but made fewer than 10 matches in 14 years of operation. OCYF Bulletin, April 22, 2011
- From 1985 to 2010, the Biological Parent Registry received consents for the release of identifying information from about 1,600 original parents. However, Pennsylvania failed to record how many adoptees applied and how many matches were made. Electronic Correspondence, Tom Houghton Constituent Services Office, October 7, 2010

Adult adoptees are not children. They should not have to ask their parents for their own birth certificate when this is not required of other citizens. This is demoralizing.

Not every adoptee wants to reunite or wants their original parents contacted. Many adult adoptees want their original birth certificate simply because it belongs to them.

Proponents of mutual consent registries not only ask the State to treat its adopted citizens unequally, but they essentially suggest that it is the State’s job to micromanage its citizens’ relationships.

What about search, reunion, & family medical history?

OBC access is not about search, reunion, or family medical history. Of a sample of adult adoptees who accessed their OBCs in Oregon, 15% of the adoptees were already reunited. Of those who intended to use their OBC to search, and also ask for medical information, 53% were unsuccessful in locating the person they were looking for (it is important to also note that not one adoptee who made contact had a negative experience). Rhodes, Barfield, Kohn, Hedberg, & Schoendorf, Releasing Pre-Adoption Birth Records: A Survey of Oregon Adoptees, 2002

States concerned about adoptees’ family medical history and reunion should address these issues separately, and provide assistance in these matters as an optional resource. This is to ensure that this vital information can be shared effectively between adoptees and their original families. The fact that family members might not be ready for reunion or information sharing should never negate the State’s duty to treat its adopted citizens equally under the law.

WHAT ADOPTEE RIGHTS ADVOCATES WANT: Adoptee Rights Model Legislation

Maine’s Access Legislation should be considered the “model” for all other States implementing access. This law most adequately addresses this issue and the concerns voiced by Adoptee Rights’ opposition. Maine’s law allows adult adoptees equal access to their OBCs, and it allows original parents to state a preference for contact. This Contact Preference is included along with the copy of the OBC to be given to the adult adoptee. Original parents can also fill out a medical history form. The bill that restored the right of Maine-born adult adoptees to access their OBCs can be found here.