

FOR THE RECORDS Glossary of Terms

In "For the Records: Restoring a Legal Right for Adult Adoptees," the Evan B. Donaldson Adoption Institute recommends that, upon reaching adulthood, all adopted persons should receive unrestricted access to their original birth certificates. The Institute's report does not suggest such access to other records. Since references to various types of birth and adoption records can sometimes be confusing, used differently by different parties or misconstrued, this glossary provides definitions of the relevant terms.

Adoption agency records. Records maintained by the agency that assisted in arranging and finalizing an adoption and held as confidential. These may include medical, psychological and social information concerning the birth family, collected at the time of the placement; birth information; details of the circumstances of the placement; and information about the adoptive family. Copies of legal documents may also be included. In some instances, the files may contain correspondence received after the adoption from the birth family, the adoptive parents, or the adopted person.

Adoption records: A general term that refers to documents that are both public and non-public in nature that provide information about an adoption. The term "adoption records" includes the original sealed birth certificate, the court documents that relate to the processing and finalization of the adoption, and the non-public records of the agency or attorney who assisted in arranging and/or finalizing the adoption.

Amended birth certificate. A term used to refer to the new birth certificate that is issued for an adopted child after an adoption becomes final; it shows the new name of the child and lists the adoptive parents as the biological parents. The new birth certificate is placed in the public records in place of the child's original birth certificate.

Court records (adoption cases). The files and records of the court related to an adoption proceeding. As a rule, upon the entry of the final order in an adoption case, all court papers related to the adoption are sealed. Access to these records is governed by state law, and opening of the records for inspection by any person is prohibited unless there is a written order of the court and/or written consent of the parties to the adoption.

Identifying information. Names, addresses, and other information that could be used to determine the identity of a party to an adoption.

Non-identifying information. General background information on a party to an adoption that does not lend itself to identifying that individual. Non-identifying information may include general appearance, religion, ethnicity, race, birthparents' education and occupation, the name of the agency that arranged the adoption, and the facts and circumstances relating to the nature and cause of the adoption.

Original birth certificate. An official record of the date and place of a person's birth, usually including the names of the biological parents. Outside the adoption context, this document is called only a "birth certificate," without specifying whether it is the original.

"Sandwich" adoption records laws. State statutes that allow some adoptees to access information relating to them (usually original birth certificates), depending on the date on which they were adopted. Typically, those adopted in the years before a state sealed its records, along with those adopted after enactment of a new statute allowing access, are permitted to get their birth certificates upon becoming adults. But those adopted in the years in-between are not permitted to do so. These laws result from compromises between those seeking full access for all adoptees and those who contend some birthparents were promised their children would never learn their identities.

