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APPENDIX TO FOR THE RECORDS II:
States' Laws Related to Access

Policy & Practice Perspective

July 2010

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Appendix

STATES' LAWS RELATED TO ACCESS: STATES WITH ADOPTEE ACCESS TO ORIGINAL BIRTH CERTIFICATES

STATES WITH UNRESTRICTED ACCESS	PROVISIONS	COMMENTS
Alabama	19 or older may obtain OBC	
Alaska	18 or older may obtain OBC	Always open
Kansas	18 or older may obtain OBC	Always open
Maine	18 or older may obtain OBC	
New Hampshire	18 or older may obtain OBC	
Oregon	21 or older may obtain OBC	Statute followed voter initiative

STATES WITH GENERAL ACCESS - SOME RESTRICTIONS	PROVISIONS	COMMENTS
Delaware	21 or older may obtain OBC Birthparents can veto adoptee access	OBC released unless birthparent written notarized statement objecting to disclosure on file. Disclosure veto must be renewed every 3 years.
Illinois	21 or older may obtain OBC Adopted before 1/1/46 will be made available Adopted after 1/1/46, granted unless birthparent filed disclosure veto and is still alive	Bill signed into law 5/21/2010, but access withheld for those born after 1/1/46 until November 2011 to allow for public information campaign. Veto ends at birthparent's death.
Tennessee	21 or older may obtain all adoption records including OBC unless adoption records show that birth resulted from rape or incest Contact veto registry established to register willingness/unwillingness for contact. Violation of contact veto punishable as misdemeanor and by punitive damages.	Adoption records not released if they show that pregnancy resulted from rape or incest.

STATES WITH ACCESS TO SOME ADOPTEES - SOME RESTRICTIONS	PROVISIONS	COMMENTS
Colorado	<p>18 or older may obtain OBC, depending on finalization date:</p> <p>Before 5/20/49: by petition</p> <p>5/20/49–6/30/51: by court order for good cause</p> <p>7/1/51–7/1/67: on request to court</p> <p>7/1/67–8/31/99: CI or court order for good cause</p> <p>9/1/99–Present: on request to court except data concerning birth parent who filed a disclosure veto within 3 years of relinquishment or termination will be redacted.</p>	<p>Contact preference form provided by the State - register shall include an option for the birthparent to authorize the release of the OBC. An authorization to release may be exercised and submitted to the State registrar at any time after 1/1/2006.</p>
Hawaii	<p>18 or older may obtain OBC by request to court, subject to birth parent disclosure veto filed:</p> <p>Upon notice from court of adoptee's request, if adoption before 1991; or</p> <p>Within 90 days before adoptee turns 18, if adoption after 1990.</p>	
Maryland	<p>21 or older may obtain OBC if adopted after 1999, except info. on birth parent filing disclosure veto will be redacted.</p> <p>Adopted before 2000 obtain only by court order.</p>	
Massachusetts	<p>Adoptee born before 7/18/74, or adoptive parent of adoptee born after 2007, may obtain OBC.</p> <p>Other adoptees may obtain OBC by court order if adoption record has evidence of birth parent's willingness to provide identity to adoptee.</p>	

STATES WITH ACCESS TO SOME ADOPTEES - SOME RESTRICTIONS	PROVISIONS	COMMENTS
Minnesota	<p>19 or older may request OBC Birthparent may veto disclosure; veto in effect until revoked or until birth parent dies.</p> <p>If adoptee requests OBC, agency attempts to notify birth parents, if do not respond within 31 days and have not filed veto, OBC is released.</p> <p>If birthparent cannot be notified in 6 months, OBC released for adoptions after 8/1/77. If before 8/1/77: must petition court.</p> <p>If birth parent filed veto and died, adoptee may petition court.</p>	
Montana	<p>Those adopted on or before 7/1/67 may obtain OBC.</p> <p>Those adopted between 7/1/67–9/30/97 may obtain OBC only by court order.</p> <p>Those 18 or older adopted on or after 9/30/97 may obtain OBC (a) on request unless birth parent has filed disclosure veto or (b) by court order.</p>	
Nebraska	<p>Access depends on when relinquishment signed:</p> <p>If before 9/1/88, 25 or older, only if birth parents filed disclosure consents & adoptive parents have not filed veto or by court order.</p> <p>If between 9/1/88–7/20/2002, 21 or older unless birth or adoptive parents veto.</p> <p>If on/after 7/20/2002, 21 or older, may obtain OBC, unless birth parent has filed disclosure veto.</p>	

STATES WITH ACCESS TO SOME ADOPTEES - SOME RESTRICTIONS	PROVISIONS	COMMENTS
Ohio	<p>Adoptees adopted in Ohio prior to 1964 have access to OBC.</p> <p>Adopted since 1963 & became available for adoption before 9/18/96: OBC released when age 21 or older, only if birth parent dead or filed consent.</p> <p>Adopted after 9/17/96, at age 21, can obtain identifying information unless birth parent filed denial of release.</p>	
Oklahoma	<p>18 or older may obtain OBC if adoption occurred after 11/1/1997, unless birth parents filed and not revoked disclosure veto or adoptee has a birth sibling in an adoptive family whose location the adoptee knows.</p> <p>Other adoptees require court order for good cause shown.</p>	<p>If only 1 birth parent files a disclosure veto, OBC is released without information on that birth parent.</p>
Vermont	<p>Adopted before 7/86 & 18 or older may obtain OBC if birth parent has filed any document clearly indicating consent.</p> <p>Adopted after 7/86 & 18 or older may obtain unless birth parent filed request for nondisclosure.</p>	<p>Court may order disclosure to any adoptee if birth parent has not requested nondisclosure & court finds after unsuccessfully trying to contact birth parent that disclosure is unlikely to harm birth parent.</p>
Washington	<p>18 or older, adopted after 10/1/93 may obtain OBC unless birthparent has filed affidavit of nondisclosure.</p>	<p>Any adoptee may use court-appointed confidential intermediaries to search.</p>
Wisconsin	<p>18 or older may obtain OBC if birthparents have filed & not revoked affidavits of disclosure; or, A CI search obtains such an affidavit from each birth parent who had not filed one; or a Circuit court finds good cause to release OBC.</p>	