

Florida HB357/SB 576: Joint letter in opposition

We the undersigned, a diverse group of adoptees, organizations, birthparents, adoptive parents, professionals and allies who support equal rights for all adult adoptees have united to express our opposition to Florida HB 357, introduced by Rep. Richard Stark, and its companion, SB 576.

It is important to understand the history of adoptee access law and practice in Florida. Throughout history, most Florida adoptees have retained the unrestricted legal right to access their own original birth certificates. Not only did Florida courts affirm that right in 1976, but the history and context of Florida law is abundantly clear: the vast majority of adult adoptees have had unrestricted access to their original birth certificates for nearly 100 years.

Florida first issued new and amended birth certificates for adoptions in 1939, sealing the original birth certificates. But for the next 38 years, the state explicitly recognized an adoptee's right to obtain the original birth certificate upon request. While in 1947 Florida sealed its court records in adoptions, adult adoptees continued to have access to their original birth certificates through the department of health. It was only in 1977 that the Florida legislature acted to restrict an adult adoptee's access to their original birth certificates. And even then the law was not made retroactive, thus by law if not in practice, those who were adopted prior to June 30, 1977 retained their legal rights to the original records of their birth. It is past time that post 1977 Florida adoptees also have their rights restored, and that the law explicitly recognize the rights of pre-1977 adoptees which never should have been abrogated.

HB 357/SB 576 is not an adoptee rights bill. It will not restore to all Florida adoptees' their right to obtain their original birth certificate at age of majority. Instead, it creates a confusing and random tiered system of access that essentially imposes a 40 year waiting period on adoptees in the middle tier, while leaving unchanged the current practice of routinely denying access to OBCs to most adoptees - those adopted before July 1, 1977 - unchanged. While it recognizes what is already the law, and should be the practice, in Florida with respect to those pre -July 1977 adoptees, it does so without any real clarity or enforcement teeth or even any specific access provision. It gives those who were adopted as of July 1, 2018 and beyond unrestricted access to their original birth certificates at age 18, however those who have the misfortune of falling in the middle tier, those adopted between July 1, 1977 and June 30, 2018, either have to wait 40 years after their adoption, know the name of a birth parent, or know that their birth parent is deceased or is "presumed to be deceased"---which is so vague that it will have to be litigated or regulated by rule.

To understand the randomness of the scheme, note that someone who happens to be adopted on June 30, 2018 will have to wait until July 1, 2058 to access their original birth certificate, whereas someone adopted on July 1, 2018 will have access, at the latest, on July 1, 2036.

It should also be noted that due to several ambiguities and contradictions in the current proposed bill, it will almost certainly be significantly amended in committee, which could result in even further anti-equality provisions.

While we appreciate the desire of the sponsor and the proponents to expand adoptee access in Florida, HB 357/SB 576 is not the right vehicle. We therefore respectfully issue this joint statement of opposition, call on Rep. Stark to withdraw the proposed legislation, and request

that he work with Florida adoptees and adoptee rights organizations to introduce a true adoptee rights bill, as he has previously (HB 257), with a public commitment to keep the legislation clean moving forward. Such legislation will simply restore to all adult adoptees in Florida the unrestricted right to obtain an unredacted and unaltered copy of their original birth certificate on request.

Adoptee Rights Law Center

Adoptee Rights Campaign

Adoption Rights Alliance (Ireland)/The Philomena Project

ALARM Network

American Adoption Congress

Banished Babies of Ireland

Bastard Nation: The Adoptee Rights Organization

The Donaldson Adoption Institute

Equality4Adoptees (Texas)

The National Korean American Service & Education Consortium (NAKASEC)

Trace L. Hentz, author, Lost Children of the Indian Adoption Projects series

Access Rhode Island

California Open

Canada Open

Equal Access Oklahoma

Indiana Open

Michigan Open

Minnesota Coalition for Adoption Reform

Missouri Open

Nevada Open