

## THE DONALDSON ADOPTION INSTITUTE

January 10, 2014

*Written comments regarding the issue of access to Original Birth Certificates by adopted individuals once they reach the age of majority, respectfully submitted to the Assembly Health Committee of New York State Legislature by Adam Pertman, President of the Donaldson Adoption Institute:*

The issue you are examining is far more important than most people perceive it to be, both in practical terms for the tens of millions of Americans that it stigmatizes – I refer here to both birth/first parents and adopted people – and symbolically, because we keep secrets about things we are ashamed of or embarrassed about. So, when we seal birth certificates, we send the clear signal that adoption is somehow a lesser way of forming a family, because it has something to hide from the very start.

Thank God, we are emerging from the period of our history in which people actually believed that was true, a period in which adoption was a shadowy secret, in which we denigrated nearly everyone touched by this wondrous institution, in which we even turned the words “you’re adopted” into an insult. My children are not an insult, and neither are anyone else’s, regardless of how they came into a family or why they left one. But some remnants of those dark days remain, and sealed birth certificates are one such remnant.

It is also difficult to learn much about secrets. As a result, many myths, misconceptions and stereotypes have come to be widely accepted – even by some professionals in the adoption field. The Donaldson Adoption Institute, which I am proud to lead, has no formal ties with any interest group. It is an independent and nonpartisan research, policy and education think tank that was created for just one reason: to provide accurate, research-based information for practitioners, policymakers, journalists and others so that we, as a society, can shape better laws, policies and practices to improve the lives of everyone touched by adoption, especially children.

I’d like to start by offering an obvious observation, one I hope you will keep in mind as you listen to the testimony of those who want to retain the status quo: The critics of restoring the right to access records warn that approving this law will set off an array of dire consequences – from ruined lives, to increased abortions, to fewer adoptions, and so on. Whether the critics are right is no longer the subject of conjecture or speculation. About a dozen states have done what you are considering doing, including two (Kansas and Alaska) that never sealed their records. So now we can see with our own eyes what calamities might transpire when adult adoptees gain access to their original birth certificates. And the answer, very simply, is “none.” The media in those very diverse states –

from Alabama to New Hampshire, from Tennessee to Oregon, from Delaware to Maine and Illinois – contain no horror stories about stalker adoptees or weeping women. The statistics in those states show no inkling of rising rates of abortion or falling rates of adoption.

All this information, and far more, is contained in two comprehensive, research-based Adoption Institute reports, “For the Records I” (<http://tinyurl.com/RecordsI>) and “For the Records II” (<http://tinyurl.com/RecordsII>). I would be happy to provide hard copies as well.

Viscerally appealing arguments can be made by anyone, on any subject. Compelling anecdotes and singular experiences can be produced by any side, in any argument. So, in order to form the best possible laws, policies and practices, it is vital that we examine real evidence, solid research, and broad-based knowledge. Here, in bullet form, are a few things that we do indeed know. I will steer away from any disputed findings, and will stick to only those confirmed by hard data, widely accepted studies, or pervasive experience. Upon request, I am happy to provide supporting materials for the record:

\* First, as you may already know, it is a historical fact that adoption-related records – in New York and across the United States – were not closed to protect birth mothers but, rather, to prevent them from interfering with the new adoptive family, as well as to protect adopted children from the stigma and shame of illegitimacy; on a practice level, some social workers also wanted them closed to protect these women from the stigma and shame of unwed motherhood. The clear legislative and professional intent was to prevent access to those records by the public, not by the parties to the adoption. Historically, the notion that birth certificates were sealed to ensure birth mothers’ anonymity is untrue, irrespective of whether providing anonymity is a good idea or not.

\* Second, it needs to be stressed that adopted people are not stalkers, ingrates or children in search of new mommies and daddies. They are simply adults who want the same information the rest of us receive as a birthright. In his book “Roots,” Alex Haley wrote: “In all of us there is a hunger, marrow deep, to know our heritage, to know who we are and where we have come from. Without this enriching knowledge, there is a hollow yearning; no matter what our attainments in life, there is the most disquieting loneliness.” Research, experience and instinct all affirm Haley’s eloquent observation. And adopted people are not exempt from the laws of nature. They love their parents – that is, their adoptive parents – just as much and are just as loyal as if they had been born to them. But a growing majority want to know about their genetic, medical and cultural roots.

Adopted persons who obtain their original birth certificates in states where that is permissible may or may not form relationships with their biological kin; those decisions are up to the adults involved, and I believe it should not be the role of government to make the decision for them. Moreover, many if not most adult adoptees do not even make contact; for them, just having the most basic information about themselves is enough; it makes them feel they are treated equally, and it makes them feel whole. The fact is that access to their documents has become an issue that is separate from the question of “search” anyway. That is because, as a result of the Internet and other modern-day resources, many if not most adopted people who want to find their birth relatives can do so with or without their original birth certificates. One other detail relating to adoptees: They are wrong when they complain that they are the only Americans whose records are automatically sealed, and cannot be opened without court approval. In fact, the same process applies to people placed in the Federal Witness Protection Program.

\* Third, the notion that a lack of anonymity leads women to have abortions rather than place their children for adoption is fiction. It may sound correct intuitively but, in fact, just the opposite appears true in practice; i.e., the evidence is that women are at least as likely to carry their babies to term and place them into adoptive homes if they believe they will have ongoing knowledge about what happened to those children. The substantiation is in the growing number of states where birth certificates have been unsealed, and it extends much further and for much longer: In Kansas and Alaska, the only states in which they were never closed, there consistently have been fewer abortions and more adoptions than in states that border them or in the country as a whole.

\* Fourth, on the critically important question of birth/first mothers' desires, the research is unambiguous: Every study I am aware of relating to whether they want anonymity clearly shows that the vast majority do not – and that applies to those who were verbally assured of anonymity as well as those who were verbally assured they would one day have contact with the children they bore; yes, many women were promised exactly the opposite of anonymity, but those promises are seldom publicly discussed.

Depending on the study, between 80 percent and 95 percent of birthmothers do indeed want some level of information or contact with the lives they created. That doesn't mean they want to give up their privacy, but there's a huge difference between privacy and secrecy. And it doesn't mean they necessarily want the information or contact right away – some only want it years later, when they've had time to deal with the personal and emotional consequences or, increasingly often, when they discover they have genetic or medical information they want to share. It is also highly significant that only a tiny percentage take advantage of the opportunity to say "no" to the release of birth certificates or other records in the states that have unsealed them in recent years.

The Adoption Institute has conducted the most comprehensive study to date on birthparents; I would be happy to provide a copy to you upon request, or you may view it at: [http://adoptioninstitute.org/research/2006\\_11\\_birthparent\\_wellbeing.php](http://adoptioninstitute.org/research/2006_11_birthparent_wellbeing.php).

Even among those who truly thought they wanted anonymity at the time of placement, the vast majority eventually change their minds. Life is not a snapshot, after all, and few of us would want to live forever with the decisions we made at the age of 17, or even 25. Yet the core argument against allowing access to birth certificates is predicated on the mistaken belief that birth/first mothers are of one mind – and it will never change. This is not only a fundamental misunderstanding of research and experience, on a human level it assumes a woman can carry a child and then part with it and just "move on," as though she has given away an old record player. That view – essentially relegating women to the role of baby-making machines – pervaded adoption for generations. Thank God, it is changing radically and adoption practices are being reshaped in comprehensive, historic ways as a result. The bottom line is that birth certificates remain sealed in most of the U.S today because of lingering myths and mistaken stereotypes.

\* Finally, denying access to birth certificates contradicts the stated desires of almost everyone directly affected, and it flies in the face of majority opinion throughout the United States. That applies to birth mothers, who seldom choose not to be contacted in states where they can state a preference; it applies to adopted people who – once they are adults – appear to overwhelmingly favor access to their records; it applies to a large and growing number of adoptive parents, a clear majority of whom have already told their children about their origins anyway; and, according to a national survey, it applies to the American public as a whole. The survey, which had a 3 percent margin of error, asked this question: "Should adopted children be granted full access to their adoption records when they become adults?" Eighty-four percent responded "yes."

I respectfully ask you to put aside the aberrational anecdotes, emotional appeals, and corrosive myths on which too much public policy relating to adoption has been based for far too long. Instead, please examine the research. I believe, after you do, you will come to the same conclusion as that 84 percent.

Thank you very much.



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