

Proponent Testimony for HB 61
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My name is Kate Livingston and I'm the director of Ohio Birthparent Group. We are a post-adoption support organization started by birthparents here in Columbus. Our organization supports the life-long needs of birthparents and their families through peer support, advocacy and community education programs. As the only organization in the state that is fully organized by birthparents themselves, our monthly support groups draw birthparents from across Ohio. They drive from Cleveland, Cincinnati, even as far away as New York City and Chicago to participate in support programs that are developed and facilitated by birthparent peers. Our membership is truly intergenerational; our oldest member placed her son for adoption in 1954 and our newest member placed her son in December 2012. Ohio Birthparent Group is a unique organization where women and men across different eras of adoption come together to explore the many ways that adoption impacts their lives. One of the primary functions of our organization is to help people negotiate issues surrounding post-adoption contact, including open adoption and reunions that occur later on in life.

I am also a PhD student in the Department of Women's Gender and Sexuality Studies at Ohio State University where I do interdisciplinary research on U.S. adoption law, policy and practice. With the support of University of Cincinnati and Ohio State, I have spent the last 5 years researching the legislative and political history of the 1964 law that closed adoption records in Ohio. I have a special interest in the grassroots movements that have come to the General Assembly for 30 years to ask that this law be changed.

I am *one of three* birthparents in my family. While I have a relationship with my son through open adoption, my aunts had placed their children in closed adoptions in 1986 and 1988. My family supports HB 61 because it would give my two long-lost cousins direct access to their own birth certificates.

What I want to share with the committee today are some important insights about the history of this bill that I've learned through my research and through my work with birthparents in our state. Knowing the history of this bill illuminates how incredibly important this political moment is, and how you, as a committee, will play a crucial role in writing the next chapter of this history.

HB 202, the 1964 bill that closed records in Ohio, was NEVER about protecting birthparent's privacy.

The historical record of HB 202 clearly shows that the interests of birthparents were never a consideration in the closing of adoption records in 1964. Rather, the bill was intended to protect adoptees from potentially embarrassing disclosures about the circumstances of their birth and to protect adoptive families from interference by birthparents and the public. In addition to the testimony that Betsie Norris has provided from her father, Brad Norrisⁱ, who was one of the conceptual architects of HB 202, we also have important statements from the bill's primary sponsor, Rep. Edward Schumacher:

- "My bill closes the book on background, which is the way it should be handled. My law gives the child a clear [sic] slate. [Adoptive] Parents start right away providing the child with

necessary guidance and direction. They don't have to waste time on heredity. People lay too much stress on heredity. It's advisable for children not to know they're adopted. If they knew, they'd be seeking to find out why they do certain things. If a kid knows he's adopted, he has a crutch. 'Oh, that's not my fault,' he'll say, 'that's my [birth] family's fault.' I closed the book because knowing isn't going to change a thing. This law gives the child an opportunity to start some place as if that were the day he was born. It's better for society and for the child if he doesn't know he's adopted. If told, it forever creates a yearning. They just start asking a lot of questions."

- Rep. Edward Schumacher on HB 202, quoted in *Cincinnati Magazine*, August 1987

That law was premised on the notion that adoptees shouldn't know they were adopted, that genetic history is irrelevant and that adoptees are blank slates. As you heard from the numerous adoption professionals and adoptees who testified last week, these are clearly outmoded 1964 ideas that continue frame the experiences of the adoption community in 2013.

If this was the original legislative intent of the 1964 bill, how and when did birthparents and their privacy interests become a sticking point in this issue?

Birthparents did not create the 'Birthparent Privacy' argument

It is exceptionally important for this committee to know that birthparent privacy did not become a central issue because birthparents themselves largely objected to adoptee access. In contrast, for the last three decades, birthparents in Ohio have joined with adult adoptees to lobby the legislature to re-open records. Grassroots movements of adoptees and birthparents pushed for the introduction of access bills in 1989, 1992, 1994 and 1996 and 2008.

In 1989, the first major bill that would open records to adoptees easily passed the House with a vote of 93-2, but was killed in Senate committee after a battery of opponent testimony that re-framed the issue away from adoptees' rights and instead claimed that the birthparent privacy was the central stake. Critically, it was not birthparents who were making this argument.

All of these bills were roundly defeated by the powerful lobbying of a few leaders within Ohio Right to Life, who first introduced the issue of birthparent privacy as a political strategy to keep the 1964 law on the books. It was these leaders, not birthparents, that advanced the theory that women in Ohio placed children for adoption contingent on absolute and perpetual anonymity. They argued that the opening of records would not only constitute an intrusion into birthmothers lives, but would result in the disruption of birthmothers' subsequent marriages and family lives, and would increase the incidence of abortion in Ohio if anonymity could no longer be maintained.

As explored by the speakers at last week's hearing, these claims were in direct contrast to Ohio law, which clearly provided no guarantees of anonymity to birthparents. More importantly they were in contrast to the testimonies of countless birthparents, including birthparents from their own organization, who appeared at hearings like this to testify that they had little agency in the adoption process and often pressured or forced by family members to relinquish their children. They testified that the consent papers they signed demanded that they never try to locate their children. They told of the strong social expectations they faced to remain silent about the children they lost to adoption. In essence, birthparent testimonies revealed adoption was not an empowering process through which they gained guarantees of privacy from the State. Instead, the adoption process was experienced as very disempowering and isolating. Birthparents came to these hearings, not to ask the State for protection, but to ask the State to step aside and let their families negotiate their relationships on their own terms.

Which leads me to the last insight that I want to share with the committee today:

You will soon hear from three Ohio birthparents. They lost children to adoption in three different decades in three different parts of our state. Each of their stories are unique, but their message has been echoed many times before by hundreds of birthparents who have come to the Statehouse to advocate for adoptee access.

Ohio birthparents have always tried to speak for themselves and participate in the policy-making processes that affect their lives. It has been an enormous injustice that they have, until today, been drowned out by outside interests groups who ironically have silenced birthparents under the pretense of protecting them.

Last week's hearing was truly a historic moment, as we witnessed Ohio Right to Life acknowledge the role they have played in the issue and finally express support for adoptee access. Their reversal is a testament to the strength of the evidence that shows HB 61 to be good policy that serves the contemporary needs of the adoption community.

More importantly, their testimony serves as an important example of what it looks like to take a step back and respond to a community on their own terms. It's incredibly bold for an organization to reverse such a long-standing public platform and I credit ORTL's current leadership for being willing take the organization in this new direction. This is an enormous shift that will have a huge impact in adoption politics in a national context. All eyes are truly on Ohio at this moment.

What you've been handed in HB 61 is a bill that has been honed from 3 decades of activism and struggle. It is a bill that has been developed by the adoption community from the ground up. Like the many committees before you, you will be written into history for what you decide to do on this issue. But this particular political moment has opened up the possibility for a new kind of history to be created today. This time, you can open up a chapter that the adoption community can write for themselves.

This bill has strong bipartisan sponsorship in the House and Senate, none of the historic opposition and all of the grassroots support behind it, ready to step up and help make this change possible. Please support adoptee access and pass HB 61.

I'm happy to take any questions.

ⁱ "As a new adoptive father, I felt protective of what I thought was the best interests of my children. I did not want any and all members of the general public to have access to my children's birth records and I undertook to draft legislation to close access while leaving it up to the courts to permit access for good cause shown... While it was appropriate for the 1964 law to foreclose access to adoptees birth records maintained by the Department of Health as far as the general public was concerned, I now recognize that closing those birth records to adoptees whose adoptions were finalized after Jan 1, 1964 was a grave mistake." - *Brad Norris, Esq. on H.B. 202, excerpt from testimony in support of HB 487 (1994)*