



RESTORE OHIO ADOPTEE RIGHTS IN 2013!

Quick Facts - Adoptee Access to Their Original Birth Certificates

Restore Ohio Adoptee Rights – ROAR 2013!

The sealing of original birth certificates has resulted in:

- Unfair and unequal treatment of adopted persons
- Lack of information for adopted persons, including medical history
- Separation of siblings
- Lifelong difficulties related to identity formation for many adopted persons
- Ultimately harming birthparents, many of whom live with unresolved lifelong grief

Reform is needed to:

- Put the best interest of adoptees at the forefront of adoption policy and practice
- Provide adoptees with information to meet their own best interests
- Restore adoptee rights to that of all other citizens in the state
- Provide information to facilitate contact
- Support openness and honesty in adoption, now considered “best practice” by the adoption community and by adoption professionals

History

- Ohio originally sealed adoption files in 1964 with the intent to protect the adoptive family from public scrutiny. Before that time, adoptees’ original birth certificates were available to the public at large. See 1994 testimony of William B. Norris, architect of Ohio’s 1964 law: <http://sites.google.com/site/adoptionequityohio/files>
- As a result of this 1964 legislation, original birth certificates became sealed from adoptees and in doing so, any and all information regarding an adopted person's birth, heritage and name were permanently cut off from them, even as adults. This was the beginning of the unfair treatment of adopted adults, and the denial of their human right to their own identity.
- Ohio followed a national trend in sealing adoption records that was catalyzed by changes in social theory that emerged in the decades preceding the 1960s. The theory that adoption should be a complete substitute for a family by birth became extremely popular. The intent of adoption policies of that era was to erase any tie between the baby and the birthmother or birth family. This approach was designed to assure the adopted family that there would be no interference from the birth family and was considered, at the time, the best way to ensure a successful adoption. See comments of Rep. Edward Schumacher, legislative sponsor of Ohio’s 1964 law, at <http://sites.google.com/site/adoptionequityohio/files>.
- This law was not applied retroactively. Ohio adoptees born and adopted prior to 1/1/1964 have always enjoyed full access to their original birth certificates upon request.

Conditional Access

- Legislation passed in 1996 provides conditional access to a select group of adoptees. Adoptees whose adoptions are processed in 1996 or later can receive a copy of their original birth certificate only if the birthparents have not filed a request for non-disclosure.
- Ohio does not keep statistics on how many birthparents have filed for non-disclosure. In states with similar laws where statistics have been tracked, very few birthparents have requested this option.

Birthparent Privacy

- Anonymity and secrecy in adoption was a rigid social expectation that was strictly imposed on birthparents throughout the mid-late 20th century. To suggest that sealed records laws were intended to protect birthparent privacy ignores both the historical record and the voices of generations of birthparents who have spoken out about their experiences.
- Birthparents who surrendered children for adoption were never legally guaranteed privacy or anonymity. In reality, Ohio birthparents signed documents that barred them from invading adoptive family privacy by trying to locate their children.
- Original birth certificates are and were sealed upon adoption - not relinquishment. For example, if a child was relinquished into foster care, but never adopted, their records would never be sealed.
- Additionally, Ohio law provides that adoptive parents do not necessarily have to obtain a second, amended birth certificate at the time of adoption. Original birth certificates are only sealed upon the issuance of the second birth certificate.
- No parent could sign a document that would affect the human rights of their child into adulthood.
- Privacy does not equal secrecy. Privacy is about healthy boundaries; secrecy prevents another person from having information about their own identity.
- The birth event is an experience shared by birthparents and child; neither party 'owns' that experience or has the right to disenfranchise the other from having information about that important life event.
- In the states where access has been granted, a very small percent of birthmothers have requested not to be contacted (less than .01% within a year of legislation passing). See statistics at http://www.americanadoptioncongress.org/pdf/or_al_nh_me_contact_stats.pdf.

Adoption Professionals are supportive of access.

The Evan B. Donaldson Institute published a report recommending that all states provide unconditional access to birth records to adult adoptees. See Report at http://adoptioninstitute.org/research/2010_07_for_records.php.

Adoptive Families The fear that an adoptee will turn away from his or her adoptive family in favor of the birth family is unfounded; in fact, many adoptees report closer ties to their adoptive family after reuniting.

Identity Matters The Search Institute found that 72% of adopted adolescents wanted to know why they were adopted, 65% wanted to meet their birthparents and 95% wanted to know which birthparent they looked like.

Anyone who believes in Justice and Equality should care about this issue. This issue is about the State of Ohio viewing all residents as equal; about righting a wrong that was done; and changing old, outdated laws to ensure that adoption laws serve to protect the rights of the adopted person into adulthood. A true commitment to justice requires that Ohio's leaders and institutions have the courage to reevaluate and adjust their policies to meet the contemporary needs of the adoption community, as defined by the community itself.