

The ABCs of Adoption Reform

Amended Birth Certificate

After an adoption is finalized, a new birth certificate is issued which contains the name of the adoptive parents as the parents. In some states, other information may be altered – such as place of birth, or information may be omitted – such as the name of the hospital or the time of birth.

“Clean” Bill

Legislation that gives all adult adoptees access to their original birth certificate without restrictions or limitations is a clean bill. The process by which an adoptee gets an original birth certificate (OBC) is the same as it is for a non-adopted person.

Confidential Intermediary

Individuals or agencies act as "go-betweens" for the parties involved (birth parent, adoptee or adoptive parent) and are given access to confidential information about the birth parents for that purpose. A CI may be a state employee or a volunteer who has been trained in search and adoption issues. The CI also acts with court or legal approval.

Contact Preference

Birth parents may express their wishes regarding contact by completing a state-issued, nonbinding contact preference form which would be given to the adoptee upon request for their OBC. The preference does not legally restrict the adoptee, so a "clean" bill may include a contact preference provision. The preference may be changed at any time. Usual options are:

- I welcome direct contact;
- I welcome contact through a confidential intermediary (whom the birth parent may name;
or
- I would prefer no contact at this time.

In some states, if the "no contact" option is selected, the birth parent must supply updated family health history information.

Contact Veto

Some states allow a birth parent or other birth relative to prohibit contact from an adoptee after the OBC is released. The birth relative need not supply a reason. An adoptee violating the prohibition may be punished civilly or criminally. The effect is similar to a restraining order.

The ABCs of Adoption Reform - 2

Disclosure Veto

In some states, the law allows one or both birth parents to file a document preventing the release of the OBC to the adult adoptee.

Mutual Consent Registry

Registries are mechanisms for matching two or more people who have been separated by adoption. They are also called "passive" registries because, no matter what entity operates them, they depend on the action of two separate registrants to trigger a "match." A match typically does not result in the release of the OBC.

Nondisclosure

In some states, the law allows the birth parent to file a document of nondisclosure which means that the birth parent's name would be redacted (whited-out) on the copy of the OBC that would be released to the adoptee upon request.

Open Records

The phrase "open records" is often a misnomer for adult adoptees' access to their own birth records. "Open records" suggests public access to adoption records, which no one advocates.

Original Birth Certificate (OBC)

The birth certificate issued at the time of birth that identifies the place, date and time of birth and, at a minimum, the name of the birth mother. Upon the finalization of an adoption, the original birth certificate (OBC) may be officially sealed, meaning that it is not accessible to adoptees or their parents without a court order.