

THE ABCs OF ADOPTION REFORM

Amended Birth Certificate

Upon the finalization of adoption, the original birth certificate may be officially sealed, and a new birth certificate issued that contains the name of the adoptive parents as the parents. In some jurisdictions, 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 the birth. The OBC is then “sealed” in most states, meaning that it is not accessible by adoptees or their parents.

Birth Parent Confidentiality

A pervasive myth about adoption is that the original birth certificate was sealed in order to protect the identity of the birth parents. The original birth certificate is not sealed, however, until after the adoption is finalized, so the identity of the birth parents is readily available from the time of birth to the time of adoption. In the 1930s – 1970s birth certificates that had previously been open were retroactively sealed. For children who were never adopted, the original birth certificate remains unsealed.

No documents have ever been produced in any state that include a written promise or guarantee of anonymity to any birth parent from his or her own child. Rather, birthparents of the 1950s – 1970s often report that they had no option about identity disclosure. In any case, how the state, adoption agency, or social worker could issue a promise on behalf of a baby that would bind that baby for a lifetime would certainly be ground-breaking law.

The Evan B. Donaldson Adoption Institute ([link goes here](#)) has completed research that clearly affirms that providing the original birth certificate to adult adopted persons is in the interest of birth parents as well as adult adopted persons.

“Clean” Bill

Legislation supported by all adoptee rights advocacy groups that give all adult adoptees access to the original birth certificate without restrictions or limitations. In clean bill legislation, 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 designated by the state to act as “go betweens” between adult adoptees and birth parents. Performance standards and training vary widely. There may be costs associated with the use of a confidential intermediary. While this mechanism may be favored by some, the AAC is

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reluctant to support any legislation that mandates the use of an intermediary between an adoptee and his or her birth parents

Contact Preference

An option in some states, a contact preference does not interfere with the adult adoptee's right to the original birth certificate. However, the birth parents may complete a form to be released to the adult adoptee along with the original birth certificate that sets some expectations as to the degree of contact that the birth parent desires. The usual options are:

- Would welcome direct contact (most commonly chosen option)
- Would welcome contact through a confidential intermediary (see definition)
- Would prefer no contact at this time

In some states, if the "no contact" option is selected, the birth parent must supply updated medical information

Contact Veto

A provision in some jurisdictions that apply special penalties to adopted adults who seek out birth parents after the birth parents have indicated that they do not want contact.

Disclosure Veto

In some states, the original birth certificate is released to the adult adoptee only when a birthparent has not vetoed or barred such a release. Disclosure vetoes are problematic for a number of reasons:

- It creates a special class of adults who cannot obtain the original birth certificate, when all other adults can. An adopted adult was never a party to the adoption transaction, so should not be bound by the decisions of others.
- Before an adoption can occur, the birth parents relinquish their rights. There is no residual right that is reserved for the birthparent to control what the adoptee will do when he/she becomes an adult.

Mutual Consent Registry

Mutual consent registries are sometimes promoted as the "fair" compromise between birth parent confidentiality and adoptee rights. Unfortunately, mutual consent registries are not effective for a number of reasons:

- Missing or inaccurate information on part of adoptee or birth parent
- State of birth and state of adoption differ
- Adoptee or birth parent deceased and unable to register
- Adoptive parents changed place of birth to their city of residence
- Date or place of birth inaccurately recorded or not remembered

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Fraud, gray market, or black market adoptions

A cumbersome, manual, and paper-intensive process

The number of matches made annually by the mutual consent registries that do exist are additional evidence that this system does not work effectively. See the AAC website for additional details.(provide link)

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.

Open Records

A misnomer for the restoration of adult adoptee rights. The AAC believes that the birth certificate should only be open to the person to whom the birth certificate belongs. The AAC is not seeking all adoption records, but only the original birth certificate. The term “open records” misstates both the scope and the breadth of our legislative reform effort.