



February 17, 2020

Written comments regarding HB 1039/SB0743, respectfully submitted by Adam Pertman, President and CEO of the National Center on Adoption and Permanency, a Massachusetts-based nonprofit organization:

First, thank you for reviewing my comments, which are based on research, professional experience and accepted/emerging best practices. The issue you are examining is far more important than most people perceive it to be, both in practical terms for those directly affected – I refer here to both adopted people and first/birth parents – 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 to form a family, because it has something to hide.

Thank God, we are leaving behind 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 (both adopted) are not an insult, and neither are anyone else’s, regardless of when they were born. But some remnants of those dark days remain, and limited access to 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 believed. The National Center on Adoption and Permanency (NCAP), which I am proud to head, has no formal ties with any interest group. It is an independent, nonpartisan, not-for-profit education organization that was created for one principal reason: to improve laws, policies and practices – based on the best available research and experience – so that they empower children and their families to succeed. Providing accurate information to policymakers is one way NCAP furthers its mission.

I’d like to start by offering an obvious observation: The critics of restoring the right of all adopted people to access their original birth certificates warn that doing so could set off an array of dire consequences – from ruined lives, to increased abortions, to fewer adoptions. Whether the critics are right is no longer the subject of conjecture or speculation. None of those negative outcomes have occurred in any of the numerous states that have updated their laws, or in Kansas and Alaska, which never sealed their OBCs.

So now we can see what calamities might transpire as a result, and the answer is “none.” The newspapers in those very diverse states – from Alabama to New Hampshire to Tennessee to Ohio – contain no horror stories. Furthermore, the statistics show no inkling of increased abortions or decreased adoptions.

All of this information, and far more, is contained in two comprehensive, research-based reports issued by the Donaldson Adoption Institute, of which I am Executive Director Emeritus. They are entitled “For the Records I” and “For the Records II” and I can provide copies of either or both on request.

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, to form the best possible policies, it is vital that we examine real evidence, solid research, and broad-based knowledge. Here, in bullet form, are a few things we do indeed know from hard data, widely accepted studies, or pervasive experience.

- Adoption-related records were sealed to protect adoptees from the stigma of illegitimacy and prevent first/birth mothers from trying to see their children again; some social workers also personally wanted to protect biological mothers from the stigma/shame of unwed motherhood. The clear legislative intent was to prevent access to those records by the public, not by the parties to an adoption themselves. Historically, the notion that birth certificates were sealed to ensure the anonymity/privacy of birth mothers is untrue, irrespective of whether providing anonymity/privacy is a good idea or not.
- Adopted persons are not stalkers, ingrates or children searching for new parents. 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 adoptive parents, but virtually all want to know about their roots.
- Adopted adults may or may not form relationships with their biological kin; that choice is up to them, and I believe it should not be government’s role to decide for them. Moreover, many if not most adult adoptees do not make contact; for them, just having the most basic information about themselves makes them feel whole and equal. Access to adoption records is now a separate issue from “search” anyway because the internet, social media and DNA testing enable most adoptees who want to find their birth relatives to do so without their original birth certificates.
- Every study I am aware of relating to whether birth/first mothers want anonymity/privacy clearly shows the vast majority do not; 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 were promised exactly the opposite of anonymity, but those promises are seldom discussed. Depending on the study, between 90 percent and 95 percent of birth mothers do indeed want some level of information or contact with the lives they created. It is also highly significant that only a tiny percentage have said “no” to the release of OBCs in any state that has unsealed them.

During my tenure leading the Donaldson Institute, I am proud to have instigated the most comprehensive birthparent study to date, titled “Safeguarding the Rights and Well-Being of Birthparents in the Adoption Process.” I can provide copies upon request. Even among those who truly thought they wanted anonymity at the time of placement, the majority eventually change their minds. Few of us, after all, would want to live forever with decisions we made at the age of 17, or even 25. Yet the core argument against allowing OBC access is predicated on the mistaken belief that birthmothers are of one mind – and it will never change.

This is not only a critical misunderstanding of research and experience, on a human level it assumes a woman can carry a child, part with it and just “move on.” 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 ways as a result. The bottom line is that birth certificates remain sealed in much of the U.S. because of lingering myths and mistaken stereotypes.

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 that has been conducted and the experience of states across the U.S. I believe, after you do, you will come to the conclusion that the gap in Maryland law needs to be filled. Please feel free to contact me at 617-332-8944 or apertman@ncap-us.org if you have any questions or want more information.

With gratitude for your attention and important work,



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