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**SB 331—Original Birth Certificate Access  
Maryland Senate Judicial Proceedings Committee  
January 26, 2021  
Submitted Testimony in Support  
by  
Marley E. Greiner. Executive Chair**

Bastard Nation: the Adoptee Rights Organization is the largest adoptee civil rights organization in the United States. We support only full unrestricted access for all adopted persons, to their original birth certificates (OBC) and related documents. We are a core partner with Capitol Coalition for Adoption Rights.

Bastard Nation and its members in Maryland have worked in Maryland since the late 1990s to secure a change in OBC/adoption record access laws that restore the right of all the state's adoptees, not just some as under current law. who are currently forced to navigate a cumbersome, difficult, and insulting gauntlet of restrictions, arbitrary procedures, and naysayers, to receive their own OBCs which are rightfully theirs, without restriction.

We are happy, therefore, to support passage of SB 331, an inclusive bill that restores that right of Original Birth Certificate access to all adopted Marylanders at age 18 with no restrictions or conditions

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Unrestricted OBC access is not a “privacy” or “birthparent confidentiality” issue. In fact, “privacy” “confidentiality,” and “anonymity” are not synonymous either legally or linguistically.

There is no evidence in any state that records were sealed to “protect” the reputation or “privacy” of biological parents who relinquished children for adoption. On the contrary, records were sealed to protect the reputations of “bastard children” and to protect adoptive families from birthparent interference.

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Courts have ruled that adoption anonymity does not exist. (*Doe v Sundquist, et. al.*, 943 F. Supp. 886, 893-94 (M.D. Tenn. 1996) and *Does v. State of Oregon*, 164 Or. App. 543, 993 P.2d 833, 834 (1999)). Laws change constantly, and the state, lawyers, social workers, and others were never in a position to promise anonymity in adoption. In fact, in the over 50 years of the adoptee equality battle, not one document has been submitted anywhere that promises or guarantees sealed records and an anonymity “right” to birthparents.

Identifying information about surrendering parents often appears in court documents given to adoptive parents who can at any point give that information to the adopted person. (In some states adoptive parents, at the time of the adoption order, can petition the court to keep the record open.) The names of surrendering parents are published in legal ads. Courts can open “sealed records” for “good cause” without birthparent consent or even knowledge. Critically, the OBC is sealed at the time of adoption finalization, not surrender. If a child is not adopted, the record is never sealed. If a child is adopted, but the adoption is overturned or disrupted, the OBC is unsealed. Please remember that the OBCs of persons with established relationships with biological parents as in stepparent and foster adoptions are also sealed .

The influential American Academy of Adoption and Assisted Reproduction Attorneys in 2018 passed a monumental resolution in support of adoptees’ right to full access to our OBC, court, and agency records.

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Legislation needs to catch up with technological reality. We are well into the 21st century. The information superhighway grows wider and longer each day, and adoptees and their birth and adoptive families are riding it, utilizing the Internet, social media, inexpensive and accessible DNA testing services, and a large network of volunteer “search angels” to locate their government-hidden information and histories. Thousands of successful adoption searches happen each year—many in Maryland alone—making adoption secrecy virtually impossible. The minuscule number of birthparents or professionals who believe that restricted OBC/records access or no access equals adoption anonymity are greatly mistaken. The fact is, nearly all successful searches are done without the OBC and other court documents.

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Current Maryland law let's adopted people at the age of 21 years or older whose adoptions were finalized on or after January 1, 2000 to receive their OBC on request, subject to disclosure veto filings; thus, granting a favor for some adoptees but not others depending upon date of birth, adoption and third person approval. Until all adoptees have a right to

unrestricted ownership of their original birth certificates none enjoy that right. It is only a discriminatory favor and privilege.

OBC access is not about search and reunion. There is no state interest in keeping original birth certificates sealed from adult adoptees to which they pertain. Nor does the state have a right or duty to mediate and oversee the personal relationships of adults. Those who claim a statutory right to parental anonymity through sealed records promote statutory privilege and state favoritism. SB 331 creates equal birth certificate rights for all Maryland adoptees. It treats the state's adoptees as equal with the not-adopted, It reflects the simple inclusive, unrestricted right process that nine states have on the books (Kansas, Alaska, Oregon, Alabama, Colorado, New Hampshire, Maine, Rhode Island, and New York,

New York's 40-year battle for OBC access ended when on January 15, 2020 OBCs were opened to all New York adoptees upon request without restriction. In only three days, over 3,600 adoptees filed for their record of birth. The bill that unsealed records was passed 196-12.

Please support Maryland in being a leader in adoptee equality and adoption reform. Return unrestricted and unconditional OBC rights to all Maryland adoptees. When SB 331 comes up for a vote, please vote DO PASS and urge the bill be sent to the floor ASAP for passage—and on to the House. It's the right thing to do!

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Bastard Nation is dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adoptee's historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or intermediary systems in place of unconditional open records, nor any other system that is less than access on demand to the adult adoptee, without condition, and without qualification.